

FirstNet responses to draft-RFP queries provide some insight into potential plans, leave many questions unanswered

Urgent Communications July 9, 2015

By Donny Jackson

[FirstNet](#) has released 217 pages of responses to 666 questions associated with its draft RFP documents, largely reiterating its openness to myriad approaches that would address the organization's public-safety broadband mission, while acknowledging that decisions have not yet been made in several key areas that could impact the economics of potential bids.

FirstNet Chairwoman Sue Swenson last week said she is encouraged by the number of questions submitted in the proceeding.

"I couldn't believe the number of questions we got about the draft RFP—over 650 questions came in about that RFP," Swenson said during a keynote address at the [NENA](#) 2015 Conference & Expo in Denver. "I actually think that's a good-news story, because that shows the degree of interest that people have about this project."

Some notable findings provided in the responses included clarifications regarding language that appeared to be in conflict in various parts of FirstNet's massive draft RFP documents, such as the proposed timeline for staged deployments. Perhaps the most tangible change included in the responses was a decision to adopt a broader definition of companies that would qualify to meet federal "small business" contractor goals.

"The determination has been made to change the NAICS [North American Industry Classification System] code from 517919, All Other Telecommunications, to 517210 Wireless Telecommunications Carriers (except Satellite)," FirstNet states in its response to question 517. "This change will be reflected in a subsequent RFP."

Another key clarification cited in several questions is that FirstNet does not intend to broker any agreements between the winning bidder(s) and owners of existing infrastructure, such as state and local governments. Instead, the winning offeror(s) would be responsible for negotiating any such deals to utilize existing infrastructure.

With this in mind, entities with existing infrastructure that could be leveraged in the FirstNet system should not expect to cut a deal with FirstNet itself in return for “user-fee credits,” according to the response document.

“FirstNet will leverage, to the maximum extent economically desirable, existing commercial, state, tribal, and local infrastructure,” FirstNet states in its response to question 48. “It is unclear, at this time, exactly how, or if, existing infrastructure will be leveraged in the solution. It is unlikely, however, that FirstNet will provide credits for the use of infrastructure, which is currently anticipated to be provided by offerors as part of their proposed solutions.”

In addition, FirstNet’s responses offer some insights into its current thinking—without making a firm commitment—in some notable areas, such as stating that “FirstNet foresees that the contractor(s) will hold the contract with public safety entities” in question 565 and that “cloud services are a potential revenue stream for the offeror(s) and a value-add for some PSEs [public-safety entities] in question 573.

But more prevalent than clarifications and insights were [FirstNet](#) answers that stated the organization’s previous positions and/or acknowledged that a decision had not been made about a given topic.

For instance, FirstNet reiterated multiple times that it is open to any ideas from vendors that would deliver broadband connectivity to public safety as outlined in its statement of objectives while enabling FirstNet to be self-sustaining from a financial standpoint. As long as the arrangement ensures that FirstNet is not in a deficit position at the end of any year, the winning bidder(s) likely will be allowed to be as creative as they want in pursuing strategies to leverage the 20 MHz of public-safety broadband spectrum licensed to FirstNet.

“Other than the sustainability requirements and the pricing concepts identified within the Special Notice, FirstNet does not currently anticipate any restrictions on the resale or monetization of the excess capacity with a CLA,” FirstNet states in response to question 303. “However, FirstNet is requesting feedback, in accordance with the Special Notice, with regard to this topic.”

FirstNet has proposed that the winning bidder(s) would receive as much as \$6.5 billion in cash, user fees from subscribing public-safety entities, revenues generated from the sale of excess capacity to commercial customers on a secondary basis, as well as opportunities such as the aforementioned cloud services. FirstNet responses do indicate that it expects that devices from multiple vendors—not just from the winning bidder(s)—will be available to users.

In return, the winning bidder(s) would build and maintain the public-safety broadband network and would make fixed quarterly payments to FirstNet to fund the organization's ongoing costs.

While the broad construct of the FirstNet arrangement with the winning bidder(s) has been clearly outlined for months, many key details are still unknown at this point, including:

- The user base qualifying as a public-safety entity (PSE)—the subject of an ongoing FirstNet proceeding;
- What incentives/disincentives FirstNet will establish to ensure that winning bidder(s) takes actions necessary to get public-safety users to subscribe to the network;
- Section C-2, which will address the service-level agreements for radio access network integration;
- Section C-10, which will address cybersecurity and cyber hardiness requirements;
- Comparable pricing that will be used to determine the “most favored pricing” that FirstNet envisions;
- How priority and preemption will work, which is expected to be a factor in determining how much excess capacity is available to be sold to commercial users;
- Coverage requirements, particularly as they relate to rural and indoor locations; and
- Data-throughput requirements, which are being reviewed and could be changed from the 768 KB/s downlink and 256 KB/s uplink from the cell edge with 50% loading.

In addition, multiple questions asked about the evaluation criteria for bids, which FirstNet said it would include in its final RFP.

Overall, there more than 200 references to “subsequent RFP” and more than 100 references to “seeks feedback,” indicating that FirstNet still has significant areas to address in its procurement process.

[Link to Article](#)

[Link to Urgent Communications News Articles](#)