



# **SOLICITATION FOR PPEA BROADBAND PROPOSALS**

## **PRIVATE PARTNER(S) FOR CONSTRUCTION, DESIGN, OPERATION, AND MAINTENANCE OF A HYBRID (FIBER / FIXED WIRELESS) BROADBAND NETWORK**

Issue Date: **May 2, 2019**

**Name of Soliciting Body:**  
Bland County Wireless Authority

**Proposals** - one (1) original and one electronic copy — shall be clearly identified as a response to this Request for PPEA Proposal, provided in a SEALED container and will be received until **May 31, 2019 at 2:00 pm** only at the underlined address noted, for furnishing the service described herein.

**Sealed, hard copy with one electronic copy on thumb drive or similar device shall be delivered or mailed to:**

Physical Address

Attn: Eric R. Workman, Ed.D.  
Bland County Administrator  
612 Main Street, Suite 201  
Bland, VA 24315

Mailing Address

Attn: Eric R. Workman, Ed.D.  
Bland County Administrator  
P. O. Box 510  
Bland, VA 24315

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# 1. INTRODUCTION

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## PURPOSE

Bland County, Virginia, seeks a qualified private partner(s) (each a “Partner”) to design, construct, operate, and maintain broadband Internet Service to unserved residents and businesses within the borders of Bland County (the “County”). The Bland County Wireless Authority has prioritized pursuing access to affordable Internet service on behalf of unserved residents who lack access to broadband at the FCC’s current definition (25Mbps/3Mbps) and for this RFP, the County will refer to “Broadband” as service at a minimum of 25Mbps/3Mbps. The County has current broadband initiatives that will bring broadband service to more than 350 locations and it wishes to pursue partnerships to bring broadband service to all unserved locations.

The County was recently awarded matching grant funds from the Appalachian Regional Commission (“ARC”) to develop a fiber optic last mile solution along the Rte 52 corridor from Rocky Gap, Virginia south along Rte. 52 past Bland, Virginia to the Rte. 52 / Rte 42 split. This last mile solution will provide service to at least 350 potential residential and business customers. To propose, a prospective Partner shall be able to provide a complete solution to design, construct, operate, and maintain the networks. The proposer shall also provide the local match requirement equal to the ARC grant (\$459,764). This project is intended to be a catalyst for proposers to expand services into additional unserved areas of the County. Proposers that provide more complete solutions in individual service areas will have an advantage in the County’s evaluation of proposals. This solicitation is for partnership with the ARC grant project as well as the potential partnership for additional broadband projects in the County.

## RATIONALE

The County is nestled in the heart of southwest Virginia surrounded by beautiful mountains, with a total population of 6,800 people. One-third of the County is in the Jefferson National Forest. The County is bisected by I-77 on which visitors and residents must enter and leave via tunnels through Big Walker and East River Mountains. Due to the rugged terrain, the County does not have access to natural gas or rail.

Because of the small population and sparseness of residents, investment in the County has not been attractive for telecommunication companies or any service based companies. Many residents have to travel outside of the County for employment and services. The Board of Supervisors, Wireless Authority and the Economic Development Authority feel the improvement to telecommunications and the construction of broadband infrastructure is a necessity to retain and attract businesses.

The rationale for this project is to provide adequate bandwidth to current and new businesses and in the County to ensure their ability to compete in the future on a global scale. Most of the industrial areas in the County are located in the areas of this project and include several coal related businesses.

The Bland County ARC Fiber Project will help provide local businesses and  
Bland County, VA

Entrepreneurs with adequate access to the Internet in an area without sufficient Broadband access. Several businesses need access in this location and currently have limited access (less than 20Mbps) or no access. This project would also serve as the anchor to expand broadband services County-wide in a hybrid wireless/fiber network that would ensure the County's capabilities to be the location for future businesses and homes.

The County is utilizing Virginia's Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) procurement process. The PPEA is the legislative framework for enabling the Commonwealth of Virginia and local governments and other political subdivisions to enter into agreements authorizing private entities to design, construct, improve, maintain, and/or operate qualifying public construction or infrastructure projects. Private entities submitting a conceptual proposal are strongly encouraged to read and have a strong understanding of the Act.

## **2. GOALS OF THIS PROCUREMENT**

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The County understands the need to assist its Partner through offsetting capital costs and lowering deployment costs to make the business case for broadband deployment in its unserved areas. The County has obtained ARC grant funds associated with the Bland County ARC Fiber Project to begin the broadband development process and this procurement intends to serve the ARC project as well as establish a partnership for future PPEA related broadband projects. The County is prepared to jointly pursue additional state and federal funding opportunities, and use creative financing to offset those capital costs and lower the cost of capital for its private partners. The County's need to grow its local economy and foster additional economic opportunities drive its desire to have broadband service throughout the County to meet current and future broadband demand.

The County plans the following actions to facilitate the deployment of a solution:

1. Partner with providers in securing grant funding for expansions
2. Support and assist in navigation of other County, State, and federal processes
3. Support and assist in the identification of future deployment areas.

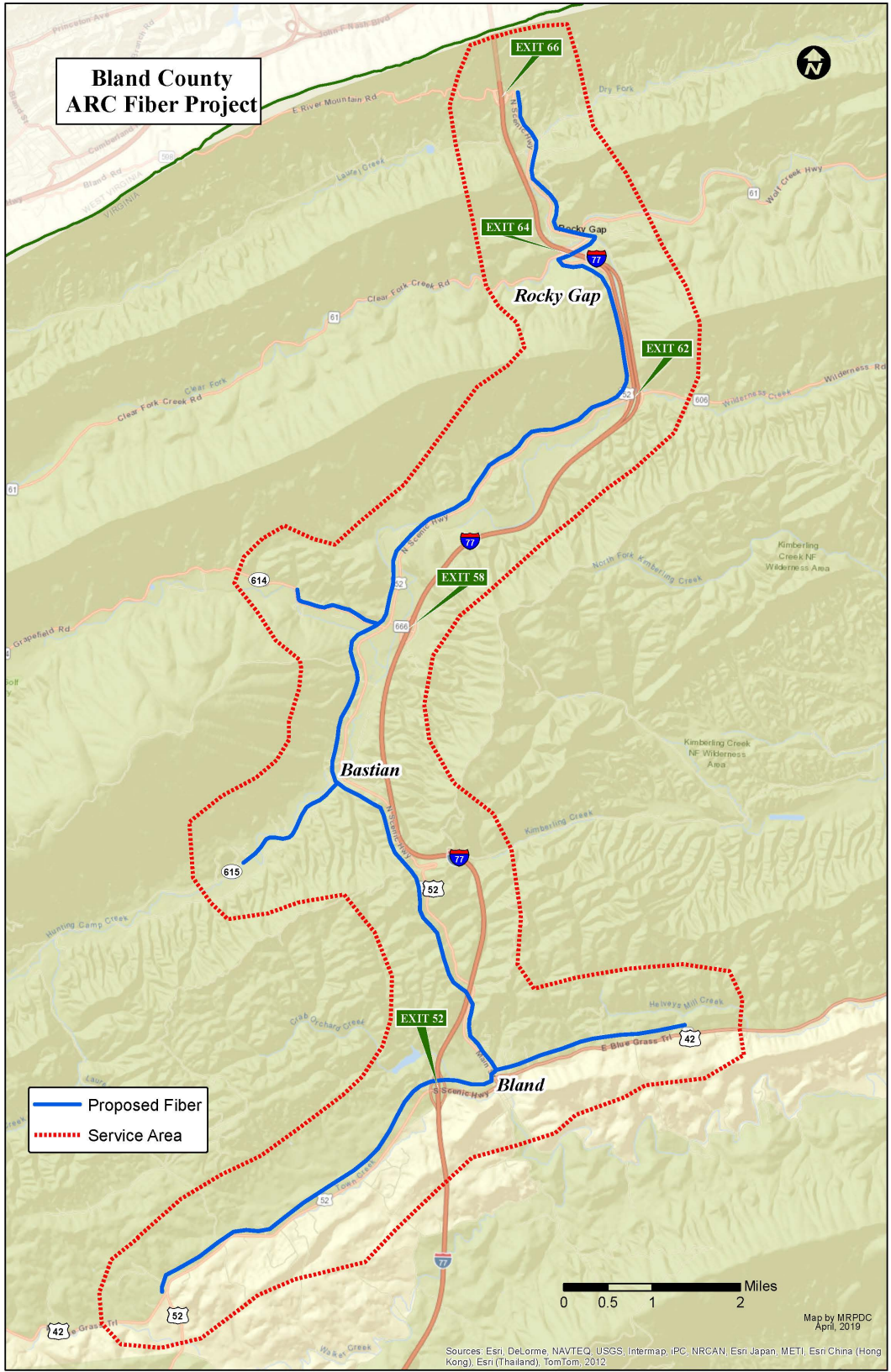
### **FUNDING AVAILABILITY**

The County fully understands the need for public funding to offset some of the capital costs of deploying broadband in rural areas. But the County has limited funds available for broadband expansion. The County is aware of the ARC's POWER grant program, Commonwealth's Virginia Telecommunication Initiative (VATI) and the federal broadband grant programs such as USDA's Community Connect, USDA's new ReConnect grant and loan programs, and other grant programs and is prepared to work with the Partner to pursue funding and financing opportunities. The County is also open to, and has done preliminary research on other potential innovative funding mechanisms to provide low-cost capital for projects.

## **TECHNICAL GOALS OF THE ARC FIBER PROJECT**

The County seeks a qualified Partner with the technical expertise and capacity to provide **fiber** broadband services to unserved areas of the County along the Rte. 52 corridor from Rocky Gap to the Rte. 52/42 split south of Bland. Please see Project Service Area Map on the next page.

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## **FINANCIAL GOALS**

The County seeks a Partner who is willing and financially able to share financial risk with the County in building and operating the proposed network. The County desires a Partner that will collaborate with it to pursue state and federal funding to expand broadband access and capacity to meet current and future demand.

## **SERVICE GOALS**

The County seeks a Partner who will deliver broadband services that meet at minimum the current FCC definition of broadband (25Mbps/3Mbps) to any customer in unserved areas. The County desires cost-effective services that are reasonably priced given the target market. The network should be neutral and non-discriminatory regarding applications, websites, type of use, and type of end-user device. The Partner should not impose caps on a user's total upload and download data capacity. The County desires a network that encourages increased Internet use to enable economically desirable activities such as home-based business, telework, telemedicine, and distance learning.

## **3. Bland County ARC Fiber Project**

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The County has limited broadband access and existing infrastructure. There is middle mile fiber and cable in certain areas with various providers and some fixed wireless deployments. The sparseness of the population and mountainous terrain has limited last mile solutions to most of the County.

### **PROJECT SUSTAINABILITY, OUTPUTS, AND OUTCOMES**

#### **Owner of Improvements:**

According to the ARC grant terms, the County will be the owner of the infrastructure and the provider will be responsible for designing, constructing, operating and maintaining the infrastructure via a traditional triple-net lease agreement. The term of the lease will be for 20 years at which time the infrastructure assets associated with this project will be depreciated, declared surplus, and will become the sole property of the provider. All costs associated with this project, except for the grant funds provided by ARC, will be the responsibility of the provider.

#### **Project Sustainability:**

It is anticipated that the new customer base generated by the fiber optic expansion will include up to 350 customers providing long term financial and operational sustainability. Overall cost of network will drop in volume once the needed infrastructure, backhaul source, and equipment associated with customer connections are in place, as bandwidth and maintenance will be the only recurring cost. It is anticipated that the fiber optic portion of the overall network will be the most expensive because the remaining and/or additional buildout can be developed via a hybrid wireless network using the most up-to-date technology which continues to decrease in cost.



**Outputs & Outcomes:**

**Performance Measure Projected**

**Value Description**

*(All businesses within the project service area shall have access to fiber network)*

Businesses improved (outcome) 15

Businesses served (output) 37

*(The communities of Rocky Gap, Bastian, and Bland will have access to fast, affordable broadband services)*

Communities improved (outcome) 3

Communities served (output) 3

*(As a fiber project, all customers in the project service area shall have access to a maximum symmetrical 1 Gbps business connection, with a minimum residential connection of at least 25/3 Mbps.)*

Maximum business connection 1 Gbps symmetrical

Minimum residential connection 25/3 Mbps

No business or residential data caps

*(All households in the project service area shall have access to broadband services, either through a direct fiber connection or a hybrid fixed wireless solution)*

Households improved (outcome) 75 will receive improved internet service

Households served (output) 175 total served by new system

*(Fiber optic infrastructure)*

Linear Feet (output) approximately 174,240 ft. 48 strand fiber  
May be adjusted depending on design proposal

*(Educational and Government Facilities)*

Bland County Facilities  
The availability of connections shall be made to all Bland County Governmental and Educational Facilities listed below in *italics*. This RFP does not guarantee the provider will be granted the ISP contract with Bland County Public Schools or the County of Bland for ISP services. *(Bland County High School, Bland County Elementary School, Bland County School Board Office, Bland County Courthouse, Bland County Library, Wolf Creek Indian Village and Museum)*

## 4. PPEA PROCESS

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PPEA gives localities and other public entities of the Commonwealth of Virginia an innovative method for procuring long-term solutions for public services and infrastructure in partnership with private industry. Procurement under the PPEA is a multi-phase process. The primary phases are:

### 1. Conceptual Phase.

In the conceptual phase, the County is seeking ideas. These ideas should not be fully developed or engineered. However, they should include the items identified below and should have a solid business case behind them.

Those private entities whose conceptual proposals are selected for further consideration will be invited to submit detailed proposals. The County may discontinue its evaluation of any proposal at any time during the conceptual phase. Conceptual proposals must include a legible, easy to understand estimated schedule and cost to develop the detailed network design and deployment plan and conceptually how the project will successfully expand broadband access throughout the County.

The firm(s) whose conceptual proposal has been deemed of sufficient merit to proceed for further consideration will move to the second phase of procurement and will be required to produce a broadband network design and deployment project plan for the detailed phase of the PPEA solicitation.

### 2. Detailed Phase.

The proposer(s) selected to proceed to the Detailed Design Phase shall provide the following list of services related to the design, construction, operation and maintenance of the proposed fiber broadband network:

- Prepare a detailed broadband network design to expand fiber broadband access and capacity within one or more of the unserved areas detailed in this document. The design may serve all or a portion of one or more unserved areas as defined in this document.
- Describe your plan to provide cost-effective services that are reasonably priced given the target market.
- The Detailed Deployment Plan should include a comprehensive scope of work, deliverables and a financial plan (construction cost estimates and funding needed from the County or other sources in addition to the private investment) for the project that contains enough detail to allow analysis of the proposed project's financial feasibility.
- Meet with the County to review the design and estimated costs to determine available funding and set a phased approach.
- Develop final design and engineering drawings to support the deployment.
- Prepare a phased deployment project plan in collaboration with the County.
- Work with the County to pursue state and federal funding opportunities to offset the costs of the deployment(s).

## 5. INSTRUCTIONS TO PROPOSERS

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- A. This procurement shall be conducted in accordance with the Bland County Purchasing Policy and Procedures, Implementation of the Public-Private Education facilities and Infrastructure Act of 2002 and Public-Private Transportation Act of 1995 (the “Guidelines”).
- B. Questions related to the Solicitation should be directed in writing to:  
Eric Workman, Ed.D.  
County Administrator  
E-mail: [eworkman@bland.org](mailto:eworkman@bland.org)  
Fax: 276-688-9758

Questions or requests for clarification may be faxed or emailed. All responses to inquiries will be in writing in a written Addendum and will be posted on the the County’s website at [www.blandcountyva.gov](http://www.blandcountyva.gov)

Questions from proposers must be received by the County Administrator by **May 22, 2019 at 12:00 pm** to ensure that the answers can be sent and received by the prospective proposers for their consideration prior to the date proposals are due.

- C. **One (1) original indicated as “Original” of Proposals and one PDF copy on flash drive or similar device, shall be submitted to:**

Physical Address

Attn: Eric R. Workman, Ed.D.  
Bland County Administrator  
612 Main Street, Suite 201  
Bland, VA 24315

Mailing Address

Attn: Eric R. Workman, Ed.D.  
Bland County Administrator  
P. O. Box 510  
Bland, VA 24315

- D. All proposals must be in a sealed envelope or box and clearly marked with the following information: **“PPEA-RFP CONCEPTUAL PHASE BROADBAND PROPOSAL”** and submitting company name and address. Proposals not so marked or sealed will be returned to the proposer and will not be considered. Proposals must clearly indicated the legal name, address and telephone number of the proposer (company, firm, partnership or individual). Proposals shall be signed above the typed or printed name and title of the individual signing on behalf of the proposer.

All expenses incurred for submitting Proposals to Bland County are the sole responsibility of the proposer. **All Proposals shall be received by May 31, 2019 at 2:00 pm.** Any Proposal received after this time and date will not be considered.

Late proposals shall not be considered. Proposals will be returned to the proposer unopened if received by special carrier or not accepted if hand delivered by proposer. The proposer has the sole responsibility to have the proposal received by the Bland County at the above address and by the above stated time and date. **Please note that overnight delivery services do not guarantee morning delivery to Bland, VA. Next day delivery**

**usually arrives in mid-to-late afternoon. Also, please note that USPS deliveries may require additional days from the post office to the County.** If you will be using one of these services for delivery of your proposal, please take this information into consideration.

- E. Proposers are responsible for familiarizing themselves with the conditions and objectives of the items/services described herein.
- F. As a *guideline* the County anticipates the following tentative timetable for selection of a Partner. Inclement Weather: In the event that Bland County is closed during the scheduled times for a pre-proposal conference or proposals due date the pre-proposal conference and/or proposal due date will occur on the next business day that Bland County is open at the appropriate times as stated in the PPEA Solicitation. No exceptions will be made in this situation. Please contact the Procurement contact as stated above for information pertaining to this procurement.
- G. The County reserves the right to reject any and all proposals or to accept any proposal that appears to be in the best interest of the County.

## **6. PROPOSAL REQUIREMENTS**

The County requests the following information — in as much detail as is practicable — from proposers. This conceptual phase of the procurement should provide specific information on the proposer’s qualifications and experience, project characteristics, project financing, proposer’s

<b>DATE</b>	<b>ACTIVITY</b>
May 3, 2019	PPEA RFP Issued
May 8, 2019	RFP advertised in the <i>Bland County Messenger</i>
May 22, 2019	Deadline for Questions is May22nd, 12:00 pm. Response to Questions will be posted collectively on the Bland County Website by close of business May 24 <sup>th</sup> .
May 31, 2019	Proposals due by 2:00 pm
June 3-7, 2019	Evaluation of Conceptual Proposals
June 10-14, 2019	Short-list Offerors’ Interviews
June 17-21, 2019	Signed Interim/Preliminary Agreement(s)
June 24, 2019	Detailed Designs and Project Plans Due
June 28, 2019	Signed Comprehensive Agreement(s)

capacity to provide the ARC grant match requirement, and anticipated timeline for project completion.

## **6.1 PROPOSAL FORMAT**

Submitted proposals should contain the following:

1. Table of Contents — number all pages of the proposal
2. Introduction — Cover Letter/Executive Summary on company letter head, signed by a person with the corporate authority to enter into any contract which results from the RFP.
3. References — provide a list of references of other governmental organizations who have successfully utilized the proposer’s services in designing and deploying a similar project. The references must include telephone numbers and names of contact persons. The County also reserves the right to contact undisclosed references in the course of its evaluation.
4. Attach the Proposer’s Certification (a form is contained below in Section 10) and a copy of your State Corporation Commission Certificate and a list of officers. If you are exempt from licensure with the Virginia State Corporation Commission under applicable law, please include a statement explaining why authorization from the Commission is not required.
5. Complete the Trade Secrets/Proprietary Information Form in Section 11.
6. Provide the content listed in Section 6.3, “Required Content”.

## **6.2 EXCEPTIONS**

If you cannot meet any of the requirements of this Conceptual Solicitation, please indicate the requirements to which you take exception and provide a detailed explanation of the exceptions.

## **6.3 REQUIRED CONTENT**

### **A. Qualifications and Experience**

The proposer must provide the leadership structure of the firm, project manager’s experience and its proposed management approach. Identify the management approach and how each partner and major subcontractor in the structure fits in the overall team. Include the status of the Virginia license of each partner, proposer, contractor and major subcontractor. Also provide project staffing plans and the skill levels of the proposed workforce for the project. Describe broadband deployments your firm has successfully completed that are similar to your conceptual proposal. For each proposer, partner, or major subcontractor that will be utilized in the project, provide a statement listing all of the firm’s major projects and clients for the past three years (max of 10) with contact information for such clients.

### **B. Customer Service**

Provide example(s) of existing Customer Relationship Management (CRM) system(s) to demonstrate your ability to deliver quality customer service. Please also include a

sample of your organization’s typical price plans demonstrating speeds and associated rates.

**B. Financial Capability**

The County seeks a Partner with the financial capacity to meet the needs described in this Solicitation. Please provide an explanation and data to demonstrate to the County your financial capacity and capability to undertake this project. Among other documents, you

Criteria	Evaluation Weight
Qualifications and Experience	25%
Customer Service	10%
Financial Capability	15%
Special Requirements	50%

may provide the most recent audited financial statement, bank statements, or SEC filings. In addition, should you commit to obtaining a Commercial Contract Surety Bond, you will receive the maximum credit under the Financial Capability criterion for scoring of the proposals to this Solicitation.

**C. Special Requirements**

1. Describe conceptually how your firm can provide broadband services in the development of the Bland County ARC Fiber Project.
2. Describe how your conceptual design will result in a broadband network capable of delivering affordable broadband at the lowest possible cost and provide upgrades in the future to continually expand capacity to meet future demand.
3. Provide the total number of customers your firm currently provides Internet service. If possible, please provide total residential, business, and government customers.
4. Provide an estimated price for the development of the Bland County ARC Fiber Project should your firm be selected to enter into an interim agreement as a result of this Solicitation. Include an estimated time frame to complete the detailed design and associated deployment project plan.
5. Clearly identify any assumptions regarding operation of the proposed broadband network. Include any assumptions regarding short or long-term maintenance.

**7. PROPOSAL EVALUATION CRITERIA**

The County has elected to follow a PPEA process generally following the process of competitive negotiation. In this process, the County seeks to find the best value proposal, that is, the proposal that best fits the needs of the County, based on analysis of the overall combination of quality, value, and various elements of the proposal. The County

will use the following evaluation factors in its review and evaluation of the PPEA Conceptual Broadband Proposals.

The County reserves the right to negotiate and enter into an interim or comprehensive agreement with any firm(s) suited to provide the requested PPEA-procured Public-Private Partnership to expand broadband and may engage one or more firms (targeting different geographical areas) for this work. The County reserves the right to reject any or all proposals.

## **8. PPEA PROPOSAL SELECTION PROCESS**

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Conceptual proposals will be evaluated by the following five-step process.

1. The evaluation step will begin upon submission of a conceptual proposal or proposals for evaluation.
2. Evaluation of the proposals will be conducted by a committee selected by the Bland County Wireless Authority.
3. The proposer(s) whose conceptual proposal is/are selected for further consideration will be notified to schedule an in-person presentation and discussion.
4. If approved by the Bland County Wireless Authority and the interim/preliminary agreement is complete, we will move into the Detailed Design Phase of the PPEA.

## **9. TERMS AND CONDITIONS**

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### **9.1 ACCEPTANCE, INVOICING AND PAYMENT**

Nothing herein, or in the process, shall be construed as having obligated the County to pay for any expenses incurred by respondents to this PPEA Solicitation, or to the selected firm prior to the Bland County Wireless Authority's approval of an interim/preliminary or comprehensive agreement.

### **9.2 ATTORNEY'S FEES**

If any action brought by either party against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, each party shall pay their own attorney's fees, costs and expenses, except in a case of default by the proposer, the proposer shall be responsible for any resulting additional purchase and administrative costs

including, but not limited to fees and charges of engineers, architects, attorneys, and other professionals and all court or other dispute resolution costs.

### **9.3 AVAILABILITY OF FUNDS**

It is understood and agreed between the parties herein that the County shall be bound hereunder only to the extent of the funds available or which may hereafter become available for the purpose of this initiative.

### **9.4 CONTRACT AWARD**

The County has the right to award a contract to more than one proposer, if it is in the County's best interest to provide broadband services in accordance with the criteria found in the Proposal Requirements. Should the County determine in writing and in its sole discretion that only one proposer is fully qualified, or that one proposer is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that firm. The County reserves the right to award the contract to the most qualified, responsible, and responsive proposer, resulting in a negotiated agreement, which is most advantageous to and in the best interest of the County's citizens. The County shall be the sole judge of the Proposal and the resulting negotiated agreement that is in the public interest, and the County's decision shall be final.



## 10. PROPOSER'S CERTIFICATION

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After first being placed under oath, I hereby certify that I have authority to submit this proposal on behalf of the Proposer whose name appears above, that I am a principal of the Proposer, that the Proposer hereby acknowledges the provisions, terms and conditions of this PPEA Solicitation including all attachments and addenda and agrees to be bound by those provisions, terms and conditions. The Proposer furthermore agrees to be bound by all of the terms and conditions in the Bland County PPEA Guidelines. I acknowledge that the Proposer is authorized to transact business in Virginia, and neither the Proposer nor any member of its team or their principals is currently suspended or debarred from public contracting by any federal, state, or local government entity. I have taken reasonable steps to ascertain the accuracy of all the information contained in this proposal and this certification, and that the information in this proposal and certification is accurate to the best of my knowledge or information and belief.

Name and Address of Proposer:

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ By: \_\_\_\_\_  
(Signature in Ink by Authorized Officer of  
Proposer)

\_\_\_\_\_ Name: \_\_\_\_\_  
(Please Print)

\_\_\_\_\_ Zip Code: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

E-mail: \_\_\_\_\_ State of Incorporation/Organization:  
\_\_\_\_\_ State Corporation

Commission # \_\_\_\_\_

Proposer's or Proposer's Contractor's Virginia Class A General Contractor's License Number

\_\_\_\_\_

Proposer's or Proposer's Architects and Engineers Virginia Registration Numbers:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed/Typed Name

\_\_\_\_\_  
Title (Principal of Proposer)

Commonwealth of Virginia:

: to wit

County/City of \_\_\_\_\_:

On \_\_\_\_\_, (same name as above) appeared before me, and after satisfying me of his/her identity and after being placed under oath, swore to the truthfulness of the above statement.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

(If applicable) the Proposer acknowledges receipt of the following addenda:

Addendum No.: \_\_\_\_\_ Dated: \_\_\_\_\_

Addendum No.: \_\_\_\_\_ Dated: \_\_\_\_\_

Addendum No.: \_\_\_\_\_ Dated: \_\_\_\_\_

Addendum No.: \_\_\_\_\_ Dated: \_\_\_\_\_

**(Return this Form)**

# 11. TRADE SECRETS/PROPRIETARY INFORMATION IDENTIFICATION

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**IF NO PROTECTION IS NEEDED STATE "N/A" ON THE TABLE BELOW AND SIGN**

Trade secrets or proprietary information submitted by any Proposer/Offeror in connection with a procurement transaction shall not be subject to public disclosure under the Virginia Freedom of Information Act, however, the Proposer/Offeror must invoke the protection of §2.2-4342(F) of the Code of Virginia, in writing, prior to or upon submission of the data or other materials, and must clearly and specifically identify the data or other materials to be protected, and state the reasons why protection is necessary. The proprietary or trade secret material submitted must be identified by the Proposer/Offeror on the table below. If the Proposer/Offeror fails to identify any protected information on the table below, the Proposer/Offeror by return of this form, hereby releases the County and all of its employees from any and all claims, damages, demands or liabilities associated with the County's release of such information, and agrees to indemnify it for all costs, expenses and attorney's fees incurred by the County as a result of any claims made by Proposer/Offeror regarding the release of such information. By submitting its bid or proposal, Proposer/Offeror understands and agrees that any language seeking protection from public disclosure, any specific documents or information, unless identified on the table below, are null and void and of no legal or binding effect on the Proposer. The classification of line item prices, and/or total bid prices as proprietary or trade secrets is not acceptable. If, after being given reasonable time, the Proposer/Offeror refuses to withdraw such a classification designation, the bid/proposal will be rejected.

SECTION / TITLE	PAGE NUMBER(S)	REASON(S) FOR WITHHOLDING FROM DISCLOSURE

**COMPANY NAME:** \_\_\_\_\_

**SIGNATURE** \_\_\_\_\_

## **12. Additions to Contract, as required by the Virginia Public Procurement Act:**

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1. In the performance of any services under the Agreement, the Vendor shall:
  - A. Not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by local, state, or federal law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Vendor's business, and otherwise comply and conform with the provisions of the Civil Rights of 1964, as amended, the Virginia Fair Employment Contracting Act of 1975, as amended, and the Virginia Human Rights Act, as amended, where applicable.
  - B. Not employ illegal alien workers or otherwise violate the provisions of the Immigration Reform and Control Act of 1986, as amended; and
  - C. Comply with all federal, state, and local laws and regulations applicable to the performance of the services procured.
  - D. Provide and maintain a drug-free workplace for its employees in accordance with the Drug-Free Workplace Act of 1988, as amended. For the purposes of this subparagraph, a "drug-free workplace" means a site for the performance of work done in connection with this Agreement. The Vendor shall also state in all solicitations for employees related to the work to be performed under this Agreement that the Vendor maintains a drug-free workplace.
  - E. Post in conspicuous places, available to employees and applicants for employment, standard anti-discrimination notices as required by Virginia law, as well as a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in its workplace and specifying the actions that will be taken against any employee for a violation.
  - F. Include these provisions in any subcontract or purchase order for the purpose of performing the work contemplated by the Agreement the value of which exceeds \$10,000, so as to make these provisions binding on such subcontractor or supplier.
  - G. The final contract entered will comply with the Bland County Procurement Manual and Guidelines Implementing the Public-Private Education Facilities and Infrastructure Act of 2002. If you wish to obtain a copy, please contact

Teresa Tolbert, Finance Director

Fax: 276-688-9758

E-mail: [ttolbert@bland.org](mailto:ttolbert@bland.org)

### 13. NON-COLLUSION STATEMENT

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My signature certifies that the accompanying proposal is not the result of, or affected by, any unlawful act of collusion with another person or company engaged in the same line business or commerce, or any act of fraud punishable under the Virginia Governmental Frauds Act, sections 18.2-498.1 et seq. of the *Code of Virginia*, 1950, as amended. Furthermore, I understand that fraud and unlawful collusion are crimes under the Virginia Governmental Frauds Act, the laws against bid rigging (sections 59.1-68.6 et seq.), and the Virginia Antitrust Act (sections 59.1-9.1 et seq.), and Federal Laws regarding the same, and can result in fines, prison sentences, and civil damage awards.

I hereby certify that I am authorized to sign, personally or as a Representative:

Vendor Name/Individual: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title