



**RFP No. CABLE001**

**PROFESSIONAL, TECHNICAL AND EXPERT SERVICES**

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**City of Portland, Oregon**

**REQUEST FOR PROPOSALS**

**Consultant to assist with  
developing a Request for Interest (RFI)  
for Private Sector Partnerships  
for  
FIBER-TO-THE-PREMISES (FTTP) SYSTEM  
for  
CITY of PORTLAND, OREGON**

**PROPOSALS DUE: May 19, 2008 by 4:00 p.m.**

**Envelope(s) shall be sealed and marked with RFP # and Project Title.**

**Submit one (1) original and ten (10) complete copies and 10 CD/DVDs of the Proposal to:**

City of Portland  
Office of Cable Communications & Franchise Management  
1120 SW Fifth Ave, Room 1305  
Portland, OR 97204

**Refer questions to:**

David Olson  
Phone: (503) 823-5290  
Fax: (503) 823-5370  
Email: [davido@ci.portland.or.us](mailto:davido@ci.portland.or.us)

## GENERAL INSTRUCTIONS AND CONDITIONS

**DIVERSITY IN EMPLOYMENT AND CONTRACTING REQUIREMENTS** – The City of Portland seeks to extend contracting opportunities to Minority Business Enterprises, Women Business Enterprises and Emerging Small Businesses (M/W/ESBs) in order to promote their economic growth and to provide additional competition for City contracts. Therefore, the City has established an overall 20% utilization goal in awarding PTE contracts to ESBs. No goal is set for the use of M/WBE firms, but the City is committed to ensuring that such firms receive opportunities and equal consideration to be awarded City PTE contracts.

**ENVIRONMENTALLY PREFERABLE PROCUREMENT** - In accordance with the City's Sustainable City Principles and the City's Sustainable Procurement Strategy, it is the policy of the City of Portland to encourage the use of products or services that help to minimize the human health and environmental impacts of City operations. Therefore, proposers are encouraged to incorporate environmentally preferable products or services into their responses wherever possible. "Environmentally preferable" means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service. To view the above City policies go to [www.portlandonline.com](http://www.portlandonline.com) and navigate to "Charter, Code & Policies Documents".

**INVESTIGATION**- The proposer shall make all investigations necessary to inform it regarding the service(s) to be performed under this request for proposal.

**SPECIAL CONDITIONS** - Where special conditions are written in the Request for Proposal, these special conditions shall take precedence over any conditions listed under the Professional, Technical and Expert Service "General Instructions and Conditions".

**CLARIFICATION OF REQUEST FOR PROPOSAL**- Proposers who request a clarification of the RFP requirements must submit questions in writing to the person(s) shown in the REFER QUESTIONS TO section on the cover of this RFP, or present them verbally at a scheduled pre-submittal conference, if one has been scheduled. The City must receive written questions no later than the date stated herein. The City will issue a response in the form of an addendum to the RFP if a substantive clarification is in order.

Oral instructions or information concerning the request for proposal given out by Bureau or Office managers, employees or agents to prospective proposers shall not bind the City.

**ADDENDUM** – Any change to this RFP shall be made by written addendum issued no later than 72 hours prior to the proposal due date. The City is not responsible for any explanation, clarification or approval made or given in any manner except by addendum.

**COST OF PROPOSAL**- This Request for Proposal does not commit the City to pay any costs incurred by any proposer in the submission of a proposal or in making necessary studies or designs for the preparation thereof, or for procuring or contracting for the services to be furnished under the request for proposal.

**CANCELLATION** – The City reserves the right to modify, revise or cancel this RFP. Receipt and evaluation of proposals or the completion of interviews do not obligate the City to award a contract.

**LATE PROPOSALS**- Proposals received after the scheduled closing time for filing will be returned to the proposer unopened.

**REJECTION OF PROPOSALS**- The City reserves the right to reject any or all responses to the Request for Proposal if found in the City's

best interest to do so. In the City's discretion, litigation between the City and a proposer shall be cause for proposal rejection, regardless of when that litigation comes to the City's attention and regardless how the consultant's proposal may have been scored. Proposals may also be rejected if they use subcontractors or subconsultants who are involved in litigation with the City. Proposers concerned about possible rejection on this basis should contact the City before submission of a proposal for a preliminary determination of whether its proposal will be rejected.

**CITY OF PORTLAND BUSINESS LICENSE** - Successful consultant shall obtain a current City of Portland Business License prior to initiation of contract and commencement of the work.

**WORKERS' COMPENSATION INSURANCE** – the successful consultant shall be covered by Workers' Compensation Insurance or shall provide evidence that State law does not require such coverage.

**CERTIFICATION AS AN EEO AFFIRMATIVE ACTION EMPLOYER**- Proposers must be certified as Equal Employment Opportunity Affirmative Action Employers as prescribed by Chapter 3.100 of the Code of the City of Portland. The required documentation must be filed with the Bureau of Purchases, City of Portland, prior to contract execution.

**EQUAL BENEFITS PROGRAM** – Proposers must provide benefits to their employees with domestic partners equivalent to those provided to employees with spouses as prescribed by Chapter 3.100 of the Code of the City of Portland. The required documentation must be filed with the Bureau of Purchases, City of Portland, prior to contract execution.

**CONFLICT OF INTEREST** - A proposer filing a proposal thereby certifies that no officer, agent or employee of the City who has a pecuniary interest in this request for proposal has participated in the contract negotiations on the part of the City, that the proposal is made in good faith without fraud, collusion or connection of any kind with any other proposer of the same call for proposals, and that the proposer is competing solely in its own behalf without connection with or obligation to, any undisclosed person or firm.

**CONFIDENTIALITY** – All information submitted by proposers shall be public record and subject to disclosure pursuant to the Oregon Public Records Act (ORS 192.410 et seq.), except such portions of the proposals for which proposer requests exception from disclosure consistent with Oregon Law. Any portion of a proposal that the proposer claims constitutes a "trade secret" or is "confidential" must meet the requirements of ORS 192.501(2) and ORS 192.502(4). If the entire proposal is marked as constituting a "trade secret" or being "confidential," at the City's sole discretion, such a proposal may be rejected as non-responsive.

If a request to inspect the proposal is made, the City will notify the proposer of the request. If the City refuses to release the records, the proposer agrees to provide information sufficient to sustain its position to the District Attorney of Multnomah County, who currently considers such appeals. If the District Attorney orders that the records be disclosed, the City will notify the proposer in order for the proposer to take all appropriate legal action. The proposer further agrees to hold harmless, defend and indemnify the City for all costs, expenses and attorney fees that may be imposed on the City as a result of appealing any decision regarding the proposer's records.

The Purchasing Agent has the authority to waive minor irregularities and discrepancies that will not affect the competitiveness or fairness of the solicitation and selection process.

**These Professional, Technical and Expert Services Request for Proposal "General Terms and Conditions" are not to be construed as exclusive remedies or as a limitation upon rights or remedies that may be or may become available under ORS Chapter 279.**

# PART I

# CONTRACT REQUIREMENTS

## SECTION A

## GENERAL INFORMATION

### 1. INTRODUCTION

The City of Portland (“City”) Office of Cable Communications and Franchise Management’s (“OCCFM”) mission is to ensure the City of Portland and its citizens are fairly compensated for private use of the public rights of way; to defend the City’s role and the public interest in rapidly changing telecommunications and utility markets; and to regulate and advocate on matters related to cable communications for the [Mt. Hood Cable Regulatory Commission](#) (Commission), its jurisdictions and the citizens of Fairview, Gresham, Multnomah County, Portland, Troutdale and Wood Village.

The City of Portland (“City”) Office of Cable Communications and Franchise Management (“OCCFM”) is issuing an RFP to hire expert consulting services to assist with developing, issuing and managing a Request for Interest (“RFI”) process for Private Sector entities to potentially partner with the City of Portland in developing Fiber To The Premises (FTTP) infrastructure in the City. Development of the RFI is a key outcome of the City’s Phase 2 FTTP Business Case and accompanying Staff Report (“Phase 2 Case & Staff Report”).

This Portland City Council held a work session on November 20, 2007, and authorized moving forward with an RFI in the manner recommended in the Phase 2 Case & Staff Report. This RFP for professional assistance in developing, issuing and managing the RFI is being issued pursuant to the direction of the Portland City Council at the work session, and subsequent funding by the Council, on the recommendation of Commissioner Dan Saltzman.

### 2. BACKGROUND

The Portland Community Fiber Network (“CFN”) as envisioned in the City’s FTTP Business Case and accompanying Staff Report (“Phase 2 Case & Staff Report”) will provide the infrastructure necessary to spur innovative technologies, job growth, economic development, sustainability, education, and community development in the City of Portland. High-bandwidth broadband is widely-recognized as a key driver of future economic competitiveness and is increasingly recognized as a potential driver of sustainability. Incumbent providers have elected not to provide FTTP infrastructure in Portland in the near term, and are therefore not expected to invest the necessary funds to upgrade their present systems to meet future City and community needs. Portland’s suburbs, meanwhile, are being wired with fiber potentially rendering Portland a technological bedroom community in the region.

The Phase 2 Case & Staff Report set forth a business case and the policy rationale for a municipally owned and financed Open Service Provider fiber-to-the-premises (“FTTP”) system in Portland. (Note: the Phase 2 Case & Staff Report, together with the Phase 1 Report and other relevant and essential background documents, remain posted on the OCCFM website at this link: <http://www.portlandonline.com/cable/index.cfm?c=45468>)

At the November 20, 2007 Work Session, the Portland City Council reviewed the Phase 2 Case & Staff Report and accepted the Staff recommendations as follows:

- Adopt City Council Policy on FTTP
- Develop a Request for Interest Seeking Potential Private Sector and Community Partners to ensure construction of FTTP infrastructure in Portland;
- Develop and conduct Pilot FTTP Projects; and
- Investigate other potential ways the City can leverage FTTP infrastructure.

### 3. SCOPE OF WORK

OCCFM now seeks proposals from individuals, firms, teams or consultants, hereafter called “Proposer(s),” with demonstrated experience in developing an RFI and working and

securing viable potential private sector partners and community support for a citywide Fiber-to-the-Premises (“FTTP”) broadband network. OCCFM proposes to engage the successful Proposer for the following services: Assist in designing and implementing an overall RFI process that will yield one or more partners so that the City can move forward with FTTP deployment. The title of the ultimate RFI is "Request for Interest"; this is a specific and deliberate choice that comes from Commissioner Saltzman's office. It is important that the ultimate RFI be framed to encourage action-oriented responses ("Interest") not merely passive responses ("Information").

**4. PROJECT FUNDING**

The anticipated cost for the services described herein is expected not to exceed \$50,000. The Proposer’s proposal shall include the Proposer’s true estimated cost to perform the work irrespective of the City’s budgeted funds for this work.

**5. TIMELINE FOR SELECTION** The following dates represent the targeted timeline for this project:

Proposal Due Date - Written proposals due at 4 p.m.	May 19, 2008
Announcement of short list of Proposers	May 28, 2008
Interviews, if deemed necessary	June 11, 2008
Selection committee recommendation	June 21 2008
Notice of Intent to Award – Notice to Proceed	July 2, 2008
Proposed schedule and work plan due from successful Proposer	July 9, 2008
RFI Issuance (tentative)	By September 30, 2008
RFI Responses due (tentative)	By October 30, 2008
Report to the City Council on next steps in process	By December 10, 2008

***The City reserves the right to make adjustments to the above noted schedule as necessary.***

**SECTION B**

**WORK REQUIREMENTS**

**1. TECHNICAL OR REQUIRED SERVICES**

The successful Proposer will analyze the best means to move forward with a successful RFI process, and will assist OCCFM staff throughout the RFI process; e.g. through RFI issuance and negotiations with successful respondents to the RFI, synthesizing analyses into clear and succinct recommendations to the City of the best means to facilitate a citywide FTTP system, etc. Factors the successful Proposer will assist OCCFM staff in considering and developing include formulating recommendations designed to maximize the probability of success, minimize direct and indirect costs to the City, minimize time to deployment, and achieve the greatest possible community benefits.

Specific requirements for each major activity are provided below:

**1. Assist OCCFM in designing RFI process**

- Set goals and objectives, drawn from Phase 2 Case & Staff Report;
- Refine FTTP system expectations & buildout assumptions from Phase 2 Case & Staff Report to set parameters of RFI.
- Coordinate with partner Cities
- Develop potential stakeholders & respondents

**Discussion:** *Set goals and objectives* (as above) drawn from Phase 2 Study including refining FTTP system expectations & buildout assumptions from Phase 2 Study to set parameters of RFI. *Coordinate with partner Cities:* the Portland RFI will launch while San Francisco and Seattle undertake similar projects – San Francisco is conducting extensive market research and piloting fiber/sustainability projects; Seattle is releasing an RFP for a community fiber network. Portland’s successful Proposer will coordinate with San Francisco and Seattle (as well as CFN cities in Europe) to ensure RFI process benefits

from common data; leverages synergies, and creates economies by working together. *Develop stakeholders & respondents* –successful Proposer will identify, contact, & encourage participation from wide range of potential partners and stakeholders, including: (1)Organizations focused on broadband and sustainability, (2) Service providers (3) Infrastructure owners (4) Integrators, (5) Equipment manufacturers (5) Financiers, both traditional (banks) and non-traditional (venture capital); (7) Public constituents, including local residents and businesses; (8) Public interest & community groups; (9) City Bureaus & FTTP enhancements facilitating City service delivery.

## 2. Assist OCCFM in preparing RFI

- Work with key OCCFM staff in developing and finalizing RFI document
- Establish and finalize key dates
- Assist in oversight of successful RFI process

**Discussion:** *Assist in RFI preparation* – Assist in developing RFI that elicits substantive and credible responses from potential partners and respondents; define and set evaluation criteria; distribute globally to potential stakeholders and interested parties. The goal is to encourage creative proposals and expressions of interest from a wide variety of potential partners, including financiers, equipment manufacturers, construction firms, systems integrators, Internet service providers, and the public. Specifically, OCCFM needs successful Proposer assistance in exploring partnering opportunities in a number of areas, ranging from financing, to leasing of City-owned fiber, or other potential participation in the process of expanding fiber networking throughout the City. OCCFM believes that significant data could be elicited through a formal information request embodied in the RFI, supplemented by an interview process, and followed by comprehensive documentation of results.

## 3. Assist in finalizing RFI content, deliverables and key contacts

- Identify a pool of potential FTTP partners and determine partner & City needs and parameters;
- Develop a concrete list of actionable and sustainable innovations that can be realized by the CFN in city service delivery;

**Discussion:** In addition to finalizing the RFI document itself, successful Proposer will assist City staff in generating key contacts and developing sufficient data to articulate and develop mutually beneficial relationship(s) with key potential and credible responder(s), provider(s), financier(s) to enable City to proceed with final negotiations (including mutual commitments and financing) to enable and ensure construction and installation of FTTP technology in Portland

## 4. Assist in Issuing RFI

- Assist in disseminating RFI to key potential and actual respondents
- Assist in conducting discussions with potential and actual respondents

**Discussion:** Assist in finalizing RFI and participating in RFI process – including assistance in conducting informational meetings for potential respondents, by conference call if possible to maximize participation from around the country and potentially the world. Assistance may also be required in the preparation and distribution of any addendum to RFI as required.

## 5. Assist OCCFM in evaluating responses to RFI

- Assist in conducting detailed review of responses.
- Summarize and analyze selected responses received, provide evaluation of responses (including analysis of entities that did not respond and why)
- Identify viable potential respondents and partners
- Assist City in conducting discussions with qualified respondents and potential partners

- Summarize and identify deliverables and inventory key milestones
- Provide recommendations on next steps (including negotiations with viable partners)
- Assist OCCFM staff in preparing final report and presentation to Portland City Council.

**Discussion:** This element includes assistance in evaluating responses and identifying potential partners; helping conduct detailed review of responses; assisting in conducting discussions with qualified partners; meeting with selected, qualified, potential partners (public or private, parallel negotiations are possible) to clarify ideas and offers and solidify relationships that could lead to bids and partnerships in subsequent phases of the Community Fiber Network project. Successful Proposer shall assist the City in identifying RFI respondents who feasibly specify where applicable potential joint actions or direct or indirect partnership opportunities with other jurisdictions and entities proposing or constructing municipal open platform FTTP or related broadband projects (e.g. Seattle, San Francisco, or others). Successful Proposer shall assist the City in identifying and assessing potential alliances that may foster the development of telecommunications products and services, and/or that may improve an overall positive business case for FTTP in the City through partnership proposals developed in the RFI. *Key RFI Deliverables* are envisioned to include, among other things, identification of a pool of potential FTTP partners aligned with City needs and parameters; a concrete list of actionable and sustainable innovations that can be realized by the CFN in city service delivery; sufficient data and to facilitate concrete, mutually beneficial relationships with credible responder(s), provider(s), and financier(s) to enable City to proceed with final negotiations (including mutual commitments and financing) to enable and ensure construction and installation of FTTP technology in Portland

6. Assist with identifying and designing FTTP Pilot Projects pursuant to recommendations of Phase 2 Case & Staff Report

**Discussion:** Depending on resources available, the successful Proposer would also assist OCCFM with identifying and developing appropriate FTTP Pilot Projects. One possibility is a project to tie West Coast cities together with fiber--thereby maximizing economies of scale and negotiation leverage by collaborating on FTTP. OCCFM has initiated contacts with the Cities of San Francisco and Seattle, in order to explore the possibility of multi-jurisdictional fiber projects, in light of the possibilities of realizing economies of scale with respect to equipment, construction, operations, and services. Seattle and San Francisco have both expressed interest in exploring collaborative approaches with Portland--both note the potential leverage a combined approach would give this group of cities in negotiations with potential providers or vendors. A comparable effort is underway in Europe, where some of the major cities planning FTTP projects have undertaken an effort through Eurocities to link "smart" cities throughout Europe. Both Seattle and San Francisco have expressed interest in such a model on the West Coast of the United States, and potentially beyond. Seattle's Broadband Director presented that vision in a speech to the Washington, DC metropolitan area Council of Governments: "we should consider what it would take to connect Seattle to Portland and Portland to San Francisco and San Francisco to the Washington, DC area, and from there to the world."

7. Assist with developing City Council resolution on Citywide broadband/FTTP policy, pursuant to recommendations of Phase 2 Case & Staff Report

**Discussion:** Assist in developing and preparing Council resolution on FTTP infrastructure, pursuant to recommendations of Phase 2 Case & Staff Report

8. Investigate, Identify and Advise on other Potential Ways the City can Leverage FTTP infrastructure construction in the City

**Discussion:** Opportunities for cost-effective installation of fiber arise each day as City bureaus carry out routine operations and City crews work in the right-of-way. Portland should explore adopting future-focused FTTP policies in applicable bureaus and City projects, to add to existing fiber and conduit infrastructure at every opportunity to build up critical mass. Every municipal project has the potential to provide long term cost savings on communications infrastructure. Conduit and fiber are the key for future-proofing the City's infrastructure. There is a low incremental cost to install fiber or conduit during any capital improvement project or repair. OCCFM therefore recommends that the City develop policies, in cooperation with relevant City bureaus, that would consider installation of fiber optics during any relevant capital improvement project or repair, including road construction or repair; sewer or water line replacement or repair; electrical work; sidewalk repair and replacement; relocation to underground of aerial utilities by utilities; other open trenching opportunities initiated by private utilities; and any other circumstance under which any City department is working in the right-of-way. Similarly, successful Proposer may assist the City in considering or identifying uniform requirements and procedures for using commercial carrier construction to simultaneously install fiber or conduit, or negotiate conduit or dark fiber during permitting. Every private sector project in the right-of-way offers an opportunity for partnerships. For example, the City is already undertaking a massive sewer replacement project; such projects can offer great opportunities for simultaneous deployment of fiber and conduit. Portland has already evaluated the potential for using sewers for collocations of fiber optics, and this potential should continue to be considered.

9. Assist OCCFM staff in developing Final Report & Recommendations

- Provide recommendations on next steps (including negotiations with viable partners)
- Summarize & work with OCCFM staff in setting out next steps – including analysis and evaluation of selected responses received, (and analysis of entities that did not respond and why).

10. Assist OCCFM staff in preparing final report and presentation to Portland City Council.

- Assist in presenting conclusions and recommendations on next steps (including negotiations with viable partners) in a final report and presentation to the City Council

The successful Proposer will assist OCCFM staff in preparing a final report summarizing the findings and providing analysis and next steps to secure FTTP in Portland as well assist in making a presentation to the City Council.

**2. WORK PERFORMED BY THE CITY**

The City has assigned a project manager to oversee the successful Proposer's work and provide support as needed. Specific duties the City will perform include:

- Provide demographic, geographic and business data and information regarding the City of Portland and potential applications of FTTP infrastructure as necessary or relevant;
- Provide information and clarification regarding the City's available financial and legal mechanisms to assist in development of a citywide broadband FTTP system;
- Provide clarification or assistance in connection with the Proposer's work as available.

**3. DELIVERABLES AND SCHEDULE**

Deliverables shall be considered those tangible resulting work products that are to be delivered to the City such as reports, draft documents, data, interim findings, drawings, schematics, training, meeting presentations, final drawings and reports. The successful Proposer is encouraged to provide any deliverables in accordance with the City's Sustainable Paper Use Policy. The policy can be viewed at: <http://www.portlandonline.com/omf/index.cfm?c=37732>

Deliverables and schedule for this project shall include:

- a. A proposed schedule and work plan within 10 business days of issuance by the City of Notice to Proceed (tentatively projected to be May 28, 2008);
- b. A monthly progress report by the 15<sup>th</sup> of each month during the course of the engagement;
- c. A Request for Interest (RFI) proposal document and assistance throughout the process, date to be determined;
- d. A Resolution and Presentation to City Council, date to be determined according to Council availability.

All deliverables and resulting work products from this contract will become the property of the City of Portland.

**4. PLACE OF PERFORMANCE**

It is expected that a substantial portion of the engagement will require work and research within the City of Portland. On occasion and as appropriate, work will be performed at the Proposer's facility, a third-party location or any combination thereof.

**5. PERIOD OF PERFORMANCE**

The City anticipates having the successful Proposer begin work within 10 business days of Notice to Proceed (projected to be May 28, 2008), with assistance to the City and submittal of deliverables as directed.

Proposals containing earlier completion of the deliverables are acceptable and encouraged.

**6. PUBLIC SAFETY**

Public safety may require limiting access to public work sites, public facilities, and public offices, sometimes without advance notice. The Proposer shall anticipate delays in such places and include the cost of delay in the proposed cost. The successful Proposer's employees and agents shall carry sufficient identification to show by whom they are employed and display it upon request to security personnel. City project managers have discretion to require the successful Proposer's employees and agents to be escorted to and from any public office, facility or work site if national or local security appears to require it.

**7. INSURANCE**

The successful Proposer(s) shall agree to maintain continuous, uninterrupted coverage of all insurance as required by the City. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without a 30-day written notice from the successful Proposer or its insurer(s) to the City.

**Workers' Compensation Insurance** in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers (firms with one or more employees, unless exempt under ORS 656.027).

**General Liability Insurance** with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this contract, and shall provide that the City of Portland, and its agents, officers, and employees are Additional Insureds but only with respect to the successful Proposer's services to be provided under this Contract.

**Automobile Liability Insurance** with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage, including coverage for owned, hired, or non-owned vehicles, as applicable.

**Professional Liability Insurance** with a combined single limit of not less than \$1,000,000 per claim, incident, or occurrence. This is to cover damages caused by negligent acts, errors or omissions related to the professional services to be provided under this contract. If insurance coverage is provided on a "claims made" basis, the successful Proposer shall acquire a "tail" coverage or continue the same coverage for three years after completion of the contract, provided coverage is available and economically feasible. If such coverage is



not available or economically feasible, contractor shall notify City immediately.

**Certificates of Insurance:** As evidence of the insurance coverages, the successful Proposer shall furnish acceptable insurance certificates to the City at the time signed contracts are returned to the City. The certificate will specify all of the parties who are Additional Insureds and will include the 30-day cancellation clause as identified above. Insuring companies or entities are subject to City acceptance. If requested, complete policy copies shall be provided to the City. The successful Proposer shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

## SECTION C

## ATTACHMENTS & ADDITIONAL INFORMATION

### 1. SAMPLE CONTRACT

The Professional, Technical and Expert Services Contract is the City's standard contract and will be used as a result of this selection process. A sample contract can be viewed at: <http://www.portlandonline.com/omf/index.cfm?a=120936&c=27573>.

### 2. PROJECT DATA

Project-Specific Data includes the Portland Community Fiber Network Phase 2 Business Case & Staff Report, together with the City's RFP for the Phase 2 Report, the Phase 1 Report and other relevant and essential background documents. These critical documents remain posted on the OCCFM website at this link: <http://www.portlandonline.com/cable/index.cfm?c=45468>

## PART II

## PROPOSAL PREPARATION AND SUBMITTAL

### SECTION A

### PRE-SUBMITTAL MEETING/CLARIFICATION

1. PRE-SUBMITTAL MEETING
2. PROPOSAL CLARIFICATION

There will be no pre-submittal meeting or site visit scheduled for this project.

Questions and requests for clarification regarding this Request for Proposal must be directed in writing, via email or fax, to the person listed below. **The deadline for submitting such questions or requests for clarification is May 12, 2008.** An addendum will be issued no later than 72 hours prior to the proposal due date to all recorded holders of the RFP if, in the sole discretion of the City, a substantive clarification is in order.

All such questions shall be addressed to:

**David Olson**

City of Portland, Office of Cable Communications & Franchise Management  
1120 S.W. 5<sup>th</sup> Avenue, Room 1305  
Portland, OR 97204

Email: [davido@ci.portland.or.us](mailto:davido@ci.portland.or.us)  
Phone: 503-823-5290  
Fax: 503-823-5370

### SECTION B

### PROPOSAL SUBMISSION

1. PROPOSALS DUE

Sealed proposals must be received no later than the date and time, and at the location, specified on the cover of this solicitation. The outside of the envelope shall plainly identify the subject of the proposal, the RFP number and the name and address of the Proposer. It is the Proposer's responsibility to ensure that proposals are received prior to the specified closing date and time, and at the location specified. Proposals received after the specified closing date and/or time shall not be considered and will be returned to the Proposer unopened. The City shall not be responsible for the proper identification and handling of any proposals submitted to an incorrect location.

2. PROPOSAL

Proposals must be clear, succinct and not exceed **35** pages, excluding Attachment materials. Proposers who submit more than the pages indicated may not have the additional pages of the proposal read or considered.

For purposes of review and in the interest of the City's Sustainable Paper Use Policy and sustainable business practices in general, the City encourages the use of submittal materials (i.e. paper, dividers, binders, brochures, etc.) that contain post-consumer recycled content and are readily recyclable. The City discourages the use of materials that cannot be readily recycled such as PVC (vinyl) binders, spiral bindings, and plastic or glossy covers or dividers. Alternative bindings such as reusable/recyclable binding posts, reusable binder clips or binder rings, and recyclable cardboard/paperboard binders are examples of preferable submittal materials. Proposers are encouraged to print/copy on both sides of a single sheet of paper wherever applicable; if sheets are printed on both sides, it is considered to be two pages. Color is acceptable, but content should not be lost by black-and-white printing or copying.

All submittals will be evaluated on the completeness and quality of the content. Only those Proposers providing complete information as required will be considered for evaluation. The ability to follow these instructions demonstrates attention to detail.

### 3. ORGANIZATION OF PROPOSAL

Proposers must provide all information as requested in this Request for Proposal (RFP). Responses must follow the format outlined in this RFP. Additional materials in other formats or pages beyond the stated page limit may not be considered. The City may reject as non-responsive at its sole discretion any proposal or any part thereof, which is incomplete, inadequate in its response, or departs in any substantive way from the required format. Proposal responses shall be organized in the following manner:

1. Cover Letter
2. Project Team
3. Proposer's Capabilities
4. Project Approach and Understanding
5. Diversity in Employment and Contracting Requirements
6. Proposed Cost
7. Supporting Information

As part of the proposal response, the Proposer will provide the number of proposal copies as requested on the cover page of this RFP.

## SECTION C

### EVALUATION CRITERIA

#### 1. COVER LETTER

By submitting a response, the Proposer is accepting the General Instructions and Conditions of this Request for Proposal (reference second page of the RFP) and the Standard Contract Provisions of the Professional, Technical and Expert Services contract. The Cover Letter must include the following:

- RFP number and project title
- name(s) of the person(s) authorized to represent the Proposer in any negotiations
- name(s) of the person(s) authorized to sign any contract that may result
- contact person's name, mailing or street addresses, phone and fax numbers and email addresses

A legal representative of the Proposer, authorized to bind the Proposer in contractual matters must sign the Cover Letter.

#### BUSINESS COMPLIANCE

The Proposer must be in compliance with the laws regarding conducting business in the City of Portland before an award may be made. The Proposer shall be responsible for the following:

##### **Certification as an EEO Affirmative Action Employer**

All Proposers must be certified as Equal Employment Opportunity Employers as prescribed by Chapter 3.100 of the Code of the City of Portland. Failure to receive EEO certification prior to the date and time of bid opening may result in delaying the award of the contract. Details of certification requirements are available from the Bureau of Purchases, 1120 SW Fifth Avenue, Room 750, Portland, Oregon 97204, (503) 823-6855, website: <http://www.portlandonline.com/omf/purchasing>

##### **Non-Discrimination in Employee Benefits (Equal Benefits)**

Proposers are encouraged to submit the Equal Benefits Compliance Worksheet/Declaration Form with their response. If not submitted, you will be contacted and required to provide this form prior to contract award; otherwise your proposal may be rejected. If your company does not comply with Equal Benefits and does not intend to do so, you must still submit the Form. The Equal Benefits Compliance Worksheet/Declaration Form can be obtained from the following web site: <http://www.portlandonline.com/omf/purchasing>

- Fill out the form properly. You may call the Bureau of Purchases at 503-823-6855 to ensure you correctly complete the form. You may also call the contact listed on the front page of this solicitation document for assistance.
- There are five options on the Worksheet/Declaration Form to pick among. They range from full compliance (Options A, B, C), to one that requires advance authorization by the City (Option D – Delayed Compliance), to Non Compliance. Select the option that is true of your company’s standing at the time you submit your proposal. You cannot change your answer after you submit the Worksheet/Declaration Form.
- Option D is only used if you have an official waiver from the City. Waivers are only issued by the Bureau of Purchases.
- The Form provides the City your declared Equal Benefit status. However, the City issues the final determination of your Equal Benefit status for purposes of contract award.

If information on your form is conflicting or not clearly supported by the documentation that the City receives, the City may seek clarification to ensure we properly classify your compliance.

**Business License**

All Proposers must be in compliance with the City of Portland Business License requirements as prescribed by Chapter 7.02 of the Code of the City of Portland. Details of compliance requirements are available from the Revenue Bureau License and Tax Division, 111 SW Columbia Street, Suite 600, Portland, Oregon 97201, (503) 823-5157, website: <http://www.portlandonline.com/omf/index.cfm?c=29320>

If your firm currently has a business license and is EEO certified, include in the Cover Letter your firm’s City of Portland Business License number as well as the Equal Employment Opportunity (EEO) expiration date.

**2. PROJECT TEAM**

Proposers shall specify:

- Approximate number of people to be assigned to the project.
- Extent of company’s principal member’s involvement.
- Team qualifications and experience on similar or related projects:
  - qualifications and relevant experience of prime consultant
  - qualifications and relevant experience of sub-consultants, if any
  - project manager’s experience with similar projects
- Names of key members who will be performing the work on this project, and:
  - their responsibilities on this project
  - current assignments and location
  - experience on similar or related projects
  - unique qualifications
  - percentage of their time that will be devoted to the project

**3. PROPOSER’S CAPABILITIES**

Proposer shall describe:

- Describe similar projects performed within the last 5 years, which best characterize firm’s capabilities, work quality and cost control.
- Describe similar projects with other government agencies.
- Describe firm’s resources available to perform the work for the duration of the project and other on-going projects.
- Describe firm’s internal procedures and/or policies associated or related to work

quality and cost control.

- Describe firm's management and organizational capabilities.

#### **4. PROJECT APPROACH AND UNDERSTANDING**

The Proposer should provide clear and concise understanding of the project by describing and clarifying any major issues based upon project information provided in this RFP, including attachment materials identified in Part I, Section C. For each phase of work, the project approach should:

- Describe the proposed work tasks and activities, the methodology that will be used to accomplish them, and the sources of information and methods of data gathering where appropriate,
- Describe the proposed work products that will result from each task or activity.
- Identify the team members who will work on each task.
- Identify the time frame estimated to complete each task.
- Identify points of input and review with City staff.

#### **5. DIVERSITY IN EMPLOYMENT AND CONTRACTING REQUIREMENTS**

The City is committed to increasing contracting opportunities for State of Oregon certified minority, women and emerging small business (M/W/ESB) enterprises. The City values, supports and nurtures diversity, and encourages any firm contracting with the City to do the same, maximizing M/W/ESB business participation with regard to all City contracts. As such, the City has established an overall 20% utilization goal in awarding PTE contracts to State of Oregon certified emerging small business (ESB) enterprises and has assigned at least 15% of the total points available on this solicitation to determine the award of this contract. No goal is set for the use of minority (MBE) and women business (WBE) enterprises, but the City is committed to ensuring that such firms receive opportunities and equal consideration to be awarded City PTE contracts.

All Proposers shall address the following in their proposals:

- a. Indicate if your firm is currently certified in the State of Oregon as an MBE, WBE and/or ESB, or if your firm has applied for certification with the State of Oregon's Office of Minority, Women and Emerging Small Business (OMWESB).
- b. Identify your current diversity of workforce and describe your firm's commitments to providing equal employment opportunities. Include in your response:
  - Number of total employees and description of type of work performed.
  - Number of minorities and women within your current workforce, broken out by ethnicity and positions held.
  - Any underutilization of minorities or women within your workforce and your firm's efforts to remedy such underutilization.
  - Any plans to provide innovative mentoring, technical training or professional development opportunities to minorities and women in your workforce in relation to this project, or plans to employ minorities and women to work on this project.
  - Description of the process your firm uses to recruit minorities and women.
- c. Have you subcontracted or partnered with State of Oregon certified M/W/ESB firms on any project within the last 12 months? If so, please describe the history of the firm's subcontracting and partnering with certified M/W/ESB firms. Include in your response:
  - List of State of Oregon certified M/W/ESB firms with which your firm has had a contractual relationship during the last 12 months.
  - Any innovative or successful measures that your firm has undertaken to work with M/W/ESB firms on previous projects.
  - Any mentoring, technical or other business development services your firm has provided to previous or current M/W/ESB subconsultants or partners, or will provide in relation to this project.

- d. Are you subcontracting any element of your proposal? Describe your firm's plan for obtaining maximum utilization of certified M/W/ESB firms on this project. Include in your response:
- Subcontracting opportunities your firm has identified in the scope of this project.
  - Efforts made relating to outreach and recruitment of certified M/W/ESB firms. Did your firm advertise contracting opportunities in the *Daily Journal of Commerce*, *Skanner*, *Oregonian*, *Observer*, *El Hispanic News*, *Asian Reporter*, and/or other trade publications? Did your firm conduct any outreach meetings? Did your firm use the State's OMWESB certification list, or other source, as a basis for direct outreach? What were the actual results of any of the above efforts?
  - Any proposals received from certified M/W/ESB firms. If any such proposals were rejected, provide reasons for rejection.
  - Other efforts your firm used or proposes to use in relation to this project.
- e. If your firm will be utilizing certified M/W/ESB firms on this project, please list those firms and detail their role within your proposal.

The City expects thoughtful consideration of all of the above Diversity in Employment and Contracting criteria in the preparation of proposals. The City will enforce all diversity in workforce and M/W/ESB commitments submitted by the successful Proposer.

**6. PROPOSED COST**

The proposal shall include the Proposer's true estimated cost or fixed-price estimate for the proposed project approach irrespective of the City's anticipated cost. Additionally, this cost shall include the hourly rates of each person associated with the project as well as the estimated number of hours each staff member will be expected to work on each task.

**7. SUPPORTING INFORMATION**

Supporting material must include references, and may include other information pertinent to the project or work to be performed. References must include the contact person's name, agency, address, phone number, their role in the project (e.g., project manager, etc.), name of the project and when the work was done.

# PART III

# PROPOSAL EVALUATION

## SECTION A

## PROPOSAL REVIEW AND SELECTION

### 1. EVALUATION CRITERIA SCORING

Each proposal shall be evaluated on the following evaluation criteria, weighting and maximum points, as follows:

	<b>Criteria</b>	<b>Maximum Score</b>
a.	Cover Letter	0
b.	Project Team	20
c.	Proposer's Capabilities	20
d.	Project Approach and Understanding	25
e.	Diversity in Employment and Contracting	15
f.	Proposed Cost	15
g.	Supporting Information	5
	<b>Total Points Available</b>	<b>100</b>

### 2. PROPOSAL REVIEW

An evaluation review committee will be appointed to evaluate the proposals received. For the purpose of scoring proposals each of the committee members will evaluate each proposal in accordance with the criteria and point factors listed above. The evaluation committee may seek outside expertise, including but not limited to input from technical advisors, to assist in evaluating proposals.

The successful Proposer shall be selected by the following process:

- a. An evaluation committee will be appointed to evaluate submitted written proposals.
- b. The committee will score the written proposals based on the information submitted according to the evaluation criteria and point factors.
- c. The committee will require a minimum of 5 working days to evaluate and score the written proposals.
- d. A short list of Proposers, based on the highest scores, may be selected for oral interviews if deemed necessary. The City reserves the right to increase or decrease the number of Proposers on the short list depending on the scoring and whether the Proposers have a reasonable chance of being awarded a contract.
- e. If oral interviews are determined to be necessary, the initial scoring will be considered preliminary. Final scores, based on the same evaluation criteria, will be determined following the interviews.

All communications shall be through the contact(s) referenced in Part II, Section A.2 of the RFP. At the City's sole discretion, communications with members of the evaluation committee, other City staff or elected City officials for the purpose of unfairly influencing the outcome of this RFP may be cause for the Proposer's proposal to be rejected and disqualified from further consideration.

For contracts over \$100,000, the evaluation committee's recommendation for contract award will be submitted to the Portland City Council for approval. The City has the right to reject any or all proposals for good cause, in the public interest.

**NOTE: In the City's discretion, litigation between the City and a Proposer shall be cause for proposal rejection, regardless of when that litigation comes to the City's attention and regardless how the Proposer's proposal may have been scored. Proposals may also be rejected if they use subcontractors or subconsultants who are involved in litigation with the City. Proposers concerned about possible**

**rejection on this basis should contact the City before submission of a proposal for a preliminary determination of whether its proposal will be rejected.**

**3. CLARIFYING PROPOSAL DURING EVALUATION**

During the evaluation process, the City has the right to require any clarification or change its needs in order to understand the Proposer's view and approach to the project and scope of the work.

**SECTION B**

**CONTRACT AWARD**

**1. CONSULTANT SELECTION**

The City will negotiate and, if successful, award a contract to the highest scoring Proposer. Should the City not reach a favorable agreement with the highest scoring Proposer, at the City's sole discretion, the City shall terminate negotiations and commence negotiations with the second highest scoring Proposer and so on until a favorable agreement is reached. A consultant selection process will be carried out under Portland City Code Chapter 5.68.

**2. CONTRACT DEVELOPMENT**

The proposal and all responses provided by the successful Proposer may become a part of the final contract. The form of contract shall be the City's Contract for PTE Services.

**3. AWARD REVIEW AND PROTESTS**

REVIEW:  
Following the Notice of Intent to Award, the public may view proposal documents. However, any proprietary information so designated by the Proposer as a trade secret and meeting the requirements of ORS 192.501(2) will not be disclosed unless the Multnomah County District Attorney determines that disclosure is required. At this time, Proposers not awarded the contract may seek additional clarification or debriefing, request time to review the selection procedures or discuss the scoring methods utilized by the evaluation committee.

PROTESTS OF CONTRACT AWARDS:  
Protests may be submitted to the Purchasing Agent only for contracts in excess of the formal limit established by the City Auditor (reference <http://www.portlandonline.com/omf/index.cfm?a=74585&c=27353>), and only from those Proposers who would receive the contract if their protest were successful.

Protests must be received by the Purchasing Agent within seven (7) calendar days UNLESS OTHERWISE NOTED following the date of the City's Notice of Intent to Award was issued. The protest must specifically state the reason for the protest and show how its proposal or the winning proposal was mis-scored or show how the selection process deviated from that described in the solicitation document. The contract award process will be put on hold until the protest has been resolved.

Timely protests must include all legal and factual information regarding the protest, and a statement of the form of relief requested. Protests received later than specified or from other than the Proposer who would receive the contract if the protest was successful will not be considered. The exercise of judgment used by the evaluators in scoring the written proposals and interviews, including the use of outside expertise, is not grounds for appeal.

The Purchasing Agent may waive any procedural irregularities that had no material affect on the selection of the proposed contractor, invalidate the proposed award, amend the award decision, request the evaluation committee re-evaluate any proposal or require the bureau to cancel the solicitation and begin again to solicit new proposals. In the event the matter is returned to the evaluation committee, the Purchasing Agent shall issue a notice canceling the Notice of Intent to Award.

Decisions of the Purchasing Agent are final and conclude the administrative appeals



process.