

Alabama issues RFP for public-safety LTE RAN network, says it has not made opt-out decision

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The state of Alabama issued a request for proposal (RFP) in an effort to solicit bids from vendors to build and maintain the [LTE](#) radio access network (RAN) in the state, if the governor chooses to pursue the opt-out alternative to [FirstNet](#), becoming the second state in the U.S. to conduct such a procurement.

Bidders are required to submit proposals to the state of Alabama by 4 p.m. EST on Oct. 14, and the state plans to announce its potential partner by mid-January, according to the RFP. However, the RFP contains numerous references to the fact that Alabama only would build the 700 MHz RAN within its borders, if the state chooses to opt out of FirstNet and build the RAN on its own, instead of letting FirstNet and its contractor deploy it.

“This RFP is not an offer to contract but seeks the submission of proposals from interested service providers that may form the basis for negotiation of a contract,” the Alabama procurement document states.

In a statement e-mailed to [IWCE](#)’s *Urgent Communications*, a state of Alabama spokesperson noted that the RFP should not be perceived as an indication that any decisions have been made regarding the FirstNet opt-out alternative.

“The state of Alabama is issuing this request for proposal (RFP) to be proactive and initiate the process to gather information and consider any all options available to the state,” according to the statement. “The decision to issue this RFP prior to receiving the state plan from FirstNet was made to ensure Governor [Robert] Bentley can start the decision-making process and will have sufficient time and information to make the best decision for the first responders and the citizens of the state of Alabama.

“Alabama has not made a decision to opt-in or opt-out of the FirstNet state plan.”

Alabama's RFP release follows the recent conclusion of a similar procurement process in the state of New Hampshire, which announced that Rivada Networks would have the exclusive rights to negotiate a contract for a RAN deployment in New Hampshire, if that state chooses to opt out of FirstNet.

Chris Moore, senior vice president for Rivada Networks, said the company is "reviewing the Alabama RFP with interest" when asked whether Rivada Networks would submit a bid.

FirstNet is charged with building a nationwide public-safety broadband network (PSBN) on 20 MHz of 700 MHz spectrum. Governors of states and territories are expected to announce next summer whether their jurisdictions will accept the FirstNet state plan or pursue the opt-out alternative included in the 2012 law that created FirstNet.

Issued by the Alabama Law Enforcement Agency (ALEA), the RFP acknowledges the need for Alabama to get approvals from the [FCC](#) and the [National Telecommunications and Information Administration](#) (NTIA), as well as negotiate a spectrum-lease agreement with FirstNet, before it can build the proposed RAN. The RFP also includes statements indicating Alabama officials' belief that the state should be able to keep revenues generated from the proposed RAN network within the state.

"The Spectrum Act ... authorizes states that construct their own networks to enter into spectrum leasing agreements with secondary users, so long as those leasing agreements result from a public-private arrangement to construct, manage, and operate the network," according to the Alabama RFP. "Such agreements may permit users to access network capacity on a secondary basis for non-public safety services in return for the payment of a spectrum leasing fee. The Spectrum Act does not require states to return the profits from any such spectrum leases to [FirstNet](#)

. Rather, the Spectrum Act explicitly authorizes states to use 'revenue gained by the State from such a leasing arrangement' for the purpose of "constructing, maintaining, operating, or improving the radio access network of the State.'

"The Spectrum Act does not explicitly authorize states to collect network user fees from the public-safety users of their state PSBNs or to collect lease fees from entities seeking access to the state's PSBN equipment or infrastructure (although it does authorize FirstNet to do so with

respect to the nationwide PSBN). However, the Spectrum Act also does not prohibit states from collecting network use or lease fees, or from reinvesting revenue generated by such fees back into the state's PSBN. Nothing in the Spectrum Act appears to require states to remit such revenues to FirstNet."

In addition, the Alabama RFP also calls for bidders to explore the possibility of transforming 12 MHz of 700 MHz narrowband spectrum to broadband use—a stipulation that the state of New Hampshire also included in its procurement.

"Regardless of whether a state opts into FirstNet, a state, local government, or eligible nongovernmental organization (NGO) may also retain for their use any revenues generated from their operation of a public-safety network using the 12 MHz of dedicated narrowband frequencies," the Alabama RFP states, noting that law creating FirstNet does not mention these narrowband airwaves.

"The Spectrum Act therefore does not restrict in any way the operations of 700 MHz public safety narrowband licensees, the manner in which they choose to collect revenue, or how they elect to use such revenue. Moreover, neither the authorizing statute for narrowband public safety services nor the [FCC](#)'s rules for narrowband operations impose restrictions on the collection or use of revenues associated with the operation of public safety narrowband networks, other than to require that licensees may not make public-safety services commercially available to the public."

A copy of the Alabama RFP is available at <http://www.alea.gov/Home/wfContent.aspx?ID1=plhHomePage-RequestForProposal>

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