



Request for Proposals for BEAD Adjudication Services RFP No. 2024-MBI-09

**Massachusetts Technology Collaborative
75 North Drive
Westborough, MA 01581-3340
<http://www.masstech.org>**

Procurement Team Leader: Jody Jones

RFP Issued:	6/28/2024
Questions Due:	7/8/2024
Answers to Questions Posted:	7/12/2024
Responses Due:	7/22/2024

1. INTRODUCTION

1.1 Overview

The Massachusetts Technology Collaborative (“Mass Tech Collaborative” or “MassTech”), on behalf of the Massachusetts Broadband Institute (“MBI”) is issuing this Request for Proposals for BEAD Challenge Process Adjudication Services (RFP No. 2024-MBI-09) (the “RFP”) to solicit responses from qualified organizations (“Respondents”) interested in receiving funding to provide technical support services on the final determination of evidence data collected in the Broadband, Equity, Access, and Deployment (“BEAD”) Challenge Process for the Commonwealth of Massachusetts. Respondents will be competing against each other for selection to provide the services set forth herein (the “Services”). The submissions of all Respondents shall be compared and evaluated pursuant to the evaluation criteria set forth in this RFP, and a single Respondent may be selected.

Mass Tech Collaborative will be the contracting entity on behalf of MBI for the purposes of this RFP, and (except where the specific context warrants otherwise), MBI and Mass Tech Collaborative are collectively referred to as Mass Tech Collaborative or MassTech. Mass Tech Collaborative will enter into a **Services Agreement (Federally Funded)** with selected Respondents containing certain standard provisions (the “Agreement”), located

1.2 Mass Tech Collaborative and MBI

Mass Tech Collaborative is an independent public instrumentality of the Commonwealth of Massachusetts chartered by the Commonwealth to serve as a catalyst for growing its innovation economy. Mass Tech Collaborative brings together leaders from industry, academia, and government to advance technology-focused solutions that lead to economic growth, job creation, and public benefits in Massachusetts. Mass Tech Collaborative has six primary divisions: The Innovation Institute at the MassTech Collaborative, the Massachusetts Broadband Institute, the Massachusetts e-Health Institute, the MassCyberCenter, the Massachusetts Center for Advanced Manufacturing, and the Northeast Microelectronics Coalition Hub. For additional information about Mass Tech Collaborative and its programs and initiatives, please visit our website at www.masstech.org.

MBI is the central broadband office for the Commonwealth. The primary mission of MBI is to extend affordable, robust, high-speed Internet access to all homes, businesses, schools, libraries, medical facilities, government offices and other public places across Massachusetts. For more information about MBI and its programs and activities generally, please visit the web site at www.massbroadband.org.

2. SERVICES REQUIRED

2.1 Overview

Public Law 117 - 58 – the Infrastructure Investment and Jobs Act (known as the “Bipartisan Infrastructure Law”) invests \$65 billion to provide affordable, high-speed internet to every American. Under the Bipartisan Infrastructure Law, \$42.5 billion funds the BEAD Program. The Massachusetts BEAD allocation is \$147 million.

Only locations that meet the Federal Communications Commission’s (“FCC”) criteria as unserved and underserved broadband serviceable locations (“BSLs”) on the FCC’s broadband map will be eligible for BEAD funding. Of the 1.9 million BSLs in Massachusetts, approximately 15,000 locations meet the

unserved and underserved criteria and are considered eligible for BEAD funding.

Before administering BEAD grant funds, MBI will run a Challenge Process where local governments, tribal governments, non-profit organizations, and internet service providers can file challenges on whether the FCC has correctly designated a location as served, unserved or underserved. Residents can file challenges through their unit of local government or a nonprofit via an online portal maintained by MBI ("challenge portal"). MBI is administering the Challenge Process in the following stages:

- Pre-Challenge: MBI is engaging residents and eligible entities across the state and raise awareness of the upcoming BEAD Challenge Process.
- Publication of Eligible Locations: MBI has published an initial list of locations eligible for BEAD funding. This list consists of the full universe of locations potentially eligible for BEAD funding minus those locations removed due to NTIA-approved pre-challenge modifications, enforceable commitments, f or designation as already being served. The status of these locations can be challenged. The list of broadband serviceable locations will be available prior to the challenge portal opening.
- Challenge: A representative of one of the eligible entities will submit a challenge to MBI using the online challenge portal. These challenges must be visible to the service provider whose service availability is being contested. The location will enter the "challenged" state. MBI has defined a minimum level of evidence that must be presented before a challenge is recognized as valid and subject to rebuttal. The Challenge submission period will be open for 30 days.
- Rebuttal: For challenges related to location eligibility, only the challenged internet service provider may rebut the reclassification of a location or area with evidence. If a provider claims gigabit service availability for a community anchor institution ("CAI") or a unit of local government disputes the CAI status of a location, the CAI may rebut. All types of challengers may rebut planned service and enforceable commitment challenges. A rebuttal will cause the location or locations to enter the "disputed" state. If a challenge that meets the minimum level of evidence is not rebutted within the rebuttal period, the challenge is considered sustained. A provider may also agree with the challenge and thus transition the location to the "sustained" state. The Rebuttal period will be open for 30 days.
- Final Adjudication/Determination: If the challenge for a location is in the "disputed" state, MBI will make the final determination of the classification of the location, either declaring the challenge "sustained" or "rejected." MBI will take up to 60 days to review all challenges before submitting a final list to the National Telecommunications and Information Administration ("NTIA").

MBI will be executing the phases on the following dates:

- Publication of Eligible Locations: MBI launched the Broadband Availability Map and Challenge Portal on June 10, 2024.
- Challenge Phase: began on June 20, 2024.
- Rebuttal Phase: begins on July 26, 2024
- Final Adjudication/Determination: begins on August 26, 2024

2.2 Scope of Services

MBI is seeking technical support services to assist in the Final Adjudication/Determination phase of the BEAD Challenge Process. The ideal applicant will have knowledge of NTIA requirements relating to the BEAD Challenge Process, telecommunications expertise, and a general knowledge of the broadband availability landscape in Massachusetts.

Details of the services are as follows:

- Provide technical assistance to MBI to support the BEAD Challenge Process Final Adjudication/Determination phase (beginning Monday, August 26, 2024), which will include reviewing evidence submitted during the BEAD Challenge and Rebuttal phases. As directed by

MBI, recommend final determination of classification of challenged locations, either declaring the challenge “sustained” or “rejected” based on evidence provided.

- Become fully trained on the technical aspects of the Challenge Process as described in Volume 1 of Massachusetts’ BEAD Initial Proposal (as approved by NTIA); relevant NTIA guidance, including, but not limited to, the types of challenges and acceptable forms of evidence for challenges and rebuttals; and MBI’s published Evidence Submission Guidelines/Standard Operation Procedure document.
- Provide administrative and technical support and capacity to MBI to review evidence submitted by challenges and rebuttals. Support data analysis, adjudication decisions, and subsequent documentation for MBI final approval.
- To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, the selected Respondent will coordinate with MBI to review all assigned challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge.
- The selected Respondent will document justification for each determination assigned by MBI. MBI will ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted.
- MBI requires that all Reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.
- The selected Respondent will receive training on the MBI challenge portal.
- Meet regularly with the MBI Team.

3 APPLICATION PROCESS

3.1 Application and Submission Instructions

Respondents are cautioned to read this RFP carefully and to conform to its requirements. Failure to comply with the requirements of this RFP may serve as grounds for rejection of an Application.

- a. All Applications must be submitted electronically.
- b. Required Submissions- All Applications must include the items listed below:
 - Application Cover Sheet (Attachment A)
 - Application, which shall include:
 - A description of the firm responding to the RFP including:
 - Summary overview of organization (and any subcontractors if applicable)
 - Organization type
 - Size of entity
 - A detailed description of the entity’s approach to perform the Services including:
 - Approach for evaluating evidence collected during the Challenge and Rebuttal phases to make final determinations resulting in either “sustained” or “rejected.”
 - Staff Qualifications: All Respondents must identify the individual(s) who will have primary responsibility for contact and communications with the Mass Tech Collaborative, the person who is authorized to negotiate and contractually-bind Respondent and key personnel that will be providing the Services. All responses must include bios of key personnel who will be providing the Services.

- Provide the total not-to-exceed costs for providing the Services based on projected hours, proposed hourly rates, as well as any other appropriate costs, in the Budget Template (Attachment C). List additional fees, overhead charges, or reimbursable expenses, if any. As a general policy, the Mass Tech Collaborative does not pay mark-ups on reimbursables or out-of-pocket expenses. The Mass Tech Collaborative also does not pay for word processing, overtime or meals. For travel costs, the Mass Tech Collaborative pays the IRS rate per mile.
 - Provide at least three examples of Respondent's experience successfully performing work that is substantially similar to the Services. Respondents shall also provide at least three references for such work, which should include a contact person, address and phone number.
 - W-9.
 - **Authorized Application Signature and Acceptance Form (Attachment B). By executing the Authorized Respondent's Signature and Acceptance Form and submitting a response to this RFP, Respondents certify that they (1) are in compliance with the terms, conditions and specifications contained in this RFP, (2) acknowledge and understand the procedures for handling materials submitted to the Mass Tech Collaborative as set forth in subsection d. below, (3) agree to be bound by those procedures, and (4) agree that the Mass Tech Collaborative shall not be liable under any circumstances for the disclosure of any materials submitted to the Mass Tech Collaborative pursuant to this RFP or upon the Respondent's selection.**
 - Exceptions to the *Services Agreement (Federally Funded)*, located at [HERE](#), if any.
- c. Applications **must** be submitted to proposals@masstech.org (please include the RFP number in the subject heading).
- d. Any and all responses, Applications, data, materials, information and documentation submitted to Mass Tech Collaborative in response to this RFP shall become Mass Tech Collaborative's property and shall be subject to public disclosure. As a public entity, the Mass Tech Collaborative is subject to the Massachusetts Public Records Law (set forth at Massachusetts General Laws Chapter 66). There are very limited and narrow exceptions to disclosure under the Public Records Law. If a Respondent wishes to have the Mass Tech Collaborative treat certain information or documentation as confidential, the Respondent must submit a written request to the Mass Tech Collaborative's General Counsel's office no later than 5:00 p.m. five (5) business days prior to the required date of Application submission set forth in Section 3.2 below. The request must precisely identify the information and/or documentation that is the subject of the request and provide a detailed explanation supporting the application of the statutory exemption(s) from the public records cited by the Respondent. The General Counsel will issue a written determination within five (5) business days of receipt of the written request. If the General Counsel approves the request, the Respondent shall clearly label the relevant information and/or documentation as "**CONFIDENTIAL**" in the Application and **shall only include the confidential material in the hard copy of the Application**. Any statements in an Application reserving any confidentiality or privacy rights that is inconsistent with these requirements and procedures will be disregarded.

3.2 Application Timeframe

The application process will proceed according to the following schedule. The target dates are subject to change. Therefore, Respondents are encouraged to check Mass Tech Collaborative’s website frequently for updates to the schedule.

Task	Date:
RFP Released	6/28/2024
Questions Due	7/8/2024 @ 5 PM EST
Question and Answer File Posted	7/12/2024 @ 5 PM EST
Applications Due	7/22/2024 @ 5 PM EST

3.3 Questions

Questions regarding this RFP must be submitted by electronic mail to proposals@masstech.org with the following Subject Line: “Questions – RFP No. 2024-MBI-09”). All questions must be received by 5:00 p.m. EST on 7/8/2024. Responses to all questions received will be posted on or before 5:00 p.m. on 7/12/2024 to Mass Tech Collaborative and Comm-Buys website(s).

4 EVALUATION PROCESS AND CRITERIA

4.1 Process

The Mass Tech Collaborative shall evaluate each Application that is properly submitted. As part of the selection process, Mass Tech Collaborative may invite finalists to answer questions regarding their Application in person or in writing. In its sole discretion, Mass Tech Collaborative may also choose to enter into a negotiation period with one or more finalist Respondent(s) and then ask the Respondent(s) to submit a best and final offer.

4.2 Criteria

Selection of a Respondent to provide the services sought herein may be based on criteria that include but are not limited to:

- Demonstrated capacity, facilities, and organizational structure to perform the Services sought in this RFP.
- Qualifications and experience of the Respondent and the key personnel identified to provide the Services sought in this RFP.
- Reasonableness of budget.
- Reasonableness of proposed schedule for providing the categories of Respondent's Proposed Services.
- Demonstrated familiarity with evaluating technical data and following federal compliance guidelines.
- Demonstrated familiarity with the status of broadband availability in Massachusetts and issues impacting broadband quality of service.
- Demonstrated familiarity with the BEAD Challenge Process.

Lack of debarment status by either the state or federal government is also required.

The order of these factors does not generally denote relative importance. The goal of this RFP is to select and enter into an Agreement with the Respondent that will provide the best value for the Services

to achieve MassTech Collaborative's goals. Mass Tech Collaborative reserves the right to consider such other relevant factors as it deems appropriate in order to obtain the "best value".

5.0 GENERAL CONDITIONS

5.1 General Information

- a) If an Application fails to meet any material terms, conditions, requirements or procedures, it may be deemed unresponsive and disqualified. The Mass Tech Collaborative reserves the right to waive omissions or irregularities that it determines to be not material.
- b) This RFP, as may be amended from time to time by Mass Tech Collaborative, does not commit Mass Tech Collaborative to select any firm(s), award any contracts for services pursuant to this RFP, or pay any costs incurred in responding to this RFP. Mass Tech Collaborative reserves the right, in its sole discretion, to withdraw the RFP, to engage in preliminary discussions with prospective Respondents, to accept or reject any or all Applications received, to request supplemental or clarifying information, to negotiate with any or all qualified Respondents, and to request modifications to Applications in accordance with negotiations, all to the same extent as if this were a Request for Information.
- c) On matters related solely to this RFP that arise prior to an award decision by the Mass Tech Collaborative, Respondents shall limit communications with the Mass Tech Collaborative to the Procurement Team Leader and such other individuals as the Mass Tech Collaborative may designate from time to time. No other Mass Tech Collaborative employee or representative is authorized to provide any information or respond to any questions or inquiries concerning this RFP. Respondents may contact the Procurement Team Leader for this RFP in the event this RFP is incomplete.
- d) The Mass Tech Collaborative may provide reasonable accommodations, including the provision of materials in an alternative format, for Respondents with disabilities or other hardships. Respondents requiring accommodations shall submit requests in writing, with supporting documentation justifying the accommodations, to the Procurement Team Leader. The Mass Tech Collaborative reserves the right to grant or reject any request for accommodations.
- e) Respondent's Application shall be treated by the Mass Tech Collaborative as an accurate statement of Respondent's capabilities and experience. Should any statement asserted by Respondent prove to be inaccurate or inconsistent with the foregoing, such inaccuracy or inconsistency shall constitute sufficient cause for Mass Tech Collaborative in its sole discretion to reject the Application and/or terminate of any resulting Agreement.
- f) Costs that are not specifically identified in the Respondent's response and/or not specifically accepted by Mass Tech Collaborative as part of the Agreement will not be compensated under any contract awarded pursuant to this RFP.
- g) Mass Tech Collaborative's prior approval is required for any subcontracted services under any Agreement entered into as a result of this RFP. The selected Respondent will take all appropriate steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. The selected Respondent is responsible for the satisfactory performance and adequate oversight of its subcontractors. Subcontractors are required to meet the same requirements and are held to the same reimbursable cost standards as the selected Respondent.
- h) Submitted responses must be valid in all respects for a minimum period of sixty (60) days after the deadline for submission.

- i) Mass Tech Collaborative reserves the right to amend the Agreement at any time prior to execution. Respondents should review the Agreement as they are required to specify any exceptions to the Agreement and to make any suggested counterproposal in their Application. A failure to specify exceptions and/or counterproposals will be deemed an acceptance of the Agreement's general terms and conditions, and no subsequent negotiation of such provisions shall be permitted.
- j) MassTech Collaborative embraces a workplace where the values of diversity and inclusion support varying perspectives and backgrounds to produce a richer environment. MassTech expects Applicants as well as all our consultants, contractors and vendors, to demonstrate a similar commitment and, pursuant to 2 C.F.R. § 200.321(a), take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. The MassTech Collaborative's prior approval is required for any subcontracted services under any Agreement entered into as a result of this Mini-Bid. If Applicant will be subcontracting under this procurement, affirmative steps must include at least the following six steps: 1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists; 2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources; 3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; 4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; 5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and 6. Requiring all subcontractors to take the same affirmative steps as listed in numbers 1 through 5. The selected Applicant is responsible for the satisfactory performance and adequate oversight of its subcontractors. Subcontractors are required to meet the same requirements and are held to the same reimbursable cost standards as the selected Applicant.
- k) Applicant shall not discriminate against any qualified employee or Applicant for employment because of race, color, national origin, ancestry, age, sex, religion, physical or mental handicap, or sexual orientation. Applicants shall comply with all applicable Federal and State statutes, rules and Massachusetts Technology Collaborative with Disabilities Act, as amended (42 U.S.C. §§ 12101 et seq.), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §§ 2000d et seq.), the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), M.G.L. c. 151B, M.G.L. c. 272 §§ 92A, 98, and 98A, M.G.L. c. 111 § 199A, 42 U.S.C. 9918 (c) and 45 C.F.R. 80.
- l) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) – Applicants that are awarded an amount exceeding \$100,000 must certify that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each Applicant must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.
- m) Debarment and Suspension- (Executive Orders 12549 and 12689) – Applicants understand that a contract award may not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM).
- n) Applicants must be able to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- o) As appropriate and to the extent consistent with law, Applicants should, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or

materials produced in the United States. The requirements of this section must be included in all contracts and sub awards awarded hereunder.

- p) Applicant understands and agrees that the Executive Office of Economic Development (“EOED”) staff and authorized representatives may evaluate any subcontractors with whom Mass Tech Collaborative executes a contract or other form of legal agreement in order to complete the activities funded under this procurement, through ongoing monitoring. As deemed appropriate by EOED, EOED’s staff and authorized representatives may also conduct further reviews and site-visits during the contract term, which may include fiscal reviews. EOED staff shall use interviews, inspection of files, site visits and direct observation to identify program areas of concern so that contractors can improve their productivity, efficiency, quality, and management capacity.
- q) The awarded Applicant shall maintain and utilize systems and procedures to prevent, detect, and correct fraud, waste, and abuse in activities funded under this procurement.
- r) The awarded Applicant shall maintain an accounting system and supporting fiscal records adequate to audit and otherwise verify that assistance payments and administrative costs meet Federal and State requirements.
- s) An Awarded Applicant shall use its best efforts to ensure that it will not knowingly use contract funds to purchase, or enter into contracts to purchase, any equipment, services, or systems that use prohibited telecommunications equipment or services as a substantial or essential component of a system subject to 2 CFR § 200.216.

5.2 Posting of Modifications/Addenda to RFP

This RFP has been distributed electronically using the Mass Tech Collaborative and COMMBUYS websites. If the Mass Tech Collaborative determines that it is necessary to revise any part of this RFP, or if additional data is necessary to clarify any of its provisions, an addendum will be posted to the websites. It is the responsibility of each potential Respondent to check the Mass Tech Collaborative, MBI and COMMBUYS websites for any addenda or modifications to the RFP. The Mass Tech Collaborative accepts no liability and will provide no accommodation to Respondents who submit a response based on an out-of-date RFP.

Attachment A
Application Cover Sheet

Name of Respondent			
Mailing Address	City/Town	State	Zip Code
Telephone	Fax	Web Address	
Primary Contact for Clarification		Primary Contact E-mail Address	
Authorized Signatory		Authorized Signatory E-mail Address	
Legal Status/Jurisdiction (e.g., a Massachusetts Corporation, LLC, LLP, etc.)		Respondents DUNS No.	

Attachment B
Massachusetts Technology Collaborative
Authorized Respondent's Signature and Acceptance Form

The undersigned is a duly authorized representative of the Respondent listed below. The Respondent has read and understands the RFP requirements. The Respondent acknowledges that all of the terms and conditions of the RFP are mandatory, and that Respondent's response is compliant with such requirements.

The Respondent understands that, if selected by the Mass Tech Collaborative, the Respondent and the Mass Tech Collaborative will execute an Agreement specifying the mutual requirements of participation. The undersigned has either (*please check one*):

- specified exceptions and counter-proposals to the terms and conditions of the Agreement ([HERE](#)); or
- agrees to the terms and conditions set forth therein;

The undersigned acknowledges and agrees that the failure to submit exceptions and counter-proposals with this response shall be deemed a waiver, and the Agreement shall not be subject to further negotiation.

Respondent agrees that the entire bid response will remain valid for sixty (60) days from receipt by the Mass Tech Collaborative.

I certify that Respondent is in compliance with all corporate filing requirements and State tax laws.

I further certify that the statements made in this response to the RFP, including all attachments and exhibits, are true and correct to the best of my knowledge.

Respondent: _____
(Printed Name of Respondent)

By: _____
(Signature of Authorized Representative)

Name: _____

Title: _____

Date: _____

Attachment C
Budget Template

SEE EXCEL SPREADSHEET