

Vermont Department of Public Service

COVID-19 Response Telecommunications Recovery Plan RFP

Answers to bidder Questions, July 22, 2020.

1. The RFP provides that the “Contractor will work at the direction of the Department of Public Service to complete a draft Plan.” Please describe the nature and extent of that direction. Will the contractor be expected to attend periodic virtual meetings? Will the Department’s staff be available to consult and share data on request of the consultant?

Yes. By statute, the Department is ultimately responsible for the final product. It is expected that the contractor will consult with the Department on every aspect of the plan. Typically, for reports of this nature, the Department has scheduled weekly check in calls as well as periodic meetings to discuss substantive topics. Department staff will be available to consult and share data on request of the consultant. The Department expects the same of the consultant.

2. Section 3.4 of the RFP requires an assessment and evaluation of State-owned and managed telecommunications systems and related infrastructure. It also requires an evaluation, with specific goals and objectives, of alternative proposals for upgrading the systems. What organizations and resources will be available to the Consultant in performing this task? Is there a single body that can provide all of the information and advice needed for this task? If not, please describe the state organizations that the Consultant will need to communicate with.

The State will make available representatives of Public Safety, Agency of Digital Services, E911, Public Safety, and Agency of Transportation. The Department will also establish contacts with Agency of Education, Department of Libraries, Labor, and others as deemed appropriate.

3. Section 3.5 of the RFP requires a “geographically specific” survey of telecommunications networks and services.
 - a. The Department currently has access to proprietary information obtained in various studies and dockets. What portion of that information will be available to the consultant? In particular, will the Department share its existing information concerning telecommunications infrastructure locations and attributes? What constraints on further disclosure, if any, will the Consultant be required to observe? Yes, the consultant may obtain access to information that the Department possesses regarding broadband availability under terms agreed to in advance by the Department of Public Service. The consultant will be bound by the same restrictions as the Department as they pertain to non-disclosure

agreements and access to public records laws. Bidder are encouraged to review the Department's public broadband availability data on its website. <https://publicservice.vermont.gov/connectivity>

b. Is the consultant expected to do a comprehensive inventory of existing telecommunications fiber routes? This plan is a response to the COVID-19 Emergency and will be created to inform recovery efforts. As H.966 states, "[t]he purpose of the plan is to reassess the state's critical connectivity needs in light of the COVID-19 Public Health Emergency and reevaluate broadband deployment objectives going forward." Since the inventory is considered relevant to the production of the 10 year telecom plan, the Department considers the same information relevant to the COVID-19 Recovery Plan. Nevertheless, given the severe time constraints imposed on the contractor for production of this Recovery Plan and the narrower scope of the H.966 mandate, the Department does not expect an inventory as in-depth as it would for production of the 10-year Telecommunications Plan. Bidders should prepare in their responses a description of the type of inventorying they believe is relevant to Recovery Plan and how they propose to present this information. The description should include the inventory's relevance to the COVID-19 response.

i. Including those owned by incumbent telephone companies?

Yes

ii. Including those owned by cable companies?

Yes.

iii. Including those owned by VELCO?

Yes.

iv. Including those currently controlled by the Department as inheritor from the Vermont Telecommunications Authority?

Yes.

v. Including those owned by communications union districts.

Yes.

vi. Including those owned by CLECs, competitive access providers, and other ISPs?

Yes.

- c. Is the consultant expected to do a wireless propagation study? For the whole state or only portions currently unserved by mobile wireless and/or adequate broadband? What are the allowable parameters for this study, such as frequencies to be used? **No, there is no requirement for the consultant to conduct a wireless propagation study. If the consultant believes that such a study is necessary to meet the requirements of H.966 and the RFP conditions, the consultant should propose one and provide a price for completing one. The consultant should describe how it intends to complete a state-wide propagation study on or before November 1.**
- d. Is the consultant expected to do a comprehensive inventory of existing and potential pole attachment points? **No. If the bidder believes that such a comprehensive inventory is necessary to “to reassess the state’s critical connectivity needs in light of the COVID-19 Public Health Emergency and reevaluate broadband deployment objectives going forward,” then the bidder should propose to do an inventory of pole attachment points and explain why it is necessary to answer this statutory prompt.**
- e. This item in the RFP also requires the Consultant to collect information about network broadband price speed comparisons. Does the Department currently have information on these topics that it can share with the Consultant? Can that information be disclosed to the public?

The Department may have information on these topics, but expects the consultant to review the most up-to-date information available from carriers and perform that assessment. The consultant will be subject to the same non-disclosure agreements and other confidentiality agreements that bind the department.

- f. To what degree must the pieces of the infrastructure inventory in the consultant’s report be:

- i. Location specific, and within what probable error standard?

The information in the infrastructure inventory should be of sufficient specificity and accuracy to support its use as described in the pertinent sections of the statute.

- ii. Public information, both in the hands of the consultant and as filed with the Department?

The information in the infrastructure inventory may be public or confidential, provided that the confidential information can be aggregated so that the inventory can be used as described in the pertinent sections of the statute.

- iii. In GIS format compatible with other state GIS systems?

The information in the infrastructure inventory should be in ESRI ArcGIS shapefile format.

4. Section 3.6 in the RFP requires an assessment of opportunities for shared infrastructure, open access, and neutral host wireless facilities. Historically, many facility owners have resisted providing interconnection with other competing providers, and they have often declared the location of their facilities to be trade secrets. In many cases the Department and the Public Utilities Commission have accepted these claims and have treated facility information as proprietary. Does the Department want this analysis to be conducted assuming:
 - a. All or most confidentiality claims are valid and will continue to be recognized? In that case, will the information be withheld from the Consultant or shared with the Consultant subject to a nondisclosure agreement? Such questions will be reviewed on a case-by-case basis with the consultant.
 - b. Could some confidentiality claims be overruled, such as regarding facilities attached to poles using the current pole attachment rules or facilities that are in public view that are identifiable from visual inspection? How would these confidentiality claims be overruled, and with what involvement from the Consultant?

The Department does not expect the consultant to perform a state-wide pole attachment survey. If the need arises, issues of confidentiality will be addressed with the winning bidder.

5. Section 3.7 in the RFP requires a “PEG” analysis of available options to support the State’s access media organizations. The Vermont Legislature has also provided for a more detailed study on the same topic to be completed by a consultant to the Agency of Commerce and Community Development. H.966, Sec. 19.
 - a. To what extent, if any, are the more detailed investigations and recommendations in H.966, Sec. 19 required under this RFP’s PEG television analysis? The COVID-19 Emergency has impacted PEG stations. This telecom recovery plan is meant to “reassess the state’s critical connectivity needs in light of the COVID-19 Public Health Emergency and reevaluate broadband deployment objectives going forward.”. The report required by Section 19 does not appear to be strictly limited to COVID-19 response. The Consultant will be expected to address PEG station issues as it pertains to the COVID-19 Emergency and is not charged with duplicating the full scope of the ACCD report. The consultant may interact with ACCD staff as necessary to obtain

information relevant to the Telecom Recovery Plan. The Telecom Plan funding was not intended to duplicate or substitute the efforts of ACCD.

Likewise, because this plan is not the 10-year Telecommunications Plan, it need not address every facet of PEG stations' current conditions and future needs. This topic will be more broadly addressed in the 10-Year Telecommunications Plan due in June.

- b. How will the Consultant here interact with the concurrent study under H.966? Will the AACD consultant be asked to inform the Consultant here of its progress and findings? Will Consultant here be expected to be in regular contact and to coordinate research and findings with the AACD consultant? The consultant may interact with ACCD staff as necessary to address COVID-19 related needs of PEG stations. Department staff will coordinate with ACCD on this point.

6. The price schedule in the RFP asks for five different prices, not one. The RFP also says that the "State may award one or more contracts." One possible inference is that the Department will likely award this project in two to four pieces. Can the Department provide more guidance about whether it intends to consider proposals that offer to undertake only one or two of the first four items listed in the price list?

The Department prefers to hire one contractor to perform all tasks, but recognizes that in some instances, bifurcating sections of the plan might make sense. The Department reserves the right to make its final selection(s) based on responsiveness of the proposals received.

7. The RFP has provisions relating to reporting for subcontractors. Would the Department have a preference for or against using regional planning bodies, regional development bodies or regional PEG entities as subcontractor.

Subcontractors will be reviewed and approved by the Department on a case-by-case basis.

8. Would subcontractors who are only operating in a consulting fashion from their normal offices and who are not normally covered by workmen's compensation insurance be required to obtain it in order to work on this contract.

Insurance provisions are described in Attachment C. These are standard state provisions that apply to all contracts with the State of Vermont. The State of Vermont may grant exceptions to these provisions in very limited circumstances in consultation with the Office of Risk Management.

9. H.966 says the purpose of the Recovery Plan is to reassess the State's critical connectivity needs in light of the COVID-19 public health emergency and to

reevaluate broadband deployment objectives going forward. Please identify the degree to which it is the Department intends with this plan to:

- a. Formalize a process for connecting students and teachers to connectivity options.
- b. Define a path to provide on a more permanent basis something like the COVID-Response Temporary Broadband Lifeline Program (See H.966 Sec. 13(d)) support for low income households.
- c. Define a path to provide on a more permanent basis something like the program providing financial support to utility ratepayers to cover account arrearages of ratepayers likely to face disconnection when the moratorium ends (See H.966 Sec.20).
- d. Formalize the process for supporting telehealth activities (as funded in Sec. 17 of H.966), particularly in areas that are digitally and medically underserved and for something like the program providing financial assistance to vulnerable and high-risk patients?
- e. Consider how the public safety community's communications have been challenged during the current emergency?
- f. Consider the voice and data needs of customers of mobile wireless communications services that have been highlighted during the current emergency?
- g. Assist in the identification of short term actions that will provide possible short term solutions for telecommunications?

The legislative prompt is broad. The plan is not expected to be as comprehensive as the 10-year telecom plan, but should address many of the same topics as they relate to the COVID-19 Public Health Emergency and recovery from the pandemic. Many of the items listed above could be topics for further exploration in the plan. The Consultant will be encouraged to recommend policy positions and strategies that Vermont should pursue. The Department and consultant will collaborate on the final recommendations that the plan ultimately advances.

10. Does the Department contemplate an initial subset of the project to focus on Covid-19 responses in calendar 2020? The Department expects the consultant to produce the draft by November 1. Responses to the pandemic for calendar year 2020 may be included as part of the plan, but the Department recognizes that there will not be much of 2020 left, by the time the plan is produced. The Legislature's use of the word "recovery" in the "COVID-19 Response Telecommunications Recovery Plan" signals to the Department that the plan's focus is on recovery efforts. As the legislation states, "[t]he purpose of the plan is to reassess the state's critical connectivity needs in light of the COVID-19 Public Health Emergency and reevaluate broadband deployment objectives *going*

forward.” Emphasis should be placed on what is needed going forward. While the time left after November 1 will be short, the plan will be used to inform the Department’s work before the end of 2020 in advocating for and seeking additional federal COVID-19 recovery funding through our federal congressional delegation (ie, EBAP phase II).

11. Is this intended to be a continuation of the current state plan, or a plan that potentially starts from scratch as it considers how to adopt to COVID-created conditions?

The plan will be a new plan. The Plan may borrow elements from previous plans, including the Draft 2018 Telecommunications Plan and the COVID-19 Emergency Broadband Action Plan

12. Related to #1, is there a particular reason the 2018 plan was never adopted? If so, should that guide our work for this new version, or is that further reason to overhaul the plan? The process for adoption was not completed and Act 79 made extensive changes to telecommunications planning statute. The COVID-19 Response Telecommunications Recovery Plan is not the 10-year Telecommunications Plan and therefore should be treated as a separate and distinct document.

13. There are some elements in H966 that are not called out explicitly in the RFP - for example, the Broadband Lifeline program. Should we expect to include the 2020 Plan the telecom related elements in H966, even if they are not called out explicitly in the RFP? H.966, Section 15 pertaining to the Recovery Plan includes limited guidance on what the plan should cover. The consultant is encouraged to make recommendations on policy positions the state should take as well as what strategies the state should pursue to meet the State’s telecommunications goals, even if such ideas are not covered in the RFP. Please see question 9 above.

14. Are you looking for recommendations for ongoing funding streams for PEG stations, governance or recommendations for how PEG stations can be used going forward to address the conditions caused by the pandemic? How does the PEG component of this project fit with the stipulation in H966 that “The Agency of Commerce and Community Development shall retain a consultant to review the current business model for Vermont Public, Educational, and Governmental Access (PEG) television channels and provide recommendations concerning how to ensure the future financial stability and viability of PEG channels” ? See Question 5 above.

15. Is electronic email submission acceptable and all that is required? The RFP includes the information shown below. We want to confirm that electronic submission is acceptable and there is not a need to provide any printed copies.

The Department will accept electronic submissions. Although not required bidders are encouraged to submit electronic submissions before the 4:30 deadline to ensure receipt. Bidders may request confirmation of receipt.