

**REQUEST FOR PARTICIPANTS
CITYLINKLA INITIATIVE FOR
DEPLOYMENT OF ADVANCED BROADBAND SYSTEMS**



**ISSUED BY
CITY OF LOS ANGELES
INFORMATION TECHNOLOGY AGENCY**

Release Date:	June 23, 2015
Proposer Conference:	July 16, 2015
Questions Regarding RFP:	July 29, 2015
Follow-Up Questions Regarding RFP:	September 16, 2015
Response Date:	November 12, 2015

**Request for Participants
CityLinkLA Initiative for Deployment of Advanced Broadband Systems**

City of Los Angeles
Information Technology Agency

DATE ISSUED: June 23, 2015

TITLE: Request for Participants CityLinkLA Initiative for Deployment of Advanced Broadband Systems.

DESCRIPTION: The City of Los Angeles (“City”) is seeking participation from qualified companies in an initiative to deploy advanced broadband wireline and Wi-Fi systems in the City.

DEADLINE FOR SUBMITTING PROPOSALS: Proposals must be received at the address shown below by **November 12, 2015, 2:00 p.m.** (Pacific Daylight Time).

PROPOSAL DELIVERY ADDRESS: Information Technology Agency
Room 1400, City Hall East
200 North Main Street
Los Angeles, CA 90012
Attention: - CityLinkLA RFP.

QUESTIONS: Questions related to this Request for Participation shall be submitted in writing via e-mail to CityLinkLARFP@lacity.org by the deadlines specified in the RFP, and with the subject headings specified in this RFP. Initial substantive questions must be submitted no later than 12:00 p.m. (Pacific Daylight Time), **July 29, 2015**. Follow-up questions and questions based on inspection must be submitted no later than 12:00 p.m. (Pacific Daylight Time), **September 16, 2015**. Procedural questions (*e.g.*, requests for extension of time) must be submitted no later than 12:00 p.m. (Pacific Daylight Time), **November 5, 2015**.

INSPECTIONS: Review of documents that require execution of a Confidentiality Agreement, and site inspections may

be scheduled by submitting a request in writing via e-mail to CityLinkLARFP@lacity.org by 12:00 p.m. (Pacific Daylight Time), **September 16, 2015**, and with the subject headings specified in this RFP. Inspections/document review must be completed on or before **October 29, 2015**. Proposers will be required to execute an agreement for access to City facilities. Please note that because questions about inspections or the documents will need to be submitted by the deadlines specified in the preceding paragraph, inspections/document reviews should be scheduled sooner rather than later.

MANDATORY PROPOSERS' CONFERENCE:

A mandatory Proposers' Conference will be held on **July 16, 2015**, 9:00 a.m. (Pacific Daylight Time) at 200 N. Main St., Room 1332, City Hall East, Los Angeles, CA 90012. **All Proposers are required to attend in person or telephonically. In person attendance is strongly recommended as the City cannot guarantee that those who attend telephonically will be able to hear all presentations, questions or responses, or to see all presentations. Information as to how to register and participate telephonically will be provided via the LABAVN system to registered Proposers.**

LABAVN REGISTRATION

Must be completed on or before **July 15, 2015**.

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I.

INTRODUCTION

A. Overview of the RFP.

This **Request for Participants** is part of a City initiative to encourage the private sector to deploy advanced wireline and Wi-Fi¹ digital communications networks so that every residence and business in Los Angeles has access to world-class, high-speed broadband Internet access. We refer to the City initiative, and the resulting infrastructure as CityLinkLA, although the CityLinkLA infrastructure could actually be multiple networks, constructed independently over time by many different network owners.

The City seeks Proposals from entities² who are willing to enter into contracts with the City to deploy advanced Wi-Fi and wireline infrastructure and address the digital divide and community needs by providing for a level of free services to members of the public.

More specifically, the City asks for Proposers to propose networks that will:

- Provide wireline access to the Internet to homes and businesses (or to the curb outside a home or business combined with a wireless connection to the premises) via a network designed to deliver symmetrical speeds of 1 Gbps or higher to each residential unit, and to offer a business level of service at similar or higher speeds.
- Provide ready Wi-Fi access to the Internet that will maximize the availability of the Internet to residents and visitors in developed areas of the City.
- Address the individuals and families not regularly accessing the Internet today due to cost, access, awareness, or equipment issues (an issue often referred to as the “digital divide”) through provision of a level of free access to the Internet via wireline and Wi-Fi services, and services to targeted community centers.

To support this initiative the City is prepared to:

- Establish a Digital Infrastructure Permitting Group and a single point of contact that will provide expedited handling of applications for construction of major communications projects in order to streamline and speed deployment of advanced communications infrastructure.
- Provide space on certain City property suitable for placement of hubs or “central offices” for a rate that could be as low as \$3 per sq. ft. per year. The City has identified over 100 sites throughout the City where about 1400 sq. ft. in total is available without the need for a conditional use permit or other discretionary authorization for placement of a precast one-story aggregation non-occupied building approximately 12’ x30’ in size with surrounding space for access, assuming that the “public benefits” criteria set out in Section 14.00(A)(6) of the Los Angeles Municipal

¹ “Wi-Fi” is defined in Section II.A.

² Respondents and prospective respondents to this RFP are referred to as Proposers.

Code are met.³

- Lease existing fiber optic strands in bulk under long term contracts at a rate that escalates over time, so that in early years, the cost burden to potential entrants is minimized.⁴
- Lease access to the storm water drainage system to allow providers to minimize delays that may otherwise follow if providers were required to obtain, for example, permits to cross federal highways.
- Provide access at favorable bulk rates to City street light poles with appropriate power supplies for placement of Wi-Fi devices.
- Provide access to park property for placement of Wi-Fi infrastructure that will permit providers to reach some of the most highly trafficked areas within the City.
- Work with the selected Proposer or Proposers to jointly brand and promote the CityLinkLA initiative and to coordinate with other City efforts to bridge the digital divide, in a way that should help enhance market opportunities for each selected Proposer.

The City has developed a robust data base of useful resources to assist Proposers in developing meaningful Proposals.

In addition, Proposers should be aware that the Los Angeles Department of Water and Power (LADWP) owns or jointly owns a majority of the utility poles within the City of Los Angeles. Available space on those poles is provided at regulated rates, and subject to procedures governed by California law. As a joint pole owner, in instances where there is useable, excess space and capacity on the pole, LADWP may be able to reallocate pole space to make it available to winning Proposers for communications space attachments (the attachment, of course, must be of a design that can be accommodated on the pole).

Because of the size of the City, for purposes of the RFP the City has been divided into four quadrants. Proposers may submit a Proposal for one or more quadrants. Joint Proposals are encouraged. A Proposer who wishes to build out a smaller portion of the City may submit a Proposal to do so, but should be aware that certain assets described in this RFP will be available at the prices described in this RFP only to those who offer to serve an entire quadrant or combination of quadrants. The quadrants are shown on a map included as Attachment A to this RFP.

The City will entertain demand-based Proposals, under which a Proposer offers to build out portions of its proposed service area based on the demand for paid services. Any Proposal taking this approach will need to be crafted in a way that ensures that advanced networks will be

³ These criteria are listed below. There may be additional space available at sites. The description here does not foreclose use of City property for other structures. However, other structures may require additional approvals or review.

⁴ The pricing and availability of this fiber is discussed below, and see also Attachment F, containing the resolution of the Los Angeles Department of Water and Power Board with respect to the CityLinkLA initiative.

available in all parts of the area to be served, including low-income areas.

The City's goal is for CityLinkLA network(s) to be built out in a five-year period from the award of the contract(s).

B. The Reasons for the Initiative.

High-speed, affordable Internet access is essential to the City's and nation's global competitiveness. It drives job creation, promotes innovation, expands markets for American businesses, and supports improved education, health care and public safety.

Los Angeles has many competitive advantages. It is home to a burgeoning tech industry with the emergence of Silicon Beach and is ranked as one of the top start-up friendly ecosystems in the world. The entertainment industry here is second to none. Los Angeles was also ranked as the city with the highest entrepreneurial activity rate in the nation with 580 entrepreneurs per 100,000 adults. The City is the small business capital of the nation. Los Angeles has plenty of entrepreneurial spirit, creativity and is home to great local colleges and universities.

However, in many other cities nationally and internationally, Internet access is available to residents at speeds equal to or greater than 1 Gbps – speeds that allow users to receive information at speeds more than 20 times faster than common connections today, and to transmit information at speeds 100-200 times faster than via typical connections. Those offerings are available at the same or at a lower price than Angelenos pay for inferior service. In some communities, for example, basic levels of service – of 5 Mbps – are offered for no monthly charge to residents. Higher level 1 Gbps offerings to residences in Kansas City, MO and Chattanooga, TN today cost about \$70 per month. A recent study by the United States Government Accountability Office (GAO)⁵ showed that in communities with broadband networks, small businesses reported that they could operate and compete more effectively. Another GAO study noted that “Broadband Internet service provides users and their communities with many opportunities to improve communications, including enhancements in e-commerce, telemedicine, and educational tools, and can drive economic growth, productivity, and innovation.”⁶

While some parts of Los Angeles do have access to high-speed broadband, nearly 30% of all Angelenos -- and possibly more -- do not have broadband access to the Internet. In 2010, research suggested that one million households in Los Angeles did not own computers. In Los Angeles, it is projected that nearly 35% of all students do not have access to broadband at home, which will inhibit those students from being able to do their homework and studies in the safety of their home.

Many households still use universal service telephone lines for dial-up access to the Internet to get basic e-mail and minimal Internet services. While these households are connected, they are unable to enjoy the full benefits of high-speed broadband. Though many people can now use mobile devices like cell phones to access the Internet, commercial cellular data plans available today are not typically priced or useable as a true substitute for the connectivity offered

⁵ *Federal Broadband Deployment Programs and Small Business*, GAO-14-203, February 2014

⁶ *Projects and Policies Related to Deploying Broadband in Unserved and Underserved Areas*, GAO 14-409, April 2014.

by the advanced networks being deployed in other communities.

To help combat this problem, the City established computer centers at approximately 180 community centers citywide. These computer centers were located at libraries, workforce training centers, youth and family centers, and parks and community recreation centers. Initial funding for the computer centers came from a Broadband Technology Opportunities Program grant provided by the United States Department of Commerce pursuant to the American Recovery and Reinvestment Act. However, the continued ability to provide community computer centers like those that were established through those grants will depend on the availability of low-cost or no-cost broadband.

While there are programs designed to encourage broadband deployment and allow schools and libraries to obtain less expensive access to the Internet, the United States has not fully developed a true Broadband Universal Service that can ensure that broadband Internet access is available to all citizens, as have other countries like Switzerland, Finland, Taiwan and Britain. As the world relies more and more on Internet-based communications for work, education, hiring, training, and for daily interactions with each other and with government and other community institutions, it becomes more critical to address disparities in Internet availability. In the absence of a national plan to ensure Broadband Universal Service, it is important for the City to ensure, to the extent possible, that basic levels of broadband access are available to every Angeleno regardless of income, and that high-quality, high-speed access is available everywhere at reasonable prices.

C. The Goals of the CityLinkLA Initiative.

In light of the increasing importance of having available affordable, high-speed broadband services, CityLinkLA has the following goals:

- *Ensure that every Angeleno can access advanced communications networks that provide high-speed, high quality broadband connections to the Internet, where Angelenos live, work and play, indoors and outdoors;*
- *Ensure that areas of the City that are currently underserved are promptly served;*
- *Ensure that the City is served by an open network, so no one is prevented or blocked from taking full advantage of the Internet's capabilities; and*
- *Ensure that every Angeleno can enjoy the benefits of broadband, regardless of income or the area in which they reside.*

More specifically:

- *The City of Los Angeles should be the location of choice for businesses and residents – to attract businesses with good paying jobs, to entice graduates from our local universities to reside and work in Los Angeles, and to ensure the City remains a center for the digital economy and a global leader in technology and innovation.*

Through the CityLinkLA initiative, the City intends to encourage, to the extent feasible,

rapid deployment of a network or networks that can deliver world-class broadband Internet access – at speeds 1 Gbps or higher – to all residences, multi-unit dwellings, and businesses through wireline and Wi-Fi connections.

- *Every resident should have access to basic broadband, and higher levels of broadband service should be available at speeds and prices comparable to other innovative communities around the world.*
- *Broadband network deployment should support net neutrality.*

The vitality of the Internet depends on the ability of users to access content of their choosing and to take advantage of the content and applications that can be offered via the Internet. The CityLinkLA initiative will encourage deployment of networks that support net neutrality.

D. General Guidance to Proposers.

Proposers must register as vendors with the Los Angeles Business Assistance Virtual Network (LABAVN) website at www.labavn.org, specifying the appropriate 517 NAICS code (5171, 5172, 5173, 5174, 5175 or 5179). Proposals will not be accepted from entities that fail to register as vendors **on or before July 15, 2015**. This RFP is subject to amendment, and amendments or addenda to the RFP will be posted to the LABAVN, and Proposers will only receive notice of the amendments and addenda via the LABAVN. Persons who fail to register will not receive those notices, and will be unable to comply with certain city contracting obligations.

Proposers' submissions must be received by the Information Technology Agency at the Response Delivery Address specified in this RFP no later than November 12, 2015, by 2:00 p.m. (Pacific Daylight Savings Time). Materials that must be uploaded to the LABAVN system by the time of the Proposal submission must also be uploaded by that time.

Proposers must submit: One (1) original cover letter and 1 (one) hard copy of the submission, and seven (7) USB Memory Keys or CD-ROMs each containing PDF version copies of the cover letter and submission.

Proposers should read this RFP carefully. **The attachments referenced in this RFP are contained in a separate document** which Proposers should also download and review carefully. Proposers should carefully note the deadlines for submissions; the process for communicating with the City regarding the RFP, and the date and time for the mandatory Proposers' conference. Failure to comply with the requirements of this RFP will result in rejection of any Proposal submitted.

Proposals submitted in response to this RFP are subject to the California Public Records Act, California Government Code Section 6250 et seq. If you claim that a portion of your submission contains information that you would like to protect from disclosure, you must so state in your Proposal cover letter, mark as confidential those portions of the RFP response that is claimed to be confidential, provide a redacted copy of the RFP, and otherwise

provide the indemnities and follow the procedures specified in Section V.F.

E. RFP Organization.

The RFP can be referred to as the “CityLinkLA RFP,” and is divided into 8 parts, including this **Section I**.

Section II contains the specifications for the wireline and Wi-Fi networks the City seeks to have deployed through the CityLinkLA initiative, and identifies minimum requirements that Proposers must satisfy.

Section III outlines the City’s effort within its departments to develop new approaches to streamlining large-scale deployment of communications facilities. Some of which are described in this RFP. The streamlining efforts are being implemented on a trial basis, in conjunction with this CityLinkLA initiative. While companies that deploy large-scale communications projects that are not part of this initiative may be able to take advantage of these streamlining efforts, the City may choose not to continue these efforts unless there is a clear public benefit to doing so. These and other tools for streamlining deployment are described in the body of the RFP.

Section IV discusses the informational resources available to the Proposer. The City has developed a robust data base of available resources to assist the Proposer in the development of a meaningful Proposal.

Section V discusses the general submittal requirements for the Proposers.

Section VI discusses the required contents of the Proposals.

Section VII discusses the RFP evaluation process.

Section VIII discusses the Proposal protests.

II.

CITYLINKLA INITIATIVE

A. Request for Participation.

The City seeks Proposals from Proposers willing to provide advanced, broadband infrastructure within the City of Los Angeles. The specifications of the wireline and Wi-Fi infrastructure that the City desires to be installed are described in this section. The term "Wi-Fi" as used in this RFP refers to wireless network connectivity delivered using the IEEE 802.11 standard, specifically 802.11ac or any subsequent amended standard equal to or more capable in range and delivered data bandwidth characteristics of delivering connectivity to the Internet. Backwards compatibility for devices that can only support 802.11g/n, is strongly desired. Future anticipated developments such as LTE-U (LTE within Wi-Fi), 802.11af (Wi-Fi within TV "white space"), 802.11ah (Wi-Fi with Bluetooth characteristics), and so forth are neither ruled out nor required. However, the City encourages Proposers to offer more than is requested in order to develop the strongest possible Proposal.

Joint Proposals are encouraged.

The City expects that Proposers will propose wireline and Wi-Fi networks whose design is similar to other communications systems already installed in the City. That is, we assume that the wireline system will consist of fiber optic cables; neighborhood facilities that are similar to nodes or utility cabinets, particularly those installed for passive optical networks, and “central offices” that serve as hubs for the distribution network. For the Wi-Fi portion of the network, we assume that the outdoor portions of the network will use devices that can be installed on poles, on light standards, on walls and on other existing infrastructure. The specifications with respect to Wi-Fi assume that the devices will be of a size and have power requirements consistent with today’s small residential and business Wi-Fi access points. While submission of a Proposal for a network of a different design is not prohibited, the City cautions that its ability to make assets available and streamline processes will depend on the design of the system proposed. The City may not readily be able to support placement of a system that requires installation of facilities that are substantially larger than typical utility facilities, or that contain components that have environmental effects (sound output, heat output and so on) or other effects substantially different than facilities commonly in place today.

The facilities of the Los Angeles World Airports and Port of Los Angeles are not included within this RFP. Proposers should not submit Proposals for, or Proposals that require access to those facilities. The City cannot grant rights to use or access the facilities of other governmental entities and does not require provision of services that require such access. A Proposer will not be required to build out or require installation of facilities (or affect buildings or existing facilities) in any natural open space or environmentally sensitive area, scenic highway, hazardous waste site, or historical resource. The databases described in Part IV should permit Proposers to identify many of these areas. During the course of construction, a provider will be expected to work with appropriate local, state and federal agencies, as required, and use best practices to minimize environmental impacts. The descriptions that follow of desired networks and build-out areas below are subject to this limitation.

B. Specifications.

1. *Eligible Proposer.*

- a. A Proposer must be authorized to do business in the State of California. The entities that will own infrastructure in the public rights of way, or who will be responsible for ensuring that the installation or maintenance of that infrastructure complies with applicable laws either must hold a franchise or authorization from the State of California or the City of Los Angeles, or show that they are eligible to obtain such a franchise or authorization. Any franchisee will pay fees (such as franchise fees) that may be required by the franchise. A franchise issued under the Digital Infrastructure Video Competition Act of 2006, for example, requires a quarterly payment equal to 5% of gross revenues derived from the operation of the system to provide video and cable services.
- b. A Proposer may be either a retail service provider, or an entity that will provide infrastructure and enter into contracts with retail service

providers. For example, within the wireless industry, entities that are not themselves providers of wireless cellular service are constructing Distributed Antenna Systems (DAS) and leasing capacity on the DAS facilities to wireless carriers. The City anticipates that the resources it is offering could be used by a wholesaler, aggregator or “carrier’s carrier” to create a combination of networks that collectively satisfy the requirements of this RFP.

2. *System Design.*

a. Wireline.

- (1) The City seeks Proposals for a wireline network that brings fiber optics to or near the premises for businesses and residences within the City of Los Angeles. A provider who wishes to use Wi-Fi, LTE Advanced or other wireless technologies to bridge the distance between the curb and end user premises may do so, but will be expected to demonstrate that the system will have sufficient performance and expansion capabilities so that it can respond to demand for increased network capabilities, and offer service levels comparable to those required for fiber-to-the-premises (FTTP) systems.
- (2) The City seeks a network that at a minimum:
 - (a) is designed so that the Internet can be accessed easily, reliably and without significant delay;
 - (b) supports Virtual Private Network Connections;
 - (c) supports secure transactions;
 - (d) for residences, includes a symmetrical service offering of at least 1 Gbps to each residential unit;
 - (e) for businesses, includes business-level services similar to those offered by fiber optic systems operating in communities like Chattanooga, TN;
 - (f) includes Internet service offerings targeted to small businesses; and
 - (g) is designed so that services can be provided to multi-family dwelling unit buildings typically found in the City of Los Angeles.

b. Wi-Fi.

- (1) The City seeks Proposals for Wi-Fi networks that will result in

outdoor availability of Wi-Fi in developed areas within the City of Los Angeles, including portions of City parks where appropriate supporting structures are available, consistent with the requirements of Section II.B.4.

- (2) The City seeks proposals for Wi-Fi networks that include strategies for providing services within buildings, and particularly multi-dwelling units of the sort typically found in the City of Los Angeles.
- (3) The City seeks Proposals for Wi-Fi services with a minimum delivered bandwidth equal to or greater than 5 Mbps for every connected device with sufficient backhaul connectivity to support 200 simultaneous users at 5 Mbps downstream and 1 Mbps upstream.
- (4) In addition to the above, the City seeks Proposals for Wi-Fi networks that:
 - (a) are designed so that a user travelling on foot is able to use the Wi-Fi network and shift seamlessly from one gateway to another;
 - (b) are designed so that the Internet can be accessed easily, reliably and without significant delay;
 - (c) support Virtual Private Network connections;
 - (d) allow access by the general public, that is, access is not to be limited to users who are subscribers to paid services offered by the provider to a wireline or Wi-Fi network; and
 - (e) support secure transactions.

c. Future Proofing.

The City seeks wireline and Wi-Fi networks designed with a defined future upgrade path so the networks continue to provide access to the Internet consistent with the most advanced systems serving residential and business subscribers.

d. Combined Wi-Fi and Wireline.

As the evaluation criteria suggest, Proposals that include both wireline and Wi-Fi components will rank higher than Proposals that do not, all other things being equal. The City believes that long-term, a combined Proposal is likely to result in wider coverage than a Proposal that focused on Wi-Fi alone, or that is focused on wireline alone, particularly because the availability of adequate backhaul may be important to

effective Wi-Fi deployment. This is one reason why this RFP expressly encourages joint Proposals. While the City will not reject Proposals that include only one component, it may make assets available on different terms than are specified in Section III, and expects to give priority access to requested assets to those who have the highest ranking Proposals. In assessing whether to accept a Proposal that does not offer Wi-Fi and wireline components and to offer the assets on the terms described in Section III, the City will assess whether the Proposal is functionally equivalent to a combined wireline-Wi-Fi offering, as well as the relative contribution of the Proposal to the goal of providing wireline and Wi-Fi service throughout the City.

3. ***Services Offered/Pricing.*** (See also Digital Inclusion Plan below for discussion of free services requested). The City seeks Proposals showing:

- a. That broadband Internet access service will be available via the network. Proposers are free to propose to provide other services subject to obtaining necessary authorizations, but need not do so.
- b. That unbundled broadband Internet access services will be available to residences and businesses at prices comparable to those offered for similar services in communities served by gigabit networks that offer or propose to offer services to the general public in a significant portion of a community. Currently, for example, a symmetrical 1 Gbps service is offered in Chattanooga, TN for about \$70/month and a similar service is offered in Kansas City, KS. The retail price commitment by the Proposer should be for at least two years after the initial turn-up of service.

4. ***Minimum Service Territory.***

- a. The City seeks Proposals for the entire developed portion of one or more of the quadrants that are defined in Attachment A, except that a Proposer may propose a Limited Area Proposal (see Section 4.b. below). A Wi-Fi Proposal will be treated as serving a quadrant if the Proposal shows that the Wi-Fi network will provide service at a minimum to underserved areas⁷ within a quadrant, and highly trafficked areas as defined by the

⁷ For purposes of this RFP, Proposers should treat census tracts where the reported average income is below \$50,000 as “underserved” or “low income.” Several studies have indicated that access to broadband varies significantly with income levels. U.S. Census Bureau, American Community Surveys, *Computer and Internet Use in the United States: 2013*, by Thom File and Camille Ryan (issued November 2014A CS-28) reports that 47 percent of households with income levels below \$25,000 report a high-speed Internet connection, and 67% of households with income between \$25,000-\$50,000 report having a high-speed connection. By contrast, at higher income levels, between 83-94% of all households report high-speed connections. That is only part of the story, as the report indicates treated high-speed connections as connections other than “dial-up.” A household that relied solely on smartphones would be treated as high-speed by this test. The report also indicated that more lower income households tend to rely solely on mobile devices for Internet access.

Proposer.⁸

- b. A Limited Area Proposal may be submitted for a geographic area smaller than a quadrant for the wireline or Wi-Fi component of service, or for both. The City will consider any Limited Area Proposal which:
 - (1) brings advanced wireline or Wi-Fi services to a significant area that is now underserved as defined in fn.7; and
 - (2) is designed in a way that advances the City’s digital inclusion goals. For example, a Proposal that included a relatively high income area and a low-income area is not likely to be acceptable if build-out in the low-income area only occurs after build-out has been completed and services are being provided in the high-income area.

5. Build-out.

- a. The City seeks Proposals that will result in build-out and provision of services within the Proposer’s defined service area within five years of the award of the contract. Build-out periods will be extended where delay is due to factors beyond the control of the Proposer, including but not limited to the failure of City to issue permits at a rate that would permit the build-out to be completed within that period. Wireline and Wi-Fi capabilities do not have to be turned up simultaneously.
- b. The City will accept Proposals that include “demand-based” models for build-out, and believes that a well-designed model may provide an effective path to deployment. However, any demand-based model must be designed in a way that does not have the effect of exacerbating the digital divide. Under one demand-based model, for example, communities are divided into geographic sections. The provider promises to build out to any section where the demand reaches a certain level. At least as initially implemented in some communities, that model led to very different results in higher income vs. lower income areas. The model also made it more difficult to obtain service in multi-family dwelling units as opposed to low-income units and did not initially take business demand into account. However, it appears to the City that these shortcomings could be addressed in a number of ways: For example, a Proposer could offer to link higher-demand and lower-demand areas to average demand across areas. Once minimum demand targets are met in a higher-demand area, additional demand is effectively attributed to a lower-demand area. As another example, under a simple demand-based model, an area qualified for build-out once a certain percentage of

⁸ Proposers are reminded, however, that all other things being equal, a Wi-Fi Proposal that provides connectivity to more people (*i.e.*, that offers the maximum population coverage) will rank more highly than proposals that provide less connectivity. Likewise, if Proposals are otherwise equivalent, a Proposal that offers a clear path for expansion of coverage will rank more highly than one that does not.

households indicated interest in the service. A Proposal could set a financial value on the “interest,” and allow that to be satisfied through grants, sponsorships, or through other means. Proposals based upon demand-based models should include:

- (1) A description of the manner in which the model would operate, and how it would address problems associated with application of a demand-based model in areas with high levels of short-term residents, low-income or low-adoption rates.
- (2) A description of the manner in which the demand-based model takes into account demand from the business community.
- (3) An explanation of what role the City might be required to play in fostering demand, if any.
- (4) What the Proposer will do if the model in fact results in low-take rates or build-out commitments in underserved areas.
- (5) The time frame for seeking expressions of interest from all neighborhoods and the estimated time frame from demand targets being met to construction.

6. *Digital Inclusion Plan.*

As part of each Proposal, the City seeks a Digital Inclusion Plan designed to encourage adoption of broadband throughout the proposed service territory; and designed to ensure that a minimum level of service is available to all residents in the proposed service territory.

a. More specifically, a Digital Inclusion Plan is desired:

- (1) For wireline and Wi-Fi. If a Proposal includes both, a Digital Inclusion Plan should discuss both;
- (2) That includes offerings that provide free service without regard to the income of the user, so that the service is available without the need for a user to qualify for service;
- (3) That provides support for a Digital Inclusion Plan for at least the period of any contract for use of City assets entered into pursuant to this RFP (not including assets which a Proposer is entitled to use as of right);
- (4) That includes free service offerings that will be adjusted over time to reflect changes in the speeds required to use the Internet effectively; and

(5) That addresses costs of installation in a manner that makes service accessible to low-income, transient populations.

- b. For wireline, the City seeks free service offerings that provide a high-speed option subject to data caps which when reached, trigger a low-speed service of at least at 5 Mbps downstream and 1 Mbps upstream. While other approaches may be proposed in evaluating a Digital Inclusion Plan, the City will consider whether the plan is likely to deliver the benefits of connectivity to users, and thereby encourage adoption.
- c. For Wi-Fi, the City seeks a level of free service consistent with the minimum network requirements described in Section II.B.2.b(2).
- d. The City has seeks a digital inclusion plan that includes provision of 1 Gbps symmetrical services (wireline or Wi-Fi) to locations that may serve as community computer centers. A list of library locations, recreation and parks locations, WorkSource and Family Source Centers is included in Attachment B although a Proposer is not restricted to a Proposal for service to those specific locations.
- e. The City seeks Digital Inclusion Plans that include a strong component for publicizing the availability of free service options and that provide for coordination with non-profit groups and the City in efforts to distribute equipment required to take advantage of those offerings and more advanced service offerings. As described in Part III.A.5, the City is willing to coordinate its distribution of refurbished computers so that equipment is provided to potential users at the same time that the provider is turning up services in an area – to the extent that may be done without disrupting the City’s program. Proposers are also encouraged to partner with other non-profit organizations within the City that are working to address the digital divide. Attachment B to this RFP provides a list of some of the organizations working on digital inclusion issues.
- f. The City encourages submission of creative plans and Proposals and is willing to work with selected Proposers where appropriate to obtain grants for deployment of facilities or equipment to particular areas of the City.

7. ***Net Neutrality.***

The City is strongly committed to promoting net neutrality, and expects each selected Proposer to agree to operate its network consistent with net neutrality as defined by applicable FCC regulations.

8. *Other Conditions.*

- a. To the extent that City structures are used for the placement of Wi-Fi devices, Proposers using them will be expected to develop a “splash page” that includes the CityLinkLA logo and appropriate links to City resources related to the initiative. In addition, providers will be expected to share aggregate information with the City regarding network usage (e.g., the number of connections to Wi-Fi devices to permit the City to assess system usage and traffic patterns in particular areas). The City does not request, and is not interested in receiving a Proposal that would provide it with personally identifiable information regarding network users.
- b. Proposers are expected to craft free service offerings so that the services are useable and so that the Internet can be accessed without undue delay or security risks. For example, if premium and free Wi-Fi connections are offered, the availability of the free service should be evident, and the system should be designed so that the steps and time required to complete a connection to the Internet are limited.

III.

CITY SUPPORT FOR CITYLINKLA INITIATIVE

A. Overview.

The City is taking steps to encourage the private sector to deploy broadband generally, and is specifically proposing to provide access to City assets to Proposers who are selected to participate in the CityLinkLA initiative. These efforts fall into the following broad categories:

1. Streamlining permitting processes for major telecommunications projects.

Many of the City’s permitting processes are designed for construction affecting a few city blocks, or particular locations. However, rapid installation of large scale communications networks will require coordination among a number of City departments and agencies in order to minimize impacts on the public. The City is creating a Digital Infrastructure Permitting Group that will work with entities that are building major telecommunications projects within the City in order to allow construction of those projects to proceed as quickly as possible while minimizing the burden on the City and residents. While the DIPG will provide assistance to any entity building a major telecommunications project, as defined below, and not just the Proposers selected through this RFP process, the DIPG is being created on a trial basis in part to test whether there is a demand or need for special permitting processes to encourage wide-scale broadband deployment. As part of the CityLinkLA initiative, the City also may work with particular providers to test the viability of various techniques for deployment of communications facilities (micro-trenching and micro-tunneling, for example) on a pilot project basis.

In addition, because the City owns a municipal utility – the LADWP – the City is in a position to ensure that the permitting process is coordinated with processes for installing and obtaining power required for network components.

2. *Providing access to advanced data bases to permit coordination and planning of construction.*

The City maintains systems that allow providers to plan construction, to coordinate with other major City projects and to avoid routes that may add cost or delay to project construction. For example, the City charges more and imposes more stringent requirements for work that requires trenching in newly paved streets. However, the City’s mapping systems permit entities to identify streets that have been recently repaved, as well as streets and other pathways that are scheduled to be repaved, and may permit entities to avoid streets altogether by placement of facilities in appropriate alleyways.

3. *Providing access to City properties for placement of equipment for the CityLinkLA initiative pursuant to uniform contracts.*

Assuming that the “public benefits” criteria set out in Section 14.00(A)(6) of the Los Angeles Municipal Code are met, the City has thus far identified over 100 sites owned by the City or other agencies for which a license could be issued, without the need for a change in zoning classification, conditional use permit or any discretionary land use approvals, for use of approximately 1400 sq. ft. of land, and placement of an unoccupied, single-story, pre-fabricated structure. The sites could serve as hubs for construction of an advanced wireline broadband network. Attachment C lists and provides detailed information regarding those sites. In addition, the City owns and controls street light poles that can host and provide power to Wi-Fi devices (or other wireless devices) so long as the devices meet certain specifications. The City is willing to license space within its storm water drainage system for placement of conduit and fiber. Maps showing the location of street light poles and the general location of the storm water drainage system are available for download as described in Section IV. This RFP describes the prices at which the City is willing to make certain properties available to selected Proposers. As a general matter, the City seeks to recover fair market value from licensees of its property. In this RFP, it seeks that value in the form of a cash payment, and it additionally seeks benefits through the Digital Inclusion Plan. Property need not be licensed to Proposers at the prices specified below unless the City determines that the license provides a fair value to the City. In addition to those properties, the City controls thousands of buildings and associated property which could also be used to place Wi-Fi and wireline network equipment. A listing of City-owned buildings is available for download as described in Section IV. To the extent it is feasible to do so given differences or restrictions on particular properties, the City is willing to license space to selected Proposers pursuant to uniform agreements. A model for a master license agreement for network facility sites that could apply to properties controlled by the City’s General Services Department is Attachment D to this RFP. The model is included as a guide to the issues that would need to be addressed in a license for use of City property, and to speed development of a final master license for Proposers selected to participate in the CityLinkLA initiative. Proposers are free to comment on the model.

4. *Leasing LADWP Dark Fiber.*

The LADWP controls significant fiber assets throughout the City and is willing to lease those facilities in bulk to winning Proposers in a configuration that creates “virtual loops” or near virtual loops within each of the four quadrants defined by this RFP. As part of a bulk lease, the LADWP is willing to provide access to fiber at a bulk, wholesale price -- escalating reasonably over the term of the lease. A map showing the general location of the LADWP fiber and the “by right” fiber hub locations is included as Attachment E to this RFP.

5. *Co-Branding Opportunities.*

Selected Proposers would be permitted to use the CityLinkLA brand, subject to negotiated restrictions and limitations, in connection with the marketing of specified services. In addition, the City would work with selected Proposers to coordinate ongoing efforts by the City and non-profit groups to distribute Internet-enabled devices to lower-income communities with the Proposer’s deployment of CityLinkLA infrastructure.

6. *Ongoing Partnership.*

While the City has identified certain specific steps designed to speed deployment of advanced infrastructure, it will work with selected Proposers to identify and take advantage of other opportunities to speed broadband deployment. For example, the City may be willing to assist selected Proposers to apply for grants designed to secure deployment of broadband to low-income housing. Likewise, it may be willing to contract exclusively with selected Proposers for Wi-Fi services to City parks.

B. Streamlining Construction.⁹

1. *The Digital Infrastructure Permitting Group.*

- a. The City intends to establish a Digital Infrastructure Permitting Group to assist entities who are building major telecommunications projects within the City. While what constitutes a “major telecommunications project” will be defined formally after the DIPG is established, the City anticipates that the term will refer to a defined project that requires more than one year of construction, and that affects a significant portion (5%) of the City whether measured in percentage of population passed, residential and building units affected, square mileage, or street miles affected. Proposers selected through this RFP who propose to serve an entire quadrant will by definition be eligible to take advantage of the DIPG.
- b. The DIPG will work with eligible providers from the initiation of a project to completion, beginning with project planning, through

⁹ For any of the processes or procedures described in this Section, the City may require an advance payment of its estimated costs and timely payment of charges on an ongoing basis as a condition of continuing work on a selected Proposer’s project.

permitting, construction completion and inspection. It should encourage cross-departmental efficiencies, and result in consolidation of permitting where possible.¹⁰ It should assist eligible providers in obtaining necessary authorizations for night work and for special construction hours.

- c. Once a qualifying project is identified, a single point of contact will be established for the project. Permit applications will generally be submitted to that single point of contact, and then distributed to appropriate members of the DIPG group for (where possible) concurrent permit review and issuance. LADWP would not be a part of the DIPG, however, DIPG will coordinate with LADWP to streamline required LADWP activities.
- d. The City anticipates that the ongoing cost of the DIPG (after initial set-up) will be borne by those using its services. As with other major projects, the City anticipates that permitting services will be charged on an hourly basis, and that staff may be added as needed to allow for rapid permit processing for a project. Because the City's ability to provide services to projects through the DIPG may be constrained by staff or other resources that are available, the City intends to provide services first to entities that provide advance notice of projects and commit to the DIPG process. Providers will not be required to file additional applications or pay application fees for work that is permitted and paid for through this "concierge" process. The City anticipates that for a project of the size envisioned by the CityLinkLA RFP, the speed and cost of permitting will be substantially reduced, although it cannot guarantee cost savings. The City has budgeted \$1,000,000 for 2015-2016 to support the DIPG.
- e. A Proposer (or any other person constructing telecommunications facilities) is not required to use the DIPG, and may submit permit applications following ordinary City procedures.

2. *Specific Streamlining Techniques.*

- a. Where feasible, the City (through the DIPG) intends to utilize techniques it has used on other large projects, including pre-approvals of equipment, cabinet, vault and other structural designs to minimize the number of reviews required through the construction process.
- b. The City will work with providers to receive applications in bulk where feasible, so that construction can be approved for logical segments of the project. Where particular installations require public notice and

¹⁰For example, a Proposer who wished to install a node must typically apply for permits for that node, and apply to LADWP to bring power to that node. LADWP, itself, would be required to apply for permits. The City would expect that through the DIPG, providers could submit bulk applications to LADWP for power to nodes, and submit a combined permit application for power and for nodal placement.

comment, whether through the City's zoning processes or through the Above Ground Facilities Ordinance, the City will work with providers to issue required notices for facilities throughout a reasonable, provider-defined territory so that the noticing process can be completed as quickly as possible and does not delay construction.

- c. The City will entertain Proposals for alternative construction techniques that may reduce deployment time and costs. For example, LADWP has worked with providers to develop new methods for metering underground or aboveground utility cabinets using meters on the pole, and other techniques that reduce design time required for provision of power to sites, and speed permitting approvals. The City will consider pilot projects for microtrenching in residential neighborhoods, or for other construction techniques (e.g. microboring) that may reduce costs to the Proposer and minimize disruption or damages to the rights of way.
- d. The City is not proposing to waive any regulation designed to ensure that a network is properly planned and installed. For example, the City will not waive applicable requirements for engineering stamps on permit applications, nor will it approve techniques that raise significant safety or environmental risks, or that endanger sites of historical or cultural importance.

C. Access to Data Bases.

The City will provide access to data bases, and to information regarding the location of City and other assets that may be useful in construction of the CityLinkLA infrastructure. That information is described in Part V. Access to information regarding the exact location of LADWP assets and storm water drainage system assets will require execution of a Confidentiality Agreement, and may require a Proposer to review information at a location designated by the City.

D. Access to City Property/Other Assets.

Most City-owned sites are controlled by the General Services Department (GSD). GSD licenses are subject to approval of the City Council, but in most instances, GSD licenses do not require approval of an independent board. However, some sites are controlled by departments that have their own board or commission: the Recreation & Park Department (RAP) and Los Angeles Department of Water & Power (LADWP). All the City departments have independent requirements that will need to be complied with, and licenses will require approval of the relevant departments in addition to the City Council. However, the City has developed a model master license for GSD properties, and will work with these Boards and staff of the departments (and with other agencies as appropriate) to develop form licenses that could speed the approval process where possible. The Boards of certain City departments have expressed their support for the CityLinkLA initiative in the attached resolutions. See Attachment F (Department Resolutions in Support of CityLinkLA). The City does not anticipate that there will be any significant delays caused by the approval processes associated with sites controlled by departments with independent boards.

The Housing Authority of the City of Los Angeles (HACLA) (a state-chartered public agency) owns sites that may be useful for placement of fiber hubs or other network facilities. The Housing Authority of the City of Los Angeles has also expressed support for the CityLinkLA initiative and agreed to make some sites available for location of fiber hubs, subject to negotiation of appropriate terms and conditions and any required HUD approvals.

In addition, Los Angeles County Metropolitan Transportation Authority (Metro) controls significant assets (including property and fiber optic assets) that may be available to speed deployment of CityLinkLA infrastructure. The Metro assets may be of particular interest to Proposers. Metro is a multimodal transportation agency that is really three companies in one: a major operator that transports about 1.5 million boarding passengers on an average weekday on a fleet of 2,000 clean air buses and six rail lines, a major construction agency that oversees many bus, rail, highway and other mobility related building projects, and it is the lead transportation planning and programming agency for Los Angeles County. Overseeing one of the largest public works programs in America, Metro is, literally, changing the urban landscape of the Los Angeles region. Dozens of transit, highway and other mobility projects largely funded by Measure R are under construction or in the planning stages. These include five new rail lines, the I-5 widening and other major projects.

On April 16, 2015, Metro's Executive Management Committee (a standing committee of the Metro Board) approved Metro's optional participation in the CityLinkLA RFP. Metro has identified candidate sites that may be suitable for placement of network facilities, and identified Metro rights of way where it may have excess fiber available for lease. Use of the property or the fiber would require an agreement with Metro. Attachment N lists the candidate facilities and contains a high level map of rail lines where Metro has rights of way with fiber. For more information about the location of Metro facilities see, <http://www.metro.net/riding/maps/>.

In addition to Metro, the Los Angeles Unified School District has expressed support for the initiative. Attachment G contains resolutions of support from HACLA, Metro and LAUSD.

1. Sites for Fiber Hubs.

- a. The City has identified over 100 sites owned by the City or other public agencies (see Attachment C) spread across the City that could be used to support placement of hub or central office facilities without discretionary approvals, so long as the use meets the public benefit criteria below. The specifications used in identifying properties are set out in Part I.A of this RFP. Attachment C shows possible locations on identified sites where it may be possible to locate a hub, but the precise location and shielding associated with a particular site, and conditions required to secure and maintain sites in a safe condition or otherwise comply with applicable law will be determined on a site-specific basis, and in some cases, clearances may be required from other state and federal agencies. While the City and other agencies intend to provide property for license, a Proposer will only have rights to use any particular property once a license is signed that specifically permits the use of that property.

- b. The general terms, conditions and consideration for use of site controlled by the GSD will be contained in a master license. Each license will be subject to such special conditions as may be required for particular locations, such as beautification conditions. The price for the Attachment C Locations on properties controlled by the GSD could be as low as \$3/sq. ft. per year (subject to final approval of the City Council) for a structure similar to that described in the specifications in this RFP. The City anticipates the license term will be at least five (5) years and no more than twenty (20) years, with a reasonable escalator. A model master license for City property controlled by the GSD, including hub site locations, is included as Attachment D. A selected Proposer will not be able to use sites on lands controlled by the RAP or HACLA unless the Digital Inclusion Plan provides a specific wireline or Wi-Fi benefit for parks and low-income housing. Pricing and terms for access to LADWP property for placement of hubs will be set by LADWP.
- c. Subject to the conditions of the license and applicable local laws and policies, a Proposer may use the City-owned sites for other communication purposes not associated with the CityLinkLA initiative. For example, a site could be used as an interconnection point with other carriers.
- d. Most of the City-owned sites would be available to locate a fiber hub “by right” and not requiring any discretionary land use approvals so long as the criteria set forth in the City Municipal Code are met as part of the “public benefit” zoning for non-wireless uses. Municipal Code Section 14.00(A)(6)(a)-(b) provides that public utilities and public services uses and structures, other than wireless telecommunication facilities and radio or television transmitters are permitted, provided that:
- (1) Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties.
 - (2) The use is conducted in conformance with the City’s noise regulations pursuant to Chapter 11 of the Zoning Code.
 - (3) There are no outdoor public telephones on the site.
 - (4) No buildings are higher than any building on adjoining property.
 - (5) No guard dogs are used to patrol at night.
 - (6) There is no use of barbed, razor or concertina wire.
 - (7) Security lighting is provided in parking areas.
 - (8) The property is improved with a 10-foot landscaped buffer along

the periphery of the property, which is maintained and is equipped with an automatic irrigation system.

- (9) Parking areas are landscaped pursuant to the requirements of Section 12.21 A 6.
 - (10) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, and does not extend more than 2 feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building.
 - (11) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.
 - (12) The use meets the parking requirements of Section 12.21 A.
 - (13) The site is a corner site.
 - (14) Yards, at a minimum, should meet Code requirements or those prevalent on adjoining properties, whichever is the most restrictive.
 - (15) The majority of the frontage is on a major or secondary highway.
 - (16) All streets, alleys and sidewalks adjoining the property meet standard street dimensions.
- e. In the event any site does not meet all of the above criteria, the City Planning Department has an expedited review process to consider a waiver of any condition by the Planning Director.
 - f. The fiber hub will also be required to comply with applicable building, safety and design-related requirements. The DIPG will work to ensure Proposers are aware of all applicable requirements early in the planning process and will expedite the review of proposed structures and site plans for both zoning and condition clearance requirements. Assuming a standardized fiber hub design, the condition clearance process will include a one-time review of the design, environmental and safety features of the fiber hub, as well as a review by the Fire Department and Cultural Heritage Commission. Each of the selected sites will also require review by the Bureau of Engineering to confirm the need for any required dedications.
 - g. In all cases, a Proposer who wishes to use a site will be responsible for all costs associated with preparation, construction, clean-up and maintenance of the appearance of the site.
 - h. The LADWP has identified sites that may be available for fiber hub

placement. Those sites may require discretionary zoning reviews, but may be of particular utility because of their proximity to LADWP fiber. The locations of those sites, and the terms and conditions under which they would be made available will be determined by LADWP, subject to any required City approval. A list of those sites and their addresses is included in Attachment H.

2. *Other Real Property and Buildings.*

The City owns thousands of buildings and other real property that may be suitable for placement of Wi-Fi or for other structures associated with the CityLinkLA. A listing of City-owned buildings is available for download as described in Section IV. The use of the property or buildings (depending on the use proposed) will need to be evaluated on a site-by-site basis and may require some discretionary land use approval, such as site plan review or conditional use permits, and will require appropriate investigation to ensure that the structures proposed are consistent with the safe continued use of the structure, and otherwise in accordance with law.

For buildings subject to the control of GSD, the City is willing to enter into uniform licenses that minimize the cash payments for selected Proposers who are willing to provide compensation in the form of services to the City or to the public. The City is also willing to enter into appropriate licenses that permit a site to be used for CityLinkLA and for other infrastructure. For example, a rooftop or the side of a building might be used to support a Wi-Fi access point and a wireless antenna. The price for the licenses, and certain terms may depend on the uses proposed.

3. *Access to City Storm Water Drainage System for Installation of Conduit and Fiber.*

- a. The Sanitation Bureau of the Department of Public Works maintains the sanitary sewer system and the municipal storm drain system which are two completely separate water drainage systems. The City's 1200-mile storm drainage system was built in the 1930s and 1940s to prevent flooding. It carries excess water from rain, sprinklers or business activities away from city streets and straight out to the ocean. The Bureau is willing to allow the storm drainage system to be used for fiber and conduit facilities installation for CityLinkLA infrastructure.
- b. Maps showing the location of storm drainage facilities will be available for review, but require execution of a Confidentiality Agreement. A form of Confidentiality Agreement is Attachment J to this RFP.
- c. A Proposer who wishes to use the storm drainage system will be required to enter into a master agreement with the City, which, like pole attachment contracts, will require submission of an application for attachments in particular segments. Particular attachments will be

subject to Bureau review of the design and construction, and inspection of the facilities for safety and other issues based on the planned design of the facilities authorized at the site. Usage will also be subject to confirmation that there are no other restrictions on use. Most of the storm water drainage system is located in public rights of way but portions of the system traverse private property typically pursuant to easements obtained and recorded with the property. Use of any portions of the system which traverse private property will require research to determine whether the scope of the storm drain easement can include the use for fiber and conduit installation, or would require an amendment to permit such use.

- d. Subject to agreement to other terms, and provided that the selected Proposer provides for appropriate in-kind benefits consistent with this RFP, space within the system will be leased at \$0.25 per linear foot.

4. *Access to City Street Light Poles (SLPs) for Installation of Wi-Fi Access Points.*

- a. The Bureau of Street Lighting (BSL) owns and maintains approximately 200,000 Street Light Poles (SLPs) throughout the City. The styles and types of poles and fixtures vary greatly throughout the City, which is primarily a reflection of the City's history, architecture, commitment to public safety, dedication to historic preservation and efforts to reduce light pollution. BSL has established a Policy, Specifications, and Procedures for Communications Installations on Street Lighting Poles (Policy) which is available here:
<http://bsl.lacity.org/downloads/business/telecomm091806c.pdf>
- b. An estimated 140,000 SLPs are candidates for mounting wireless communication devices under the Policy. The main function of the SLPs is to provide continuous street lighting throughout the City. Most SLPs are constructed of metal or concrete and are separated by 75-200 feet on major streets, 140-150 feet on local streets and 50-75 feet at intersections. The SLPs that are candidates for placement of Wi-Fi devices are equipped with four-foot horizontal mast arms and cobra-head fixtures at a mounting height of 26-30 feet. Photoelectric cells affixed to the cobra-heads fixtures support a line voltage of 120 volts.
- c. A selected Proposer who wishes to utilize SLPs for placement of Wi-Fi devices will be required to enter into a Master Permit for Attachment of Communication Equipment to The City of Los Angeles Street Lighting Poles, Attachment K to this RFP. A Proposer must complete a Site Permit Application for each SLP. The form application is Attachment L to this RFP. There is no limit on the number of applications that can be submitted at once, but BSL can only process 100/month with current resources. There is a \$200 nonrefundable processing fee for each application using standard procedures. However, a Proposer can obtain more rapid processing by paying for dedicated resources to review

proposed attachments in bulk, and costs to applicant will be based on actual costs to the City.

- d. Individual Site Permits are executed and attached upon approval. For a fiber connection to a Wi-Fi access point on a SLP, a separate form agreement and payment for foundation work to permit fiber and pull box will be required. However, Proposers are encouraged to design networks so that the number of fiber connections are minimized because of the time associated with providing the connection.
- e. The standard rental fee is \$742 per SLP per year. This fee is inclusive of power for attachments that fall within the parameters of the Policy; for power that falls outside the parameters, a meter would normally be required. For selected Proposers the City is willing to set a bulk per year rental fee rate that takes into consideration the cash payment proposed, the Wi-Fi coverage that the Proposer promises to provide, and the quality of the free services proposed. Any Proposal must also cover all City costs, including costs to BSL for power associated with the Wi-Fi device, unless Proposer chooses to obtain power itself through LADWP (in which case approval by LADWP, a meter, and sufficient information to effectuate the associated billing will be required). BSL power costs will reflect the power rating of the Wi-Fi device, assuming 24 hours x 7 days of operation.

5. *Inspections.*

The City will provide interested Proposers with a Temporary Access License Agreement that will permit the Proposers to examine particular property and structures. An access agreement is Attachment I to this RFP, and the process for requesting access is described in Section VII.A.1.d.

E. Access to LADWP Assets

In addition to coordinating with the DIPG, LADWP controls properties and assets that may speed the ability of a selected Proposer to offer services in the marketplace. As with other City departments, LADWP offers concierge services and can expedite review of applications and permits so long as its costs of doing so are covered.

1. Dark Fiber.

- a. LADWP’s Fiber Optic Enterprise (FOE) owns approximately 819 route-miles of fiber optic cable throughout the City of Los Angeles. Approximately 30% of the route miles have significant spare fiber optic capacity (40-100 strands).
- b. Attachment E shows the rough location of fiber runs that would be available for lease and the spare fibers associated with those runs; and the preferred sites available for location of a fiber hub. As shown in that map, the available fiber can be used to create a ring or near-ring in each of the four sectors defined by the City. A Proposer may obtain access to information showing fiber counts and locations in more detail by requesting access to that information and executing the form Confidentiality Agreement at Attachment J.
- c. Existing dark fiber would be leased at a flat monthly base rate starting at \$100 per fiber mile for each fiber strand. FOE would waive all building entry fees.
- d. The selected Proposer would be required to enter into a standard dark fiber lease with LADWP. A Proposer would be required to lease, at a minimum, an entire buffer tube (12 fibers) to lock in the pricing schedule for 10 years with price escalation beginning in year four. Thus the minimum charge initially would be \$1,200 per month per fiber mile for each 12 fibers buffer tube. Up to two buffer tubes (24 fibers) would be guaranteed to be available for the provider’s use at mutually agreed upon sites. Additional fibers would be available based on availability of LADWP fiber at particular locations. Subject to the review described in subparagraph III.E.1.e, the monthly price per fiber mile would escalate using the following table:

Year	Charge/fiber strand mile
1	\$100
2	\$100
3	\$100
4	\$125
5	\$125
6	\$175
7	\$225

8	\$250
9	\$250
10	\$250

- e. All fiber agreements would be for a minimum of 10 years. As required by the City Charter, the charges would be subject to review and modification every five (5) years.
- f. Minimum fiber counts between locations would be 12 fibers.
- g. No building entry fees would be charged.
- h. Non-recurring costs (NRC) would be fiber construction for the “last mile” from existing LADWP fiber to hubs or to other locations designated by the Proposer. Costs would vary depending on location. LADWP would charge for this at cost with no markup for profit. If feasible and desired by the provider, the last mile fiber construction may be undertaken by the provider by mutual agreement with LADWP.

2. Pole attachments.

- a. There are approximately 540,000 utility poles (UPs) in the City of Los Angeles and the areas immediately surrounding the City. LADWP is the sole owner of approximately 75,000 UPs throughout the City, and is a joint owner of approximately 295,000 UPs. The City owns UPs in most areas of the City where utilities are not underground. Most areas of the City have aboveground utilities. The City owns the jointly owned poles with members of the Southern California Joint Pole Committee (SCJPC) (<http://www.scjpc.org/>).
- b. A person seeking to install attachments to UPs may become a member of SCJPC and purchase required attachment space; lease space from the joint owner that controls the communications space where the attachment would be placed; or work with LADWP, which can reallocate space where available to make additional communications space available on a pole.
- c. CPUC Decision 98-10-058, 82 CPUC 2d 510 (1998), as amended, grants cable television corporations and competitive local communications carriers (CLCs) access to UPs owned by investor-owned utilities (including electric utilities and incumbent local exchange carriers). The pole attachment rates, terms and processes of these UPs owners are governed by that Decision.
- d. Pub. Util. Code §§ 9510-9520 grants any “communications service

provider” access to UPs owned by LADWP. That term is defined to mean “a cable television corporation, video service provider, or telephone corporation.” LADWP has established a standard form of Pole Attachment License Agreement (DWP Form PD-399), and a standard form of Pole Mounted Facilities License Agreement (DWP Form PD-401), and has established standard license rates. These forms and the rates are available upon request.

- e. In addition to the above standardized processes, rates and terms, LADWP is willing to consider reallocating space on UPs to expedite access to UPs by selected Proposers in the following circumstances:
 - (1) LADWP would consider reallocating available space on UPs it owns to allow a selected Proposer that is a “communications service provider” to attach to poles.
 - (2) If LADWP determines that there is available space on its UPs for reallocation and that such reallocation is compliant with all regulatory requirements, the selected Proposer(s) who desires this benefit will be responsible for the actual space reallocation costs incurred by LADWP as a pass-through expense, for access to each jointly owned pole.
- f. There are rules in place that establish shot clocks for the review and processing of pole attachment applications.

3. *“Concierge” Services.*

Consistent with its past practices with respect to large projects, to the extent permitted by law and to the extent personnel are available, LADWP may provide dedicated staff to perform work required to approve the use of a UPs or to provide power to CityLinkLA infrastructure, if a Proposer is willing to bear any additional costs associated with that work.

F. Ongoing Efforts

The City is committed to creating an environment in which selected Proposers may quickly enter and have a fair opportunity to succeed in the marketplace. To that end, in addition to the efforts described above, the City expects to provide additional information and opportunities to Proposers.

1. *Business demand survey.*

The City intends to take steps to permit the business community – and in particular, the small business community – an opportunity to indicate their interest in purchasing services of the sort offered in Chattanooga, Austin and Kansas City. It will be conducting a survey of the community at the time the RFP issues, and will make the results of that survey available through the LABAVN.

2. *Joint application for grants.*

The City is willing to work with selected Proposers to obtain grants for extension of networks into low-income or underserved areas.

3. *Proposers May Suggest Ways in Which City Could Encourage Deployment.*

A Proposer who has particular questions or suggestions regarding steps the City should take to encourage deployment of CityLinkLA infrastructure may do so by raising those questions at the Proposers' Conference, or by submitting them in the form of questions as part of the initial requests submitted to the City in response to the RFP. The City will not entertain suggestions that raise safety risks, or that create risks for the environment, or sites of cultural or historical significance.

IV.

INFORMATIONAL RESOURCES AVAILABLE TO PROPOSER

In addition to the Exhibits to this RFP downloadable from the LABAVN, the City maintains databases that will permit Proposers to identify the location of critical infrastructure, zoning area boundaries, sensitive environmental areas and other information that may help craft responses to this RFP. The information is primarily available from two sites: NavigateLA (<http://maps.lacity.org/NavigateLA.htm>) is a web-based mapping application that delivers maps and reports based on data supplied by various City departments, Los Angeles County, and Thomas Bros. Maps. There will be a CityLinkLA data layer that is accessible as described in Attachment C. The LA Open Data portal (<https://data.lacity.org/>) allows users to access a variety of City data, including lists and maps of basic city infrastructure. Data from the LA Open Data Portal is exportable. As noted above, a Proposer who wishes to inspect City properties, or who wishes to review confidential data regarding LADWP or storm water drainage assets may do so by following the procedures described in Section VII.A.1.d and signing a completed Confidentiality or Temporary Access License Agreement, as appropriate.

The City may be able to create additional maps or overlays, and if particular overlays are desired, they may be requested by submitting questions to the email address as specified in this RFP. The City does not guarantee that it will be able to provide the information requested.

A. Zoomable Map of Quadrants and “By Right” Fiber Hub Locations.

<https://data.lacity.org/A-Well-Run-City/CityLinkLA-Potential-Hub-Site-locations/5d3u-9t6h> and also

<http://navigate.lacity.org/NavigateLA/>

B. Storm Water Drainage Facilities.

<https://data.lacity.org/A-Livable-and-Sustainable-City/Storm-Drain-System/pjh9-xwfn>

C. BSL Streetlights.

<http://navigate.lacity.org/NavigateLA/>

D. City-Owned Buildings/Properties.

<https://data.lacity.org/A-Well-Run-City/City-Facilities-Building-Book-/p4zb-k7qp>

E. Housing and office locations/Building footprints.

https://data.lacity.org/d/qp2w-c3cq?category=A-Well-Run-City&view_name=City-Facilities-MAP-Building-Book-Opens

F. Streets/Right of Way and Easements.

<http://navigate.lacity.org/NavigateLA/>

G. City Boundaries.

<http://navigate.lacity.org/NavigateLA/>

H. Parcels or Lot Lines.

<http://navigate.lacity.org/NavigateLA/>

I. Existing Underground Utility Routes.

<http://navigate.lacity.org/NavigateLA/>

J. Manholes.

<http://navigate.lacity.org/NavigateLA/>

K. Street Condition by Street.

<https://controllerdata.lacity.org/Audits-and-Reports/Bureau-of-Street-Services-Street-Assessment-Map/bnp5-r4wj>

L. Street Pavement Planning/Streets of Significance.

<http://navigate.lacity.org/NavigateLA/>

<https://data.lacity.org/A-Livable-and-Sustainable-City/Los-Angeles-Great-Streets-Initiative-First-15-Stre/dyw8-qis5>

M. Zoning.

<http://zimas.lacity.org/>

V.

GENERAL SUBMITTAL REQUIREMENTS

A. Submission Requirement.

EACH PROPOSER MUST SUBMIT: one (1) original Proposal and a cover letter, each signed in ink, and a second hard copy marked "COPY" and 7 (seven) USB Memory Keys or CD-ROMs, each containing PDF version copies of the Proposal (including all forms, attachments, appendices, and exhibits). Proposers' submissions must be received by the ITA at the Proposal Delivery Address specified in this RFP no later than November 12, 2015, 2:00 p.m. (Pacific Daylight Time). The City will not accept late Proposals. Certain materials must also be uploaded to the LABAVN no later than the deadline for submission of the Proposal. Proposers should review Attachment M, Appendix N.

All Proposals to this RFP must be mailed/delivered no later than the stated date and time to:

Information Technology Agency
Business and Administrative Services
200 N. Main Street, Room 1400
Los Angeles, California 90012
(213)-978-3311
Attention: CityLinkLA RFP

B. Cover Letter.

Each Proposal must be accompanied by a cover letter limited to two pages that references the title of this RFP, contains a general statement of the purpose for submission, and includes the following detailed company information:

1. Full legal name of the Proposer;
2. Legal business status (individual, partnership, corporation, etc.), address, and telephone number of the Proposer;
3. If Proposer is a corporation, partnership, LLP, LLC, etc., the state under whose laws Proposer is organized. Otherwise, if Proposer is an individual, identify the state where Proposer is domiciled; and
4. Name, title, address and telephone number of the person or persons authorized to represent the Proposer in order to enter into negotiations with the City with respect to the RFP and any subsequent awarded contract. The cover letter must also indicate any limitation of authority for any person named.

C. Written Submissions Format.

To be considered responsive, a Proposal must be submitted in typewritten English language. Numerical data shall use the dollar-foot-pound-second system of units of measurement except where specified. All applicable documents, including forms, attachments, appendices, and exhibits to this RFP, must be completed and returned with the Proposal.

Each page (excluding charts and drawings) shall be 8-1/2" x 11" in size, typed double-

spaced using a font no smaller than Arial 12 point. Letterhead stationery should not be used, except for the cover sheet.

Responses to this RFP shall be based on the material contained in the RFP, the Proposer's Conference responses, attachments, amendments, addenda, and other material published by the City or the ITA relating to this RFP. The Proposer shall disregard any previous draft material and oral presentations that may have been obtained by the Proposer.

Proposals shall be submitted in accordance with the requirements set in this RFP and shall constitute acknowledgement and acceptance of all terms and conditions set forth herein. Any implied costs for services shall be itemized in the Proposal. Exceptions with any of the terms and conditions set forth herein shall be itemized in the Proposal. Failure to do so will be construed as acceptance of all RFP provisions, requirements and specifications.

The City may deem a Proposal non-responsive if the Proposer fails to provide all required documentation and copies, or does not comply with formatting requirements, or otherwise submits an incomplete Proposal.

D. Accuracy and Completeness.

The cover letter and Proposal must set forth accurate and complete information as required in this RFP. Unclear, incomplete, and/or inaccurate documentation will not be considered. Falsification of any information may result in disqualification from the selection process, or in termination of a contract, if discovered in the future. If a Proposer knowingly and willfully submits false performance or other data, the City reserves the right to reject the Proposer's Proposal. If it is determined that a contract was awarded as a result of false performance or other data submitted in response to this RFP, the City reserves the right to terminate the contract.

E. Signature Requirements.

The Proposal and cover letter must be signed by a representative or officer of the Proposer and that representative shall be authorized to bind the Proposer to all provisions of the Proposal, the RFP, any subsequent changes, and to the contract if an award is made.

If the Proposer is a partnership, the Proposal and cover letter must be signed in the name of the partnership by a general partner thereof. If the Proposer is a corporation, the Proposal and cover letter must be signed on behalf of the corporation by two (2) authorized officers (a Chairman of the Board, President or Vice-President and a secretary, treasurer or chief financial officer) or an officer authorized by the Board of Directors to execute such documents on behalf of the corporation.

All above signatures must be original and in ink.

F. Confidential Information.

The City is subject to the California Public Records Act and must comply with its obligations thereunder. Accordingly, each Proposer who believes that information contained in an RFP is confidential and not subject to disclosure under the California Public Records Act

must mark all information that is confidential. Should the Proposer mark information as confidential and not subject to disclosure, it must also provide a separate copy of the submission with all identified confidential information completely redacted.

To ensure that the City is in a position to protect information from disclosure to the extent permitted by law, each submission should confirm Proposer's agreement to indemnify, defend and hold the City of Los Angeles harmless by including the following statement:

“The Proposer undertakes and agrees to defend, indemnify and hold harmless the City of Los Angeles and any of its boards, departments, officers, agents, and employees (collectively, the "City") from and against all suits, claims, and causes of action brought against the City for the City's refusal to disclose Proposer's trade secrets or Proposer's other technical, financial or other information to any person making a request pursuant to the State of California Public Records Act (California Government Code Section 6250 et seq.). Proposer's obligations herein include, but are not limited to, all reasonable attorney's fees (both in-house and outside counsel), reasonable costs of litigation incurred by the City or its attorneys (including all actual, costs incurred by the City, not merely those costs recoverable by a prevailing party, and specifically including costs of experts and consultants) as well as all damages or liability of any nature whatsoever arising out of any such suits, claims, and causes of action brought against the City, through and including any appellate proceedings. Proposer's obligations to the City under this indemnification provision shall be due and payable on a monthly, ongoing basis within thirty (30) days after each submission to Proposer of the City's invoices for all fees and costs incurred by the City, as well as all damages or liability of any nature. Proposer shall receive prompt notice from the City of any (1) communication to the City challenging the City's refusal to disclose Proposer's information, and (2) any complaint or petition to the court challenging the City's refusal to disclose Proposer's information.”

Failure to include the statement above shall constitute a waiver of a Proposer's right to exemption from disclosure.

The City will exercise care in maintaining the confidentiality of submissions, but will not be held liable for any damage or injury that may result from any disclosure that may occur.

Failure to mark information contained in the RFP as confidential shall constitute a waiver of a Proposer's right to exemption from disclosure. Should the City receive a request for disclosure of an RFP response, it will ask those Proposers marking information as confidential whether they wish to maintain responses as confidential. Through the statement above, the Proposer agrees to assume and pay for all costs incurred by the City, including attorneys' fees awarded by a court, if the City receives a request for disclosure and Proposer wishes for the City to maintain the confidentiality of the response.

G. Proposer Costs.

The City is not responsible for any costs incurred by the Proposer while preparing and submitting Proposals. All Proposers who respond to this RFP do so solely at their own expense. Proposals shall not include any such expenses as part of the proposed budget. The City will not

provide parking, clerical, office/storage space, telephone services or reproduction services throughout the RFP process.

H. Contract Documentation.

Contract documentation may begin immediately following the recommendation of the General Manager for recommended Proposers.

The City will be free of any obligation to reimburse any Proposer for expenses incurred or for work performed in anticipation of a contract.

No contract awarded, pursuant to a Proposal submitted in response to this RFP, may be assigned either in whole, or in part, without first receiving written consent from the City. Any attempted assignment, either in whole, or in part, without such consent shall be null and void, and in such an event the City shall have the right, at its option and without penalty, to terminate the contract.

I. Terms of Withdrawal.

All Proposals shall be firm offers and may not be withdrawn for a period of one year following the month submitted.

J. Right of Rejection By City.

Notwithstanding any other provision of this RFP, the City reserves the right to reject any or all Proposals and to waive any informality in a Proposal when to do so would be to the advantage of the City and its taxpayers.

K. Alternatives.

Alternatives that do not substantially meet the City's requirements cannot be considered. Proposals offered subject to conditions and/or limitations may be rejected as non-responsive. Proposers may not submit multiple proposals in response to this RFP.

L. Proposal Errors.

Proposer is liable for all errors or omissions by Proposer in preparing the Proposal. Proposer will not be allowed to alter the Proposal document after the due date for submission. The City reserves the right at its sole discretion to waive minor administrative irregularities contained in any Proposal.

M. Amendments to RFP.

The City reserves the right to issue addenda to this RFP which may add additional requirements to be considered responsive. All Proposers must acknowledge addenda issued as a result of any change in this RFP. Failure to indicate receipt of an addendum may result in a Proposal being rejected as non-responsive.

N. General Administrative Requirements and Required Provisions.

A Proposer, as part of its Proposal, must provide forms, exhibits or affidavits as required by Attachment M. In addition, contracts, licenses, leases and other agreements with the City (with certain exceptions) generally are subject to provisions of local law and policies, which, if applicable, will be included or referenced in agreements with selected Proposers, as appropriate, unless the Proposer qualifies for an exception, or an exemption is sought and adopted. The provisions that may apply to contracts between the City and a selected Proposer are included in Attachment M. If a Proposer is not willing to comply with a mandatory provision, if applicable, and will require an exemption, it must (a) identify the exemption sought; and (b) state whether it is willing to enter into a contract with the City without the exemption.

O. Joint Proposals.

If the Proposal submitted in a joint Proposal, each entity participating in the Proposal is considered a Proposer, and the information and signatures required must be provided for each Proposer. Required certifications must be submitted for each Proposer.

P. Additional Information.

City may seek additional information from any Proposer, and Proposers must respond promptly to requests for additional information, or the City may treat the Proposal as incomplete and afford it no further consideration.

VI.

CONTENT OF PROPOSALS

A. Submittal Requirements.

In addition to the cover letter specified in the preceding section, the submission should include a Proposal with a cover page clearly identifying that it is a response to this RFP. Each Proposal should contain the information required in this Section, in the order specified in this section. The submission of a Proposal is an affirmation that the Proposer or Proposers are prepared to perform as promised in the Proposal.

1. *Table of Contents.*

The Proposal shall have a table of contents that must identify the information set forth therein by sequential page number and section reference number.

2. *Executive Summary.*

The executive summary shall be placed after the table of contents and shall provide a summary description of the Proposal, including a description of the areas to be served and whether the Proposal is a Limited Area Proposal or not; whether the Proposal is for wireline, Wi-Fi or both; a basic description of the services that will be offered; the timing for, and key conditions on completion of the proposed network (for example, if the

Proposer's duty to build is based on demand or otherwise conditioned, the summary should say so); and a summary of Proposer's Digital Inclusion Plan.

3. Identification of Proposers.

The information requested should be provided for each entity participating in the Proposal. To the extent information requested is provided in the response to Section VI.A.3.a, Proposer may cross-reference its response.

- a. Complete the Contractor Responsibility Ordinance questionnaire, Attachment M, Appendix F.
- b. Provide a certification signed on behalf of each entity participating in the Proposal by a person authorized to act on behalf of each Proposer that the information submitted in the Proposal and in the cover letter is true and correct. The signature should include the name, address, title, telephone number and email address of the signatory.

4. Qualifications.

- a. Franchise.
 - (1) Whether the Proposer claims to construct the system pursuant to a video service franchise for the State of California that covers the City of Los Angeles; under authority provided by a certificate from the State of California pursuant to Cal. Pub. Util. Code Section 1001 *et seq.*; or whether the Proposer will require a franchise or license to occupy the rights of way from the City of Los Angeles.
 - (2) Whether the Proposer already holds the authorization (if so, the authorization should be provided) or would need to obtain the authorization.
- b. Financial.
 - (1) Proposer shall provide validated evidence of its financial condition. The last three (3) years of CPA certified annual reports or annual operating statements, and any interim statement supplement completed within the prior six (6) months, is one way of satisfying this requirement.
 - (2) Identify the estimated total cost to build the network proposed in the Proposal; and to operate the network proposed (operation would include marketing costs).
 - (3) State whether Proposer has available committed resources necessary to build the network and to operate it for the proposed build-out period plus one year, and if it does, identify those resources.

- (4) If the answer to Section VI.A.4.b(3) is “no,” describe Proposer’s plans for financing design, construction and operation of the network in sufficient detail so that the City may evaluate the likelihood that a Proposer will be able to perform as promised. To the extent that those plans depend on achieving certain penetration levels or revenue levels, please describe what penetration or revenue levels will be required during the build-out period plus one year, and explain why Proposer believes those levels are achievable.
- (5) If the Proposer’s plans depend on financial support for the build-out or operation of the network from the City, identify what support is assumed or required. **The City strongly disfavors Proposals that require financial support from the City.**

c. Technical.

- (1) Describe Proposer’s experience in designing, constructing and operating a network of the type proposed.
- (2) Provide at least four references, preferably governmental entities, for projects that Proposer believes demonstrate its ability to technically perform as promised.
- (3) Identify and describe any projects on which Proposer has worked in the last five years which it believes show it is capable of building the network promised.
- (4) If Proposer has not actually deployed a network that it believes is comparable, it should demonstrate why it believes its Proposal is technically sound and financially feasible, and any significant technical assumptions underlying the Proposal.
- (5) Identify the persons who would be primarily responsible for supervision and performance of the contract with the City and provide information regarding their experience and work history. If subcontractors are primarily responsible for performing the work required for any portion of the contract, the information should be provided for the subcontractors.

5. ***Wholesale/Retail/Other.***

- a. Describe whether the Proposer will provide retail services, wholesale services, or ensure that services are available throughout the proposed service territory through some other means. The manner in which the Proposer will ensure services will be provided should be described in sufficient detail to permit the City to evaluate the soundness of the Proposal, and the factors upon which success of the Proposal depends.

- b. If the Proposer will not itself be the retail service provider, it should identify entities, if any, that have agreed to provide retail services over the network, and what service/area commitments have been made so that the City is able to evaluate to what degree the Proposal will satisfy the goals of CityLinkLA. In responding to the qualifications sections of this RFP, Proposer should include the qualifications of any entity that has agreed to provide retail services via the system.

6. ***System Design.***

- a. State whether the Proposal is for a wireline or Wi-Fi network, or both.
- b. Describe the general design and characteristics of the wireline network that Proposer proposes to provide. The description should state clearly:
 - (1) Whether the Proposal is for fiber to the premises. If it is not for fiber to the premises in some, but not all cases, it should describe the circumstances under which it will provide fiber to the premises.
 - (2) If the Proposal is not for fiber to the premises, the Proposal should describe how service will be provided to end users, via what medium, and the characteristics of the offering.
- c. State whether provider will offer wireline services that satisfy the requirements of Section II.B.2.a. Describe the services that will be offered to satisfy those requirements and the prices at which those services will be offered.
- d. Identify any other wireline services that Proposer will commit to provide and describe how those services will advance the goals of the CityLinkLA initiative.
- e. Describe the design and characteristics of the Wi-Fi network that the Proposer will provide, including specifically whether and to what extent services will be available indoors, and any strategies for providing services within buildings.
- f. State whether provider will offer Wi-Fi services that satisfy the requirements of Section II.B.2.b. Describe the services that will be offered to satisfy those requirements and the prices at which those services will be offered.
- g. Identify any other Wi-Fi services that Proposer will commit to provide and describe how those services will advance the goals of the CityLinkLA initiative.
- h. To the extent that the prior responses reference minimum upload or download requirements, explain whether the proposed throughput is guaranteed, or “best efforts.” If not guaranteed, please explain what

Proposer means by best efforts, the expected average performance of the network at peak use periods and whether any throughput level would be guaranteed.

- i. Identify whether there are any classes of service typically offered over FTTP networks that the proposed wireline network will not support.
- j. Describe the limits given current technologies on the upstream and downstream capacity of the proposed network given the transport medium that will be utilized to provide services; the upgrade path for the network, and how Proposer will ensure that the network continues to provide access to the Internet consistent with the most advanced systems serving residential and business subscribers.

7. ***Services Offered/Pricing.***

- a. Describe the Internet access service that will be provided via the network.
- b. State whether Proposer is willing to make a price commitment consistent with Section II.B.3.
- c. State the period for which Proposer is willing to make that commitment.

8. ***Service Territory.***

- a. State whether Proposer's Proposal is for one or more of the quadrants identified by the City, or is a Limited Area Proposal.
- b. Identify the service territory that applicant proposes to serve, and if the area is for a Limited Area Proposal, submit a map showing the geographic limits of the service territory and any areas within those boundaries that would be excluded from service.
- c. If the provider proposes both wireline and Wi-Fi coverage and the area to be served by one is different than the area to be served by the other, provide maps clearly delineating the areas to be served by wireline, and the areas to be served by Wi-Fi.
- d. If the Proposal is for a Limited Area Proposal, provide the showing required by Section II.B.4.b.

9. ***Build-Out.***

- a. State the build-out period for the wireline and Wi-Fi components of the Proposal and any conditions or limitations on the build-out obligation.
- b. If the Proposer proposes to tie build-out to a demand-based model, or some other metric (actual penetration, for example), it should describe

the model it proposes in detail, and in particular explain how the model would apply in low-income areas of the City and what steps Proposer will take to ensure that the model can be applied in a way that enhances rather than detracts from digital inclusion. The explanation should at least provide the information described in Section II.B.5.b.

10. ***Digital Inclusion Plan.***

Describe Proposer's Digital Inclusion Plan for Wi-Fi and wireline services, including specifically, what level of free services will be provided for wireline and Wi-Fi services, and to whom those services will be available, and how those services may be accessed. The "free service" discussion should address the issues raised by Section II.B.6.

11. ***Net Neutrality.***

Describe the commitments Proposer is willing to make to net neutrality. If a Proposer is only willing to comply with applicable federal net neutrality regulations to the extent that those are upheld by the courts, it should so state. Otherwise, it should describe net neutrality principles to which it is willing to adhere without regard to the outcome of challenges to federal net neutrality rules.

12. ***Use of City Assets.***

State whether the Proposal requires access to any of the City assets described in Part III, and if so, identify:

- a. What assets Proposer will require access to; and
- b. The price, term and any conditions that Proposer will require. Proposer can offer prices for access different than those contained in this RFP, or propose in-kind benefits in lieu of fees, but the Proposal should include an explanation as to why Proposer believes that the Proposal provides an equivalent or higher value, and should state whether the Proposer is willing to accept price terms specified in the RFP. The Proposal should also describe Proposer's willingness to share information with the City, as described in Section II.B.8.

13. ***Comments on Form Contracts.***

A Proposer may comment on the proposed uniform license, but is not required to do so. It must, however, identify any conditions that it would require in a license.

14. ***Service Terms and Conditions.***

State whether Proposer is willing to comply with the City's required contract terms and conditions to the extent applicable. If any exemptions are required, Proposer should so state, and specify the exemption proposed. The Proposal should be clear as to whether the required modification is requested, or whether Proposer is unwilling to enter into an agreement with the City without the exemption.

15. Forms, Exhibits and Affidavits.

The Proposal must include required forms, exhibits or affidavits with respect to each of the matters in Attachment M which must be completed by or prior to the deadline for submission of the Proposal, or (where required) upload materials to the LABAVN.

VII.

THE RFP PROCESS/EVALUATION OF PROPOSALS

A. The Proposal Process, Communications with City, Inspections of Property.

In order to submit a response to this RFP, Proposers must register as a vendor specifying the appropriate 517 NAICS code (5171, 5172, 5173, 5174 , 5175 or 5179) with the City's the Los Angeles Business Assistance Virtual Network (LABAVN) website at www.labavn.org on or before July 15, 2015. Any amendments or addenda to the RFP will be posted on the LABAVN .

The Proposal process consists of three discrete phases: (1) Open; (2) Evaluation and Recommendation; and (3) Contract Negotiation and Execution.

1. Open Phase.

During the "Open Phase," that begins with issuance of this RFP and closes with the submission of Proposals, Proposers may communicate with the City in the following ways (in addition to responding to specific questions that the City may ask Proposer regarding its Proposal):

- a. Through the mandatory Proposer's Conference: Questions regarding the RFP or the RFP process or requirements may be raised at the mandatory Proposers' Conference, scheduled for July 16, 2015. All Proposers who wish to submit a Proposal must register with the LABAVN before the conference date, and attend this conference in person or telephonically. The conference will be held at 9:00 a.m. (Pacific Daylight Time) at 200 N. Main St., Room 1332, City Hall East, Los Angeles, CA 90012. Instructions as to how to attend telephonically will be posted to the LABAVN. The Proposers' Conference sign-in sheet and list of telephonic attendees will be posted to the LABAVN. Proposers who have questions as to how to comply with the certifications required by the RFP should raise those questions at the Conference. The City does not have staff to provide individualized guidance to Proposers as to how to fill out the forms.
- b. Through written procedural requests. Proposers may raise procedural questions (*e.g.*, requests for additional time), by email no later than **12:00 p.m. Pacific Daylight Time, November 5, 2015** to CityLinkLARFP@lacity.org. The City will post procedural requests and its response to those requests to the LABAVN. It may or may not

respond to technical requests. The subject of the email must begin “PROCEDURAL – CITYLINKLA RFP.”

- c. Through written questions. There are two opportunities for submitting substantive written questions. Initial requests must be submitted in writing by email no later than **12:00 p.m. Pacific Daylight time, July 29, 2015** to CityLinkLARFP@lacity.org. The subject should include the heading “QUESTION- CITYLINKLA RFP.” The City will post questions received and any response to the LABAVN.

After initial responses are posted, or after inspections are conducted, Proposers may submit follow-up questions using the same subject indicated above. Follow-up questions must be submitted no later than **12:00 p.m. Pacific Daylight time, September 16, 2015**. The City will post follow-up questions received and any response to follow-up questions to the LABAVN.

- d. Through inspections of facilities/confidential document review. A Proposer may submit a written request to inspect City facilities or to review confidential materials to CityLinkLARFP@lacity.org. The subject should include the heading “INSPECTION- CITYLINKLA RFP.” Requests to schedule inspections/reviews of confidential materials must be submitted by **12:00 p.m. Pacific Daylight Time September 16, 2015**, and inspections/reviews must be completed on or before **October 29, 2015**. Requests for inspection/inspection of documents will not be routinely posted to the LABAVN, but the City may post notice that an inspection has been scheduled without identifying the Proposer requesting inspection or the location that will be inspected. A Proposer who wishes to inspect a site/review or review confidential materials may be required to complete and execute an agreement granting temporary access to City property, and complete and sign a Confidentiality Agreement. See Attachments I and J to this RFP. Any statements made by a representative of the City during the inspection may not be relied upon for any purpose, and is not an official response in connection with this RFP. In order to obtain an official response to questions arising from the inspection, the questions must be submitted in writing, as provided above, by the deadlines specified above. Please note that if an inspection or review is scheduled after the date for submitting questions, a Proposer will not be able to submit questions concerning the inspection or review. Proposers are encouraged to conduct their inspections and reviews early in the RFP process.

2. *Evaluation and Recommendation Phase.*

The Evaluation and Recommendation Phase commences upon submission of Proposals. It includes an evaluation period and a notice of award. Finalists may be asked to make oral presentations of their Proposal, or be asked to respond to written requests from the City with respect to the Proposal.

The City will evaluate each Proposal in accordance with the evaluation process described in more detail below. The City reserves the right to conduct such investigations as the City considers appropriate with respect to the qualifications of each Proposer and any information contained in its Proposal. All Proposals will be evaluated solely on the basis of the criteria listed below, and the rankings based on that evaluation will serve as a basis to formulate the General Manager's recommendation for contract awards.

The City may award contracts to multiple Proposers for any area, where the awards advance the CityLinkLA initiative.

The General Manager of ITA will notify Proposers who are tentatively selected for contract awards of the tentative selection.

3. *Contract Negotiation and Execution Phase.*

Following notification, the City negotiators will enter into negotiations with selected Proposers. City reserves the right to negotiate simultaneously with multiple Proposers who propose to serve the same areas or overlapping areas, and to recommend final awards to multiple Proposers who propose to serve the same or overlapping areas. When negotiations are completed, City will notify all Proposers of an intent to bring contracts to the required City departments and City Council for approval or that no contracts will be recommended, and will issue a report explaining a basis for the recommendation. Any protests should be filed after notice is issued of an intent to bring contracts to the required City departments and City Council for approval or that no contracts will be recommended.

B. Prohibition of Communications.

Proposers should not communicate with the City regarding this RFP, except as described above. After the submittal of Proposals and continuing until a contract has been awarded, all City personnel involved in the project will be specifically directed against holding any meetings, conferences or technical discussions with any Proposer except as provided in the RFP. Proposers shall not initiate communication in any manner with City personnel regarding this RFP or the Proposals during this period of time, unless authorized, in advance, by the City or the ITA. Failure to comply with this requirement may automatically terminate further consideration of that Proposer's Proposal(s).

C. Evaluation Criteria For CITYLINKLA Initiative.

1. *Evaluation Process and Criteria.*

The evaluation will occur in two steps. **Each Proposer must pass Level I in order to advance to Level II.** Level I is designed to select any and all "qualified firms" to be evaluated in Level II. Level I is considered "pass/fail" and no points will be assigned in this level. Rather, if a Proposer meets the requirements of Level I, it then automatically proceeds to Level II and will be scored by an Evaluation Panel.

2. *Level I – Financial, Technical and Legal Qualifications/Business Experience.*

- a. The RFP response must show that a Proposer is financially, technically and legally capable of building and operating the network proposed. In determining whether the showing has been made, the City will consider
 - (1) The nature and security of the sources of funding;
 - (2) The financial, technical and legal qualifications provided in the RFP response;
 - (3) The Proposer's experience in financing, constructing and operating systems similar to the system proposed; and
 - (4) The Proposer's references.
- b. Where a Proposer lacks the committed resources to finance, build or operate the network proposed, or has not yet obtained necessary state or federal licenses required to do so, its Proposal will be evaluated in light of the representations made in the Proposal, and the likelihood that the network will be built in a timely manner.
- c. The RFP response must show that the Proposer can be relied upon to perform as promised. In determining whether this showing has been made, the City will consider whether Proposer, or Proposer's principals, have had government contracts revoked for cause and based upon any independent investigation of the Proposer or their principals.

3. *Level II – Quality of Proposal for CityLinkLA Initiative.*

Contracts may be awarded to the Proposers that submit Proposals best satisfying the goals of the CityLinkLA initiative, and that, when considered collectively, best assure that the wireline and Wi-Fi aspects of the CityLinkLA initiative will be served. For example, if the City receives six Proposals for one area, and a single Proposal for the entire city, it might choose to award to the Proposer offering to serve the entire City. If a Wi-Fi only Proposal is submitted that covers the entire City, and wireline Proposals do not include a meaningful Wi-Fi component, the City may award a contract to the Wi-Fi provider. Because there can be awards to several Proposers, the criteria below are primarily of value to the City in determining which entities should be provided access to City assets where Proposals seek access to the same assets and both cannot be accommodated, or which entities should be selected if Proposals otherwise conflict.

The Proposals will be evaluated based on the criteria below. Proposals will be evaluated and Proposers selected quadrant by quadrant.¹¹ In addition to the 100 base points, bonus points will be provided for proposals serving full quadrants, with 3 points awarded for each full quadrant a Proposer (or joint Proposers) offers to serve.

¹¹ A Proposer who submits a Proposal for multiple quadrants is not guaranteed that it will be a selected Proposer in each quadrant. If there is a difference in the services or facilities that will be provided from quadrant to quadrant by a Proposer, those differences must be clearly noted in the Proposal.

Evaluation Criteria	Points
Adequacy of Solutions and Soundness of Approach	60
Digital Inclusion Proposal	20
Capabilities of Organization and Personnel	10
Implementation Plan	10
Bonus for Full-quadrant Service	up to 12
	Total 112

a. Adequacy of Solution and Soundness of Approach (60 points possible).
Points will be awarded based on the following factors:

- (1) Quality of network design and whether design is likely to support higher level throughputs than initially requested without substantial new street construction (that is, the ease with which network may be upgraded).
- (2) The area served (and the relative contribution to the goal of providing wireline and Wi-Fi service throughout the City).
- (3) Contingencies affecting deployment, and whether deployment plans are likely to result in deployment in low income areas (the City may consider, for example, whether a Proposal where build-out is based on demand is designed in a way that is likely to bypass lower-income neighborhoods).
- (4) Whether Proposal is likely to increase competition in the provision of advanced broadband services wireline and Wi-Fi services.
- (5) Price/level of services promised for residences.
- (6) Price/level of services offered to businesses.

b. Adequacy of Digital Inclusion Plan (20 points possible).

- (1) Availability of free services (including areas served).
- (2) Quality of free services proposed.
- (3) Value of other benefits proposed (services to community centers and community partnership proposals to promote broadband adoption).

c. Capabilities of Organization and Personnel (10 points possible).

- (1) How Proposers rank compared to others with respect to Level I criteria.

- (2) The perceived level and degree of the Proposer's responsibility, motivation, dedication to a successful effort, and to the overall capabilities of the Proposer and the entities that will be providing service, including the Proposer, joint venturers and any subcontractor(s) or vendor(s).
- (3) Proposer's history, financial stability, core competency, expected growth, past performance on similar size projects, and reputation.
- (4) The specific experience in the technical fields required to successfully implement the specific project and meet or exceed the requirements set forth in this RFP.

d. Implementation Plan (10 points possible).

- (1) The speed of deployment.
- (2) Prices/benefits offered to City, including prices/benefits offered for use of City property.

A Proposal otherwise scored highly may be rejected if it contains contingencies that are unacceptable to the City (for example, if City would be required to waive applicable safety codes or other legal requirements).

The City, at its option, may reject any and all Proposals submitted in response to this RFP, or waive any informality in a Proposal when to do so would be to the advantage of the City or its taxpayers.

The City will select the Proposal that appears to be in its best overall interest. Therefore, cost will not be the only consideration in determining the award.

4. Level II Evaluation/Selection.

The Level II evaluation will be conducted by a Proposal Review Committee appointed by the City. The City reserves the right to conduct such investigations as the City considers appropriate with respect to the qualifications of each Proposer and any information contained in its Proposal. All Proposals will be evaluated solely on the basis of the criteria listed above and the ranking of the review committee will serve as a basis to formulate the General Manager's recommendation of Proposers that will be awarded contracts. However, the City need not recommend an award, enter into negotiations, or award a contract to any entity that is unwilling to agree to terms and conditions required by applicable laws and City policies, regardless of the ranking of the Proposal.

The City will commence negotiations with recommended Proposers, and require Proposers to comply with any City requirements with which a Proposer must comply prior to a contract award, including the Business Inclusion Program. The City may terminate negotiation with any entity if a contract cannot be timely concluded. Once negotiations are terminated, either because a tentative agreement is reached, or because no agreement has been reached, any relevant proposed contracts, along with the

recommendations of the General Manager and appropriate reports will be submitted to departments, if any, that must approve the contracts, and to the City Council for consideration. Proposers will be provided notice through the LABAVN at the time the contracts, recommendations and reports are submitted to the first Brown Act body that will consider them.¹²

The City reserves the right to reverse any award if a contract cannot be completed within a reasonable period of time, or if a Proposer fail to provide any certifications or documentation required prior to the effectiveness of any contract.

D. Ownership Of Data.

All data, including but not limited to e-mail, attachments, collaboration files, etc., migrated from or entered into Proposer's solution from the City or its authorized users, remains the sole property of the City. This data also includes archives, backed-up, current, or data stored by or for the City in any other form.

Ownership of the data will remain the sole property of the City, including, but not limited to, in the event the Proposer sells, reorganizes, or liquidates the business voluntarily or involuntarily. The City will also maintain ownership of said data under any other business condition in which a corporate reorganization transfers assets from Proposer's legal business name to another.

VIII.

PROPOSAL PROTESTS

A. Written Protest Required

All Proposers will be afforded the opportunity to protest the awarding of a contract under this RFP. Any protest must be submitted in writing to the ITA General Manager at the address shown below within fourteen (14) calendar days of the www.labavn.org electronically notifying proposers of a change in the RFP status to "Bidder Selected." The City will not accept protests as to the form and content of the RFP. Protests will be considered in the manner required by applicable law.

The procedure and time limits set forth in this paragraph are mandatory and are the Proposers' sole and exclusive remedy in the event of a protest. Failure by a party originating a protest to comply with these procedures shall constitute a waiver of any right to further pursue the protest, including filing a Government Code claim or legal proceedings.

¹² Section 10.5 of the Los Angeles Administrative Code requires approval by the City Council of contracts for periods of longer than three (3) years. In addition, as described more fully in this RFP, certain agreements for use of assets may require the approval of the boards of certain departments. Agreements are deemed to be executed upon the date of signature, or as otherwise stipulated under the Terms section of the Agreement. Once the award is approved, the awarded Proposer will complete and submit additional documents as required by this RFP, City Attorney, City Ordinance, State and/or Federal laws within forty-five (45) days from the date the contract is awarded.

At a minimum, any written protest document must include the following:

1. Name, address, and telephone number of the protesting party;
2. Name and number of this RFP;
3. Name, address, and telephone number of the person representing the protesting party;
4. Detailed statement of the legal and factual grounds of the protest, including copies of all relevant documents. The statement must also refer to the specific portion of the documents that form the basis of the protest;
5. Request for a ruling from the ITA; and
6. Statement as to the form of relief requested.

Protests and attached documentation must be sent to the following address:

General Manager
INFORMATION TECHNOLOGY AGENCY
Room 1400, City Hall East
200 North Main Street
Los Angeles, CA 90012

B. Additional Information Requested By ITA

After the receipt of a timely written protest, the City, at its sole discretion, may require the protesting party, and/or any other Proposer to submit additional information and/or to meet in person with City personnel.

ATTACHMENTS

- ATTACHMENT A: MAP OF CITY QUADRANTS
- ATTACHMENT B: DIGITAL INCLUSION RESOURCES
- ATTACHMENT C: CITYLINKLA HUB LOCATIONS
- ATTACHMENT D MODEL FOR NETWORK FACILITY SITES MASTER
LICENSE AGREEMENT
- ATTACHMENT E LOCATION OF LADWP FIBER AND “BY RIGHT” FIBER
HUB LOCATIONS
- ATTACHMENT F RESOLUTIONS OF SUPPORT FROM CITY DEPARTMENTS
- ATTACHMENT G RESOLUTIONS FROM HACLA, METRO AND LAUSD
- ATTACHMENT H LADWP HUB SITE LOCATIONS
- ATTACHMENT I TEMPORARY ACCESS LICENSE AGREEMENT
- ATTACHMENT J CONFIDENTIALITY AGREEMENT
- ATTACHMENT K BUREAU OF STREET LIGHTING MASTER PERMIT
- ATTACHMENT L BUREAU OF STREET LIGHTING SITE PERMIT
APPLICATION
- ATTACHMENT M GENERAL ADMINISTRATIVE REQUIREMENTS AND
REQUIRED PROVISIONS
- ATTACHMENT N METRO SITES AND HIGH LEVEL MAP OF RAIL LINES
WITH FIBER ASSETS