



STATE OF ARIZONA



ARIZONA DEPARTMENT OF TRANSPORTATION PROCUREMENT GROUP NOTICE OF REQUEST FOR PROPOSAL SOLICITATION NO: T01-59-00045

Solicitation Due Date and Time: November 30, 2000 at 3:00 P.M. Mountain Standard Time

Offer Submittal Location: Arizona Department of Transportation
Procurement Group
1739 West Jackson Street, Room 100P
Phoenix, Arizona 85007-3276

Description of Procurement: Shared Resources for Telecommunications

Pre-Offer Conference: A pre-offer conference will not be held for this procurement

In accordance with A.R.S. §41-2534, competitive sealed proposals for the materials or services specified will be received by the Arizona Department of Transportation's Procurement Group at the above specified location until the time and date cited. Offers received by the correct time and date will be opened and the name of each offeror will be publicly read.

Offers must be in the actual possession the Arizona Department of Transportation's Procurement Group on or prior to the time and date, and at the submittal location indicated above

Offers must be submitted in a sealed envelope or package with the Solicitation Number and the offeror's name and address clearly indicated on the envelope or package. All offers must be completed in ink or typewritten. Additional instructions for preparing an offer are included in this Solicitation.

Persons with disabilities may request special accommodations such as interpreters, alternate formats, or assistance with physical accessibility. Requests for special accommodations must be made with 72 hours prior notice. Such requests are to be addressed to the Solicitation Contact Person or Procurement Officer.

OFFERORS ARE STRONGLY ENCOURAGED TO CAREFULLY READ THE ENTIRE SOLICITATION.

Terri Johnson
Procurement Officer (602) 712-8364

Date
October 4, 2000

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Procurement Group
1739 West Jackson Street, Room 100P
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SECTION 1 SPECIFICATIONS

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1. **SCOPE OF WORK**

The Arizona Department of Transportation (ADOT) is soliciting proposals from the telecommunications industry and qualified telecommunications developers to furnish telecommunications infrastructure to ADOT in exchange for access to Controlled Access Roadway throughout the state. ADOT will allow the right to use Interstate Freeway and other selected US and State Highway Rights-of-Way (ROW) that have not been available up to now. These controlled access highways are described in **Appendix A**.

All telecommunications infrastructure provided to ADOT must be for the improvement of the highway transportation system and other public sector needs. This support includes the continued deployment of Intelligent Transportation Systems (ITS) statewide, including the Traffic Operations Center, Advanced Transportation Management Systems (ATMS), ADOT district offices and headquarters connectivity, and for other purposes that may expand and enhance the state transportation system. The telecommunications infrastructure provided may be along both the controlled access roadway identified in **Appendix A** and the non-controlled access roadways identified in **Appendix C**.

2. **PURPOSE**

The purpose of this project is to improve the state highway system, provide enhanced transportation management, and increase quality traffic information to ADOT management and the traveling public while continuing to advance public safety.

3. **DEFINITIONS OF TELECOMMUNICATIONS TERMS**

“Agreement” as used here includes, but is not limited to, a contract, lease, license, permit, and/or interagency/intergovernmental agreement.

“Capacity” as used herein primarily means, but is not limited to, the number of fibers, bandwidth, etc. to ensure adequate service levels for currently defined ITS design requirements and future systems upgrades.

“Corridor” – as used herein is a portion of Interstate Freeway or other selected US and State Highway.

“ITI” - Intelligent Transportation Infrastructure as used herein means telecommunications infrastructure to support ADOT’s ITS plan.

“ITS” - Intelligent Transportation Systems as used herein primarily means a variety of roadside subsystems that provide direct interface to the roadway network, vehicles

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traveling on the roadway network, and travelers in transit. Each of these subsystems includes functions that require distribution to the roadside to support direct surveillance, information provision, and control plan execution. All of these subsystems interface to one or more of the center systems (e.g. Traffic Management Subsystem (TMS) that govern the overall operation).

"Fiber Infrastructure" as used here is the total outside plant infrastructure (including all associated engineering, permitting, etc. costs) for fiberoptic cabling in the above stated controlled access transportation corridors and in non-controlled access corridors to major population centers within the State.

"Joint-use" as used herein means an entity or entities that have financially contributed to, legal responsibility for, and agreed to provide capacity, equipment, and other services to the Arizona Department of Transportation in exchange for access to highway right-of-way.

"POP" point of presence

"Offeror" as used here includes, but is not limited to, a firm or firms, consortia, partnership, or joint-venture. Offerors shall show ability to design, finance, construct and manage the proposed facilities. Assignment of Agreement or transferring of management responsibilities of any facility will not be permitted unless first approved in writing by ADOT.

"Re-generation Site" location at which infrastructure and electronics are housed for the primary purpose of regeneration of the optical signals within the fiber optic cables.

"Shared Resource" refers to the joint-use of highway rights-of-way, for the private installation of telecommunications hardware (principally fiber-optic lines but also including cellular towers, etc.), with ADOT receiving capacity, service, etc.

"Shared-use" as used herein means an entity or entities that have access to services/capacity from the facility, but no financial or legal responsibility for its location, construction, operation, or maintenance. A service provider/customer relationship.

"Telecommunications Infrastructure" as used herein primarily includes, but is not limited to, fiberoptic cable and/or wireless facilities that form a cohesive communications network, AND ITS MAINTENANCE for the complete contract term, which will service ADOT needs.

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4. BACKGROUND AND DISCUSSION

This first phase of this procurement process will be addressing the pre-qualification of firms to participate in this initiative. However, in no way does this first phase exclude any firms from pre-qualifying or submitting a proposal during anytime of this initiative. Additional phases of this procurement shall encompass competition, evaluation, negotiations and the formal execution of the final contract between parties.

Over the years, the telecommunications industry has applied for and been permitted access to non-controlled access roadway within the State of Arizona to deploy longitudinal fiber optics conduits. Recently, the industry has approached ADOT with unsolicited proposals to install fiber optics and other telecommunications facilities along various sections of ADOT controlled access roadway. Due to federal and state laws, policies and public safety issues, access to these high-speed controlled freeways and critical arteries have not been available to any utility. ADOT has determined that federal law, state law, and department policy allow Controlled Access Highway to now be available to the telecommunications industry for longitudinal installation of telecommunications infrastructure. The Telecommunications Act of 1996, Federal Highway Administration guidelines, AZ State Law (ARS 28-708) and ADOT policies (including ADOT policy adopted in November 1995 by the Transportation Board) enable this project to move forward. This shared resources project arrangement may simultaneously support deployment of advanced telecommunications networks throughout the State.

Many telecommunications firms, that provide cross-country long haul provisioning, inter-state telecommunications, and local telecommunication service, seek to initiate or expand services in their respective industries and territories. As a rural state, Arizona seeks to increase the development of high capacity telecommunications services to all its citizens throughout the state. The state desires to encourage expansion of economic development that telecommunication infrastructure brings to all communities. The roadway corridors throughout the state are the vital links to enable this development to succeed.

This solicitation seeks shared-resources partners to deploy longitudinal telecommunications facilities along controlled access roadway in exchange for telecommunications infrastructure to be used for transportation ITS purposes. This is a non-exclusive solicitation. ADOT is not in the telecommunications business. ADOT, in this project, will not partner, joint-venture or compete with the telecommunications industry. ADOT does not intend to use this process to develop competitive telecommunications facilities, but may permit other public sector entities use as allowed by law.

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ADOT, in the future phases of this procurement process will require a formal "valuation" assessment, under state law. The value of the exchange to the State of Arizona for controlled access roadway must be equal to or more than the amount determined from this valuation assessment.

Proposals may be made and awarded on a statewide-basis, segment, or highway corridor. Following an award the successful Offeror shall apply, and pay a fee, for an ADOT longitudinal utility rights-of-way permit, submitting all accompanying information required under that process.

This project does not guarantee that all controlled access roadway is available for construction of longitudinal telecommunications infrastructure. Environmental, archeological, physical barriers, and ADOT Federal Highway Administration rules and guidelines may require a limited build or no-build. These policies of limiting factors include "clear zones," ROW boundary, adjoining land, and other conditions. The Director of ADOT has the legal authority, by state and federal mandate, to make all final decisions as to the usefulness of a highway, corridor, or segment for the purpose of utility deployment.

It is expected that the awarded companies from this solicitation will meet financial and experience qualifications, and will have extensive experience in utility permitting and highway construction. It is not the intent of ADOT to develop an oversight department to monitor this project in great detail.

Note that this solicitation for a shared-resources private partner(s) differs from the ongoing highway right-of-way wireless leasing program ADOT initiated in 1996. The existing ADOT wireless leasing program enables wireless tower developers to construct telecommunications facilities in controlled access roadways, but does not address longitudinal construction of wireline telecommunication facilities. Those entities interested in wireless tower sites should not reply to this solicitation.

5. **OBJECTIVES**

ADOT's primary objectives are:

- to contract with Contractors that are solely responsible for all their work and the work of all their sub-contractors.
- that Contractor(s) will be required to enter into a permitting process with ADOT. This permitting process will require that the successful offeror(s) agree to the Shared Resources Telecommunications Contract that is outlined in **Appendix B**.

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- to ensure geographic coverage. ADOT prefers to award corridor by corridor on an ongoing basis.
- to ensure adequate compensation to ADOT for access to the ROW. The offered compensation shall equal or exceed the value of the access to the ROW as explained in the valuation section of this RFP.
- to provide fair compensation/exchange offered to ADOT for access to and use of the ROW. ADOT prefers conduits, manholes and associated fiberoptic centric infrastructure along controlled access corridors and non-controlled access highways within the state.
- to ensure equal access to all Offerors ADOT is willing to enter into agreements with all levels of telecommunications partners and subleases to share the Offeror's access and installed capacity.
 - to determine the extent to which the Offeror demonstrates that the resulting system will have excess capacity in both infrastructure and in service for resale and use to other interested providers.
 - to provide a timely implementation. The extent to which the Offeror demonstrates the ability to build the infrastructure as soon as the contracts/permits are complete and weather permits. Financing should be readily available. ADOT would like the Offeror to complete work in two calendar years from award and begin construction within 90 days of permit.

to determine the extent to which the Offeror will manage the construction and maintenance of the system to minimize the impact to the traveling public. ADOT is looking for Offerors who can reach agreement with their partners in the same trench for one construction contractor and one maintenance contractor. ADOT is very concerned about a multiple conduit failure causing multiple responses by several unrelated companies unable to coordinate their repair activities along a high-speed limited access highway. Therefore, ADOT has taken a policy of one construction contractor and one maintenance contractor per permit per corridor

6. **PUBLIC SAFETY AND ROW MANAGEMENT CONCERNS**

Public safety for the traveling public is paramount and will not be compromised under any circumstances. ADOT finds it necessary to encourage carefully circumscribed construction and maintenance activity within limited access ROW in order to protect public safety and efficiently manage such ROW. There is the potential for increased risks of death and injury to construction and maintenance workers and the traveling public in areas where construction or maintenance activity is in progress, due to disruption of

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normal traffic patterns, higher speeds, and driver distraction. Controlled Access Roadways are inherently more heavily traveled corridors requiring more planning before construction begins.

Management concerns include increased congestion associated with disruption of traffic patterns during construction and maintenance activity, increased costs and time to coordinate activity on the right of way, increased level of care needed by roadway maintenance workers to avoid impacts on the telecommunication infrastructure, and potential significant costs associated with relocation of the telecommunication infrastructure to enable future roadway expansions and realignments.

7. **APPLICABLE LAWS, RULES, REGULATIONS, AND STANDARDS**

Longitudinal utility installations in federal-aid interstate and other rights-of-way are governed by federal law, pursuant to: (a) Title 23, United States Code, Sections 107 and 108; (b) Title 23, Code of Federal Regulations, Part 645 Subpart B (especially, 23 CFR 645.209-211); and (c) the Utility Accommodation Policy adopted by ADOT and approved by the Federal Highway Administration (FHWA) for such interstates and other highways, as required by 23 C.F.R. 645.211. Such longitudinal installations in federal-aid interstate and other rights-of-way have not previously been permitted by ADOT and FHWA under that Utility Accommodation Policy, except under certain extraordinary circumstances. ADOT has now modified that Policy, with FHWA approval, to allow longitudinal installation of telecommunications facilities, such as fiber-optic conduit and cable, along controlled access roadway other rights-of-way, in exchange for fair and reasonable compensation, *provided that safety and operations and management of that right-of way shall not be impaired thereby.*

ADOT intends that this RFP and the resulting installation/use of telecommunication facilities in rights-of-way, will comply with all applicable law, including the nondiscrimination and competitive neutrality provisions of the federal Telecommunications Act of 1996 (TCA) (47 U.S.C. 253).

The TCA generally removes prohibitions against competition in all areas of telecommunications service. Section 253(a) of the TCA provides that “[no] State statute or regulation or other ... requirement may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” Section 253 (b) and (c) also include provisions that preserve the pre-existing rights of a State to protect public safety, and to manage its rights-of-way. Where a State decides to charge for access to its rights-of-way, section 25 3(c) requires it to do so on a competitively neutral and non-discriminatory basis.

This RFP and the resulting Agreement(s) are designed to not prohibit, or have the effect

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of prohibiting, any entity from providing telecommunications services. Further, they are designed to assure that the right to access and install telecommunication facilities in such ROW, as well as the compensation for such access, are competitively neutral and non-discriminatory, subject to reasonable conditions required for highway operation and safety. Thus, any resulting Agreement(s) will not result in an exclusive right or grant of an operational monopoly to the Contractor(s). ADOT reserves the right to issue future solicitations as ADOT deems appropriate.

The Contractor(s) — **NOT ADOT** — will own all such facilities it installs in the ROW that are used for commercial purposes. The Contractor(s) will be required as a condition of the contract to comply with all local, state, and federal requirements that are applicable to such installation and use, including the requirements of the Arizona Corporation Commission (ACC) and the Federal Communications Commission (FCC). Federal and other State Agencies with underlying ownership may require permits and the associated requirements that these permits bring to the project. Receiving a permit from ADOT does not signify a total right to begin construction.

All activities, personnel and entities, shall conform to all applicable laws, rules, regulations, and licensing requirements of the Federal Government, tribal governments, and the State of Arizona.

8. **SCOPE AND PROCUREMENT PROCESS**

Much research has been done to structure this procurement process to better achieve ADOT's goals and address industry's concerns. It is clear that industry wants this solicitation to be flexible. On the other hand, ADOT needs to comply with applicable legal standards and preserve public safety and ROW management.

Nothing in this RFP affects other state highway ROW that are not controlled access and which have been previously open to any utility through permitting. Such non-controlled access ROW will remain open to access and use for telecommunications installation by regular ADOT permit without referring to this project. Telecommunications facilities already installed in previously open ROW will not be impacted. This RFP covers only the ROW of controlled access highways described in **Appendix A** that until recently had been closed to longitudinal utility installations, pursuant to Federal regulations and AASHTO/ADOT Policy. That policy has now been changed to allow such installations, subject to specific controlled conditions that will ensure public safety and ROW management.

9. **ROW CHARACTERISTICS**

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The Arizona landscape is diverse. This diversity has resulted in a state highway network, which has been molded to fit the landscape. In the urban areas, the interstate system was typically located as necessary in a crowded environment. ROWs vary greatly in width and other attributes. In the rural areas construction challenges abound with tight steep slopes and narrow rights of way. ADOT does not own all the ROW corridors that the state highway system occupies, and in such cases, the Contractor(s) will be required to enter into agreements with the owners of such corridors. ADOT does not guarantee the granting of all such rights-of-way.

Arizona has cultural, environmental, and historical treasures as well. These will need to be addressed as the Contractor passes near or through them. This RFP was written to target the wireline industry.

This RFP does strongly **encourage** proposals for multiple providers to cooperatively use a single trench design in a single corridor or segment. One prime with multiple partners if need be. Public safety, ROW management, traffic congestion, and lack of sufficient physical space in the ROW are some factors supporting the RFP's approach to encourage proposals for multiple providers to cooperatively use a single trench.

This procurement process is generally intended to select the proposal(s) that: a) complies with applicable legal standards; and b) eliminates the public safety risks and the ROW management/administrative burdens that would result if multiple trenches were opened in the ROW; and c) provides the most telecommunication and economic benefits to ADOT.

The applicable legal standards generally provide that the access to, the use of, and the compensation for, the ROW is to be nonexclusive, nondiscriminatory, and competitively neutral, subject to conditions necessary to preserve public safety and ROW management. Generally, such standards provide that similarly situated providers are to be treated the same, regarding the opportunity to enter into similar arrangements to access the ROW and the use/conditions of that access.

ADOT has determined that allowing access to and use of ROW to multiple providers (and their subcontractors) on a separate basis, in multiple trenches, increases: public safety risks to the traveling public and to transportation workers; ROW management burdens; and operating costs and economic losses due to more traffic congestion.

Within these public safety and ROW management constraints, ADOT desires to accommodate multi-competitor access to, and use of, network capacity to be installed in state highway ROW under this RFP. This objective is consistent with the general pro-competitive policy embraced by the federal telecommunications act and state statutes. Hence, the RFP evaluation will value factors such as wholesale business plans, under

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which multiple telecommunications service providers may obtain access to network capacity on a neutral, nondiscriminatory basis.

This RFP is intended to achieve the best possible balance between ADOT's safety/management concerns and the pro-competitive objectives of the applicable laws, policies, and procedures.

10. VALUATION

ADOT is required to perform a "Valuation" study of each corridor or segment that is exchanged to the telecommunications industry before a permit to construct and deploy telecommunications infrastructure is issued. This valuation study will determine how the value of the public contribution (access to the ROW) compares to the value of the private contribution (compensation in the form of cash, barter or exchange). ADOT requires that successful proposal(s) shall offer compensation equal to or greater than the value of access to, usage and benefits of, the relevant section of the ROW, in order for the public contribution to "reasonably relate" to the value of the private contribution.

**SECTION 2
UNIFORM TERMS AND CONDITIONS**

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Contractual terms and conditions for any resultant contract shall be executed by both parties following a successful award of the sealed competitive phase of this procurement process. (See Appendix B for sample draft document and sample draft terms)

**SECTION 3
SPECIAL TERMS AND CONDITIONS**

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**SECTION 4
UNIFORM INSTRUCTIONS TO OFFERORS**

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1. **DEFINITION OF TERMS.** As used in these Instructions, the terms listed below are defined as follows:
 - 1.1 “Attachment” means any item the Solicitation requires an Offeror to submit as part of the Offer.
 - 1.2 “Contract” means the combination of the Solicitation, including the Uniform and Special Instructions to Offerors, the Uniform and Special Terms and Conditions, and the Specifications and Statement or Scope of Work; the Offer and any Best and Final Offers; and any Solicitation Amendments or Contract Amendments; and any terms applied by law.
 - 1.3 “Contract Amendment” means a written document signed by the Procurement Officer that is issued for the purpose of making changes in the Contract.
 - 1.4 “Days” means calendar days unless otherwise specified.
 - 1.5 “Exhibit” means any item labeled as an Exhibit in the Solicitation or placed in the Exhibits section of the Solicitation.
 - 1.6 “Gratuity” means a payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.
 - 1.7 “Offer” means bid, proposal or quotation.
 - 1.8 “Offeror” means a vendor who responds to a Solicitation.
 - 1.9 “Procurement Officer” means the person duly authorized by the State to enter into and administer Contracts and make written determinations with respect to the Contract or his or her designee.
 - 1.10 “Solicitation” means an Invitation for Bids (“IFB”), a Request for Proposals (“RFP”), or a Request for Quotations (“RFQ”).
 - 1.11 “Solicitation Amendment” means a written document that is authorized by the Procurement Officer and issued for the purpose of making changes to the Solicitation.
 - 1.12 “Subcontract” means any Contract, express or implied, between the Contractor and another party or between a subcontractor and another party delegating or assigning, in whole or in part, the making or furnishing of any material or any service required for the performance of the Contract.
 - 1.13 “State” means the State of Arizona and Department or Agency of the State that executes the Contract.
2. **INQUIRIES**
 - 2.1 **Duty to Examine.** It is the responsibility of each Offeror to examine the entire Solicitation, seek clarification in writing, and check its Offer for accuracy before submitting the Offer. Lack of care in preparing an Offer shall not be grounds for withdrawing the Offer after the Offer due date and time, nor shall it give rise to any Contract claim.
 - 2.2 **Solicitation Contact Person.** Any inquiry related to a Solicitation, including any requests for or inquiries regarding standards referenced in the Solicitation, shall

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be directed solely to the Solicitation contact person. The Offeror shall not contact or direct inquiries concerning this Solicitation to any other State employee unless the Solicitation specifically identifies a person other than the Solicitation contact person as a contact.

- 2.3 Submission of Inquiries. The Procurement Officer or the person identified in the Solicitation as the contact for inquiries may require that an inquiry be submitted in writing. Any inquiry related to a Solicitation shall refer to the appropriate Solicitation number, page and paragraph. Do not place the Solicitation number on the outside of the envelope containing that inquiry, since it may then be identified as an Offer and not be opened until after the Offer due date and time.
- 2.4 Timeliness. Any inquiry shall be submitted as soon as possible and at least seven days before the Offer due date and time. Failure to do so may result in the inquiry not being considered for a Solicitation Amendment.
- 2.5 No Right to Rely on Verbal Responses. Any inquiry that results in changes to the Solicitation shall be answered solely through a written Solicitation Amendment. An Offeror may not rely on verbal responses to its inquiries.
- 2.6 Solicitation Amendments. The Solicitation shall only be modified by a Solicitation Amendment.
- 2.7 Pre-Offer Conference. If a pre-Offer conference has been scheduled under this Solicitation, the date, time and location shall appear on the Solicitation cover sheet or elsewhere in the Solicitation. An Offeror should raise any questions they may have about the Solicitation or the procurement at that time. An Offeror may not rely on any verbal responses to questions at the conference. Material issues raised at the conference that result in changes to the Solicitation shall be answered solely through a written Solicitation Amendment.
- 2.8 Persons With Disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Solicitation contact person. Requests shall be made as early as possible to allow time to arrange the accommodation.

3. OFFER PREPARATION

- 3.1 Forms: No Facsimile or Telegraphic Offers. An Offer shall be submitted either on the forms provided in this Solicitation or their substantial equivalent. Any substitute document for the forms provided in this Solicitation will be legible and contain the same information requested on the forms. A facsimile, telegraphic, mailgram or electronic mail Offer shall be rejected.
- 3.2 Typed or Ink; Corrections. The Offer shall be typed or in ink. Erasures,

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interlineations or other modifications in the Offer shall be initialed in ink by the person signing the Offer. Modifications shall not be permitted after Offers have been opened except as otherwise provided under applicable law.

- 3.3 Evidence of Intent to be Bound. The Offer and Acceptance form within the Solicitation shall be submitted with the Offer and shall include a signature by a person authorized to sign the Offer. The signature shall signify the Offeror's intent to be bound by the Offer and the terms of the Solicitation and that the information provided is true, accurate and complete. Failure to submit verifiable evidence of an intent to be bound, such as an original signature, shall result in rejection of the Offer.
- 3.4 Exceptions to Terms and Conditions. All exceptions included with the Offer shall be submitted in a clearly identified separate section of the Offer in which the Offeror clearly identifies the specific paragraphs of the Solicitation where the exceptions occur. Any exceptions not included in such a section shall be without force and effect in any resulting Contract unless such exception is specifically referenced by the Procurement Officer in a written statement. The Offeror's preprinted or standard terms will not be considered by the State as a part of any resulting Contract.
- 3.4.1 Invitation for Bids: An Offer that takes exception to a material requirement of any part of the Solicitation, including terms and conditions, shall be rejected.
- 3.4.2 Request for Proposals. All exceptions that are contained in the Offer may negatively affect the State's proposal evaluation based on the evaluation criteria as stated in the Solicitation or result in rejection of the Offer.
- 3.5 Subcontracts. Offeror shall clearly list any proposed subcontractors and the subcontractor's proposed responsibilities in the Offer.
- 3.6 Cost of Offer Preparation. The State will not reimburse any Offeror the cost of responding to a Solicitation.
- 3.7 Solicitation Amendments. Each Solicitation Amendment shall be signed with an original signature by the person signing the Offer, and shall be submitted no later than the Offer due date and time. Failure to return a signed copy of a material Solicitation Amendment may result in rejection of the Offer.
- 3.8 Federal Excise Tax. The State of Arizona is exempt from certain Federal Excise Tax on manufactured goods. Exemption Certificates will be prepared upon request.
- 3.9 Provision of Tax Identification Numbers. Offerors are required to provide their

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Arizona Transaction Privilege Tax Number and/or Federal Tax Identification number, if applicable, in the space provided on the Offer and Acceptance Form and provide the tax rate and amount, if applicable, on the Price Sheet.

- 3.10 Identification of Taxes in Offer. The State of Arizona is subject to all applicable state and local transaction privilege taxes. If Arizona resident Offerors do not indicate taxes as a separate item in the Offer, the State will conclude that the price(s) offered includes all applicable taxes.
- 3.11 Disclosure. If the firm, business or person submitting this Offer has been debarred, suspended or otherwise lawfully precluded from participating in any public procurement activity, including being disapproved as a subcontractor with any Federal, state or local government, or if any such preclusion from participation from any public procurement activity is currently pending, the Offeror shall fully explain the circumstances relating to the preclusion or proposed preclusion in the Offer. The Offeror shall include a letter with its Offer setting forth the name and address of the governmental unit, the effective date of this suspension or debarment, the duration of the suspension or debarment, and the relevant circumstances relating to the suspension or debarment. If suspension or debarment is currently pending, a detailed description of all relevant circumstances including the details enumerated above shall be provided.
- 3.12 Solicitation Order of Precedence. In the event of a conflict in the provisions of this Solicitation, the following shall prevail in the order set forth below:
- 3.12.1 Special Terms and Conditions;
 - 3.12.2 Uniform Terms and Conditions;
 - 3.12.3 Statement or Scope of Work;
 - 3.12.4 Specifications;
 - 3.12.5 Attachments;
 - 3.12.6 Exhibits;
 - 3.12.7 Special Instructions to Offerors;
 - 3.12.8 Uniform Instructions to Offerors.
- 3.13 Delivery. Unless stated otherwise in the Solicitation, all prices shall be F.O.B. Destination and shall include all delivery and unloading at the destination(s).

4. SUBMISSION OF OFFER

- 4.1 Sealed Envelope or Package. Each Offer shall be submitted to the submittal location identified in this Solicitation, in a sealed envelope or package that identifies its contents as an Offer and the Solicitation number to which it responds. The appropriate Solicitation number shall be plainly marked on the outside of the envelope or package.

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- 4.2 Offer Amendment or Withdrawal. An Offer may not be amended or withdrawn after the Offer due date and time except as otherwise provided under applicable law.
- 4.3 Public Record. Under applicable law, all Offers submitted and opened are public records and must be retained by the State. Offers shall be open to public inspection after Contract award, except for such Offers deemed to be confidential by the State. If an Offeror believes that information in its Offer should remain confidential, it shall stamp as confidential that information and submit a statement with its Offer detailing the reasons that information should not be disclosed. The State shall make a determination on whether the stamped information is confidential pursuant to the Arizona Procurement Code.
- 4.4 Non-collusion, Employment, and Services. By signing the Offer and Acceptance Form or other official contract form, the Offeror certifies that:
- 4.4.1 It did not engage in collusion or other anti-competitive practices in connection with the preparation or submission of its Offer; and
- 4.4.2 It does not discriminate against any employee or applicant for employment or person to whom it provides services because of race, color, religion, sex, national origin, or disability, and that it complies with all applicable Federal, state and local laws and executive orders regarding employment.
- 5. EVALUATION**
- 5.1 Unit Price Prevails. Where applicable, in the case of discrepancy between the unit price or rate and the extension of that unit price or rate, the unit price or rate shall govern.
- 5.2 Taxes. All applicable taxes stated in the Offer will be considered by the State when determining the lowest bid or evaluating proposals; except when an Offeror is located outside of Arizona and is not subject to a transaction privilege or use tax of a political subdivision of this State. At all times, payment of taxes and the determination of applicable taxes and rates are the sole responsibility of the Contractor.
- 5.3 Late Offers. An Offer submitted after the exact Offer due date and time shall be rejected.
- 5.4 Disqualification. The Offer of an Offeror who is currently debarred, suspended or otherwise lawfully prohibited from any public procurement activity shall be rejected.
- 5.5 Offer Acceptance Period. An Offeror submitting an Offer under this Solicitation

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shall hold its Offer open for the number of days from the Offer due date that is stated in the Solicitation. If the Solicitation does not specifically state a number of days for Offer acceptance, the number of days shall be ninety (90). If a Best and Final Offer is requested pursuant to a Request for Proposals, an Offeror shall hold its Offer open for ninety (90) days from the Best and Final Offer due date.

5.6 Payment. Payments shall comply with the requirements of A.R.S. Titles 35 and 41, Net 30 days. Upon receipt and acceptance of goods or services, the Contractor shall submit a complete and accurate invoice for payment from the State within thirty (30) days.

5.7 Waiver and Rejection Rights. Notwithstanding any other provision of the Solicitation, the State reserves the right to:

5.7.1 Waive any minor informality;

5.7.2 Reject any and all Offers or portions thereof; or

5.7.3 Cancel a Solicitation.

6. AWARD

6.1 Number or Types of Awards. Where applicable, the State reserves the right to make multiple awards or to award a Contract by individual line items or alternatives, by group of line items or alternatives, or to make an aggregate award, whichever is deemed most advantageous to the State. If the Procurement Officer determines that an aggregate award to one Offeror is not in the State's best interest, "all or none" Offers shall be rejected.

6.2 Contract Inception. An Offer does not constitute a Contract nor does it confer any rights on the Offeror to the award of a Contract. A Contract is not created until the Offer is accepted in writing by the Procurement Officer's signature on the Offer and Acceptance Form. A notice of award or of the intent to award shall not constitute acceptance of the Offer.

6.3 Effective Date. The effective date of this Contract shall be the date that the Procurement Officer signs the Offer and Acceptance form or other official contract form, unless another date is specifically stated in the Contract.

7. **PROTESTS** A protest shall comply with and be resolved according to Arizona Revised Statutes Title 41, Chapter 23, Article 9 and rules adopted thereunder. Protests shall be in writing and be filed with both the Procurement Officer of the purchasing agency and with the State Procurement Administrator. A protest of a Solicitation shall be received by the Procurement Officer before the Offer due date. A protest of a proposed award or of an award shall be filed within ten (10)

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days after the protester knows or should have known the basis of the protest. A protest shall include:

- 7.1 The name, address and telephone number of the protester;
 - 7.2 The signature of the protester or its representative;
 - 7.3 Identification of the purchasing agency and the Solicitation or Contract number;
 - 7.4 A detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and
 - 7.5 The form of relief requested.
- 8. COMMENTS WELCOME.** The State Procurement Office periodically reviews the Uniform Instructions to Offerors and welcomes any comments you may have. Please submit your comments to: State Procurement Administrator, State Procurement Office, 15 South 15th Avenue, Suite 103, Phoenix, Arizona, 85007.

**SECTION 5
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1. REQUIRED INFORMATION

- A. Offer and Acceptance Form (two copies);
- B. Proposal Content
- C. Solicitation Amendments (if any)
- D. Ownership Classification
Complete and submit all information requested on Attachment
The requested information is for data collection purposes only and will not be used in the evaluation of the solicitation.

2. AWARD

Award of a contract will be made to the most responsive and responsible offeror whose proposal is determined to be the most advantageous to the State based on the evaluation criteria set forth in the solicitation.

3. REQUIREMENTS OF PROPOSAL

- A. One original and (8) copies of proposals shall be submitted. Subcategories of information in each of the volumes should be highlighted for ease of evaluating the information contained therein. If the offeror finds it necessary to take exception(s) to any of the requirements specified in this solicitation, clearly indicate each such exception in the proposal along with a complete explanation of why the exception was taken and what benefit accrues to the State thereby. All substantive exceptions and supporting rationale shall be identified as such and consolidated into one section of the proposal.
- B. To facilitate evaluation, the proposal must be specific, and complete to clearly and fully demonstrate the offeror has a thorough understanding of the requirement and can provide detailed information and experience concerning previous performance of similar services. Statements that the offeror understands, can, or will comply with the Statement of Work, statements paraphrasing the Statement of Work or parts thereof, and phrases such as "standard procedures will be employed" or "well-known techniques will be used", etc., will be considered unacceptable. Offerors should note that data previously submitted shall not be relied upon nor incorporated in the proposal by reference.
- C. Binding and Labeling. Each copy of the proposal shall be presented in three ring binders with the cover indicating the solicitation number, the offeror's name and address and copy number (i.e. Copy 2 of 4).

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- D. Indexing. The sections of each copy shall be indexed to indicate the applicable parts and elements. Each section shall contain a table of contents, including interfacing remarks and the page references to other parts and to specific Statement of Work paragraphs. Orderliness of the proposal, readability and similar factors should be considered in proposal preparation.
- E. Administrative Requirements. The pages (except drawings, if any) will be no larger than 8 1/2 X 11 inches in size and typed with single spacing. Type size shall not be more than 12 characters per inch. Drawings, computer cost summaries and other illustration material may be "fold-out", but shall be limited in size, to 11 X 17 inches.

F. Format

Section One shall include two (2) signed copies of the Offer and Award form and one (1) copy each of the attachments. The remaining sections shall consist of the offeror's approach to provide the required services addressing the offeror's technical solution, and available resources. **Lack of these submissions may cause the proposal to be declared unacceptable**

4. PROPOSAL CONTENT

A. EXECUTIVE SUMMARY

Proposals shall detail the Offeror's understanding of and approach to the project, including a brief overview of the significant features distinguishing characteristics of the offer.

B. GENERAL INFORMATION

Provide Offeror name (firm name), address, and telephone number. If responding as a consortium, provide this information for all firms on the team and identify the lead firm. For each firm listed, identify individuals or firms that hold a majority or controlling interest. If a joint venture, identify the parent company of the lead firm.

Provide the name, address, telephone number, fax number, and organization of the principal contact person (this individual shall be a member of the lead firm).

C. WORK EXPERIENCE

Provide a detailed corporate overview of all firms participating in the project, including subcontractors. List all relevant work experience and qualifications related to the proposed project, focusing on any resources sharing projects. Provide project descriptions to demonstrate relevant experience and qualifications. Project descriptions should include:

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Contract value

- Contact name
- Name of project
- Client
- Project summary (including project schedule and timing)
- Address
- Telephone number.

If Offeror designs and/or installs telecommunications systems for operation by others, identify recent clients and describe projects in Arizona and nationwide. If Offeror currently provides telecommunications services (retail and/or wholesale), describe the services provided and indicate the approximate number of customers for these services in Arizona and nationwide.

D. TEAM ORGANIZATION

Describe the legal form of the business structure that the Offeror expects to use throughout the project's life cycle (e.g., corporation, partnership, joint venture, and consortium). If responding as a team, indicate if and how this team has worked together previously. Provide organizational chart(s) depicting the nature of the organization, its hierarchy, and the relative roles, responsibilities and authority of team members for all project phases, including design, construction, and operation.

E. STAFFING PLAN

Present a project-staffing plan. This staffing plan should identify, where possible, the individuals that will be carrying out the proposed project, their roles in the project, percent commitment to the project, and the phases during which they will be working on the project (e.g., design, construction, inspection, operation). Provide brief biographies (1-2 pages) and a summary table for individuals identified in the staffing plan. These biographies and the table should demonstrate individuals' prior experience on similar projects and summarize skills that are relevant for this submission. They should include:

- Position
- Role in project
- Relevant skills and certifications
- Years of experience
- Years with firm
- Percent availability
- Percent commitment to program.

The staffing plan should also identify "key individuals," including, but not limited to:

- Project Manager

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- Construction Manager
- Financial Manager
- Executive officer for each member of the Offeror's team that is financially responsible for the project.

Resumes of "key individuals" shall be included as an Appendix. Resumes of additional personnel proposed in the staffing plan may be included at the discretion of the Offeror.

F. FINANCIAL INFORMATION

In this section, Offerors should demonstrate financial strength and stability and describe proposed project financing and financial management.

While Offerors are not required to demonstrate that project financing is in place at the time of proposal submission, the Contractor will be required to have committed financing in place by the conclusion of negotiations that may take place in the additional phases of this project.

F.1. Financial Statements

Provide copies of audited financial statements for the past four years (1996 through 1999) or for life of firm if less than four years. If responding as a team, provide this information for each team member. Financial statements should be dated, and be the latest available. If 1999 financial statements have not been audited, unaudited statements will be acceptable.

F.2. References

List major projects implemented in the last five years and the source of funds used to develop these projects. Provide references for three current or former lenders/underwriters, including the following information:

- Lender name
- Address
- Contact name
- Telephone and fax number.

F.3. Financial Plan

Prepare and present a detailed financial plan for the proposed project. The financial plan should include (1) an estimate of total project costs and the timing of project costs, and (2) detailed annual debt service schedules showing projected gross revenues, operating and maintenance expenses, transfers to each category of reserves, and cash flows available for the service of each category of debt.

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The financing plan should provide the following details:

- Source(s) of funds, including amounts and name of source(s)
- Term
- Structure
- Security
- Covenants
- Projected revenue plan
- Terms of repayment
- Any other pertinent information.

F.4. Lead Underwriter Assurance (“Highly Confidential Letter”)

As part of its submission, Offerors shall include a letter addressed to the Arizona Department of Transportation from its lead underwriter or lead lender to the effect that such underwriter or lender, subject to reasonable assumptions, is highly confident that the financing plan described in the proposal is achievable and that lenders or investors can be found to provide such financing substantially at the rates and otherwise on the terms stated in the proposal.

F.5. Financial Management

Describe the financial management plan proposed for this project. The financial management plan should address, at a minimum, the following:

- *Accounting and Audit Practices* — Detail the accounting and auditing procedures to be used during the term of the contract. Specify what and how accounting records will be made available for State review.
- *Cost Control* — ADOT is concerned about the uncertainty that surrounds projections presented in the financial plan, including the possibility of higher-than-anticipated costs during network construction and operation. Identify any aspects of the proposed project that may create the potential for unidentified costs and demonstrate proposed cost control measures. Describe any provisions in the project and financial program designed to eliminate or reduce the impact of any cost increases on ADOT.
- *Project Viability and ADOT Protection* — Describe protections against non-completion and/or insolvency. How will ADOT maintain the services it receives and its financial options? The response should consider two situations: 1) the default occurs during the construction phase, and 2) the default occurs during the operation phase.

G. PROJECT MANAGEMENT APPROACH

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G.1. Project Management

Describe the general management approach and project organization that will be utilized to coordinate design, construction, and operation phases of the proposed project. Identify relevant experience managing projects of similar scope.

G.2. Project Manager

The Project Manager should be the principal point of contact with ADOT. In addition to the Resumes, provide project descriptions that detail the Project Manager's role in projects of a similar nature and magnitude. Project descriptions should include the following:

- Name of project
- Client
- Project summary (including project schedule and timing)
- Project manager's role in the project (most important component of these project descriptions)
- Contract value
- Contact name
- Address
- Telephone number.

Provide three client references for projects accomplished in the last five years.

Any changes in the Project Manager shall be approved in advance by ADOT.

G.3. Quality Program

Identify the quality assurance, quality control (QA/QC) measures to be employed throughout the project. The description should cover the quality control approach currently in place for the Offeror, its associates, and its subcontractors and should include the design, documentation, manufacture, test, construction, and operation phases of the project. The proposal should identify all project team members that are ISO 9001 certified. Where a current QA/QC program is not in existence, discuss the steps to be taken to ensure quality work on all aspects of the work. Include your ongoing maintenance activities the of state's telecommunications infrastructure in this discussion.

H. TECHNICAL RESPONSE

Identify the following technical information so that ADOT can evaluate how well the proposed offering will help ADOT meet its telecommunications infrastructure needs.

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H.1. Infrastructure Deployment Plans

Describe the total telecommunications infrastructure you propose to install along ADOT ROW. Describe the state telecommunications infrastructure you propose to install along ADOT ROW. These descriptions should include general information about proposed installations; conformance with specifications and guidelines, and ability of proposed infrastructure installations to address ADOT's telecommunications infrastructure needs and priorities.

H.1.1. General information

All proposals should include the following information at a minimum:

- Maps and tables that identify all ADOT ROW corridors the Offeror wants to access for telecommunications infrastructure installation by Corridor Name (See **Appendix A**), including controlled access route number, location names and mile markers
- Total number of ROW miles sought for access
- Proposed telecommunications infrastructure capacity (measured in number/size of conduits) and the capacity that will be available for lease by other providers on a competitively neutral basis. Include the initially unused elements you plan to install in each corridor
- Number of fiber strands you plan to install in each corridor
- Number, spacing and location of POPs/regeneration sites
- Proposed configurations at each site
- Provider/manufacturer of technology/facilities you will install
- Intergraph drawings of the proposed telecommunications infrastructure you will install.

H.1.2. Technical Requirements Specifications

Offerors shall identify and describe any deviations and alternatives to the following technical requirements:

- ADOT Guide of Accommodating Utilities on Highway Rights of Way (**Attachment D**)

H.1.3. Ability of Proposed Facilities to Address ADOT Needs

Offerors shall describe their proposed deployment plan. This description should:

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- List each site location that will be interconnected as part of your proposal
- Identify the telecommunications infrastructure (conduit, manhole, etc.) capacity that will be available to ADOT (in return for Contractor usage of ROW) in these corridors
- Identify the proposed conduit count
- List the proposed frequency of conduit access points in urban and rural areas.

H.2. Compensation Plans

ADOT is willing to consider various compensation plans in this solicitation. ADOT prefers in-kind, barter compensation in the form of the telecommunications infrastructure described herein and maintenance of all such infrastructure for a 25-year term. ADOT prefers that this telecommunications infrastructure consist of conduit(s) with associated manholes, handholes, etc. throughout the controlled access highway corridors that the Offeror offers and additional like-kind telecommunications infrastructure in the rights-of-way of non-controlled access roadways, from the identified corridors to the Arizona communities identified in **Appendix C**. Alternative compensation plans are categorized as follows: Cash, Barter, and Alternative Compensation Options.

H.2.1. Cash (U.S. Currency)

H.2.2. Barter Compensation

Offerors shall identify how they will implement and maintain ADOT's telecommunications infrastructure. In all cases, Offerors should provide the following minimum information

- A general description of the telecommunications infrastructure to be supplied, installed, and maintained by Offeror
- Total number of man-hours that the Offeror will provide to ADOT for engineering support and technical assistance
- A clear description of how Offeror will provide ADOT with the capability to manage ADOT's telecommunications infrastructure.

H.2.3. Alternative Compensation Options

Offerors who offer to install telecommunications infrastructure in ADOT ROW in return for Offer-

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defined commitments or innovative financing arrangements shall provide all relevant technical information (as discussed above) and cost estimates for provision of all services they plan to offer.

I. SCHEDULE OF SERVICE

Offerors shall submit a work plan/project schedule in Gantt chart showing the project critical path. The project schedule shall identify the tasks and milestones required to complete the proposed project. Include all factors relative to design, procurement, installation, construction, testing, inspection and completion dates. The schedule should illustrate the timing of the phased build-out, including geographic coverage over time.

J. PUBLIC SAFETY AND ROW MANAGEMENT

Offerors shall describe in detail the extent to which the proposal complies with, or will provide, the following public safety and ROW management factors:

- combine with all interested providers, such as a joint venture or consortium, so that by agreement all providers desiring access can be accommodated together in one trench
- install sufficient excess capacity in one trench, and agree to sell/sublease that excess capacity to provide equal access in that trench to all other interested providers on a competitively neutral and nondiscriminatory basis
- coordinate infrastructure deployment in one trench and manage access to the ROW for all interested telecom providers on a competitively neutral and nondiscriminatory basis.
- provide maximum opportunities for multi-competitor use of the fiber network or conduit (single trench), rather than multi-competitor access to the right-of-way (multiple trench).
- adopt a wholesale business plan under which their business is to sell or lease spare dark or lit fiber and fiber capacity to unaffiliated telecommunications providers,
- sell or lease spare dark or lit fiber and fiber capacity at non-discriminatory rates for similarly situated providers.
- offer collocation opportunities to competitors. Under this approach the prime Contractor(s) shall cooperate with all other interested parties with the intention of utilizing a single trench for all construction needs. ADOT also requires that a single maintenance provider be utilized on each segment of right of way.
- install either (1) spare conduit or innerducts which would be reserved and made available to

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future competitors through future ADOT procurement processes. ADOT would then implement a program to offer these facilities for compensation on a periodic basis in order to provide competitive opportunity over the long term without the need for new trenching.

- give co-locators and future users of spare network capacity equitable rights to participate in the selection of, and negotiation of terms and standards with, the conduit and fiber maintenance contractor.
- locate huts, cabinets and pedestals for cable termini and nodes at locations off the right of way where feasible or at other locations where access minimizes the impact on public safety and right of way.

K. Additional Supportive Information

Offeror may include additional supportive information that it believes will assist ADOT in understanding the importance of its offering in helping ADOT reach its objectives.

4.5 PROPOSAL EVALUATION

Each offeror will be evaluated for its potential to produce comprehensive and credible results. The aim is to employ the best available contractor with the most comprehensive workscope and maximum potential

ADOT reserves the right, at any time during the evaluation process to preclude any offeror from further consideration should a real apparent or potential conflict of interest exist as determined by ADOT.

The following criteria will be used in the evaluation of all proposals. Criteria is listed in order of importance.

- Experience and qualifications to perform project(s) proposed
- Capability and capacity to deliver and finance project proposed including a preliminary timeline for construction
- Commitment to and plan for shared-use of facilities including a list of potential joint uses/users in addition to ADOT
- Innovative and beneficial methods for ADOT

5. EVALUATION AND SELECTION

Evaluation of proposals and contract award(s) may be accomplished in four steps.

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- A. Step One. Initial review of proposals to determine basic responsiveness to the solicitation, where proposals will be reviewed to insure they include all required information.
- B. Step Two. Evaluation of proposals to assess the offeror's capability to deliver the required services in accordance with the requirements of the Statement of Work.
- C. Step Three. Discussions with offerors concerning their proposals. This step includes requests for Best and Final Offers from offerors still considered susceptible of winning contract award(s).
- D. Step Four. Pre-Qualificatio award(s) made to the responsive and responsible offeror(s) whose proposal is determined to be the most advantageous to the State, based on the previous mentioned criteria shown.

6. DISCUSSIONS

As provided by A.A.C. R2-7-331, discussions may be conducted with offerors who submit offers determined to be reasonably susceptible of being selected for award. If discussions are conducted pursuant to R2-7-331, ADOT shall issue a written request for best and final offers. Award may be made without discussions, therefore, offers shall be submitted complete and on most favorable terms.

ATTACHMENT 1 OFFER AND CONTRACT AWARD



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Submit this form with an original signature to the State.

OFFER

TO THE STATE OF ARIZONA:

The offeror hereby offers and agrees to perform in compliance with all terms, conditions, specifications and amendments of this solicitation and any written exceptions in the offer. Signature also acknowledges receipt of all pages indicated in the Table of Contents.

Federal Employer Identification

For clarification of this offer, contact:

No.: _____

Printed Name

Offeror's (Company) Name

Email Address

Address

Company Email Address

City _____ State _____ Zip _____

Signature of Person Authorized to Sign Offer

Phone

Printed Name

Date

Facsimile

Title

ACCEPTANCE OF OFFER AND CONTRACT AWARD (FOR STATE OF ARIZONA USE ONLY)

Your offer is hereby accepted.

The contractor is now bound to perform based upon the solicitation, including all terms, conditions, specifications, amendments, etc., and the contractor's offer as accepted by the state.

This contract shall henceforth be referred to as Contract No. _____.

The contractor is hereby cautioned not to commence any billable work or provide any material, service or construction under this contract until contractor receives a purchase order or contract release document.

State of Arizona

Awarded this _____ day of _____ 2000

Terri Johnson

As Procurement Officer and not personally

**ATTACHMENT 2
PRICE SHEET**

ARIZONA DEPARTMENT OF TRANSPORTATION
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Detailed instructions for pricing structure and information is located throughout the RFP (Section 5, Special Instructions to Offerors) Pricing should be included as requested.

Company Name

_____ **% Arizona Sales Tax, State & City**

Do not include sales tax in the above figures. Tax will not be used in the evaluation of bids.

ATTACHMENT 3 OWNERSHIP CLASSIFICATIONS

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NOTE: THE FOLLOWING REQUESTED INFORMATION IS FOR DATA COLLECTION PURPOSES ONLY

Name of Organization:	
Federal Employee Identification Number:	
Contact Person:	
Contact Phone:	Fax:
Email:	
Address: Street/PO Box:	
City, State, Zip:	

Primary Business Type (Select One Only):

- | | | |
|---|---|---|
| <input type="checkbox"/> A Authorized Distributor | <input type="checkbox"/> E Factory Representative | <input type="checkbox"/> I Service Firm |
| <input type="checkbox"/> B Broker | <input type="checkbox"/> F Jobber/Wholesaler | <input type="checkbox"/> J Surplus Dealer |
| <input type="checkbox"/> C Construction Firm | <input type="checkbox"/> G Manufacturer | <input type="checkbox"/> K Health Care Provider |
| <input type="checkbox"/> D Consulting Firm | <input type="checkbox"/> H Retailer | <input type="checkbox"/> L Other _____ |

Small/Minority Business Ownership (Select One Only):

- | | |
|--|--|
| <input type="checkbox"/> 1 Non-Small/Non-Minority/Non-Disabled | <input type="checkbox"/> 8 Small Business/Disabled Owner |
| <input type="checkbox"/> 2 Small Business (Per ARS §41-1001.14) | <input type="checkbox"/> 9 Minority Woman Owned Business |
| <input type="checkbox"/> 3 Minority Owned Business (Per 15 CFR §1400.1(a)) | <input type="checkbox"/> 10 Disabled-Minority Owned Business |
| <input type="checkbox"/> 4 Woman Owned Business | <input type="checkbox"/> 11 Disabled-Woman Owned Business |
| <input type="checkbox"/> 5 Owned By Disabled Individual (Per ARS §41-1492.5) | <input type="checkbox"/> 12 Small Business/Minority-Woman Owned |
| <input type="checkbox"/> 6 Small Business/Minority Owned | <input type="checkbox"/> 13 Small Business/Disabled-Minority Owned |
| <input type="checkbox"/> 7 Small Business/Woman Owned | <input type="checkbox"/> 14 Small Business/Disabled-Minority-Woman Owned |

APPLICANT CERTIFICATION:

I CERTIFY THAT:

1. I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information requested herein;
2. To the best of my knowledge the elements of information provided herein are accurate and true as of the date; and
3. My organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment in accordance with ARS §Title 41 Chapter 9, Article 4 and Executive Order No. 99-4 dated February 8, 1999.

Printed or Typed Name	Title
Signature	Date

APPENDIX A

ARIZONA DEPARTMENT OF TRANSPORTATION
Procurement Group
1739 West Jackson Street, Room 100P
Phoenix, Arizona 85007-3276
Phone: (602) 712-7211

SOLICITATION NO. T01-59-00045

APPENDIX A IDENTIFICATION OF ADOT CONTROLLED ACCESS ROADWAYS

Controlled Access Roadway

- I-8, Casa Grande to Yuma
- I-10, NM border to CA border
- I-17, Phoenix to Flagstaff
- I-40, NM border to CA border
- CANAMEX
 - I-19, Nogales to Tucson
 - US-60, US-93, Phoenix to Kingman
 - US-93, Kingman to Hover Dam
- SR-87, Phoenix to Payson +
- Phoenix Proper:
 - Loop 101
 - Loop 202
 - SR-51, Loop 101 to I-10
 - SR-143
 - US-60, I-10 to Apache Junction

APPENDIX B

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SOLICITATION NO. T01-59-00045

APPENDIX B SAMPLE DRAFT DOCUMENT

OUTLINE FOR SHARED RESOURCES FOR TELECOMMUNICATIONS CONTRACT

OVERVIEW:

The Arizona Department of Transportation ("**Department**") has received a Utility Permit Application ("Permit Application") from _____ ("**Utility**") requesting use of the State Rights-of-Way ("**ROW**") for Wireline Telecommunication Fiber Optics Infrastructure. Department accepts this Permit Application for processing under the provisions set forth in the Requirements for Occupancy of State Highway System Rights-of-Way by Utility Facilities _____ and the Special Utility Permit Provisions ("**Special Provisions**") as follows:

Utility seeks to construct, install, operate and maintain telecommunication wireline facilities, certain electronics to be used in connection with such fiber optics infrastructure, and certain conduit, as more specifically stated in Attachment Two ("Department Assets") along Department roadway corridor ROW segments ("**Segment or Corridor**"). Utility wishes to construct in Department ROW a multi-conduit telecommunications system ("**Telecommunications Facility**") in a continuation of a nationwide fiber optics telecommunication facility build-out, which Utility is now implementing.

Department has continuous longitudinal Freeway and Roadway ROW well-suited for the Telecommunications Facility because Department ROW is extensive, located throughout the State, and because Department ROW connects populated areas where Utility and Utility customers wish to provide modern telecommunication facilities and services.

Department desires to improve highway transportation safety for the traveling public, to enhance telecommunications systems within the State, and to add to Department telecommunications infrastructure by making Department ROW and other properties available for wireline telecommunications fiber optics infrastructure consistent with other public uses of its property. Department also desires to co-locate multiple wireline telecommunication providers in fiber optic facilities along these ROW in a manner that is consistent with FCC and state requirements. Department is not in the

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telecommunications business and does not sell or provide telecommunications services to other government agencies, commercial entities, or organizations.

Department has determined to make ROW, select properties and structures available to these wireline telecommunications companies, on a fair, equitable, and non-exclusive basis. Department will exchange ROW for indefeasible right of use in certain fibers installed in such Telecommunications Facilities, certain electronics to be used in connection with such fibers, and certain conduit, as more specifically stated in Attachment 2.

This agreement may also contain terms and conditions related to the following topics:

- ORDER OF PRECEDENCE.
- GRANT OF PERMIT.
- TERM.
- TERMINATION
- RELOCATION.
- REMOVAL.
- LIMITATIONS.
- EQUAL ACCESS.
- DEPARTMENT ASSETS.
- CONSTRUCTION.
- FACILITIES WORK PERFORMANCE SCHEDULE.
- STATEWIDE PERMIT PROCESS.
- AS-BUILT PLANS.
- ADDITIONAL FEES.

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- ADDITIONAL REQUIREMENTS.
- MAINTENANCE.
- SECURITY DEPOSIT.
- RESTORATION OF ADOT PROPERTY.
- NO PERMANENT STRUCTURES.
- LIABILITY.
- INDEMNITY.
- COMPLIANCE WITH ENVIRONMENTAL LAWS.
- HAZARDOUS MATERIALS.
- FORCE MAJEURE.
- SUBJECT TO LAWS.
- COOPERATION.
- NOTICES.
- ASSIGNMENT.
- INSURANCE.
- LIENS AND CLAIMS.
- BANKRUPTCY.
- VENUE.
- FUNDS AVAILABILITY.
- LEGAL AUTHORITY.
- SEVERABILITY.

APPENDIX B

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- AMENDMENTS.
- LICENSES, PERMITS, AND RESPONSIBILITIES.
- MAINTENANCE OF RECORDS.
- AUDIT, INSPECTION OF RECORDS, AND MONITORING.
- TAXES.
- EQUAL OPPORTUNITY COMPLIANCE.
- SALE OF PERMITTED ROW SEGMENT BY ADOT.
- CIVIL RIGHTS LAWS AND REGULATIONS COMPLIANCE.
- RESOLUTIONS AND DISPUTES.
- TELECOMMUNICATIONS FACILITY SEGMENT DESCRIPTION.
- SPECIAL AND ADDITIONAL CONCERNS.
- SPECIAL LIMITATIONS AND REQUIREMENTS.

APPENDIX C

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APPENDIX C

PRIORITIES FOR UNCONTROLLED ACCESS ROUTES IN RURAL AREAS

ADOT has identified 11 uncontrolled access routes in the rural areas of Arizona that have priority for telecommunications infrastructure. These routes are identified below. They are organized into three categories A, B, and C (A has the highest priority) based on the following criteria:

- ADOT District Office locations
- ITS variable message signs, road-weather information systems per 1996 ADOTA Strategic Plan
- County Seats
- Border community
- Strong growth area with attendant economic development pressure
- Population over 10,000

RTE	DESCRIPTION	PRIORITY
1.	Phoenix US 60 to Globe US 70 to Safford US 191 to I-10 with connection to Florence on SR 89	A
2.	SR 69, Cordes Junction to Prescott	A
3.	From Benson I-10 to Bisbee SR 80 to Douglas SR 80 to Sierra Vista SR 90	B
4.	Holbrook SR 77 to Showlow SR 260 to Eagar US 191 to St Johns SR 61 to I-40	B
5.	SR 95, Yuma to kingman	C
6.	SR 89, Flagstaff to Kayenta SR 160	C
7.	SR 179, I-17 to to Sedona	C

APPENDIX D

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APPENDIX D

REFERENCE MATERIAL