

Deep East Texas Council of Governments & Economic Development District

AMENDED REQUEST FOR QUALIFICATIONS (RFQ)
Legal Services Related to Regional Broadband Development
RFQ Number: 2020-1
(As Amended 1/27/2020)

This amendment extends the Closing Date to Friday, February 14, 2020 and extends the Questions Deadline to Friday February 7, 2020.

DATE ISSUED: Tuesday, January 21, 2020

QUESTIONS DEADLINE: Friday February 7, 2020 at 1:00 pm CST

CLOSING DATE: Friday, February 14, 2020 @ 4:00 P.M., CST

FORMAT: One copy of requested information submitted electronically, mailed or delivered

SUBMIT TO: Deep East Texas Council of Governments
Attn: RFQ – Legal Services
By email to: Respond@DETCOG.gov
By USPS or courier service to: 1405 Kurth Drive, Lufkin TX 75904

Submittals must be received by and will be opened on the date and time specified in this RFQ as the Closing Date. Respondents may submit their proposal to the DETCOG office any time prior to the deadline. Submittals received by prior to Closing Date, whether submitted electronically or by other means, will not be reviewed prior to Closing Date.

Please submit any questions regarding this solicitation by e-mail to DETCOG at Respond@DETCOG.gov by the date and time specified in this RFP as the Questions deadline. Questions received after the deadline date and time will not be answered.

Any questions received will be posted along with DETCOG's responses on the DETCOG website at <https://www.detcog.gov/rfps-rfqs> by **1:00 pm CST on Monday February 10, 2020**. Any clarifications or interpretations to this Solicitation will be in writing and posted on the DETCOG website at <https://www.detcog.gov/rfps-rfqs> as soon as they are available. DETCOG does not assume responsibility for the receipt of answers to questions or any letters of clarification by Proposer(s). Proposers should periodically check the website for updates.

Submission of a response will constitute acknowledgement and acceptance of all the terms and conditions contained in this RFQ. Respondents, their authorized representative, and their agents are responsible for obtaining, and will be deemed to have, full knowledge of the conditions, requirements, and specifications of this RFQ at the time a response is submitted to DETCOG.

GENERAL INFORMATION

Organization Background

The Deep East Texas Council of Governments and Economic Development District (DETCOG) was organized in 1966 and is a voluntary association of Counties, cities, independent school districts, river authorities, special districts and sustaining private industry members in a 12-county region encompassing Angelina, Houston, Jasper, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity and Tyler counties. The region covers an area of 10,383

Deep East Texas Council of Governments & Economic Development District

square miles and includes approximately 385,000 citizens. DETCOG is governed by a Board of Directors composed of representatives of member local governments. All DETCOG programs are carried out under the policy direction of its Board of Directors.

Project Background

DETCOG desires to support development of a regional fiber optic-based broadband network to provide high-speed internet and data services to all 12 counties of the Deep East Texas Region. An important step in this process is creation of a non-profit entity which will manage the project, bring the necessary partners together to accomplish the goals, and oversee planning, financing, and implementation of the regional broadband network. The entity created may be a separate entity from DETCOG, with DETCOG and other partners serving as stakeholders.

Objective/Purpose

DETCOG is seeking the services of an experienced firm to provide the following services:

1. Consultation, guidance, legal services and filings required to establish a non-profit Special Purpose Entity (SPE) which will be responsible for development, financing, implementation, and management of a regional broadband network.
2. Development, or assistance in the development, of funding applications to federal or state agencies, including but not limited to the Federal Communications Commissions and USDA Rural Utilities Service.

Solicitation Schedule

EVENT	DATE
Date RFP Issued	Tuesday, January 21, 2020
Questions from Proposers due to DETCOG	Friday, February 07, 2020
Proposals Due	Friday, February 14, 2020
Contract Start Date (estimated)	Monday, March 02, 2020

Scheduled Time Frame

Our intent is to have the Special Purpose Entity (SPE) created and operating as soon as is feasible. The development of funding applications will likely occur over a period of six to 12 months (estimated) or longer. DETCOG reserves the right to extend and/or expand the scope of this contract. The SPE or DETCOG may desire the successful Respondent to provide ongoing services; however, nothing in this solicitation should be construed as a commitment or guarantee for any future services to DETCOG or the SPE beyond the initial agreement that is negotiated with the successful Respondent.

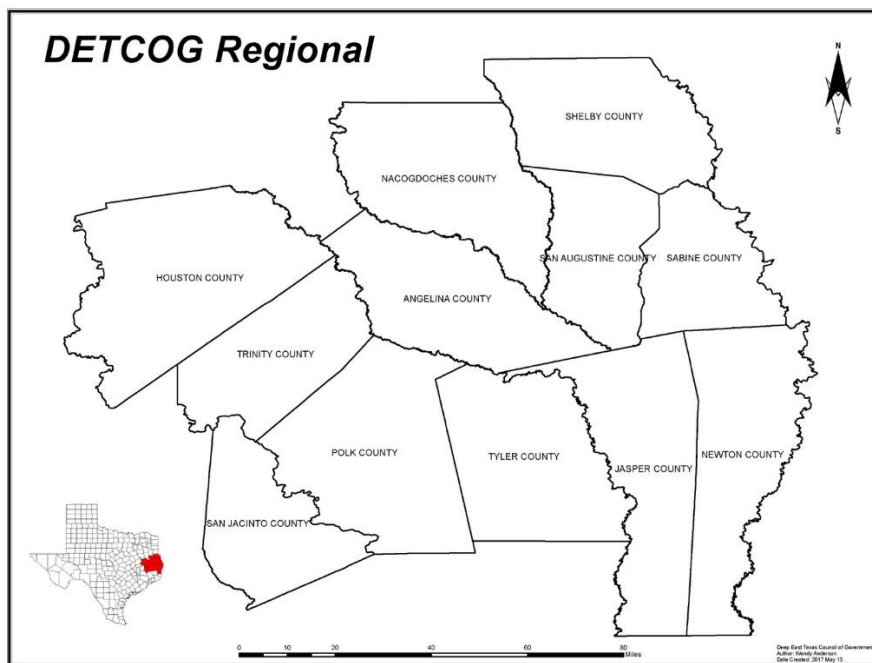
Terms and Conditions of Agreement with Successful Respondent

DETCOG reserves the right to require specific modifications to proposals which may be required by DETCOG policies, requirements of this Request, or any Federal or State laws or regulations.

Broadband Vision Statement

The vision of the DETCOG is to provide a world-class telecommunication infrastructure to our region for the 21st century and beyond, facilitated by new access to the public's local telecommunications assets. Broadband is a critical service for quality of life and economic development. Every home, business, nonprofit organization, government entity, and education institution should have the opportunity to connect affordably, easily and securely. Broadband services will be shaped by the values of the community. The DETCOG intends to empower its citizens and local businesses to be network economy producers, not just consumers of network information and data services. This requires access to gigabit-class broadband infrastructure to support these needed services and capabilities. DETCOG is looking for innovative solutions that will provide a cost-effective and rigorous path forward to present value to potential stakeholders, and to the region as a whole. Consideration that the region is rural and funding is limited is a priority to incorporate into development of the infrastructure.

DETCOG Service Area



Regional Statistics Information

- 12 Counties
- 43 Cities (includes utilities-electric/water/gas)
- Population = approximately 385,000 (132,906 homes / 6395 businesses)
- 15 Public Safety Access Points (PSAPs) in the Regional 9-1-1 Network
- 24 Police Departments
- 22 Other Dispatch Centers (not 9-1-1 PSAPs)
- 50 public school districts with 150+ campuses
- 11 Hospitals
- 30+ Additional Healthcare Organizations/Facilities
- 4 G&T Electric Cooperatives, 6 Distribution Electric Utilities
- 2 Higher Education Institutions (13 locations including extension campuses)

SCOPE OF WORK

The firm selected will be expected to:

- a. Provide detailed, actionable guidance and legal services required for the planning and creation of a nonprofit Special Purpose Entity (SPE) which will be responsible for development, financing, implementation, and management of a regional broadband network to serve the 12-county Deep East Texas Region.
 - 1) The SPE should be designed to allow an opportunity for participation by key stakeholders which are vital to the success of the regional broadband project.
 - 2) The SPE should have the flexibility to adapt as necessary to future changes.
- b. Provide guidance, assistance, and services related to the development of funding applications to federal or state agencies including but not limited to the Federal Communications Commissions and USDA Rural Utilities Service.

SELECTION PROCESS

Selection of the firm will be made by the DETCOG Board of Directors or Executive Committee following the proposal-interview process. The Board of Directors or Executive Committee may rely on one or more DETCOG advisory committees, an ad hoc evaluation team, and/or DETCOG staff to review proposals received, conduct interviews and make recommendations.

From a review of the statements of qualification received, DETCOG intends to evaluate the proposals and invite one or more firms to be interviewed before making a final selection of a firm. DETCOG will notify firms of the date and time of the interview which may be conducted in person or by telephone. DETCOG reserves the right to make a selection based solely on statements of qualifications received. DETCOG will negotiate on fee and contract conditions with the selected respondent whose selection was based on qualifications. If in the sole discretion of DETCOG a reasonable fee cannot be achieved with the respondent of choice, negotiations will proceed with the second most-qualified respondent and continue the process until a mutually agreed contract can be negotiated with a qualified respondent.

EVALUATION CRITERIA

The criteria used to evaluate the RFQ responses will include, but not be limited to, the following (items listed below are not listed in order of importance):

- a. Qualifications of firm, specifically as they relate to this Project.
- b. Related project experience of the firm(s) and the individuals who would be assigned to this Project.
- c. Available resources to complete Project.
- d. Responsiveness to the RFQ.

ADDITIONAL INFORMATION, INSTRUCTIONS AND NOTIFICATIONS

No Gratuities – Respondents will not offer any gratuities, favors, or anything of monetary value to any official or employee of DETCOG for the purpose of influencing this selection. Any attempt by a Respondent to influence the selection process by any means other than disclosure of qualifications and credentials through the proper channels, will be grounds for exclusion from the selection process.

All Information True – By submitting a response, Respondents represent and warrant that all information provided is true, correct and complete. Respondents who provide false, misleading or incomplete information, whether intentional or not, may be excluded.

Deep East Texas Council of Governments & Economic Development District

Interviews – After the initial evaluation of the statements of qualifications, Respondents may be asked to participate in subsequent interviews which will most likely focus not only on the Respondent’s approach, but on an appraisal of the persons who would be directly involved in the Project. Respondents may be asked to make a presentation to the DETCOG Executive Committee, an advisory committee or evaluation team, or staff.

Cost of Responses – DETCOG will not be responsible for the costs incurred by anyone in the submittal of responses.

Contract Negotiations – This RFQ is not a contract or a commitment of any kind. If this RFQ results in a contract offer by DETCOG, the specific scope of work, associated fees, and other contractual matters will be determined during contract negotiations.

No Obligation – DETCOG reserves the right to evaluate the responses submitted, waive any irregularities therein, select candidates for the submittal of more detailed or alternate proposals, accept any submittal or portion of submittal, reject any or all Respondents submitting responses, or cancel the entire process if, at the sole discretion of DETCOG, it is deemed in DETCOG’s best interest to do so.

INSTRUCTIONS FOR SUBMITTAL

Number of Copies - Please submit one (1) copy of the Proposal. The submission may be by email, U.S. Postal Service, other courier service, or hand delivery. The Proposal should be labeled and submitted to:

Deep East Texas Council of Governments
Attn: RFQ – Legal Services

(Address for submitting by email)

Respond@DETCOG.gov

(Address for submitting by USPS, hand delivery* or courier service)

1405 Kurth Drive
Lufkin TX 75904

*DETCOG offices are open Monday through Friday, 8:30 A.M. to 12:00 NOON
and 1:00 P.M. to 4:30 P.M., CST.

DETCOG shall bear no responsibility for submitting Responses on behalf of any Proposer. Proposer(s) may submit their proposal to DETCOG any time prior to the stated deadline.

Submission of proposal will constitute acknowledgement and acceptance of all the terms and conditions contained within this RFQ.

Proposers, their authorized representatives, and their agents are responsible for obtaining, and will be deemed to have, full knowledge of the conditions, requirements, and specifications of this RFQ at the time a Response is submitted to DETCOG.

Time for Submission- Responses must be submitted no later than the date and time indicated for submission in the RFQ. Late submittals will not be considered and will be returned.

Complete Submission- Respondents are advised to carefully review all the requirements and submit all documents and information as indicated in this RFQ. Incomplete proposals may lead to a proposal being deemed non-responsive. Non-responsive proposals will not be considered.

CONTENT OF SUBMITTAL

Proposals must include the information described below. Staff resumes and any additional forms should be included as an appendix to the submittal and do not count towards any section page limits noted below.

Respondent is required to complete and submit the following information with the submitted proposal.	
Legal Name of Entity/Individual Filed with IRS for this Tax ID NO.:	
Doing Business As (DBA) Name:	
Company Mailing Address:	
City, State, Zip Code:	
Billing Address (if different from company address):	
Tax I.D. Number (EIN):	DUNS # (if applicable):
Contact Person:	Phone Number:
Email Address:	
Name of the person authorized to bind your company to any contract/purchase order that may result from this Solicitation:	
Name:	Title:
Email Address:	

A. Firm Information and History

- Location/addresses of all firm offices.
- Structure of firm, i.e., sole proprietorship, partnership, corporation, and size of firm.
- Brief history of the firm.
- Name of principals in firm.
- Description of firm's philosophy (no more than half page).

B. Qualifications

- Brief summary of related work the firm has provided in the past 5 to 10 years.
 - Creation of, or legal services provided to, entities engaged in broadband initiatives.
 - Experience in providing services to potential DETCOG partners including rural electric cooperatives and other public or private entities which could play a part in the development of a regional broadband network.

- Experience dealing with potential broadband funding partners including but not limited to the Federal Communications Commission, USDA Rural Utilities Service, U.S. Economic Development Administration, and other public and private sources of funding.
- Bios or resumes of persons to be assigned to this project with their prospective roles identified.

C. Additional Information (optional)

- Any additional or supplemental information which you feel pertinent to this RFQ. This section is not required and, if included, should be limited to no more than five (5) pages.

D. Fee Schedule

- Please provide a proposed hourly billing rate and/or fee schedule. If possible, provide an estimated amount or range of amounts that might reasonably be expected to be incurred for Objective 1: *“Consultation, guidance, legal services and filings required to establish a non-profit Special Purpose Entity (SPE) which will be responsible for development, financing, implementation, and management of a regional broadband network.”*

Please clearly mark “Confidential/Proprietary” any information that you seek to protect from public disclosure under the Texas Public Information Act. DETCOG cannot assure any respondent that information that is marked Confidential/Proprietary will remain private; however, in the event of a request for such information under the Public Information Act, DETCOG will timely notify you in writing of the request and you will be afforded the right to submit a briefing to the Texas Attorney General.

DETCOG reserves the right to accept or reject any or all proposals submitted. DETCOG reserves the right, in its sole judgment and discretion, to waive minor technicalities and errors in the best interests of the agency. DETCOG is under no legal requirement to execute a contract and intends that the material herein as a general description of the services desired.