

REQUEST FOR PROPOSAL (RFP)
Broadband Service Expansion

Issue Date: April 19, 2024

ACCEPTANCE DATE AND TIME: May 24, 2024

RFP TITLE: Broadband Service Expansion

ACCEPTANCE PLACE:

South East Texas Regional Planning Commission
Attn: Bob Dickinson
2210 Eastex Freeway
Beaumont, Texas 77703

MARK ENVELOPE WITH:

Name and Address of Proposing Firm
"Attention: Bob Dickinson, Director of Transportation and Environmental Resources Division
Request for Proposal for Broadband Service Expansion Due May 24, 2024"

PLEASE NOTE: Requests for information related to this RFP should be directed to:
Bob Dickinson at bdickinson@setrpc.org



PURPOSE

The South East Texas Regional Planning Commission ("SETRPC") is seeking qualified broadband infrastructure and internet service providers ("ISP"s) to participate in a Public-Private Partnership (the "Partnership") to address the unserved and underserved broadband locations within the SETRPC region using available federal and/or state funding. The Partnership is to be developed to gain strategic advantage and resources through the application and deployment process outlined in the Scope of Services below.

The purpose of this RFP is to obtain innovative or traditional broadband Internet solutions from one or more offerors proposing one (or multiple) solutions for all or portions of the SETRPC region to build, manage, and operate a next generation communications network ("Network") to provide Internet access service to businesses, anchor institutions, homes, and community institutions within the SETRPC region. From these RFP responses and upon state/federal funding, SETRPC will select an Offeror(s) to negotiate and finalize project details through creation and execution of a contract. Offeror shall detail the ability to design, build, install, own, operate and manage its solution(s) on a Network.

SETRPC seeks to make available reliable and affordable high-speed broadband Internet services to as many premises in SETRPC as possible, specifically to the unserved or underserved population defined as those not currently served by a connection that reliably delivers at least 100 Mbps download and 100 Mbps upload speed. The high-speed broadband Internet services shall specifically provide a service designed to reliably meet or exceed a speed of 100 Mbps download and 100 Mbps upload; or in cases where the symmetrical 100/100 Mbps service is not practicable, provide a service designed to reliably meet or exceed 100 Mbps download and at least 20 Mbps upload speeds, and be scalable to a minimum of 100 Mbps download and 100 Mbps upload. Interim Rule, 31 C.F.R § 35.6(e)(2), 86 Fed. Reg. 26786, 26823.

****Note**** SETRPC does NOT intend to enter the broadband Internet business as a competitive service provider.

****Note**** SETRPC, nor the counties it encompasses, does NOT intend to operate the network enterprise.

A set of maps of the underserved and unserved broadband locations subject to this RFP is attached hereto as Exhibit "A". Locations are subject to change as FCC Data is updated. Interested responders may download the KMZ or Excel file listing all underserved and unserved locations in the region on our website, SETRPC.org.

SCOPE OF SERVICES

*"The Scope of Services in this RFP is a general guide to, but shall not serve as an all-inclusive list of, work necessary to complete the project. **The final Scope of Services shall be established through consultation with the successful Offeror.**"*

SETRPC is currently contracting with Cobb, Fendley and Associates, Inc. to engage stakeholders, conduct a full Needs/Gaps Analysis, including identification of locations and areas of need, and to assist with procuring partners and applications for Federal and state funding sources that will be issued through the Texas Broadband Development Office ("BDO"). SETRPC intends to provide support for this project where possible, including, but not limited to: marketing assistance, assistance in developing grant applications for federal and/or state funding, collaboration with local research and educational facilities, and providing contact information as it may be needed to streamline access to local jurisdictions.

Objectives

1. Offeror shall establish a Network:
 - Offering retail broadband speeds that meet the minimum Federal Broadband Equity, Access, and Deployment (BEAD) Program requirement of 100 Mbps download/ 100 Mbps upload, with preference given to a service with a guaranteed minimum 1 Gbps dedicated symmetrical transmission speed over each connection provided to a premise;
 - Supporting high quality voice, data and video services;
 - Using fiber-to-the-premise network architecture where able;
 - Providing a low-cost option for household Internet service;
 - Operating on a progressive, demand-driven basis for over five (5) years from the date of execution of a contract between SETRPC and Offeror;
 - Promoting long term economic and community interest of SETRPC and end users; and
 - Facilitating opportunities for small and medium enterprises (SMEs) and local enterprises to provide services to the SETRPC region.
2. Offeror shall provide vertically integrated retail Internet services and must not limit the ability of customers to run applications, use services and/or connect devices of their choice to the Network.
3. Offeror will bear all costs for the Network, including but not limited to design, engineering, construction, equipment, insurance, and maintenance, up to the end user drop point or Network interface device.
4. Offeror shall demonstrate a clear upgrade path for the Network to meet future consumer demand and service development needs.
5. Offeror must participate in the Affordable Connectivity Program (ACP), any successor program and/or any other household subsidy program for qualifying households.

Offeror shall detail the ability to design, build, install, own, operate and manage the Network. The Network shall have the following features and functionality:

Network Equipment, Design and Technical Specifications

Offeror must provide Network architecture documentation showing active equipment locations and locations of added assets.

Network architecture should consider a redundant topology that provides resiliency in the Network. While not every component of the Network can be redundant, where feasible, Offeror should take steps to make service offerings as resilient as possible.

It is expected that Offeror may have some preexisting core assets (fiber, towers, hut sites, etc.) it intends to utilize to provide services to the proposed service areas. Offeror utilizing pre-existing infrastructure should describe how these assets fit into its proposed Network architecture.

Network Test and Acceptance Standards

Offeror will be required to demonstrate Network performance to specified test standards. These standards will need to be met for services offered and infrastructure built or contracted. Speeds will be tested and proven as negotiated in the contract.

Presence in County

While the successful Offeror will receive an RFP award letter from SETRPC, SETRPC may request the best and final offer. Offeror will be contributing significant capital and operational assets and shall demonstrate it can successfully deliver broadband Internet where the Network is required to offer service. A component of the scoring criteria will be SETRPC's assessment of Offeror's proposed presence within the SETRPC region, demonstrating its ability to provide adequate service and support to its customers.

Network Deployment Timing

Upon state/federal funding to Offeror(s), SETRPC intends the project to commence upon contract execution.

Within its RFP response, Offeror shall provide a proposed schedule for implementation reflecting the most expeditious timeline possible, including engineering, permitting, licensing, construction, and validation.

Network Construction Standards

Offerors should expect that upon funding and successful completion of a negotiated contract for deployment of a network, commencement of work will begin after funding is obtained.

Offeror will fully engineer and permit the project prior to commencement of construction as a function of the negotiated contract.

Deployment of all fiber and fiber-related infrastructure must comply with all National Electrical Contractor Association (NECA) codes and laws at the local, state, federal, and private land levels as they pertain to fiber optic installations.

Should wireless technology be selected for deployment, all towers, antennas, and other components utilized to deliver wireless broadband Internet must comply with all FCC regulations regarding tower construction, spectrum registration, and applicable state/county authority over zoning and land use regulations.

Offeror will be expected to have all routes and tower sites surveyed by a licensed surveyor as well as provide SETRPC with GIS/CAD mapping showing the locations of all facilities deployed and service areas of engineered coverage design(s).

Additional Requirements and Responsibilities of Offeror

- Providing SETRPC and its consultants with periodic reports of monthly activities and progression towards milestones, such reports to include information as negotiated in the contract.
- Working with all appropriate agencies to obtain all required right of way approvals.
- Obtaining all required permits and private easement approvals.
- Obtaining any and all environmental approvals and historical preservation agency approvals.
- Coordinating project deployment with all utilities.
- Obtaining any and all necessary licensing required where the work will be completed.
- Providing on-site construction inspections to ensure design.
- Coordinating and resolving third-party or private claims.
- Repairing any and all damage to private property.
- At all times, maintaining an adequate staff of experienced and qualified employees for efficient performance. At all times, furnish or perform any services in a safe, proper, and professional manner.

EVALUATION OF PROPOSALS: SELECTION FACTORS

The "Instructions for Submitting Proposals" below sets forth criteria that will be used in the receipt of proposals and selection of the successful Offeror. In addition, the criteria set forth below will be considered:

Evaluation Process:

The review and evaluation of each proposal (and subsequent selection) will be made on the basis of the criteria listed below:

1. Proposed Cost Per Location (25 Points)
2. Affordability of Offering (20 points)
3. Fair Labor Practices (10 Points)
4. Financial Capacity (10 points)
5. Technical Evaluation - Proposed Solution and Functionality (10 points)
6. Knowledge, Team, and Technical Competence (8 points)
7. Qualifications, Experience, and Performance History (4 points)
8. Overall Deployment Timing - priority given to projects that can be done the quickest (4 points)
9. Potential Connections and Anchor Institutions that are unserved and underserved (4 points)
10. SETRPC Preference (5 points)

1) Proposed Cost Per Location

How Cost or Price will be evaluated:

Reasonable total price schedule including proposed cost per location. Demonstrated ability to deliver goods/services at a reasonable cost per location and all elements of cost detail are provided. The cost narrative clearly reflects the cost for providing the goods/services, is detailed and includes all costs required for successful project completion.

2) Affordability of Offering

How Affordability will be evaluated:

Submission of a summary of service offerings network-wide will be reviewed and compared between offerors. Full points will include a competitive service offering and the inclusion of a low cost offering of 100 Mbps/20 Mbps to be offered network-wide. Submission must show participation in the Affordable Connectivity Program (ACP), any successor program and/or any other household subsidy program for qualifying households.

3) Fair Labor Practices

How Fair Labor Practices will be evaluated:

Any violations of the Occupational Safety and Health Act, Fair Labor Standards Act, or any other applicable labor and employment laws must be disclosed for the past three (3) years.

Offeror shall include copies of its most recent federal and state annual reports, licenses to provide telecom/communications services, certifications that all Texas business and regulatory registrations/filings/taxes are current, and all internal corporate documents are kept and up to date (e.g. meeting minutes, bylaws, etc.).

4) Financial Capacity

How Financial Capacity will be evaluated:

The submission must clearly demonstrate financial capacity to complete deployment and maintenance of the selected project area by including Offeror's most recent two (2) audited financial statements (compiled by a CPA is acceptable) for assessment of its financial resources. If the current completed year cannot be submitted as audited or compiled, then inclusion of unaudited financials for the most recent year must be provided and the previous completed two audited or compiled years must be included. If Offeror is part of a team, the two most recent annual financial statements for each team member should be submitted. If Offeror's response includes financing, this information should be provided and the two most recent annual financial statements of such equipment vendor or financial institutions should be submitted, or proof of financial capacity provided.

Offeror shall, at its sole cost and expense, be responsible for obtaining any necessary licenses and permits and complying with any applicable federal, state, and municipal laws, codes,

and regulations. Offeror shall also be responsible for all materials delivered and work performed.

5) Technical Evaluation

How Proposed Solution and Functionality will be evaluated:

Evaluation of the proposed solution specifically highlighting the specifications, functionality, and compatibility regarding the overall need. The high-speed broadband internet services shall specifically provide a service designed to reliably meet or exceed a speed of 100 Mbps download and 100 Mbps upload; or in case where the symmetrical 100/100 Mbps service is not practicable, provide a service designed to reliably meet or exceed 100 Mbps download and at least 20 Mbps upload speeds, and be scalable to a minimum of 100 Mbps download and 100 Mbps upload. Any service incapable of providing these speeds will produce zero points. With full points being given to a service with a guaranteed minimum 1 Gbps dedicated symmetrical transmission speed over each connection provided to a premise.

6) Knowledge, Team, and Technical Competence

How Knowledge, Team and Technical Competence will be evaluated:

Acceptable overall qualifications of Offeror and key personnel must be demonstrated in a detailed narrative, resumes or bios, and qualifications statement. Satisfactory evidence must be provided of Offeror's ability to manage and coordinate the types of activities described in this RFP and the ability to produce the specified products or services on time. Evidence is provided of the availability and commitment of the firm and its principal(s) and key professionals to undertake the project.

A list of any known or anticipated subcontractors must be included, along with their roles and responsibilities.

7) Qualifications, Experience and Performance History

How Qualifications, Experience and Performance History will be evaluated:

Offeror shall provide a statement of experience highlighting at least three (3) similar network systems that it has designed, constructed, and operated, including project name, location, size, technology, and contact name and phone number for reference. Additionally, Offeror should indicate whether each network system is owned by Offeror or another entity.

8) Overall Deployment Timing

How overall Deployment Timing will be evaluated:

Offeror shall provide a proposed schedule for implementation that reflects the most expeditious timeline possible, including engineering, permitting, licensing, construction, and validation. SETRPC intends the project to be planned and deployed continuously starting upon funding determination and contract execution. SETRPC desires that this project be

completed as soon as possible, or by the negotiated date of the contract. Preference will be given to projects that can be done the quickest.

9) Potential Connections and Anchor Institutions that are Unserved/Underserved

How Potential Connections will be evaluated:

Submission must clearly describe proposed project location(s) and demonstration of coverage of the project locations within the specified area(s). Clearly stating how many premises and type (residential, business, anchor institutions) will be covered and at what level of service.

10) SETRPC Preference

How SETRPC Preference will be evaluated:

SETRPC reserves the right to add additional points based on various factors such as work locations within the area, employees within the region, and other items.

Once each proposal has been read and evaluated, a preliminary ranking will be developed. At its sole discretion, SETRPC may or may not conduct interviews with Offerors.

INSTRUCTIONS FOR SUBMITTING PROPOSALS

Submission of Proposals:

The proposal must be accompanied by a fully completed Proposal Submission Form as set forth in Attachment 1. The proposal shall indicate the RFP title and date of acceptance. Proposals may either be mailed or hand-delivered to:

South East Texas Regional Planning Commission
Attn: Bob Dickinson
2210 Eastex Freeway
Beaumont, Texas 77703

MARK ENVELOPE WITH:

Name and Address of Proposing Firm and
"Attention: Bob Dickinson, Director of Transportation and Environmental Resources Division
Request for Proposal for Broadband Service Expansion Due May 24, 2024"
Faxed and e-mailed proposals will NOT be accepted.

Proposals Due: May 24, 2024

Questions, Inquiries, and Modifications:

Questions and inquiries must be in written form and will be accepted from any and all Offerors. Bob Dickinson, Director of the Transportation and Environmental Resources Division at SETRPC, is the sole point of contact for this RFP unless otherwise instructed herein. Unauthorized contact

with SETRPC staff regarding this RFP may result in the disqualification of Offeror. Inquiries pertaining to this RFP must give the RFP title and Acceptance Date. Material questions will be answered in writing with an addendum. **All questions must be received by May 3, 2024.**

SETRPC may also modify the RFP, no later than 48 hours prior to the Acceptance Date and Time for submission of proposals, by issuance of an addendum.

Each addendum will be numbered consecutively beginning with Addendum No. 1 and posted on the SETRPC website. Offerors must attach all addenda to the proposal. It is the responsibility of all Offerors to ensure that they have received all addenda.

Completion:

Proposals must show the number of calendar days required to complete the project or services under normal conditions.

Open Records:

Proposals shall be available and open for public inspection after contract(s) is/are awarded. Any material that is to be considered as confidential in nature must be clearly marked as such and will be treated as confidential by SETRPC to the extent allowable pursuant to the Texas Open Records Act.

Ownership of Proposal:

Proposals become the property of SETRPC and will not be returned to the Offerors.

Authority to Bind Firm in Contract:

Proposal must give full firm name and address of Offeror. Failure to manually sign proposal may disqualify it. Person signing proposal must show title or authority to bind the firm in a contract. Firm name and authorized signature must appear on proposal in the space provided on the pricing page. Those authorized to sign are as follows:

- If a sole proprietorship, the owner may sign.
- If a general partnership, any general partner may sign.
- If a limited partnership, a general partner must sign.
- If a limited liability company, a "member" may sign or "manager" must sign if so specified by the articles or organization.
- If a regular corporation, the CEO, President, or Vice-President must sign.
- Others may be granted authority to sign; however, SETRPC requires that a corporate document authorizing such person to sign be submitted with proposal.

Preparation and Submission of Proposals:

1. Proposals shall be signed in ink by the individual or authorized representative of Offeror.

2. All Attachments (1-10) to the RFP requiring execution by Offeror are to be returned with the proposal.
3. Proposals must be received by SETRPC prior to 3:00 p.m. Central Standard Time on May 24, 2024. Requests for extensions of this time and date will not be granted. Offerors mailing their proposals shall allow sufficient mail time to ensure receipt of their proposals by SETRPC by the Acceptance Date and Time. Proposals or unsolicited amendments to proposals received by SETRPC after the Acceptance Date and Time will not be considered. Proposals will be publicly accepted and logged in at the time and date specified above.
4. Offeror shall submit one (1) original and six (6) copies of its proposal to SETRPC. The original proposal shall be clearly marked.

Withdrawal of Proposals:

1. Proposals submitted shall be valid for a minimum period of ninety (90) calendar days following the date established for acceptance.
2. Proposals may be withdrawn on written request from Offeror received by SETRPC at the address shown for submitting proposals prior to the time and date fixed for acceptance of proposals.
3. Negligence on the part of Offeror in preparing the proposal confers no right of withdrawal after the time and date fixed for acceptance of the proposals.

Subcontractors:

Offeror shall include a list of all subcontractors with its proposal. Proposal shall also include a statement of the subcontractors' qualifications. SETRPC reserves the right to reject the successful Offeror's selection of subcontractors for good cause. If a subcontractor is rejected, Offeror may replace that subcontractor with another subcontractor subject to the approval of SETRPC. Any such replacement shall be at no additional expense to SETRPC nor shall it result in an extension of time without SETRPC's written and signed approval.

Late Proposals:

Any late proposal will be returned to Offeror UNOPENED if Offeror title, acceptance date and Offeror's return address is shown on the delivery package.

Rights of SETRPC:

SETRPC reserves the right to award this contract in accordance with the applicable laws of the State of Texas, to waive any formality or irregularity, to make awards to more than one Offeror, to reject any or all proposals in whole or in part, and to award the contract to best serve the interest of SETRPC.

Proposed Changes to Scope of Services:

If there is any deviation from that prescribed in the Scope of Services, the appropriate line in the Scope of Services shall be ruled out and the substitution clearly indicated. SETRPC reserves the right to accept or reject any proposed change to the Scope of Services.

Work Plan:

Offeror must provide a detailed work plan in calendar days describing the individual tasks to be performed. All deliverable items should be identified and described.

Miscellaneous Requirements:

1. SETRPC will not be responsible for any expenses incurred by an Offeror in preparing and submitting a proposal. All proposals shall provide a straightforward, concise delineation of Offeror's capabilities to satisfy the requirements of this RFP. Emphasis should be on completeness and clarity of content.
2. Offerors submitting a proposal in response to this RFP may be required to make an oral presentation of their proposal. SETRPC will schedule the time and location for such presentation.
3. Selected contents of the proposal submitted by the successful Offeror to this RFP will become part of any contract awarded as a result of the Scope of Services contained herein. The successful Offeror will be expected to sign a contract with SETRPC upon funding.
4. SETRPC reserves the right to accept or reject, in whole or in part, or negotiate any response it receives to this RFP.

Notice of Award:

The successful Offeror will be notified in writing.

W-9 Form Required:

Offeror shall submit a completed W-9 form with its proposal. In the event of contract award, this information is required in order to issue purchase orders and payments to Offeror. A copy of this form can be downloaded from <http://www.irs.gov/pub/irs-pdf/fw9.pdf>, and is attached hereto as Attachment 2.

Conflict of Interest Questionnaire Required:

HB 914 Conflict of Interest Questionnaire: Texas House Bill 914, codified as Chapter 176 of the Local Government Code, requires Bidders/Offerors contracting or seeking to do business with SETRPC to file a conflict of interest questionnaire (CIQ). The required questionnaire is located at the Texas Ethics Commission website (<https://www.ethics.state.tx.us/data/forms/conflict/CIQ.pdf>) and a copy is attached hereto as Attachment 6. The CIQ must be completed and submitted with the proposal. Offerors who do not include the CIQ with their proposal may be disqualified from consideration by SETRPC.

Bidder/Offeror Affirmations Required:

Each Offeror shall submit a completed Bidder/Offeror Certification, attached hereto as Attachment 4.

Insurance Coverage:

Offeror shall include with its proposal a copy of its current Certificate of Insurance that illustrates the current types and levels of coverage Offeror carries. The Certificate can be a current file copy and does not need to include any "additional insured" language for SETRPC at this time.

PROTEST PROCEDURES

Any actual or prospective Offeror who is aggrieved in connection with this procurement may file a grievance. The grievance may be filed at any phase of the procurement. In order for Offeror to enter the grievance process, a written complaint must be sent to the SETRPC contact person named above by certified mail within seven (7) calendar days of the contract award which identifies the following:

1. Name, mailing address and business phone number of the complainant.
2. Appropriate identification of the procurement being questioned.
3. A precise statement of reasons for the grievance.
4. Supporting exhibits, evidence and/or documents to substantiate the grievance.

The grievance must be based on an alleged violation of SETRPC's Procurement Procedures, a violation of State or Federal law (if applicable), or contract agreements to which SETRPC is a party. Failure to receive a procurement award from SETRPC in and of itself does not constitute a valid grievance. Upon receipt of a grievance, the SETRPC contact person will initiate the expedited resolution process.

COMPLIANCE WITH FEDERAL REGULATIONS

The successful Offeror will be required to comply with, in addition to other provisions of this RFP, the conditions required by all applicable Federal and State regulations as detailed in Attachment 5, including the following:

Civil Rights Requirements

The following requirements apply to the awarded contract.

1. Nondiscrimination. In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C., 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C.6102, Section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. 12132, and Federal Transit Law, the successful Offeror agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex,

age or disability. In addition, the successful Offeror agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

2. Equal Employment Opportunity. The following equal employment opportunity requirements apply to the underlying contract:
 - a. Race, Color, Creed, National Origin, Sex. In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. 5332, the successful Offeror agrees to comply with all applicable equal employment opportunity requirements of the U.S. Department of Labor (USDOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 CFR Parts 60 et seq., (which implement Executive Order No. 11246 relating to Equal Employment Opportunity as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C., 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect activities undertaken in the course of the Project. The successful Offeror agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the successful Offeror agrees to comply with any implementing requirements FTA may issue.
 - b. Age. In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 1212, the successful Offeror agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the successful Offeror agrees to comply with any implementing requirements FTA may issue.
 - c. Disabilities. In accordance with Section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C., 12112, the successful Offeror agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 CFR Part 1630, pertaining to employment of persons with disabilities. In addition, the successful Offeror agrees to comply with any implementing requirements FTA may issue.

HUB BEST PRACTICES

SETRPC shall ensure that small, minority, disadvantaged and women-owned businesses are considered for acceptance whenever possible by:

- choosing the HUB organization in the case of tie bids;
- soliciting these businesses whenever they are potential sources;

- when economically feasible, dividing total desired services into smaller components to permit maximum participation by these businesses;
- if the requirement permits, establishing delivery schedules that will encourage small, minority, disadvantaged, and women's businesses to participate; and
- using the services and assistance of the Small Business Administration or the Minority Business Development Agency, as needed.

Successful Offeror is encouraged to make a good faith effort to consider HUBs when subcontracting. Some methods for locating HUBs include:

- utilizing the Texas Comptroller of Public Accounts website <http://www.window.state.tx.us/procurement/cmb1/cmb1hub.html>;
- utilizing Web sites or other minority/women directory listings maintained by local Chambers of Commerce; and
- advertising subcontract work in local minority publications; and/or contacting the contracting state agency for assistance in locating available HUBs.

Attachments and Appendices

Please fill out and sign the following forms:

- Attachment 1 - Proposal Submission Form
- Attachment 2 - IRS W-9 Form
- Attachment 3 - Conflict of Interest Questionnaire
- Attachment 4 - Bidder/Offeror Certification
- Attachment 5 – Compliance Form
- Attachment 6 – Certification Required by Texas Family Code 231.006
- Attachment 7 – Certification Required by Texas Government Code 2276.002
- Attachment 8 – Certifications Required by Texas Law
- Attachment 9 – Certification Required by Texas Government Code 2271.002
- Attachment 10 – Certification Required by Texas Government Code 2274.002
- Exhibit A – Map's of Underserved and Unserved Broadband Locations.

DO NOT alter any Attachments.

Attachment 1
PROPOSAL SUBMISSION FORM

THE FIRM OF: _____

ADDRESS: _____

FEIN: _____

The following shall be returned with your proposal. Failure to do so may be cause for rejection of proposal as non-responsive. It is the responsibility of Offeror to ensure that it has received all addenda.

ITEM:

1. References.
2. Addenda, if any.
3. One (1) original and six (6) copies.
4. Proposal Response Information.
5. Executed Attachments 1-10
6. Certificate of Insurance.

Person to contact regarding this proposal: _____ Title: _____

Phone: _____ E-mail: _____

Name of person authorized to bind the Firm: _____

Signature

Date

Acceptance Date and Time: _____, 2024 at _____

Attachment 2

Form **W-9**
(Rev. March 2024)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give form to the
requester. Do not
send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See Specific Instructions on page 3.	1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)	
	2 Business name/disregarded entity name, if different from above.	
	3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions)	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____ <i>(Applies to accounts maintained outside the United States.)</i>	
	3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions <input type="checkbox"/>	
	5 Address (number, street, and apt. or suite no.). See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-					
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person	Date

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

Attachment 3

CONFLICT OF INTEREST QUESTIONNAIRE For vendor doing business with local governmental entity		FORM CIQ
<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>	OFFICE USE ONLY	
<p>1 Name of vendor who has a business relationship with local governmental entity.</p>	Date Received 	
<p>2 <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)</p>		
<p>3 Name of local government officer about whom the information is being disclosed.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Name of Officer</p>		
<p>4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.</p> <p style="margin-left: 40px;">A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?</p> <p style="margin-left: 80px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </p> <p style="margin-left: 40px;">B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?</p> <p style="margin-left: 80px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </p>		
<p>5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.</p>		
<p>6 <input type="checkbox"/> Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).</p>		
<p>7</p> <p style="text-align: center;"> _____ Signature of vendor doing business with the governmental entity </p> <p style="text-align: right; margin-right: 100px;"> _____ Date </p>		

Attachment 4

BIDDER/OFFEROR CERTIFICATION

SETRPC requires respondents to affirm their compliance with state and federal laws. Respondent affirmations become part of the procurement and are binding terms and conditions of any resulting contract, purchase order, or respondent agreement. Any misrepresentation or false statement is a breach of contract which shall void or make voidable any solicitation or resulting contract. Respondent shall affirm all of the following:

- (A) Respondent has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted bid.
- (B) Respondent has not received compensation from SETRPC for participation in the preparation of specifications for this procurement.
- (C) Respondent certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified grant or contract and acknowledges that this contract may be terminated, and payment withheld if this certification is inaccurate.
- (D) Respondent shall defend, indemnify and hold harmless SETRPC and all of its officers and employees from and against all claims, actions, suits, demands, proceedings, costs, damages and liabilities arising out of, connected with, or resulting from any acts or omissions of respondent, employee, subcontractor, or supplier of contractor in execution or performance of the contract.

Name of Bidder/Offeror

Signature of Authorized Representative

Printed/Typed Name of Authorized Representative

Date

Title of Authorized Representative

Attachment 5

COMPLIANCE CERTIFICATION FORM

By submitting this Certification, the undersigned certifies on behalf of his firm and any proposed subcontractors as follows:

- 1) **Proposal Validity:** If this proposal is accepted within one hundred twenty (120) calendar days from the due date, to furnish any or all services upon which prices are offered at the designated point within the time specified.
- 2) **Restriction on Lobbying Certification:** Any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.
- 3) **Non-Collusion:** Has made this Statement of Certification independently, without consultation, communication, or agreement for the purpose of restricting competition as to any matter relating to this Request for Statement of Certification with any other firm or with any other competitor.
- 4) **Affirmative Action/DBE:** Is in compliance with the Common Grant Rules affirmative action and Department of Transportation's Disadvantaged Business Enterprise requirements.
- 5) **Non-Conflict:** Represents and warrants that no employee, official, or member of SETRPC is or will be pecuniary benefited directly or indirectly in this Contract.
- 6) **Non-Inducement:** The undersigned hereby certifies that neither the firm nor any of its employees, representatives, or agents have offered or given gratuities (in the form of entertainment, gifts, or otherwise) to any director, officer, or employee of SETRPC with the view toward securing favorable treatment in the awarding, amending, or the making of any determination with respect to the performance of this Contract.
- 7) **Debarment and Suspension Certification:** Certifies that it is not included on the U.S. Comptroller General's Consolidated List of Persons or Firms currently debarred for violations of various contracts incorporating labor standards and provisions, and from Federal programs under DOT regulations 2CFR Parts 180 and 1200, or under the FAR at 48 CFR Chapter 1, Part 9.4.
- 8) **Integrity and Ethics:** Has a satisfactory record of integrity and business ethics in compliance with 49 U.S.C. Section 5325(j)(2)(A).
- 9) **Public Policy:** Is in compliance with the public policies of the Federal Government, as required by 49 U.S.C. Section 5235(j)(2)(B).
- 10) **Administrative and Technical Capacity:** Has the necessary organization, experience, accounting, and operational controls, and technical skills, or the ability to obtain them, in compliance with 49 U.S.C. Section 5325(j)(2)(D).
- 11) **Licensing and Taxes:** Is in compliance with applicable licensing and tax laws and regulations.
- 12) **Financial Resources:** Has, or can obtain, sufficient financial resources to perform the contract, as required by 49 U.S.C. Section 5325 (j)(2)(D).
- 13) **Production Capability:** Has, or can obtain, the necessary production, construction, and technical equipment and facilities.

- 14) Timeliness: Is able to comply with the required delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments.
- 15) Performance Record: Is able to provide a satisfactory current and past performance record.

Signature of Authorized Representative

Printed/Typed Name of Authorized Representative

Title of Authorized Representative

Date

Attachment 6

CERTIFICATION REQUIRED BY TEXAS FAMILY CODE §231.006

Pursuant to Texas Family Code §231.006 (relating to delinquent child support), Contractor hereby certifies that it is not ineligible to receive the specified grant, loan, or payment and acknowledges that this Contract will be terminated and payment will be withheld if this certification is found to be inaccurate. Under Tex. Fam. Code § 231.006(c), responses must include names and Social Security Numbers of each person with at least 25% ownership of the business entity submitting the response or entering into the contract. If any person meets the 25% ownership criteria, failure to provide the required information will result in disqualification of the solicitation. Vendors and contractors meeting the criteria must complete the following .

Name	Social Security Number

Printed Contractor Name: _____

Signed by: _____

Printed Name/Title: _____

Dated: _____

Attachment 7

CERTIFICATION REQUIRED BY TEXAS GOVERNMENT CODE §2276.002

State law requires certification from a Company for contracts involving goods or services: (1) between a government entity and a Company with 10 or more full-time employees, and (2) has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

The following definitions apply to this state statute:

1. "Boycott energy company" means, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company:
 - (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or
 - (B) does business with a company described by Paragraph (A).
2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.

1. By signing below, Company hereby certifies the following:

- (A) does not boycott energy companies; and
- (B) will not boycott energy companies during the term of the contract.

Printed Company Name: _____

Signed by: _____

Printed Name/Title: _____

Dated: _____

OR

2. Alternatively, by signing below, Company hereby certifies that Section 2276.002 does not apply to this contract due to the following (check all that apply):

- Company has fewer than 10 full-time employees; or
- Contract value is for less than \$100,000.00.

Printed Company Name: _____

Signed by: _____

Printed Name/Title: _____

Dated: _____

Attachment 8

CERTIFICATIONS REQUIRED BY TEXAS LAW

By signing below, Contractor hereby certifies that:

1. Texas Government Code Chapter 552, Subchapter J may apply to this solicitation or contract and agrees that the contract may be terminated if Contractor knowingly or intentionally fails to comply with a requirement of that subchapter.
2. Pursuant to Texas Government Code Section 2252.152, it does not engage in business with Iran, Sudan, or foreign terrorist organizations.
3. It is not identified on a list of companies known to have contracts with or provide supplies or services to a foreign terrorist organization prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.
4. It is not ineligible to receive or enter into the contract pursuant to the provisions of the Texas Health and Safety Code Section 161.0085.

Printed Company Name: _____
Signed by: _____
Printed Name/Title: _____
Dated: _____

Attachment 9

CERTIFICATION REQUIRED BY TEXAS GOVERNMENT CODE §2271.002

State law requires certification from a Company for contracts involving goods or services: (1) between a government entity and a Company with 10 or more full-time employees, and (2) has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

The following definitions apply to this state statute:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and
2. "Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit.

1. By signing below, Company hereby certifies the following:

- A. Company does not boycott Israel; and
- B. Company will not boycott Israel during the term of the contract.

Printed Company Name: _____

Signed by: _____

Printed Name/Title: _____

Dated: _____

OR

2. Alternatively, by signing below, Company hereby certifies that Section 2271.002 does not apply to this contract due to the following (check all that apply):

- Company is a sole proprietor; or
- Company has fewer than 10 full-time employees; or
- Contract value is for less than \$100,000.00.

Printed Company Name: _____

Signed by: _____

Printed Name/Title: _____

Dated: _____

Attachment 10

CERTIFICATION REQUIRED BY TEXAS GOVERNMENT CODE §2274.002

State law requires certification from a Company for contracts involving goods or services: (1) between a government entity and a Company with 10 or more full-time employees, and (2) has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

The following definitions apply to this state statute:

1. “Discriminate against a firearm entity or firearm trade association”:
 - (A) means, with respect to the entity or association, to:
 - (i) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association;
 - (ii) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or
 - (iii) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; and
 - (B) does not include:
 - (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and
 - (ii) a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship:
 - (aa) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or
 - (bb) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity’s or association’s status as a firearm entity or firearm trade association.
2. “Company” means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or associations that exists to make a profit. The term does not include a sole proprietorship.

1. By signing below, Company hereby certifies the following:

- (A) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and
- (B) will not discriminate during the term of the contract against a firearm entity or firearm trade association.

Printed Company Name: _____
Signed by: _____
Printed Name/Title: _____
Dated: _____

OR

2. Alternatively, by signing below, Company hereby certifies that Section 2274.002 does not apply to this contract due to the following (check all that apply):

- Company is a sole proprietor; or
- Company has fewer than 10 full-time employees; or
- Contract value is for less than \$100,000.00.

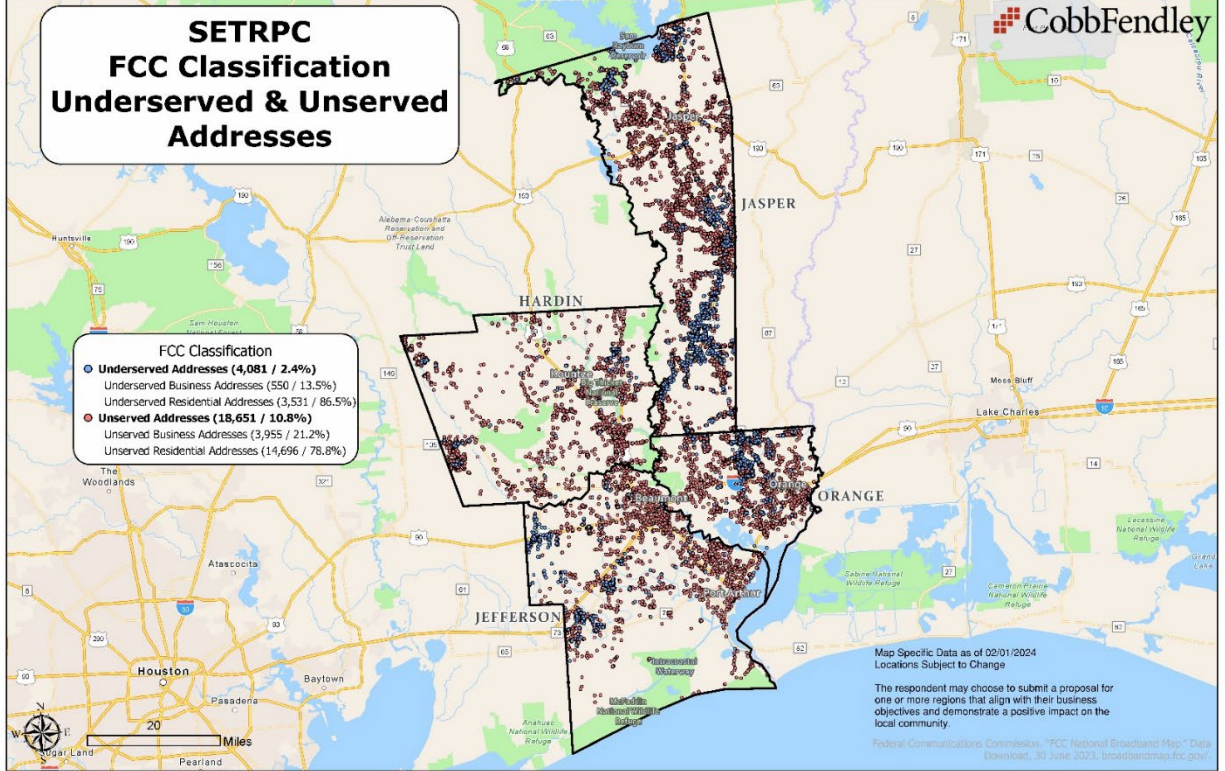
Printed Company Name: _____
Signed by: _____
Printed Name/Title: _____
Dated: _____

Appendix A

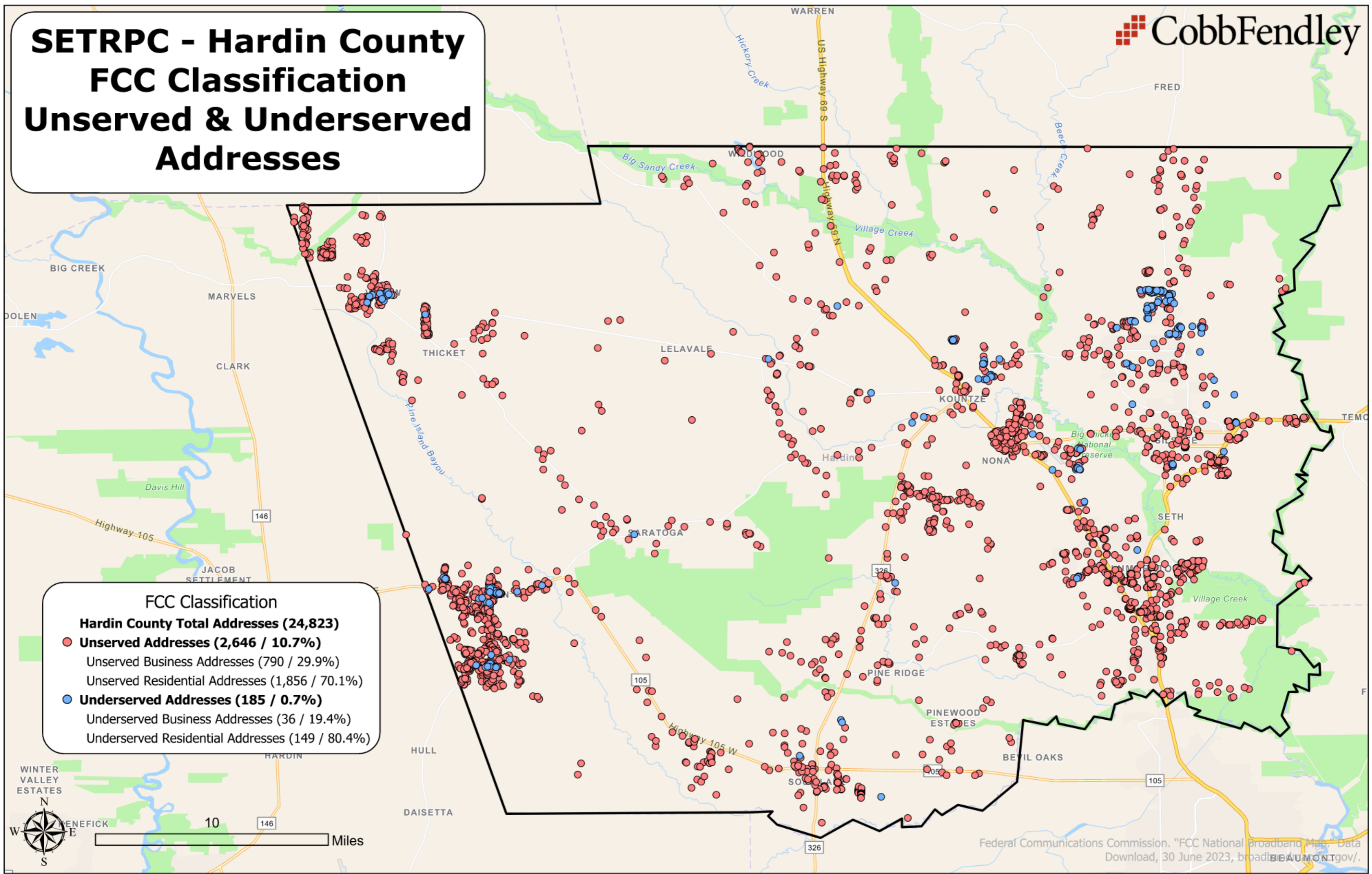
Map of Underserved and Unserved Locations

SETRPC FCC Classification Underserved & Unserved Addresses

- FCC Classification**
- **Underserved Addresses (4,081 / 2.4%)**
 - Underserved Business Addresses (550 / 13.5%)
 - Underserved Residential Addresses (3,531 / 86.5%)
 - **Unserved Addresses (18,651 / 10.8%)**
 - Unserved Business Addresses (3,955 / 21.2%)
 - Unserved Residential Addresses (14,696 / 78.8%)



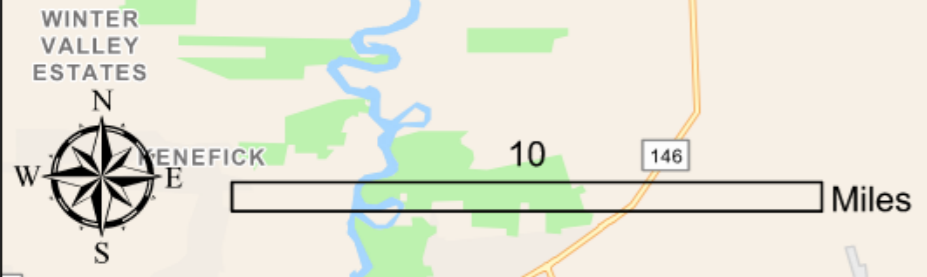
SETRPC - Hardin County FCC Classification Unserved & Underserved Addresses



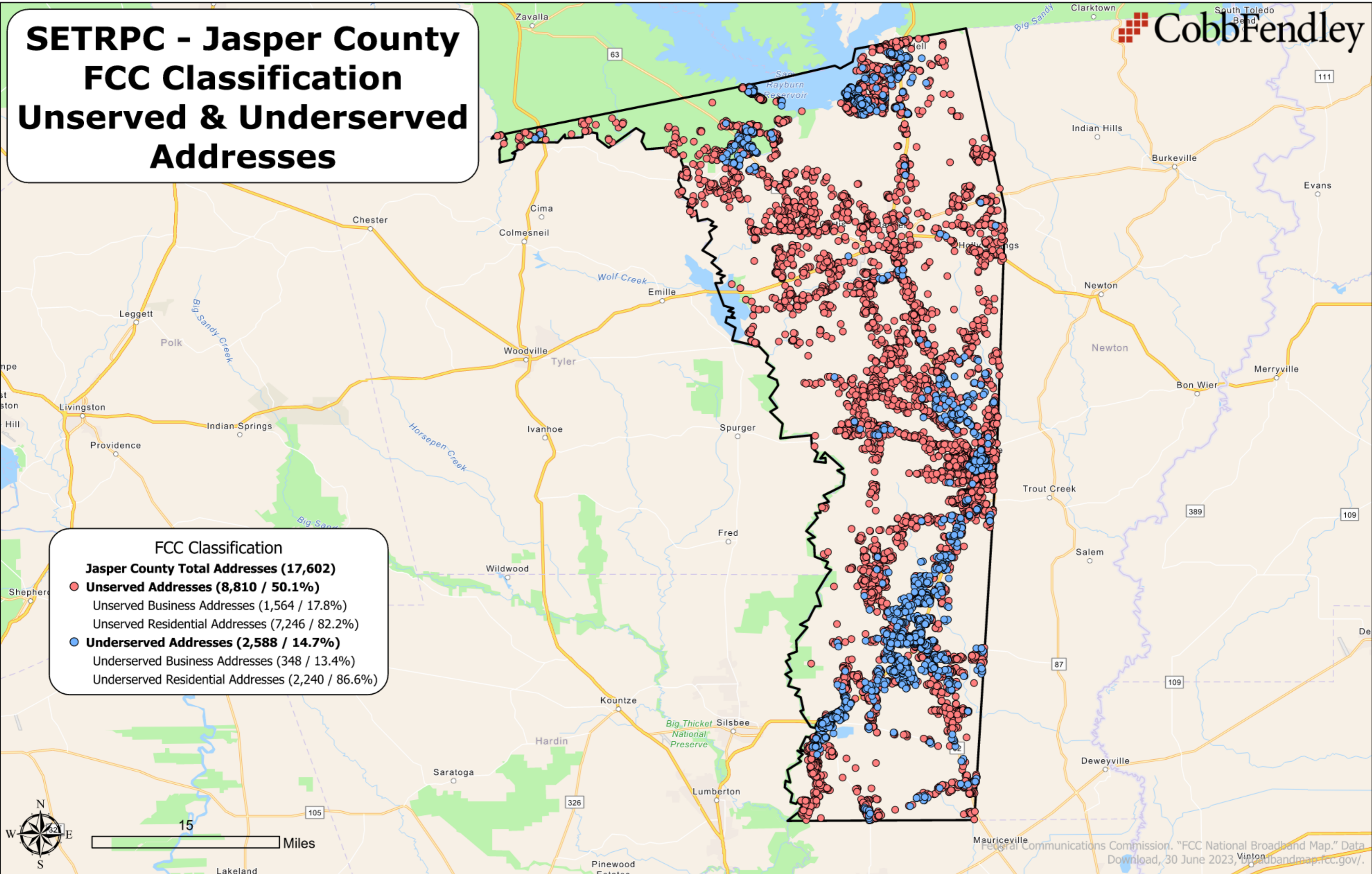
FCC Classification

Hardin County Total Addresses (24,823)

- **Unserved Addresses (2,646 / 10.7%)**
 Unserved Business Addresses (790 / 29.9%)
 Unserved Residential Addresses (1,856 / 70.1%)
- **Underserved Addresses (185 / 0.7%)**
 Underserved Business Addresses (36 / 19.4%)
 Underserved Residential Addresses (149 / 80.4%)



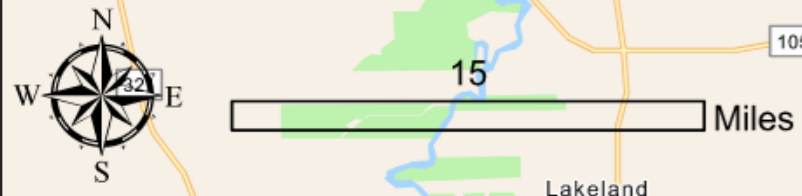
SETRPC - Jasper County FCC Classification Unserved & Underserved Addresses



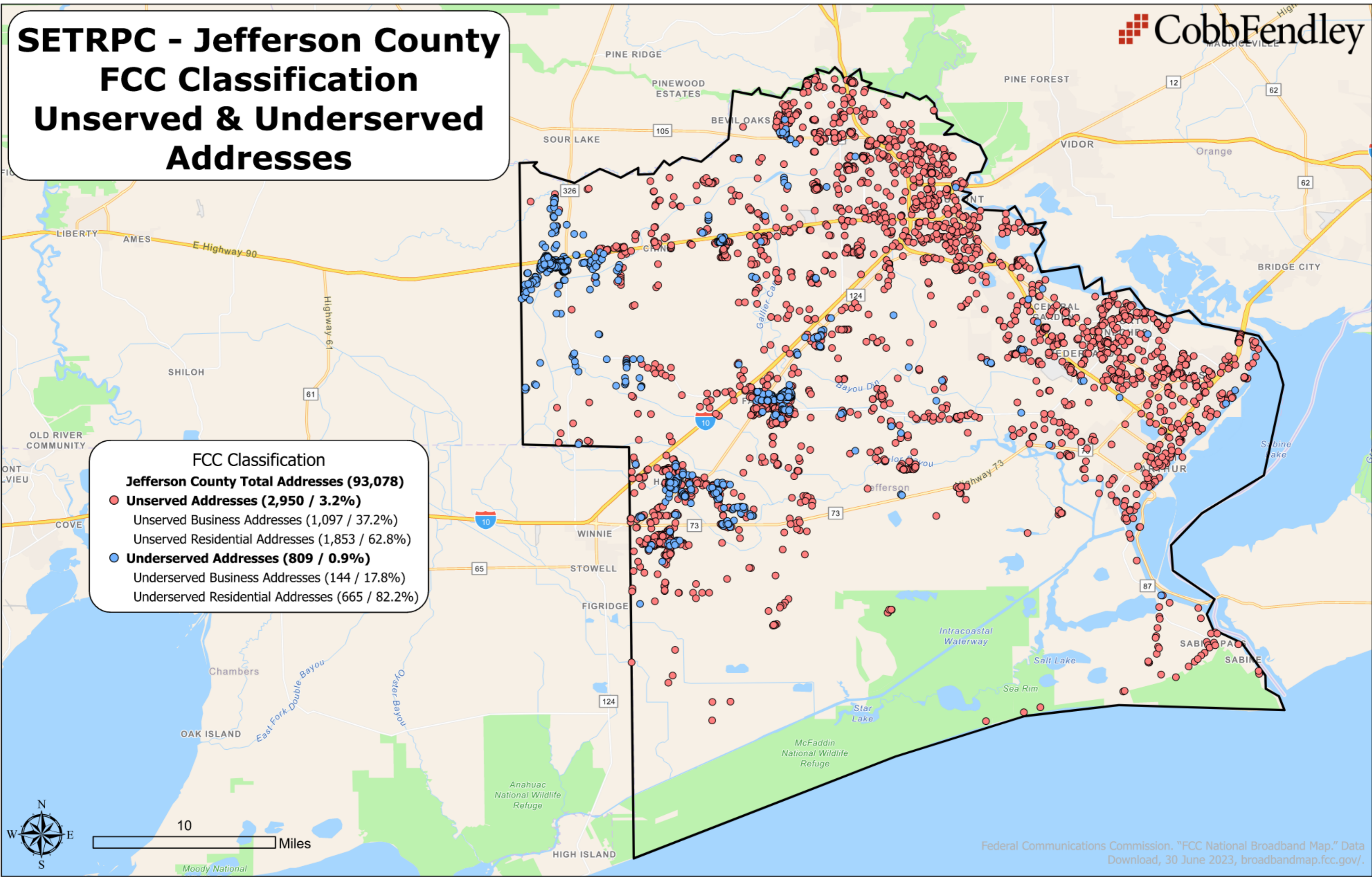
FCC Classification

Jasper County Total Addresses (17,602)

- **Unserved Addresses (8,810 / 50.1%)**
 - Unserved Business Addresses (1,564 / 17.8%)
 - Unserved Residential Addresses (7,246 / 82.2%)
- **Underserved Addresses (2,588 / 14.7%)**
 - Underserved Business Addresses (348 / 13.4%)
 - Underserved Residential Addresses (2,240 / 86.6%)



SETRPC - Jefferson County FCC Classification Unserved & Underserved Addresses



FCC Classification

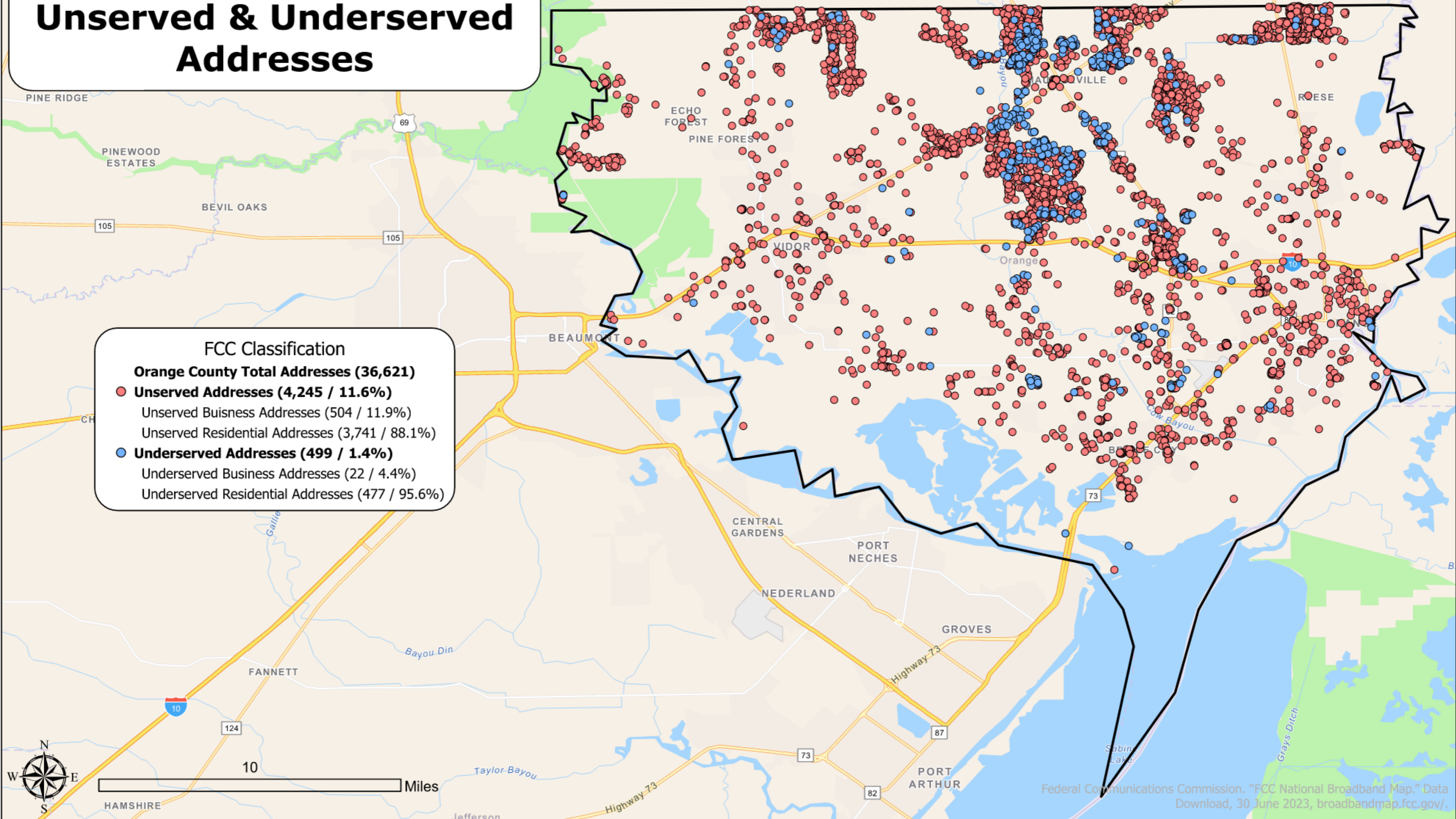
Jefferson County Total Addresses (93,078)

- **Unserved Addresses (2,950 / 3.2%)**
 - Unserved Business Addresses (1,097 / 37.2%)
 - Unserved Residential Addresses (1,853 / 62.8%)
- **Underserved Addresses (809 / 0.9%)**
 - Underserved Business Addresses (144 / 17.8%)
 - Underserved Residential Addresses (665 / 82.2%)



10 Miles

SETRPC - Orange County FCC Classification Unserved & Underserved Addresses



FCC Classification

Orange County Total Addresses (36,621)

- **Unserved Addresses (4,245 / 11.6%)**
 - Unserved Business Addresses (504 / 11.9%)
 - Unserved Residential Addresses (3,741 / 88.1%)
- **Underserved Addresses (499 / 1.4%)**
 - Underserved Business Addresses (22 / 4.4%)
 - Underserved Residential Addresses (477 / 95.6%)



10 Miles