



CITY OF PETERSBURG

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PETERSBURG, VA 23803

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RECEIPT OF UNSOLICITED PPEA PROPOSAL AND SOLICITATION OF COMPETING PROPOSALS #60827

I. Introduction

The City of Petersburg, Virginia, ("City") has received an unsolicited proposal pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA"), Va. Code § 56-575.1, et seq. The City previously adopted implementing procedures for the PPEA. Copies of these procedures are available on the City's website at <http://www.petersburgva.gov/index.aspx?NID=562>

Pursuant to the PPEA and these implementing procedures, the City gives notice that it has decided to consider an unsolicited proposal by WANRack, LLC, along with any competing proposals that are submitted by 2:30 p.m., April 5, 2024, to determine whether the City should enter into a Comprehensive Agreement pursuant to the PPEA under which WANRack, LLC has submitted to build a fiber optic network ring in the of City of Petersburg.

The City invites competing proposals by that deadline. The City has determined that the "competitive negotiation" of other than professional services procurement method, as described in its implementing procedures, will be used to consider the unsolicited proposal and any competing proposals. Under this method, any competing proposers are to submit by the deadline indicated their conceptual-phase proposals, with contents as prescribed by the PPEA, the implementing procedures, and this Receipt of Unsolicited PPEA Proposal and Solicitation of Competing Proposals ("Solicitation"). The evaluation criteria for this procurement are as stated in Section VI of this Solicitation.

II. General Description of Proposal Submittal, Evaluation and Selection Process

The City contemplates that proposal submittal, evaluation, and selection will be a multi-step process. In general terms, in Step I, proposers submit initial conceptual-phase - 2- proposals, the contents of which are described in the PPEA, in the City's implementing procedures, and in this Solicitation. Proposers should carefully follow all the instructions in this Solicitation to ensure that their proposals are eligible. The City will review the proposals and evaluate them in accordance with the evaluation criteria contained in this Solicitation. The City may ask proposers, individually or collectively, for clarifications or further information, may check references and other information, may meet individually with proposers, in its discretion, and may request oral presentations, or it may base its evaluations on the proposals as submitted. If there are a number of competing proposals, the City will likely select a limited number of proposers from Step I (perhaps two) as the proposers who are fully qualified and best suited to submit a detailed-phase proposal that best meets the City's needs and invite those proposers to submit detailed-phase proposals by a deadline to be specified in the future. Upon receipt of these proposers' detailed-phase proposals,

the required contents of which will be prescribed by the PPEA, the City's implementing procedures, and the invitation to submit detailed-phase proposals, the City will evaluate the detailed-phase proposals, request additional information or clarifications if deemed necessary, and conduct negotiations with each proposer asked to submit a detailed-phase proposal. The City may request oral presentations from the proposers.

However, the City may, in its discretion, at any stage, choose just one proposer for negotiations if proposals show only that proposer is fully qualified or show that that proposer is clearly more qualified than any other.

III. Instructions to Proposers on Proposal Submission

A. General - Applicable to Both Conceptual-Phase and Detailed-Phase Proposals

1. Submittal of Proposals. To be considered:
 - a. Proposals must be signed in ink by an authorized representative of the proposer, with one (1) original and ten (10) copies and one (1) redacted version, as well as an electronic media containing original and redacted versions, provided to the City at the location designated herein.
 - b. Proposals must be complete when submitted, including a completed cover sheet and all attachments.
 - c. Submit proposals to City of Petersburg – Purchasing Office, 125 N. Union Street, Petersburg, Virginia 23803. Proposals must be clearly identified as “PPEA Proposal – “Fiber Optic Network” and be received by April 5, 2024, no later than 2:30 p.m. local time. Requests for extensions of this date will not be granted except by written amendment to this Solicitation and applicable to all prospective proposers.
 - d. Proposals are to be returned in a sealed envelope with the words "Proposal Enclosed" on the face of the envelope and the lower left corner of the face of the envelope shall indicate the title of the proposal (“PPEA Proposal – Fiber Optic Network”).
 - e. Proposals or any amendments to proposals received by the City after the closing date may not be considered. Actual receipt by the City, and not the mailing or sending date, shall control.
2. Brevity, clarity, and responsiveness in proposals are encouraged. The inclusion of extraneous information not pertinent to the basic purpose of the procurement is discouraged.
3. The original and ten (10) copies of the proposal must be received before the submission deadline in the format specified. In addition, a review fee, in an amount equal to \$5,000 for the initial review must be received with the proposal, and an additional \$10,000 review fee should the proposal move beyond the initial review.

B. Any questions concerning the requirements of this procurement should be directed in writing to:

Lisa M. Scott
Purchasing Manager
125 N. Union Street
Petersburg, Virginia 23803
lscott@petersburg-va.org

The City will attempt to review the written questions and requests for clarification, if any, if submitted by March 18, 2024. To the extent the City decides to respond to such questions and requests for clarification, any and all responses and any supplemental instructions will be in the form of written addenda which, if issued, will be mailed to all proposers. All addenda shall become

part of this Solicitation.

IV. Terms and Conditions of this Notification and Invitation

The following terms and conditions apply to this Solicitation, and by submitting its proposal, the proposer agrees to them without exception:

1. Neither this Solicitation nor the City's receipt or consideration of any proposal shall create any contract, express or implied any contractual obligation by the City to any proposer, or any other obligation by the City to any proposer. The City makes no promise, express or implied, regarding whether it will enter into a Comprehensive Agreement with any proposer or regarding the manner in which it will consider proposals. The City will only be bound by the terms of any Comprehensive Agreement(s) into which it enters should it choose to enter into any such agreement.
2. The City will not be responsible for any expenses incurred by a proposer in preparing and submitting a proposal, or in engaging in oral presentations, discussions, or negotiations with the City.
3. Proposers may be required to make an oral presentation or oral presentations of their proposal in the City of Petersburg at their own expense. The City may request the presence of proposers' representatives from their development, financial, architectural engineering, and construction teams at these presentations. The City will schedule the time and location for these presentations. By submitting its proposal, the offeror agrees to make these representatives reasonably available in the City of Petersburg.
4. The City reserves the right to waive any informalities with respect to any proposal submitted.
5. The City reserves the right to accept or reject any and all proposals received by reason of this Solicitation, in whole or in part, and to negotiate separately in any manner necessary to serve the best interests of the City. This procurement may result in multiple awards to multiple offerors.
6. Generally, proposal documents submitted to public bodies, such as ones submitted to the City, by private entities are subject to the Virginia Freedom of Information Act ("FOIA"). In accordance with Va. Code § 2.2-3705.6(11), such documents are releasable if requested, except to the extent that they relate to (i) confidential proprietary information submitted to the responsible public entity under a promise of confidentiality or (ii) memoranda, working papers or other records related to proposals if making public such records would adversely affect the financial interest of the public or private entity or the bargaining position of either party. In order for proposers to exclude confidential proprietary information from public release, proposers must (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary. The proposer must also mark each page of information for which protection is sought with the legend- "Confidential Proprietary Information- Exempt from FOIA Release."
7. The City reserves the right to reject any and all proposals without explanation.
8. The provisions of Va. Code § 2.2-4310 are applicable to this Solicitation, and any procurement done pursuant to it by virtue of the PPEA, Va. Code § 55.576.16.2, and the procedures the City has adopted pursuant to that PPEA provision. The City will not discriminate against a proposer because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

V. Proposer's Executive Summary and Proposal

The executive summary submitted with the unsolicited proposal is as follows:

WANRack intends to build a private fiber network for the City of Petersburg. We will build this network from the ground up using a pure fiber construct. The new private network will provide the City with unlimited bandwidth solely for the City's use. There will be no sharing of fibers or bandwidth as there might in a public facing network. The only customer on this private network will be the City of Petersburg.

The network will also provide the City with extra fibers throughout the fiber ring. Extra fibers will provide the City with unlimited network growth capabilities. It is WANRack's intent that this network will be the last network the City of Petersburg ever needs period.

WANRack's goal is to build the last Wide Area Network (WAN) the City will ever need. WANRack's turnkey fiber networks are:

- **Safe, Secure & Reliable:** A WANRack private fiber network is 100% dedicated to the City. It carries only YOUR data for YOUR applications. With no other customers on the network, it is both more secure and more reliable than traditional carriers.
- **Offer Unlimited Bandwidth at a Fixed Cost:** As your bandwidth needs increase, so will the speed of your WAN. No matter if you have a leased lit solution or dark fiber, all WANRack networks offer UNLIMITED BANDWIDTH for the same cost. Increasing your leased lit bandwidth is a simple phone call to our Customer Support Center and within 72 hours your speed requirements will be fulfilled.
- **Provide the Sum of the Parts:** Fiber would be dedicated through a 100% symmetrical connection from each edge site directly to the City's hub site. If the networking equipment owned by the City with 10 edge sites has 10 Gb for each link, WANRack's network would support 100 Gb back to the Hub. WANRack's network is never oversubscribed. *Speeds are dependent on the technical capabilities of the City's networking equipment.
- **Supported by WANRack's Governmental Services Organization:** As state and federal funding experts, we will work with the City through all aspects of the funding process. From initial state or federal review to the audit process, WANRack can meet your needs.
- **Constructed by Outside Plant Experts:** WANRack's team has built over 1700 route miles of fiber across 23 different states. We have connected over 800 city, county, and education facilities since the company was founded in 2013. From small hub & spoke builds to large, multi-hub ring topologies, WANRack offers our customers exactly the design they are looking for.
- **Delivered with a Seamless Transition:** Your private fiber network is constructed in the background while the City remains under contract with your current provider(s). Once completed, WANRack makes the transition from the current WAN provider to the new private fiber network in minutes.
- **Furnished with Spare Fibers:** Extra unlit fibers for future expansion, testing, or data segregation can be delivered to every site. This is a matter of discussion during contract negotiations.

WANRack provides high-bandwidth, fiber-based communications networks and related services to customers throughout the continental United States. Headquartered in the Kansas City metropolitan area, with satellite offices in Phoenix, AZ; Richmond, VA; and Tampa, FL; the

company provides superiorly designed fiber networks, which eliminate countless points of failure found in traditional legacy networks.

WANRack’s team has been engineering, constructing, and maintaining fiber networks across the nation since 2013. Our executive management team has extensive experience in the telecommunications industry with a history of successful completion of large and complex fiber-optic construction projects for schools, cities, counties, municipalities, wireless carriers, and private enterprises. WANRack is a certified E-Rate service provider (SPIN # 143037316) and holds a CLEC in every state in which we currently operate.

WANRack is privately held and backed by CBRE Caledon Capital Management Inc., a leading infrastructure and private equity solutions provider. Their dedicated team of 52 professionals represents \$8.5 billion on behalf of institutional investors globally. CBRE Caledon is a separate business unit within CBRE’s independently operated investment management subsidiary, CBRE Global Investors. For more information about CBRE Caledon, please visit www.cbrecaledon.com.

VI. Evaluation Criteria for Evaluating Proposals

The following are the evaluation criteria that the City will be using to evaluate proposals:

<u>Evaluation Criteria</u>	<u>Point Value</u>
Demonstrated understanding and experience in the design and construction of projects of similar scale	25
The proposer's ability to bring the project on-line within schedule and at the lowest reasonable cost, including without limitation, the proposer's past performance, its claims history, and its litigation history	25
Experience and qualifications of the personnel included in the proposer’s team who will be assigned to this project	15
Proposed project timeline	15
Management capabilities: Project approach, methodology, community involvement, and other procedures to be utilized during the project	10
The proposer’s accommodation of the City's preferences expressed in this Solicitation or the invitation for detailed-phase proposals, as applicable	10
Total	100

VII. Copies of Unsolicited Proposal

The submitter of the unsolicited proposal, WANRack, LLC, has designated portions of its proposal as confidential proprietary information exempt from release under the Virginia Freedom of Information Act. Copies of the more detailed Receipt of Unsolicited PPEA Proposal and Solicitation of Competing Proposals are available from the City of Petersburg Purchasing Office located at 125 N. Union Street, Petersburg, VA 23803 or by accessing materials via the “Public Private Education Facilities” link on the City of Petersburg Purchasing Office ‘s website at <http://www.petersburgva.gov/Index.aspx?NID=360>