Lexington-Fayette
Urban County Government

Request for Information

The Lexington-Fayette Urban County Government hereby requests information for **RFI#6-2015 Construction, Operation & Maintenance of Fiber Optic Network Request For Information** to be provided in accordance with terms, conditions and specifications established herein.

Sealed information packets will be received in the Division of Central Purchasing, Room 338, Government Center, 200 East Main Street, Lexington, KY, 40507, until **2:00 PM**, prevailing local time, on **April 1st, 2015**.

Information received after the date and time set for opening information will not be considered and will be returned unopened to the Submitter. It is the sole responsibility of the Submitter to assure that his/her information is received by the Division of Central Purchasing before the date and time set for opening the Request for Information.

Information must be sealed in an envelope and the envelope prominently marked:

RFI#6-2015 Construction, Operation & Maintenance of Fiber Optic Network Request For Information

If mailed, the envelope must be addressed to:

Todd Slatin – Director
Lexington-Fayette Urban County Government
Room 338, Government Center
200 East Main Street
Lexington, KY 40507

Additional copies of this Request For Information are available from the Division of Central Purchasing, Room 338 Government Center, 200 East Main Street, Lexington, KY 40507, (859)-258-3320, at no charge.

Information, once submitted, may not be withdrawn for a period of sixty (60) calendar days.

The Submitter must provide one (1) master (hardcopy), (1) electronic version in PDF format on a flash drive or CD and six (6) duplicates (hardcopies) of their submission for evaluation purposes.

The Lexington-Fayette Urban County Government reserves the right to reject any or all submittals, and to waive technicalities and informalities when such waiver is determined by the Lexington-Fayette Urban County Government to be in its best interest.

The Lexington-Fayette Urban County Government will make no award as a result of this RFI but may issue a more comprehensive Request for Information (RFI) at a future date. ‘

NOTE: Entities that do not respond to this RFI will not be disqualified from consideration as candidates for Lexington-Fayette Urban County Government’s fiber optic network project.

Information that the Submitter requires Lexington-Fayette Urban County Government to handle as confidential must be labeled as “confidential” in the Submitter’s response.

The Lexington-Fayette Urban County Government encourages the participation of minority - and women-owned businesses in Lexington-Fayette Urban County Government contracts. This proposal is subject to Affirmative Action requirements attached hereto.

Laws and Regulations

All applicable state laws, municipal ordinances and regulations of all authorities having jurisdiction over the project shall apply to the contract, and shall be deemed to be incorporated herein by reference.

Equal Employment Opportunity

The Entity (regardless of whether construction contractor, non-construction contractor or supplier) agrees to provide equal opportunity in employment for all qualified persons, to prohibit discrimination in employment because of race, color, creed, national origin, sex or age, and to promote equal employment through a positive, continuing program from itself and each of its subcontracting agents. This program of equal employment opportunity shall apply to every aspect of its employment policies and practices.

Kentucky Equal Employment Opportunity Act

The Kentucky Equal Employment Opportunity Act of 1978 (KRS 45.560-45.640) requires that any "county, city, town, school district, water district, hospital district, or other political subdivision of the state shall include in directly or indirectly publicly funded contracts for supplies, materials, services, or equipment hereinafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, or national origin;

(2) The contractor will state in all solicitations or advertisements for employees placed by or on behalf of the contractors that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, or national origin;

(3) The contractor will post notices in conspicuous places, available to employees and applicants for employment, setting forth the provision of the nondiscrimination clauses required by this section; and

(4) The contractor will send a notice to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding advising the labor union or workers' representative of the contractor's commitments under the nondiscrimination clauses."

The Act further provides:

"KRS 45.610. Hiring minorities -- Information required

(1) For the length of the contract, each contractor shall hire minorities from other sources within the drawing area, should the union with which he has collective bargaining agreements be unwilling to supply sufficient minorities to satisfy the agreed upon goals and timetables.

(2) Each contractor shall, for the length of the contract, furnish such information as required by KRS 45.560 to KRS 45.640 and by such rules, regulations and orders issued pursuant thereto and will permit access to all books and records pertaining to his employment practices and work sites by the contracting agency and the department for purposes of investigation to ascertain compliance with KRS 45.560 to 45.640 and such rules, regulations and orders issued pursuant thereto.

KRS 45.620. Action against contractor -- Hiring of minority contractor or subcontractor

(1) If any contractor is found by the department to have engaged in an unlawful practice under this chapter during the course of performing under a contract or subcontract covered under KRS 45.560 to 45.640, the department shall so certify to the contracting agency and such certification shall be binding upon the contracting agency unless it is reversed in the course of judicial review.

(2) If the contractor is found to have committed an unlawful practice under KRS 45.560 to 45.640, the contracting agency may cancel or terminate the contract, conditioned upon a program for future compliance approved by the contracting agency and the department. The contracting agency may declare such a contractor ineligible to bid on further contracts with that agency until such time as the contractor complies in full with the requirements of KRS 45.560 to 45.640.

(3) The equal employment provisions of KRS 45.560 to 45.640 may be met in part by a contractor by subcontracting to a minority contractor or subcontractor. For the provisions of KRS 45.560 to 45.640, a minority contractor or subcontractor shall mean a business that is owned and controlled by one or more persons disadvantaged by racial or ethnic circumstances.

KRS 45.630 Termination of existing employee not required, when

Any provision of KRS 45.560 to 45.640 notwithstanding, no contractor shall be required to terminate an existing employee upon proof that employee was employed prior to the date of the contract.

KRS 45.640 Minimum skills

Nothing in KRS 45.560 to 45.640 shall require a contractor to hire anyone who fails to demonstrate the minimum skills required to perform a particular job."

It is recommended that all of the provisions above quoted be included as special conditions in each contract. In the case of a contract exceeding $250,000, the contractor is required to furnish evidence that his workforce in Kentucky is representative of the available work-force in the area from which he draws employees, or to supply an Affirmative Action plan which will achieve such representation during the life of the contract.

Questions regarding this RFI shall be addressed to:

Todd Slatin, Director
Division of Central Purchasing
tslatin@lexingtonky.gov

or submitted to the website at https://lfucg.economicengine.com

Firm Submitting Information: _____

Complete Address: _____
Street City Zip

Contact Name: _____ Title: _____

Telephone Number: _____ Fax Number: _____

Email address: _____

Request for Information

For

Construction, Operation and Maintenance of
Fiber Optic Network

Lexington, Kentucky

Contents

Lexington-Fayette County Strategic Priority....7
Purpose of Construction, Operation and Maintenance of Fiber Network RFI....7
Lexington-Fayette County Objectives....8
Lexington-Fayette County Demographic Information....9
Lexington-Fayette County Business and Economic Information....9
Lexington-Fayette County Maps....10
Information Required to Respond to RFI and Response Procedure....11

Lexington-Fayette County Strategic Priority

Becoming a gigabit city is one of Mayor Jim Gray's strategic priorities for Lexington. In his recent State of the City address, Mayor Gray stated, "We really must become a gigabit city…making the information super highway available and affordable to all our businesses and citizens." When announcing the goal, Mayor Gray specifically mentioned the need for a fiber network to promote economic development and to close the digital divide. This direction was also reviewed with the LFUCG Council

Purpose of Construction, Operation and Maintenance of Fiber Network RFI

The purpose of this request for information is to assist the Lexington Fayette Urban County Government (LFUCG) in identifying private-sector business partners interested in building, operating and maintaining a fiber-to-the-premises (FTTP) network in Lexington. LFUCG seeks input from potential partners regarding the terms and conditions under which partners would construct and operate a high-speed broadband data network to connect fiber optics to residents and businesses in Lexington-Fayette County. High-speed broadband is defined as being one hundred megabit to one gigabit per-second data speeds.

LFUCG has not yet decided on a process for selecting partner(s) who will proceed with the project. However, LFUCG is committed to providing its partner(s) with the necessary support and facilitation of the Project in compliance with any applicable laws, and within the framework of any necessary agreement(s). This support may include, but is not necessarily limited to, the following: (i) developing and facilitating grant opportunities; (ii) creating a streamlined permitting process; and (iii) providing access to LFUCG-owned relevant data, existing LFUCG fiber resources, other community assets, and the public rights-of-way.

LFUCG seeks responses from entities that can finance the network themselves, identify alternative sources of funding or can propose a public-private financial model that minimizes LFUCG's financial risk. The private partner LFUCG may select as a result of a future Request for Information (RFI) or other means will build the network with its own funds. LFUCG will solidly endorse the partner, support the development of any necessary grant applications, create a streamlined permitting process, and provide relevant data owned by the city to enable the successful construction of the proposed network.

LFUCG has completed approximately 80% of Appendix 1A, Google Fiber Data Request List, of the Google Fiber City Checklist. This document is expected to be completed in April 2015.

LFUCG has extensive GIS information available through its Open Data Portal including over 90 datasets. (Reference the Lexington-Fayette County Maps section of this document).

The majority of utility and street light poles and conduit assets are owned by privately held companies. LFUCG is requesting assistance from these companies to compile pole and conduit inventory information. LFUCG will advocate with these private companies to help gain access to pole and conduit assets.

A fiber working committee with representation from all key LFUCG departments has been in place since early 2014. This committee's purpose is to determine the most effective approach for Lexington to achieve gigabit city status. This committee will continue support this project during the construction, operation and maintenance phases by addressing right-of-way, legal, permitting and other issues that may arise.

Interested private and public sector businesses are encouraged to respond. Responses from incumbent service providers, competitive providers and public cooperatives will be considered. Responses will also be considered from non-traditional internet service providers interested in offering innovative construction and operation financial models. Non-traditional providers may respond as part of a partnership with a network service provider or provide a separate response outlining their approach.

Lexington-Fayette County Objectives

There are several objectives central to LFUCGs initiative to build and operate a fiber-to-the-premises (FTTP) network. Respondents to the RFI should indicate how they can help us meet these objectives:

1. Provide high-speed FTTP network connectivity to business and residential customers in Lexington-Fayette County based on an architecture that will allow extension of the network if required.
2. Offer internet service to any customer connected to the high-speed FTTP network.
3. Provide a highly reliable and available network.
4. Provide competitive cost for customer services, i.e. internet, CATV, telephone. Include flexible pricing plans and cost-effective services for price-sensitive customers.
5. Provide excellent customer service.
6. Leverage the architecture of the Commonwealth of Kentucky's Next Generation Kentucky Information Highway, a statewide middle-mile communication network.
7. Respond to the needs of health care providers and patients.
8. Respond to the needs of large and small businesses.
9. Offer services such as unique speeds, services and network performance that are a significant improvement over what is currently being provided by existing providers and networks. Examples: provide gigabit speed, provide symmetrical services, provide service level agreements, provide point-to-point between locations and provide extraordinary customer service.

Lexington-Fayette County Demographic Information

Lexington, which includes all Fayette County, spans 285.5 square miles, with 87.5 square miles resting within the city's urban services boundary. Outside the urban services boundary is largely protected agricultural land including Lexington's signature horse farms.

Lexington, consolidated with Fayette County, is the second-largest city in Kentucky and the 61st largest in the United States. In the 2013 U.S. Census Estimate, the city's population was 308,428, anchoring a Metropolitan Statistical Area (MSA) of 489,435 people. Based on the 2000 census, Lexington's population density was 916 people per square mile.

The county's population (2000 census data) is spread with 21.3% under age 18, 14.6% from age 18-24, 33.2% from age 25-44, 20.9% from age 45-64 and 10% age 65 or older.

Fayette County has 110,000 properties based on property evaluation records. Housing unit density averages approximately 408 units per square mile.

Lexington ranks tenth among U.S. cities in college education rate with 39.5% of residents having at least a bachelor's degree. The University of Kentucky, Transylvania University and Bluegrass Community and Technical College are among the schools of higher education located in Lexington.

Lexington's median household income is $48,779, although one study has shown that cities like Lexington with a high percentage of college students have real median incomes that are far higher than reported because students are misrepresented in the data.

Lexington-Fayette County Business and Economic Information

Lexington's economy includes companies in the light industrial, commercial, education and health care sector. Benefiting from this diverse, balanced business base, with strong anchor institutions that include the University of Kentucky and its medical center, Lexington has one of the nation's most stable economies. The Lexington-Fayette County unemployment rate for September 2014 was 4.9%.

Sample listing of employers in Lexington-Fayette County:

Employer	# of Employees	Description
University of Kentucky	14,000	Public university, one of the state's top employers
KentuckyOne Health	3,000	Healthcare
Lexmark	2,656	A Fortune 500 developer, manufacturer, and supplier of printing and imaging solutions.
Xerox	2,530	A Fortune 500 developer, manufacturer, and supplier of printing and imaging solutions.
Baptist Health	2,496	Hospital operator
IBM Global Services	500	

Lexington-Fayette County Maps

Link to the Lexington-Fayette County zoning atlas: http://tinyurl.com/zoningatlas
Link to Lexington's Open Data Portal for GIS information: http://data.lexingtonky.gov/

Information Required to Respond to RFI and Response Procedure

Interested parties may respond by providing the information listed below:

1) General overview of your company/organization
2) Experience in providing high-speed city-wide or county-wide networks
3) Examples of successful similar projects completed by your company/organization
4) General plan for building out a high-speed network in Lexington
5) How you can help meet the LFUCG objectives listed above?
6) Examples of your plan to structure the financing of the build out.

As mentioned on page 2, Information that the Submitter requires Lexington-Fayette Urban County Government to handle as confidential must be labeled as “confidential” in the Submitter’s response.

Please provide seven (7) hard copies of your response along with one electronic version on a CD or flash drive.