

## The Project

The Towns of Brunswick, Cape Elizabeth, Cumberland, Falmouth, Gray, Scarborough, Windham, and Yarmouth (collectively, the “TOWNS”), acting through the Greater Portland Council of Governments (“GPCOG”), invite proposals from qualified individuals or entities (the “CONSULTANT”) to provide consulting and negotiation services resulting in franchise agreement renewals with their respective cable television franchise holders/operators.

Maine’s municipalities may grant non-exclusive franchises for the operation of cable television networks within their boundaries. The TOWNS’ franchise agreements are at varying stages of being close to expiration, or already expired. Combined with changes in the cable television industry, market, and the TOWNS’ communications needs, the TOWNS desire to update and renew their respective franchises and to engage qualified professional services in doing so.

Proposals in response to this request must be submitted no later than 2:00 p.m. on June 12, 2019.

## Tasks and Deliverables

The TOWNS are seeking proposals from CONSULTANTS that include, but are not necessarily limited to, the following tasks and associated deliverables:

1. Conduct technical audit of cable system.
  - a. Review technical reports from the cable operator.
  - b. Physical plant as provided by the cable operator.
  - c. Headend evaluation as provided by the cable operator.

**Deliverable: technical audit report summarizing findings of audit and identifying any existing technical deficiencies relative to the requirements of the franchise agreement.**

2. Evaluate the past performance of the cable operator.
  - a. Review the operator's compliance with the existing franchise to include franchise fee provisions.
  - b. Review customer service standards and customer complaints.
  - c. Review current PEG access channels, equipment, facilities and services.

**Deliverable: evaluation report regarding franchise agreement compliance, payment of franchise fees, response to customer complaints, PEG channel(s), equipment, facilities, and services.**

3. Identify future community cable-related needs and interests as required by the municipality
  - a. Conduct a community wide needs assessment (community survey & interviews with stakeholders).
  - b. Conduct ascertainment workshops.
  - c. Identify system design needs.

**Deliverable: needs assessment and ascertainment report including physical plant, other design considerations, PEG channel(s), equipment, facilities, and services.**

4. Prepare a request for proposal (Draft of proposed franchise agreement).
  - a. Create and distribute request for proposal.
  - b. Evaluate the submitted proposal.
  - c. Prepare a report for municipal staff.

**Deliverable: draft franchise agreement for each of the TOWNS reflecting the results of the technical audit, evaluation, and assessment/ascertainment reports.**

5. Conduct/participate in franchise negotiation.
  - a. Assist the municipality in developing the substance of proposed franchise provisions to be pursued through negotiations.
  - b. Provide advice and assist in development of negotiation strategy and conduct of negotiations.
  - c. Recommend franchise provisions that ensure the system will be upgraded in the future.
  - d. Develop ongoing franchise monitoring and enforcement procedures.

**Deliverable: franchise renewal agreement prepared for approval.**

6. Participate in administrative hearings (if necessary).

**Deliverable: summary notes of issues from any administrative hearings and any recommendations, as appropriate.**

### **Conflicts of Interest**

The TOWNS seek to work with firms that represent consumers, not owners or operators, avoiding both the appearance, as well as any actual conflict of interest. Any subsequent disclosure of a conflict of interest after the award has been made, but which existed at the time of proposal submission, will be grounds for termination of any resulting contract.

### **Proposal Format**

Proposals must be submitted in the following format using the numbering sequence outlined below. This is the minimum information to be provided and will be used in the evaluation process.

#### **A. Cover Letter**

A cover letter signed by an authorized representative of the CONSULTANT shall outline the intent of the response and shall state that the information contained in the Proposal accurately describes the services to be provided

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B. Consultant Profile

- Provide a description of the CONSULTANT's company or business, purpose, history and successes, including the number of years' experience in cable TV franchise negotiation and major successes.
- List similar work with municipalities including collaborations with groupings of municipalities to carry out cable TV franchise negotiations.
- Extensive knowledge of relevant legislation, standards, and regulations relative to cable TV franchises.

C. Key Personnel

Identify key personnel that would be employed for this program and provide a detailed resume/CV of their relevant experience, education & successes. Key personnel should demonstrate ample experience in successfully performing cable franchise renewal negotiations.

D. References

Include a list of at least three (3) clients/entities for which the CONSULTANT has successfully completed cable franchise review and renewal negotiations and provide associated references and contact information for the persons or organizations that engaged the CONSULTANT. By submitting a proposal, the CONSULTANT consents to TOWNS contacting these references, and consents to TOWNS also contacting any other organization for the purposes of evaluating the Proposal.

E. Approach

Describe the approach and/or process proposed to address the project requirements. Include any notable methodologies, tools and techniques, and their respective suitability to this project. Also provide a project plan that reflects the CONSULTANT'S proposed approach/process and demonstrates the CONSULTANT'S ability to meet the milestones.

F. Value Added Services

The CONSULTANT may propose value added services or products and detail what the CONSULTANT is prepared to supply as part of the contract.

G. Additional Information

The CONSULTANT may provide any other information that may be relevant for the review and evaluation of the prospective vendor's experience or capabilities.

H. Project Schedule

The selected CONSULTANT shall be expected to begin work immediately upon contract signing and complete the tasks in their entirety within a reasonable yet aggressive schedule. The dates below

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indicate desired dates for the completion of project milestones however the TOWNS anticipate guidance from the selected CONSULTANT to refine the project schedule.

- April 30, 2019 Issue RFP
- May 15, 2019 10:00 a.m. local time - Pre-bid meeting (GPCOG offices, 970 Baxter Boulevard, Portland, Maine).
- June 12, 2019 Deadline for submission of proposals
- June/July 2019 Interviews with lead CONSULTANTS
- July 31, 2019 Selection of consultant
- August – October 2019 Meetings with municipal staff, franchisee, and other stakeholders
- October 2019 – February 2020 Technical audit, evaluation, assessment/ascertainment
- February 2020 Commencement and negotiations
- September 2020 Completion

### Proposal Submittal

Proposals submitted in response to this request must be received at the offices of the Greater Portland Council of Governments, 970 Baxter Boulevard, Suite 201, Portland, ME, 04103 no later than 2:00 p.m. local time Friday, June 12, 2019. Proposals shall include the name and address of the CONSULTANT(S), contact person at the CONSULTANT'S office, any qualifications to the scope of work, and bear the signature of a corporate officer or other person authorized to sign on behalf of the CONSULTANT.

One (1) paper copy and one (1) digital copy of the proposal must be submitted in a sealed package labeled "Cable TV Franchise." No facsimile or e-mail submissions will be considered. Please submit the digital copies on disc or USB drive in PDF format and enclosed with the required paper copy.

All submittals will become the property of GPCOG and the TOWNS and will be considered public records under Maine's Freedom of Access Act. All proposals, inquiries, and responses will be posted to the GPCOG web site.

Please call 207-774-9891 x216 or email [tplante@gpcog.org](mailto:tplante@gpcog.org) with any questions.

Sincerely,



Anthony T. Plante  
Director of Municipal Collaboration

**APPENDIX A – PARTICIPATING COMMUNITY PROFILES**

Note: Road mileage is according to Maine DOT as of 1/1/2017. Populations are as estimated according to the 2013-2017 American Community Survey.

Brunswick  
Road Miles: 154.99  
Population: 20,523

Cape Elizabeth  
Road Miles: 63.45  
Population: 9,235

Cumberland  
Road Miles: 86.02  
Population: 7,695

Falmouth  
Road Miles: 101.13  
Population: 11,868

Gray  
Road Miles: 101.87  
Population: 8,014

Scarborough  
Road Miles: 177.91  
Population: 19,620

Windham  
Road Miles: 151.24  
Population: 17,732

Yarmouth  
Road Miles: 69.28  
Population: 8,494

Total  
Road Miles: 905.89  
Population: 103,181

## **APPENDIX B – RATING CRITERIA**

### CONSULTANT Capability and Experience (30 %)

- Respondent demonstrates strong knowledge of cable TV industry, franchises, and relevant laws.
- Respondent has experience evaluating cable TV franchise compliance and performance, and negotiation of franchise renewals.
- Experience with similar partnerships with municipalities and/or municipal collaborations

### Project References (15%)

- For the three project references. Each should:
  - Demonstrate high degree of responsiveness to client needs
  - References speak highly of all aspects of the project and the key delivery personnel

### Qualifications and Experience of the Project Team (25%)

- Sufficient staff to support project implementation
- Employees that will staff this project have:
  - Experience performing or managing all aspects of the project (i.e. audit through negotiation)
  - Experience on the projects listed as references
  - Connections with the appropriate industry representatives
  - Experience providing comparable services in this region

### Project Approach (30%)

- Describes a coherent, convincing plan to meet or exceed requirements of scope of work for all tasks
- Includes a detailed schedule that accelerates implementation where possible
- Includes a description of deliverables that meets or exceeds task requirements
- Includes a project management approach which demonstrates efficiencies in time and cost
- Describes the TOWNS' involvement in all phases and describes an efficient use of their time and resources (e.g. efficient plan for meetings, effective use of public meetings or other means of gathering public input)