

FirstNet makes 33 RFP changes in answers to 122 questions

Urgent Communications By Donny Jackson

March 1, 2016

[FirstNet](#) last week released its second set of answers to questions about the request for proposal (RFP) that include 33 changes to the RFP on topics that include rural partnerships, cybersecurity, definitions, payment timing and a host of processes and administrative items.

One of the most-discussed aspects of the FirstNet RFP is a stipulation that mandates that the selected contractor to forge partnerships with rural providers to fulfill at least 15% of the rural-coverage requirement outlined in FirstNet's enabling legislation, or "the Act." That partnership must be with a rural telecommunications provider, not an entity like a rural electric cooperative, according to an answer provided in this second set of 122 questions.

"FirstNet interprets a 'rural provider' or 'rural telecommunications provider' to mean an entity that provides either exclusively or the vast majority of its telecommunications or broadband services in a geographic area that falls within the definition of the term 'rural' as defined in the Act as interpreted by FirstNet," the answer states.

Another definition clarified in the answers is what constitutes "excess network capacity" that can be used to sell commercial services on a secondary basis to help the contractor fund the buildout and operation of the nationwide FirstNet system.

"Excess network capacity is defined as capacity not used by public-safety entities (PSEs)," according to the answer.

However, the answers do not specify what qualifies as a public-safety entity, other than to state that it must meet the definition provided in the 2012 law establishing FirstNet, despite the fact that FirstNet conducted two public proceedings in an attempt to create consensus on the issue. In the RFP, FirstNet does designated that law enforcement, fire and EMS are considered to be the "primary user group," and other undefined public-safety entities are classified as being in an "extended primary user group."

Another answer noted that the amount of debt that an offeror has will be one factor that will be evaluated when assessing bids.

“Any debt will be considered as part of an Offeror's financial history and will be considered in the evaluation of financial standing,” an answer states before citing language in the RFP. “The evaluation will consist of a determination and analysis of ... risks of each proposed solution. Risk will be included in the evaluation of each factor (and/or sub-factors) and will not be evaluated as a separate factor.’

“Therefore, this would include and consider any/all proposal information submitted when assessing any risks based on the Offeror’s proposed solution with regard to financial standing (e.g., debt).”

Another financial aspect addressed in these answers involves the timing of payments that the contractor makes to FirstNet. Under the terms of the RFP, FirstNet will pay the contractor \$6.5 billion to help fund the network buildout, and the contractor would make as much as 25 years of annual payments to FirstNet, with different totals assigned to each of the 56 states and territories.

One answer notes that these payments would not begin until two weeks after [FirstNet](#) issues a task order to let contractor begin network buildout in a particular state or territory. Subsequent payments would be due two weeks before the federal government’s fiscal year, according to an amendment in the RFP.

If all states and territories adopt the contractor’s proposed state plan for the jurisdiction and FirstNet issues all state task orders quickly, then the contractor could pay all 25 years of payments to FirstNet associated with each state and territory. This would total at least \$5.625 billion, according to the RFP.

However, if those task orders were not awarded—for instance, because a state or territory decides to pursue the opt-out alternative and build the [LTE](#) radio access network (RAN) on its own—then the contractor would not have to pay FirstNet the annual portion designated for that

jurisdiction unless FirstNet eventually issues a task order for it.

“Payments associated with Delayed FirstNet-Deployed RANs task orders would correspond to the payments originally proposed by the Offeror, commencing with year 1 and continuing throughout the life of the ... contract, which may not result in 25 annual payments for the given task order,” the answer states.

This set of 122 answers also includes a clarification that key components of the FirstNet system must be located in the United States.

“All critical operational equipment and functions, which could affect the secure and effective operations of the NPSBN, shall be located within the sole jurisdiction of the United States,” an answer states.

Thanks to a decision announced with the release of answers to the first set of 58 questions, potential offerors have until March 31 to submit an optional capability statement and until May 13 to make final proposals. By submitting a capability statement, potential offerors then will receive feedback from government evaluators whether they are deemed to be a viable contender to win the 25-year contract or whether they have areas that should be addressed before submitting a final proposal.

FirstNet clarified in several questions that offerors' capability statements do not have to be as detailed as final responses to the RFP, particularly in terms of items involving financial standing, rural partnerships, nationwide coverage and capacity, and public-safety use and adoption of the network.

While capability statements are not expected to include “extensive details,” offerors should “provide sufficient information in the capability statements in order to demonstrate their capability and afford the Government the opportunity to conduct a meaningful evaluation,” according to several answers.

In addition, there were numerous questions addressing administrative details, including the a

numeric code to designate types of coverage, font size of text in tables accompanying a response, the number of pages that could be included a response section and the ability to submit certain tables in a foldout sheet. In other cases, the federal government corrected errors such as faulty references, a missing value in the cell of a spreadsheet, and an incorrect figure used to illustrate the system view for the RAN-to-core interface.

While all of these issues resulted in changes to RFP for [FirstNet](#), other answers included notable information that did not result in the RFP being altered, including:

- Several clarifications regarding cybersecurity “recommended requirements.” In its answers, FirstNet notes that items using the word “shall” and “must” are requirements that have to be met. Items using the word “should” are items that “offerors are strongly encouraged to address” in their final proposals.
- End-to-end encryption is expected for all traffic on the FirstNet system, with standard encryption defined by [3GPP](#) being considered to be the minimum requirement. In addition, device-level storage also must be encrypted with operating-system capability, as opposed to relying solely on an over-the-top application.
- FirstNet will not release hardening requirements for [LTE](#) sites, but offerors “shall demonstrate their strategies and processes for hardening that achieve the stated objective.”

In addition, several questions sought clarification about the meaning of a statement in the RFP that “the Contractor agrees and acknowledges that FirstNet shall have unfettered use of and access to all NPSBN [nationwide public-safety broadband network] facilities and equipment.”

FirstNet responded in the following manner: “Although FirstNet does not intend to own NPSBN assets, as an [FCC](#) licensee, it will retain the right to use and access equipment and facilities used to provide services over the NPSBN,” multiple answers state. “In the context of this right, FirstNet will work with the Contractor to ensure that the security and integrity of all operations are maintained, including appropriate demarcation between NPSBN and other networks.”

Having answered about 180 questions thus far, FirstNet still has more than 220 questions that it plans to address.

“The goal is to publish all of the responses within the first part of March, so those interested in

submitting capabilities statements have enough time to develop and/or finalize their submissions," according to a blog written by James Mitchell, FirstNet's director of program management.

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