



**Vermont Community Broadband Board
Public Service Department**

112 State Street
Montpelier VT 05609-3001
<https://publicservice.vermont.gov/vt-community-broadband-board-vcbb>

SEALED BID REQUEST FOR PROPOSAL

Vermont Internet for All Plans: Broadband, Equity, Access, & Deployment and Digital Equity

ISSUE DATE: February 28, 2023

BIDDERS' CONFERENCE: A BIDDER'S CONFERENCE WILL NOT BE HELD

QUESTIONS DUE BY: March 13, 2023

ANSWERS POSTED: March 17, 2023 at <https://publicservice.vermont.gov/vt-community-broadband-board-vcbb/jobs-and-contracts>

RFP RESPONSES DUE BY: March 28, 2023

PLEASE BE ADVISED THAT ALL NOTIFICATIONS, RELEASES, AND ADDENDUMS ASSOCIATED WITH THIS RFP WILL BE POSTED AT:

<https://publicservice.vermont.gov/vt-community-broadband-board-vcbb/jobs-and-contracts>

THE STATE WILL MAKE NO ATTEMPT TO CONTACT INTERESTED PARTIES WITH UPDATED INFORMATION. IT IS THE RESPONSIBILITY OF EACH BIDDER TO PERIODICALLY CHECK THE ABOVE WEBPAGE FOR ANY AND ALL NOTIFICATIONS, RELEASES AND ADDENDUMS ASSOCIATED WITH THIS RFP.

STATE CONTACT: Alissa Matthews, Special Projects Director
Vermont Community Broadband Board

E-MAIL: Alissa.Matthews@vermont.gov

1. OVERVIEW:

- 1.1. SCOPE AND BACKGROUND:** Through this Request for Proposal (RFP), the Vermont Community Broadband Board (hereinafter the “VCBB” or “Board”) seeks to enter into a contract with one or more companies or organizations to provide strategic program development services, research and data analysis, community outreach and engagement, and writing services to facilitate the development of Vermont’s 5-Year Broadband Equity Access and Deployment (BEAD) and State Digital Equity Plans and Vermont’s Initial Proposal for funding under the BEAD Program that meet the requirements set-forth by the National Telecommunications and Information Administration (NTIA) Internet for All Programs.
- 1.2. **CONTRACT PERIOD:** Contracts arising from this RFP will be for a period of twelve (12) months. The State anticipates the start date for such contract(s) two (2) weeks following the award date.
- 1.3. **SINGLE POINT OF CONTACT:** All communications concerning this RFP are to be addressed in writing to the State Contact listed on the front page of this RFP. Actual or attempted contact with any other individual from the State concerning this RFP is strictly prohibited and may result in disqualification.
- 1.4. **QUESTION AND ANSWER PERIOD:** Any bidder requiring clarification of any section of this RFP or wishing to comment on any requirement of the RFP must submit specific questions by email to the point-of-contact no later than the deadline for questions indicated on the cover page of this RFP. Questions or comments not raised in writing on or before the last day of the question period may thereafter be waived. Every effort will be made to post this information as soon as possible after the question period ends, contingent on the number and complexity of the questions. Following the close of the question period a copy of all questions or comments and the VCBB’s responses will be posted on the VCBB’s website by end-of-business Friday, March 17, 2023, at <https://publicservice.vermont.gov/vt-community-broadband-board-vcbb/jobs-and-contracts>.
- 1.5. **CHANGES TO THIS RFP:** Any modifications to this RFP will be made in writing by the State through the issuance of an Addendum to this RFP and posted at <https://publicservice.vermont.gov/vt-community-broadband-board-vcbb/jobs-and-contracts>. Modifications from any other source are not to be considered.
- 1.6. **BUDGET FOR SERVICES:** Proposals in response to this RFP are not to exceed \$500,000 for services under either section 2.2.1 or section 2.2.2 of this contract, or \$1,000,000 for services for the entire contract. The budget for services should be inclusive of any contractor expenses including personnel, materials, travel, etc., as well as any subcontracts and payments to organizations or individuals for participation in outreach and engagement activities.

2. DETAILED REQUIREMENTS / DESIRED OUTCOMES:

2.1. Introduction and Background

Vermont has received the BEAD Initial Planning Funds for creating a 5-Year Action Plan and submitting to the NTIA an Initial and Final Proposal to the NTIA for funding under the BEAD program. Additionally, Vermont has received the State Digital Equity Planning Grant for creating the State Digital Equity Plan, which is also submitted to the NTIA for further funding. Although these are two separate planning grants, VCBB is following guidance from the NTIA in viewing them as one cohesive and integrated planning process.

The Scope of Work section of this RFP has been written with specificity to account for the extent to which, unlike many other states conducting these planning processes, Vermont has already performed substantial investments in planning via the 10-Year Telecommunications Plan¹, the creation of the Broadband Construction Grant Program developed and administered by the VCBB², the digital equity outreach efforts already underway by the VCBB, including the convening of a Digital Equity Core Team, and the completed

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https://publicservice.vermont.gov/sites/dps/files/documents/Pubs_Plans_Reports/State_Plans/Telecom_Plan/Final%20Draft_10%20Year%20Telecom%20Plan%206%2010%2021.pdf

² RFP available at:

<https://publicservice.vermont.gov/sites/dps/files/documents/Act%2071%20Construction%20Program%20RFP.pdf>

planning processes undertaken by the state's ten Communications Union Districts. The VCBB expects the contractor to familiarize itself with, adapt, and build upon the work already accomplished in Vermont. The resulting new plans should incorporate this work and to align with the principals of Vermont's Act 71 of 2021³, which outlined Vermont's path forward toward universal service.

The VCBB welcomes proposals that address any combination of the tasks needed to build upon Vermont's current planning work to address the deliverables required by the NTIA and outlined in the 5-year Action Plan, the Initial Proposal for BEAD funds, and the State Digital Equity Plan. The 5-Year Action Plan has 13 requirements, which are detailed in the BEAD Notice of Funding Opportunity (NOFO), Section IV.B.3.b⁴. The Initial Proposal for BEAD funds has 19 requirements, outlined in the BEAD NOFO, Section IV.B.5.b⁵. The State Digital Equity Plan has 15 requirements, which are detailed in the State Digital Equity Planning Grant Program NOFO, Section IV.C.1.b⁶. The requirements not expressly named in the deliverables sections below are requirements that VCBB anticipates meeting in-house.

This RFP breaks the tasks needed into two broad categories: outreach & engagement (section 2.2.1) and strategic program development (section 2.2.2). We welcome proposals for covering all tasks needed by the VCBB; for section 2.2.1 only; for section 2.2.2 only; or for a different subset of the tasks outlined in this RFP. The VCBB will make the existing work product available to the winning bidder.

2.2 Scope of Services

2.2.1 The Contractor will work at the direction of the VCBB to provide community outreach and engagement including the following tasks:

Develop Stakeholder Engagement Plan and Program Review Plan

Tasks will include, but not be limited to:

- Developing a comprehensive stakeholder engagement plan utilizing a variety of methods and detailed timeline to ensure equity in all stakeholder outreach and coordination of individual activities across the state. Stakeholder engagement plan must include a description of how the state plans to collaborate with key stakeholders and a coordination and outreach strategy, including opportunities for public comment by, collaboration with, and ongoing engagement with representatives of each category of covered populations within the state and with the full range of stakeholders within the state. Plan must include how the outreach will direct and inform the state's work on each of the relevant requirements of the Digital Equity Plan, the BEAD 5-year Action Plan, and the Initial Proposal.
- Developing a plan to review existing programs and policies in Vermont related to digital equity, access, and deployment, and how stakeholder engagement will be used to ensure that this review is comprehensive

Deliverables to include, but not be limited to:

- Comprehensive stakeholder engagement plan and timelines
- Program and policy review plan and timelines

³ Act 71 of 2021 created the VCBB and established its purpose. It can be read at:

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT071/ACT071%20As%20Enacted.pdf>

⁴ The BEAD NOFO is available at this link: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>. Section IV.B.3.b begins on pg 26

⁵ The BEAD NOFO is available at this link: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>. Section IV.B.5.b begins on pg 30

⁶ The Digital Equity NOFO is available at this link: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/DE%20PLANNING%20GRANT%20NOFO.pdf>. Section IV.C.1.b begins on page 20.

Implement Stakeholder Engagement Plan and Program Review Plan

Tasks will include, but not be limited to:

- Implementing stakeholder engagement plan across all of Vermont
- Completing program and policy review
- Compiling final report and recommendations that use outreach and engagement to produce an outline of digital equity goals, an assessment of regional needs, gaps, and potential barriers to equitable broadband adoption, and Vermont-specific recommendations and implementation strategies to effectively and efficiently utilize BEAD funding, Digital Equity Act funding and other funding streams to remedy inequities.

Deliverables to include, but not be limited to:

- Compiled and summarized information resulting from this effort to inform BEAD 5-year action plan requirements #2, #3, #5, #6, #9, #10, and #12 and Initial Proposal requirements #2, #3, and #12 (if Contractor for Outreach and Engagement is not intending to also provide the deliverables in section 2.2.2). Note for BEAD 5-year action plan requirement #9 that VCBB's existing GIS and mapping resources will be available to Contractor for mapping CAIs throughout the state.
- The following completed sections of Vermont's required plans:
 - BEAD 5-year action plan requirement #11.
 - Digital Equity Plan statutory requirements #1 and #2, and additional requirements #1, #2, #3, #6, #7, and #9.

Compile results from Stakeholder Engagement and Program Review

Tasks will include, but not be limited to:

- Recording all outreach and engagement conducted and summarizing results, as well as summarizing plans for how such outreach and engagement can continue into the future

Deliverables to include, but not be limited to:

- The following completed sections of Vermont's required plans:
 - BEAD 5-year action plan requirement #7.
 - Initial Proposal requirements #4 and #6. Note for Initial Proposal requirement #6 that VCBB's existing GIS and mapping resources will be available to Contractor for mapping CAIs throughout the state.
 - Digital Equity Plan statutory requirements #4 and #5, and additional requirements #4 and #8.

2.2.2 The Contractor will work at the direction of the VCBB to provide strategic program development, including the following tasks:

Create Detailed Project Plan and Timeline

Tasks will include, but not be limited to:

- Working collaboratively with the VCBB to agree upon a scope of work and work plan that incorporates previous planning work completed in Vermont and current capacity available within the VCBB into the project process.
- Creating a detailed project timeline that maps the interaction of deliverables from the Contractor(s) for sections 2.2.1 and 2.2.2 of this RFP, the VCBB, and any other entities to ensure completion of the three required plans on a timeline acceptable to the VCBB.

Deliverables will include, but not be limited to:

- An agreed upon project plan with a timeline for each deliverable and a clear assignment of tasks

Review and Inventory Existing Broadband Funding in Vermont

Tasks will include, but not be limited to:

- Working with the VCBB, Vermont's Federal Program Officer from the NTIA, other state agencies, and the contractor from section 2.2.1 (if different) to inventory all funding sources currently available to or used by Vermont for broadband access and deployment and digital equity.
- Summarizing how these funding sources currently interact, and suggesting ways Vermont could better leverage these various sources of funding in the future, as well as any possible additional funding streams that Vermont is not currently accessing. The State of Vermont's contractor for IJJA funds can be used as a resource on understanding the match requirements necessary for IJJA projects, but Contractor should also bring existing experience navigating the requirements of federal funding.
- Working with VCBB to collect the relevant information for mapping areas of existing federally funded broadband projects, and the current build status of those projects.

Deliverables to include, but not be limited to:

- A summary of contractor suggestions for VCBB on how Vermont can better integrate existing broadband funding opportunities and leverage additional funding opportunities in the future
- The following completed sections Vermont's required plans:
 - BEAD 5-year action plan requirements #2 and #3.
 - Initial Proposal requirement #3. Note that VCBB's existing GIS and mapping resources will be available to Contractor for mapping federal funding areas once identified by the contractor.
- Compiled information to be used for Digital Equity Plan additional requirement #10.

Compile and Refine Broadband Implementation Strategy

Tasks will include, but not be limited to:

- Compiling and reformatting information from existing sources including Vermont's 10-year telecommunications plan, Vermont's Act 71 Construction Grant Program RFP, Vermont statutes, the business plans from each of Vermont's 10 communications union districts, the outreach and engagement efforts outlined in this RFP, and VCBB's planning work and correspondences with the NTIA to meet the relevant requirements outlined as deliverables for this subsection, in accordance with the BEAD and Digital Equity NOFOs.
- Ensuring that the implementation strategy is holistic, is guided by previously conducted outreach and engagement, and addresses barriers to participation in the digital world, including affordability, devices, digital skills, technical support, and digital navigation.
- Designing reporting requirements for subgrantees receiving BEAD funding to capture additional metrics related to affordability and equity when collecting deployment and subscription data, ACP and other discount offer enrollment data, etc.
- Refining initial proposal in response to feedback from the NTIA as Vermont shapes its final proposal

Deliverables to include, but not be limited to:

- The following completed sections of Vermont's required plans:
 - BEAD 5-year action plan requirement #10.
 - Initial Proposal requirements #1, #8, #9, #10, #16, #17, #18, and #19.

Identify Barriers and Propose Strategies for Mitigation

Tasks will include, but not be limited to:

- Building upon Outreach and Engagement work to look holistically at the implementation plans and identify additional potential barriers and possible mitigation strategies.
- Addressing the fact that building a network does not ensure subscription by building upon the Outreach and Engagement work to establish and describe strategies for increasing subscription rates of new networks.

Deliverables to include, but not be limited to:

- The following completed sections of Vermont's required plans:
 - BEAD 5-year action plan requirement #5 and #13.
 - BEAD initial proposal requirements #14 and #15.

Align BEAD and Digital Equity with Other State Priorities and Efforts

Tasks will include, but not be limited to:

- Working with VCBB and building upon the Outreach and Engagement work to curate, compile, and review state plans, priorities, programs, and efforts dealing with economic and workforce development, education, health, civic and social engagement, and delivery of other essential services.
- Identifying alignments between the Digital Equity Plan, the 5-year action plan, the Initial Proposal, and the other existing state plans, priorities, program, and efforts compiled and reviewed by the contractor.

Deliverables to include, but not be limited to:

- The following completed sections of Vermont's required plans:
 - BEAD 5-year action plan requirement #12.
 - Initial Proposal requirements #11, #12, and #13.
 - Digital Equity Plan statutory requirement #3 and additional requirement #10

2.3 Deliverables Timeline

The VCBB intends to submit the Initial Proposal promptly upon the announcement of BEAD allocations on June 30, 2023. The target submission for Vermont's 5-Year Action Plan is summer 2023, and the target submission for Vermont's State Digital Equity Plan is fall 2023. Contractor will be responsible for working with VCBB to design a workflow that enables Vermont to meet these submission goals.

3. **CONTENT AND FORMAT OF PROPOSALS:** The content and format requirements listed below are the minimum requirements for State evaluation. These requirements are not intended to limit the content of a Bidder's proposal. Bidders may include additional information or offer alternative solutions for the State's consideration. However, the State discourages overly lengthy and costly proposals, and Bidders are advised to include only such information in their response as may be relevant to the requirements of this RFP.

3.1. COVER LETTER:

- 3.1.1. Confidentiality. To the extent your bid contains information you consider to be proprietary and confidential, you must comply with the following requirements concerning the contents of your cover letter and the submission of a redacted copy of your bid (or affected portions thereof).
- 3.1.2. The successful response will become part of the contract file and will become a matter of public

record, as will all other responses received. If the response includes material that is considered by the bidder to be proprietary and confidential under the State's Public Records Act, 1 V.S.A. § 315 et seq., the bidder shall submit a cover letter that clearly identifies each page or section of the response that it believes is proprietary and confidential. The bidder shall also provide in their cover letter a written explanation for each marked section explaining why such material should be considered exempt from public disclosure in the event of a public records request, pursuant to 1 V.S.A. § 317(c), including the prospective harm to the competitive position of the bidder if the identified material were to be released. Additionally, the bidder must include a redacted copy of its response for portions that are considered proprietary and confidential. Redactions must be limited so that the reviewer may understand the nature of the information being withheld. It is typically inappropriate to redact entire pages, or to redact the titles/captions of tables and figures. Under no circumstances can the entire response be marked confidential, and the State reserves the right to disqualify responses so marked.

- 3.1.3. Exceptions to Contract Terms and Conditions. If the bidder wishes to propose an exception to any terms and conditions set forth in the Standard Contract Form and its attachments, such exceptions must be included in the cover letter to the RFP response. Failure to note exceptions when responding to the RFP will be deemed to be acceptance of the State contract terms and conditions. If exceptions are not noted in the response to this RFP but raised during contract negotiations, the State reserves the right to cancel the negotiation if deemed to be in the best interests of the State. Note that exceptions to contract terms may cause rejection of the proposal.

3.2. TECHNICAL RESPONSE. In response to this RFP, a Bidder shall include the following:

- 3.2.1. **Background and Experience:** Provide details concerning your form of business organization, company size and resources.
 - 3.2.1.1. Describe your capabilities including particular experience relevant to the RFP requirements and list all current or past State projects.
 - 3.2.1.2. Describe the anticipated project team's qualifications, previous experience providing similar services. Highlight experiences related to developing statewide plans, navigating federal funding requirements, implementing community outreach and engagement strategies, conducting complex stakeholder processes, and conducting previous relevant equity-related work. If no such experience, please indicate so.
 - 3.2.1.3. If a Bidder intends to use subcontractor(s), the Bidder must identify in the proposal the names of the subcontractor(s), the portions of the work the subcontractor(s) will perform and address the background and experience of the subcontractor(s), as above.
- 3.2.2. **Approach to Completing the Work:** Please discuss the proposed approach for completing each of the tasks outlined in this RFP.
- 3.2.3. **Capacity to Accomplish the Work:** Please include relevant examples from previous work experience, including at least one example of written work materials, and discuss the availability of project team members to contribute.
- 3.2.4. **Cost Proposal:** Please include an estimated budget for the Scope of Services detailed in this RFP, including cost breakdowns by budget category (ex. Personnel, materials, travel, etc.), linking budget items to specific tasks/deliverables.

3.3. REFERENCES: Provide the names, addresses, and phone numbers of at least three companies with whom you have transacted similar business in the last 12 months. You must include contact names who can talk knowledgeably about performance.

3.4. REPORTING REQUIREMENTS: Provide a sample of any reporting documentation that may be applicable to the Detailed Requirements of this RFP.

3.5. PRICE SCHEDULE: Bidders shall submit their pricing information in the Price Schedule attached to the RFP.

3.6. CERTIFICATE OF COMPLIANCE: This form must be completed and submitted as part of the response for the proposal to be considered valid.

4. GENERAL REQUIREMENTS:

4.1. **PRICING:** Bidders must price the terms of this solicitation at their best pricing. Any and all costs that Bidder wishes the State to consider must be submitted for consideration.

- 4.1.1. Prices and/or rates shall remain firm for the initial term of the contract. The pricing policy submitted by Bidder must (i) be clearly structured, accountable, and auditable and (ii) cover the full spectrum of materials and/or services required.

4.1.2. **Cooperative Agreements.** Bidders that have been awarded similar contracts through a

competitive bidding process with another state and/or cooperative are welcome to submit the pricing in response to this solicitation.

- 4.1.3. **Retainage.** In the discretion of the State, a contract resulting from this RFP may provide that the State withhold a percentage of the total amount payable for some or all deliverables, such retainage to be payable upon satisfactory completion and State acceptance in accordance with the terms and conditions of the contract.

- 4.2. **STATEMENT OF RIGHTS:** The State shall have the authority to evaluate Responses and select the Bidder(s) as may be determined to be in the best interest of the State and consistent with the goals and performance requirements outlined in this RFP. The State of Vermont reserves the right to obtain clarification or additional information necessary to properly evaluate a proposal. Failure of bidder to respond to a request for additional information or clarification could result in rejection of that bidder's proposal. To secure a project that is deemed to be in the best interest of the State, the State reserves the right to accept or reject any and all bids, in whole or in part, with or without cause, and to waive technicalities in submissions. The State also reserves the right to make purchases outside of the awarded contracts where it is deemed in the best interest of the State.

- 4.2.1. **Best and Final Offer (BAFO).** At any time after submission of Responses and prior to the final selection of Bidder(s) for Contract negotiation or execution, the State may invite Bidder(s) to provide a BAFO. The state reserves the right to request BAFOs from only those Bidders that meet the minimum qualification requirements and/or have not been eliminated from consideration during the evaluation process.
- 4.2.2. **Presentation.** An in-person or virtual presentation by the Bidder may be required by the State if it will help the State's evaluation process. The State will factor information presented during presentations into the evaluation. Bidders will be responsible for all costs associated with providing the presentation.
- 4.2.3. **Evaluation of Responses and Selection of Bidder(s).** The State shall have the authority to evaluate Responses and select the Bidder(s) as may be determined to be in the best interest of the State and consistent with the goals and performance requirements outlined in this RFP. **NOTE: The Department reserves the right to choose not to select a vendor. Vendor selection may depend on receipt of an appropriation in the final state Appropriation bill.**

- 4.3. **WORKER CLASSIFICATION COMPLIANCE REQUIREMENTS:** In accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54), Bidders must comply with the following provisions and requirements.

- 4.3.1. **Self-Reporting:** For bid amounts exceeding \$250,000.00, Bidder shall complete the appropriate section in the attached Certificate of Compliance for purposes of self-reporting information relating to past violations, convictions, suspensions, and any other information related to past performance relative to coding and classification of workers. The State is requiring information on any violations that occurred in the previous 12 months.
- 4.3.2. **Subcontractor Reporting:** For bid amounts exceeding \$250,000.00, Bidders are hereby notified that upon award of contract, and prior to contract execution, the State shall be provided with a list of all proposed subcontractors and subcontractors' subcontractors, together with the identity of those subcontractors' workers compensation insurance providers, and additional required or requested information, as applicable, in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54). This requirement does not apply to subcontractors providing supplies only and no labor to the overall contract or project. This list MUST be updated and provided to the State as additional subcontractors are hired. A sample form is available online at <http://bgs.vermont.gov/purchasing-contracting/forms>. **The subcontractor reporting form is not required to be submitted with the bid response.**

- 4.4. **EXECUTIVE ORDER 05-16: CLIMATE CHANGE CONSIDERATIONS IN STATE PROCUREMENTS:**

For bid amounts exceeding \$25,000.00 Bidders are requested to complete the Climate Change Considerations in State Procurements Certification, which is included in the Certificate of Compliance for this RFP.

After consideration of all relevant factors, a bidder that demonstrates business practices that promote clean energy and address climate change as identified in the Certification, shall be given favorable consideration in the competitive bidding process. Such favorable consideration shall be consistent with

and not supersede any preference given to resident bidders of the State and/or products raised or manufactured in the State, as explained in the Method of Award section. But, such favorable consideration shall not be employed if prohibited by law or other relevant authority or agreement.

4.5. **METHOD OF AWARD:** Awards will be made in the best interest of the State. The State may award one or more contracts and reserves the right to make additional awards to other compliant bidders at any time if such award is deemed to be in the best interest of the State. All other considerations being equal, preference will be given first to resident bidders of the state and/or to products raised or manufactured in the state, and then to bidders who have practices that promote clean energy and address climate change, as identified in the applicable Certificate of Compliance.

4.5.1. **Evaluation Criteria:** Consideration shall be given to the Bidder's project approach and methodology, qualifications and experience, ability to provide the services within the defined timeline, cost, and/or success in completing similar projects, as applicable, and to the extent specified below.

4.5.1.1. The State will evaluate all responses received based upon its assessment of the reasonableness of cost, completeness, and quality of the responses, qualifications and capacity of the individuals proposed to perform the work, relevance of previous experience, and any other criteria it deems relevant. Acceptance or rejection of any or all proposals will be determined by the exercise of the State's sole discretion. All proposals are subject to an evaluation by the Department and/or non-departmental reviewers. The State reserves the right (but in no way is obligated) to interview the top prospective candidates to aid in the selection process.

4.6. **CONTRACT NEGOTIATION:** Upon completion of the evaluation process, the State may select one or more bidders with which to negotiate a contract, based on the evaluation findings and other criteria deemed relevant for ensuring that the decision made is in the best interest of the State. In the event State is not successful in negotiating a contract with a selected bidder, the State reserves the option of negotiating with another bidder, or to end the proposal process entirely.

4.7. **COST OF PREPARATION:** Bidder shall be solely responsible for all expenses incurred in the preparation of a response to this RFP and shall be responsible for all expenses associated with any presentations or demonstrations associated with this request and/or any proposals made.

4.8. **CONTRACT TERMS:** The selected bidder(s) will be expected to sign a contract with the State, including the Standard Contract Form and Attachment C as attached to this RFP for reference. The contract will obligate the bidder to provide the services and/or products identified in its bid, at the prices listed.

4.8.1. **Business Registration.** To be awarded a contract by the State of Vermont a bidder (except an individual doing business in his/her own name) must be registered with the Vermont Secretary of State's office <https://sos.vermont.gov/corporations/registration/> and must obtain a Contractor's Business Account Number issued by the Vermont Department of Taxes <http://tax.vermont.gov/>.

4.8.2. **Payment Terms:** All invoices are to be rendered by the Contractor on the vendor's standard billhead and forwarded directly to the institution or agency ordering materials or services and shall specify the address to which payments will be sent. Payment terms are Net 30 days from receipt of an error-free invoice with all applicable supporting documentation. Percentage discounts may be offered for prompt payments of invoices; however, such discounts must be in effect for a period of 30 days or more in order to be considered in making awards.

5. SUBMISSION INSTRUCTIONS:

5.1. **CLOSING DATE:** Bids must be received by the State by the due date specified on the front page of this RFP. Late bids will not be considered. Bids will be sealed until the due date specified on the front page of this RFP. There will not be a public opening on that date. However, the State will record the name, city and state for any and all bids received by the due date.

5.1.1. The State may, for cause, issue an addendum to change the date and/or time when bids are due. If a change is made, the State will inform all bidders by posting at the webpage indicated on the front page of this RFP.

5.2. DELIVERY METHODS:

5.2.1. **ELECTRONIC:** Electronic bids will be accepted. Bids will be accepted via email submission to

Alissa.Matthews@vermont.gov_ Bids must consist of a single email with a single, digitally searchable PDF attachment containing all components of the bid. Multiple emails and/or multiple attachments will not be accepted. There is an attachment size limit of 40 MB. It is the Bidder's responsibility to compress the PDF file containing its bid if necessary in order to meet this size limitation.

5.2.2. FAX BIDS: Faxed bids will not be accepted.

6. BID SUBMISSION CHECKLIST:

- ✓ Cover Letter
- ✓ Technical Response
- ✓ References
- ✓ Price Schedule
- ✓ Signed Certificate of Compliance

7. ATTACHMENTS:

- 7.1. Certificate of Compliance.
- 7.2. Price Schedule
- 7.3. Worker Classification Compliance Requirement; Subcontractor Reporting Form
- 7.4. Standard State Contract with its associated attachments, including but not limited to, Attachment C: Standard State Contract Provisions (December 15, 2017) and Attachment D: State of Vermont- Federal Terms Supplement (Non-Construction) for all Contracts and Purchases of Products and Services Using Federal Funds (July 28, 2022)

CERTIFICATE OF COMPLIANCE

For a bid to be considered valid, this form must be completed in its entirety, executed by a duly authorized representative of the bidder, and submitted as part of the response to the proposal.

- A. **NON COLLUSION:** Bidder hereby certifies that the prices quoted have been arrived at without collusion and that no prior information concerning these prices has been received from or given to a competitive company. If there is sufficient evidence to warrant investigation of the bid/contract process by the Office of the Attorney General, bidder understands that this paragraph might be used as a basis for litigation.
- B. **CONTRACT TERMS:** Bidder hereby acknowledges that is has read, understands and agrees to the terms of this RFP, including Attachment C: Standard State Contract Provisions, and any other contract attachments included with this RFP.
- C. **WORKER CLASSIFICATION COMPLIANCE REQUIREMENT:** In accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54), the following provisions and requirements apply to Bidder when the amount of its bid exceeds \$250,000.00.

Self-Reporting. Bidder hereby self-reports the following information relating to past violations, convictions, suspensions, and any other information related to past performance relative to coding and classification of workers, that occurred in the previous 12 months.

Summary of Detailed Information	Date of Notification	Outcome

Subcontractor Reporting. Bidder hereby acknowledges and agrees that if it is a successful bidder, prior to execution of any contract resulting from this RFP, Bidder will provide to the State a list of all proposed subcontractors and subcontractors' subcontractors, together with the identity of those subcontractors' workers compensation insurance providers, and additional required or requested information, as applicable, in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54), and Bidder will provide any update of such list to the State as additional subcontractors are hired. Bidder further acknowledges and agrees that the failure to submit subcontractor reporting in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54) will constitute non-compliance and may result in cancellation of contract and/or restriction from bidding on future state contracts.

D. Executive Order 05 – 16: Climate Change Considerations in State Procurements Certification

Bidder certifies to the following (Bidder may attach any desired explanation or substantiation. Please also note that Bidder may be asked to provide documentation for any applicable claims):

7.5. Bidder owns, leases or utilizes, for business purposes, space that has received:

- Energy Star® Certification
- LEED®, Green Globes®, or Living Buildings ChallengeSM Certification
- Other internationally recognized building certification:

2. Bidder has received incentives or rebates from an Energy Efficiency Utility or Energy Efficiency Program in the last five years for energy efficient improvements made at bidder's place of business. Please explain:

3. Please Check all that apply:

- Bidder can claim on-site renewable power or anaerobic-digester power ("cow-power"). Or bidder consumes renewable electricity through voluntary purchase or offset, provided no such claimed power can be double-claimed by another party.
- Bidder uses renewable biomass or bio-fuel for the purposes of thermal (heat) energy at its place of business.
- Bidder's heating system has modern, high-efficiency units (boilers, furnaces, stoves, etc.), having reduced emissions of particulate matter and other air pollutants.
- Bidder tracks its energy consumption and harmful greenhouse gas emissions. What tool is used to do this? _____
- Bidder promotes the use of plug-in electric vehicles by providing electric vehicle charging, electric fleet vehicles, preferred parking, designated parking, purchase or lease incentives, etc..
- Bidder offers employees an option for a fossil fuel divestment retirement account.
- Bidder offers products or services that reduce waste, conserve water, or promote energy efficiency and conservation. Please explain:

4. Please list any additional practices that promote clean energy and take action to address climate change:

E. Executive Order 02 – 22: Solidarity with the Ukrainian People

By checking this box, Bidder certifies that none of the goods, products, or materials offered in response to this solicitation are Russian-sourced goods or produced by Russian entities. If Bidder is unable to check the box, it shall indicate in the table below which of the applicable offerings are Russian-sourced goods and/or which are produced by Russian entities.

An additional column is provided for any note or comment that you may have.

Provided Equipment or Product	Note or Comment

F. Acknowledge receipt of the following Addenda:

Addendum No.: _____ Dated: _____

Addendum No.: _____ Dated: _____

Addendum No.: _____ Dated: _____

Bidder Name: _____ Contact Name: _____

Address: _____ Fax Number: _____

 Telephone: _____

 E-Mail: _____

By: _____ Name: _____
 Signature of Bidder (or Representative) (Type or Print)

END OF CERTIFICATE OF COMPLIANCE

PRICE SCHEDULE

A. Fixed Price Deliverables:

Deliverable Description	Fixed Price
Deliverable A:	\$
Deliverable B:	\$
	\$
Total Project Cost	\$

B. Hourly Labor Rates:

Service Category/Title of Positions	Hourly Rate
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$

Name of Bidder: _____

Signature of Bidder: _____

Date: _____

SUBCONTRACTOR REPORTING FORM

This form must be completed in its entirety and submitted prior to contract execution and updated as necessary and provided to the State as additional subcontractors are hired.

The Department of Buildings and General Services in accordance with Act 54, Section 32 of the Acts of 2009 and for total project costs exceeding \$250,000.00 requires bidders to comply with the following provisions and requirements.

Contractor is required to provide a list of subcontractors on the job along with lists of subcontractor’s subcontractors and by whom those subcontractors are insured for workers’ compensation purposes. Include additional pages if necessary. This is not a requirement for subcontractor’s providing supplies only and no labor to the overall contract or project.

Subcontractor	Insured By		Subcontractor’s Sub	Insured By

Date: _____

Name of Company: _____

Contact Name: _____

Address: _____

Title: _____

Phone Number: _____

E-mail: _____

Fax Number: _____

By: _____

Name: _____

Failure to adhere to Act 54, Section 32 of the Acts of 2009 and submit Subcontractor Reporting: Worker Classification Compliance Requirement will constitute non-compliance and may result in cancellation of contract and/or forfeiture of future bidding privileges until resolved.

STANDARD CONTRACT FOR SERVICES

1. **Parties.** This is a contract for services between the State of Vermont, [REDACTED] (hereinafter called "State"), and [REDACTED], with a principal place of business in [REDACTED], (hereinafter called "Contractor"). Contractor's form of business organization is [REDACTED]. It is Contractor's responsibility to contact the Vermont Department of Taxes to determine if, by law, Contractor is required to have a Vermont Department of Taxes Business Account Number.

2. **Subject Matter.** The subject matter of this contract is services generally on the subject of [REDACTED]. Detailed services to be provided by Contractor are described in Attachment A.

3. **Maximum Amount.** In consideration of the services to be performed by Contractor, the State agrees to pay Contractor, in accordance with the payment provisions specified in Attachment B, a sum not to exceed \$ [REDACTED].00.

4. **Contract Term.** The period of Contractor's performance shall begin on [REDACTED], 20 [REDACTED] and end on [REDACTED], 20 [REDACTED].

5. **Prior Approvals.** This Contract shall not be binding unless and until all requisite prior approvals have been obtained in accordance with current State law, bulletins, and interpretations.

6. **Amendment.** No changes, modifications, or amendments in the terms and conditions of this contract shall be effective unless reduced to writing, numbered and signed by the duly authorized representative of the State and Contractor.

7. **Termination for Convenience.** This contract may be terminated by the State at any time by giving written notice at least thirty (30) days in advance. In such event, Contractor shall be paid under the terms of this contract for all services provided to and accepted by the State prior to the effective date of termination.

8. **Primary Contacts.** The Parties will keep and maintain current at all times a primary point of contact for this Agreement, which are presently as follows:

a. For the Contractor:

Name: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

b. For the State:

Name: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

9. **Attachments.** This contract consists of [REDACTED] pages including the following attachments which are incorporated herein:

Attachment A - Statement of Work

Attachment B - Payment Provisions

Attachment C – “Standard State Provisions for Contracts and Grants” a preprinted form (revision date 12/15/2017)

“State of Vermont – Federal Terms Supplement (non-construction)”

Attachment D - Other Provisions

Additional attachments may be lettered as necessary

10. **Order of Precedence.** Any ambiguity, conflict or inconsistency between the documents comprising this contract shall be resolved according to the following order of precedence:

(1) Standard Contract

(2) Attachment D

(3) Attachment C (Standard Contract Provisions for Contracts and Grants)

(4) State of Vermont – Federal Terms Supplement (non-construction)

(5) Attachment A

(6) Attachment B

List other attachments, if any, in order of precedence

WE THE UNDERSIGNED PARTIES AGREE TO BE BOUND BY THIS CONTRACT

By the State of Vermont:

By the Contractor:

Date: _____

Date: _____

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

ATTACHMENT A – STATEMENT OF WORK

The Contractor shall:

DELETE THESE INSTRUCTIONS All State contracts must describe the work to be performed in clear, concise and complete statements. Attachment A of the Standard State Contract should be used to detail the work to be performed or products to be delivered by the contractor. A well written description will include the schedule for performance, identification of project deliverables, deliverable milestones, and standards by which the contractor's performance will be measured. This description of the work may also be referred to as the Statement of Work, Specifications of Work, or Subject Matter. Please refer to Appendix II for further guidance. The deliverables and milestones should be used to inform the payment terms in Attachment B. Attaching RFPs and RFP responses to contracts is not permitted. RFP responses can be long and complicated and may include both unnecessary information and introduce internally inconsistent terms within the contract.

The level of required contract compliance monitoring, if applicable, should be based on the assessment of the risk for delay or failure to deliver the services. In assessing the risk, agencies should consider factors such as: amount of funds involved; contract duration; contract complexity; history of the Contractor with State government; amount of subcontracting involved; and other relevant issues. Whether or not liquidated damages, service credits and/or retainage are part of the contract, the document should include a section that describes specifically how the Agency will monitor the contract for compliance.

Types of compliance monitoring processes and steps may include: (i) periodic contractor reports; (ii) invoice reviews; (iii) on-site visits; (iv) scheduled meetings; (v) audits; (vi) independent performance reviews; (vii) surveys of users/clients; and (viii) post-contract audit or review. This section may also describe a process for identification, discussion, and resolution of disputes between the Contractor and the State, both during the contract duration and after expiration.

NOTE: Additional guidance for drafting Attachment A is provided in Bulletin 3.5, Appendix II

**ATTACHMENT C: STANDARD STATE PROVISIONS
FOR CONTRACTS AND GRANTS
REVISED DECEMBER 15, 2017**

“Attachment C: Standard State Provisions for Contracts and Grants” (revision version dated December 15, 2017) constitutes part of this Agreement and is hereby incorporated by reference as if fully set forth herein and shall apply to the purchase of all goods and/or services by the State under this Agreement. A copy of this document is available online at: <https://bgs.vermont.gov/purchasing-contracting/forms>.

**STATE OF VERMONT- FEDERAL TERMS SUPPLEMENT (Non-Construction)
for all Contracts and Purchases of Products and Services Using Federal Funds
(Revision date: July 28, 2022)**

“Attachment D: State of Vermont- Federal Terms Supplement (Non-Construction) for all Contracts and Purchases of Products and Services Using Federal Funds” (revision version dated July 28, 2022) constitutes part of this Agreement and is hereby incorporated by reference as if fully set forth herein and shall apply to the purchase of all goods and/or services by the State under this Agreement. A copy of this document is available online at: <https://bgs.vermont.gov/purchasing-contracting/forms>.