

Broadband Counsel Scope of Work

Draft

June 26, 2023

Background

As part of the City's work in expanding options for broadband connectivity for residents, especially in under-resourced areas of the City, the City has been exploring how its municipally owned fiber network might be utilized by broadband providers to extend and expand options for residents.

In 2021 the City worked with the Columbus Partnership to release an RFI with the purpose of ascertaining whether broadband providers would have an interest in using City-owned fiber to expand connectivity options. Based on the RFI response, the next step is to issue a Request-For-Proposal to receive formal proposals from broadband companies, also known as internet service providers or ISPs, who want to be considered as potential partners in providing communications services to the City and its residents. One possible successful outcome of the RFP would be an agreement to enter a Public-Private-Partnership with a private partner(s) to deliver broadband services using the City and the private partner's infrastructure.

Beyond broadband infrastructure, there are other components of the RFP that must be researched and included in the RFP and contract award. Among them, legal analysis of municipal authority for broadband services, monetization of public assets, project financing, bond authority, and asset placement (rights of way) will need to be thoroughly considered.

Scope of Work – Phase I

1. Review existing City broadband infrastructure including physical and fiber assets for intended external use, including implications of source financing (capital funding, bonds).
2. Review rights of way policies, the Columbus City Codes, consider State and Federal laws, and determine options for consideration as RFP components.
3. Review existing City fiber infrastructure customer agreements and other broadband assets and agreements.
4. Monitor Federal grant programs and inform the City of possible eligibility and assist the City in making decisions regarding grant program eligibility.
5. Review with City stakeholders, the intended components of a broadband plan, including public uses.
6. Conduct legal review of the City Charter, the Columbus City Codes, and State and Federal laws to determine City's legal options as to formation of possible relationships.
7. Work with City staff to determine current and future fair market value of City's assets.
8. Work with City staff to determine need for standalone feasibility study for the RFP.
9. Work with City staff to review and determine financing sources.
10. Review City and Columbus Partnership issued fiber-to-the-home RFI and responses.

11. Serve as primary author of RFP, manage RFP development versioning from initial drafts to final approved version for issuance.
12. Work with City staff to issue the RFP, including respondent management and evaluation process.
13. Serve as counsel for RFP negotiation and contract award.
14. Other tasks and due diligence work as mutually agreed.

Timeframe for Phase I

6 months

Planned Budget: \$210,000

Phase II

At the conclusion of Phase I the City and counsel will review additional scope of work, budget, and tasks for completion in Phase II, as may be required.