



Request for Information

Seeking responses from broadband network operators (“Respondents”) to operate, manage, and market, maintain, retail broadband services to the communities served by the CUD.

Who Can Submit: Residential ISPs

Respond By: December 9, 2022 @ 3pm (EST)

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Overview

Northwest Fiberworx, a Vermont CUD, is issuing this Request for Interest to Internet Service Providers that may be interested in licensing access and serving as a tenant on its planned Fiber to the Premise (FTTP) network. The network will be built by Northwest Fiberworx (CUD) and will be maintained by the CUD or a third party acting on its behalf. The CUD is looking for responses from broadband network operators (“Respondents”) to operate, manage, and market, maintain, retail broadband services to the communities served by the CUD.

The CUD’s objectives include:

- Develop a Technology Platform based on Fiber to the Premise (FTTP) that allows for Open Access to services.
- Partner with tenant(s) to provide up to gigabit broadband speeds and services that are offered at an affordable rate.
- Promote robust broadband access for essential state and local governmental services including, without limitation, public safety, health and education.
- Provide reliable service levels during all conditions for Telehealth, Telework, and Telelearning in our community.
- Accelerate the timeline for access to internet services focusing on the unserved.

Anticipated Tenant Commitments and Responsibilities

Tenants will:

- be responsible for marketing, provisioning, managing, and supporting broadband services.
- comply with all regulatory requirements, applicable laws, and standards.
- pay the CUD an agreed upon a per-passing rate.
- participate in the Affordable Connectivity Program.
- provide universal service, providing access to the internet for all eligible demand points in the CUD’s territory.
- adhere to agreed upon customer service and support service level agreements.
- work with the CUD to offer affordable service without onerous price increases.
- be financially responsible for drop costs to residents and business not defined as underserved or unserved by the VCBB.
- adhere to an agreed upon timeline for drops to be connected once service is ordered.
- adhere to an agreed upon Privacy and User Data policies.
- provide detailed and comprehensive cyber security mitigation and recovery plans.
- carry appropriate insurances that also covers any and all subcontractors
- be responsible for all maintenance, repair, and restoration of ISP owned equipment



- communicate and integrate with the CUD's network operations center (NOC) and develop a coordinated ticketing system to identify outages that are the responsibility of the CUD
- be in full compliance with all applicable federal (FCC, FTC and other agencies), state, and local laws.

Ideally, tenants would:

- be located in and provide support from the region.
- secure right-of-entry agreements on behalf of the CUD.
- participate in regional workforce development programs.

Anticipated Agreement Terms

- The agreement will be nonexclusive, meaning additional ISPs may join the network in part or in whole. An anchor tenants will enjoy pricing benefits and would expect partial reimbursement for the expense for providing drops to subscribers that are defined as underserved or unserved by the VCBB.
- The CUD has partitioned the territory into 21 distribution areas. It is expected that an anchor tenant will offer service to every CUD demand point. Any additional tenants that wish to offer service to any location in a given distribution area, must offer service to every location in that distribution area.
- The CUD will seek agreements of 10, 20, or 30 years. Preference for longer terms.
- The CUD and tenants will participate in mutual quarterly audit rights.
- In the event of a default, the CUD will maintain the right to participate in taking over services.
- Transfer of tenant ownership of CUD subscribers requires review and approval by the CUD.

About the network

The network is anticipated to stretch more than 1,400 miles and pass by more than 28,000 potential broadband subscribers. The territory has been broken up into 21 distribution areas that will be connected by two middle mile rings. It is anticipated that each area will be served from a single OLT cabinet. The CUD has created a sequencing schedule and plans on completing construction within three years. It will build a distributed split architecture and be provide dedicated port access to every demand point via a pre-terminated terminal.

The CUD will be accountable for building all middle mile and distribution fiber. It will also be financially responsible for all drops to homes deemed eligible by the VCBB.

Fiber sizing will support XGS-PON speeds and services and include additional capacity for CUD, state, and enterprise level services.

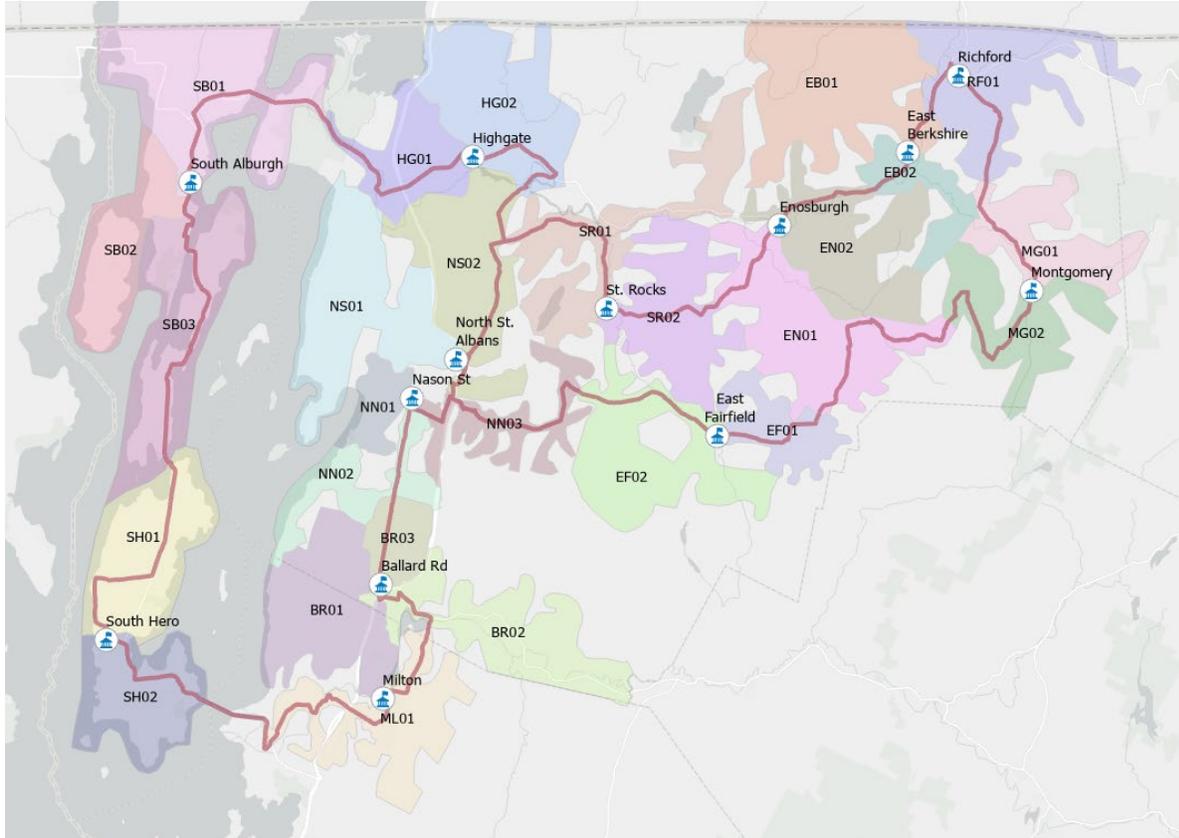


Figure 1 Anticipated Northwest Fiberworx Rings and Distribution Areas

Response instructions

Please provide the following:

1. *Executive Summary*
This should include company history, a current organization summary, number of employees, and high-level description of a proposed technical, financial, and operational approach to serving as a tenant for the CUD.
2. *Organizational Chart*
Include background on key personnel
3. *Operational Experience*
This should include:
 - a. services provided and how those services are offered and supported.
 - b. how any existing operational structure may be used to support CUD subscribers and/or how Respondents would augment existing operations if needed.
 - c. how the ISP would manage any third parties it would intend to use.



- d. a description of the NOC and customer service center, including internal and/or contracted resources as well as hours of operation and any other helpful metrics.
4. *Marketing Expertise and Experience*
Respondents shall provide a description of its sales and marketing resources and experience in selling residential and businesses services, including methods and tools used and any success stories.
5. *Compliance*
Include resources and processes that ensure compliance with state and federal regulatory requirements.

Communications/Contact

Correspondence regarding the Request for Information should be directed to email at

RFP@NWCUD.COM - Responses should not be sent by U.S. Mail.

Questions and Pre-submittal

- Respondents should make their interest known by **December 2, 2022**.
- Questions regarding the Request for Information should be submitted by email to the address above on or before end of day **December 2, 2022**.
- Responses to any questions will be sent all interested parties and posted on **December 5, 2022**.

Submission Deadline

Request for Information submission are due no later than **December 9, 2022 @ 3pm (EST)**.

Selection Process:

NWFX will review all submissions for consideration and further engagement. Meeting requests will be sent to meet with the NWFX leadership team to discuss NWFX technical and financial requirements. NWFX seeks to be actively engaged in network tenant contract negotiations by **December 31, 2022**.

Respondents that are not selected for further consideration will be notified by email to the address provided in the Request for Information response.

NWFX reserves the right to accept or reject any or all the responses received. A response to this Request for Information does not commit NWFX to paying any costs incurred in the preparation of proposals. All costs associated with responding to this Request for Information are the exclusive responsibility of the respondent. NWFX reserve the right to modify terms, specifications, and quantities prior to entering into a definitive agreement. NWFX's decision to enter contract negotiations with one or more respondents does not constitute a binding agreement with the respondent. A binding agreement will only be created once final terms are agreed to and NWFX and Respondent(s) enter into a definitive Agreement.



Confidentiality and non-disclosure

This solicitation contains confidential and proprietary information. The respondent may not disclose to anyone—other than the respondent’s employees, officers, and other authorized parties directly connected to responding to this solicitation—any information concerning or contained within this solicitation without the express written consent of the Administrator of the CUD. No news release, public announcement, or any other reference to this solicitation will be made without the express written consent of Executive Director. Reproduction of this Request for Information by photographic, xerographic, electronic, or other means is prohibited except for the purpose of preparing a response for submission to the CUD. All information received from respondents will be kept confidential except for questions received through the process described above. Respondents must understand and

acknowledge that Communications Union Districts are municipal bodies as defined by Title 30: Public Service Chapter 82 of Vermont Law. As such, The CUD is required to comply with the Vermont Open Meeting Law and Public Records Act.

Transparency is an essential element of open and democratic government. In Vermont, the primary means of providing transparency are the State’s open meeting law, 1 V.S.A. §§ 310-314, and the public records law, 1 V.S.A. §§ 315-320. These laws implement the command of Chapter I, Article 6 of the Vermont Constitution that officers of government are “trustees and servants” of the people and are “at all times, in a legal way, accountable to them.” The Open Meeting Law clearly emphasizes the openness of and accessibility to government. It declares that “All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title [on executive sessions].” 1 V.S.A. § 312(a). The Open Meeting Law and its requirements are meant to empower the public to play an effective role as not only an active participant in government but also a check on it as well.

The CUD has a standard Non-Disclosure Agreement that details the procedure for identifying and protecting business trade secrets in accordance with these laws that are available upon request.