

**State of Nebraska Department of Transportation
REQUEST FOR INFORMATION**

RETURN TO:
NE Department of Transportation
PO Box 94759
Lincoln NE 68509-4759
(402) 479-4328

SOLICITATION NUMBER	RELEASE DATE
RFI R229-23	July 21, 2023
OPENING DATE AND TIME	PROCUREMENT CONTACT
September 1, 2023 @ 3:00 p.m. Central Time	Brandy Henke

This form is part of the specification package and must be signed in ink and returned, along with information documents, by the opening date and time specified.

PLEASE READ CAREFULLY!

SCOPE OF SERVICE

The State of Nebraska (State), Department of Transportation is issuing this Request for Information RFI R229-23 for the purpose of gathering information for Broadband Infrastructure Programs.

Written questions are due no later than August 8, 2023 and should be submitted via e-mail to NDOT.ProcurementServices@nebraska.gov.

Bidder should submit one (1) original of the entire RFI response. RFI responses should be submitted by the RFI due date and time.

Sealed RFI responses should be received in the Department of Transportation by the date and time of RFI opening indicated above.

BIDDER MUST COMPLETE THE FOLLOWING

By signing this Request For Information form, the bidder guarantees compliance with the provisions stated in this Request for Information.

FIRM: _____

COMPLETE ADDRESS: _____

TELEPHONE NUMBER: _____ FAX NUMBER: _____

SIGNATURE: _____ DATE: _____

TYPED NAME & TITLE OF SIGNER: _____

GLOSSARY

Broadband Internet Service Provider: Any person or entity that provides broadband Internet access service through facilities occupying public highways or streets as authorized by the appropriate jurisdiction including through a certificate of public convenience and necessity, a certificate of video franchise authority, a certificate of cable franchise authority, or as a certified telecommunications provider.

Dig Once: Policies and/or practices that minimize the number and scale of excavations when installing telecommunications infrastructure in highway rights-of-way.

Freeway: Freeway shall mean a divided arterial highway designed primarily for through traffic with full control of access and with grade separations at all intersecting road crossings, including all interchanges and approach and exit roads thereto.

Interstate: Interstate highway shall mean a divided arterial highway for through traffic with full control of access and grade separation at intersections which the highway has been designated (I-129, I-76, I-80, I-180, I-480 or I-680).

Underserved: A location that is not an unserved location and[,] as determined in accordance with the [FCC] broadband DATA maps, lacks access to reliable broadband service offered with a speed of not less than 100 megabits per second for downloads; and 20 megabits per second for uploads; and a latency sufficient to support real-time, interactive applications.

Unserved: A broadband-serviceable location, as determined in accordance with the [FCC] broadband DATA maps, that has no access to broadband service; or lacks access to reliable broadband service offered with a speed of not less than 25 megabits per second for downloads; and 3 megabits per second for uploads; and a latency sufficient to support real-time, interactive applications.

Utility Accommodation Policy: A statement of the policies and procedures used by a transportation agency to regulate and accommodate utilities within the highway right-of-way.

ACRONYMS

ARPA: American Rescue Plan Act

BEAD: Broadband Equity, Access, and Deployment

CPF: Capital Projects Fund

FCC: Federal Communications Commission

IIJA: Infrastructure Investment and Jobs Act

NDOT: Nebraska Department of Transportation

RFI: Request for Information

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I. SCOPE OF THE REQUEST FOR INFORMATION

The State of Nebraska, Department of Transportation is issuing this Request for Information, RFI R229-23 for the purpose of gathering information for Broadband Infrastructure Programs.

ALL INFORMATION PERTINENT TO THIS REQUEST FOR INFORMATION CAN BE FOUND ON THE INTERNET AT:

<https://das.nebraska.gov/materiel/bidopps.html>

A. SCHEDULE OF EVENTS

The State expects to adhere to the tentative procurement schedule shown below. It should be noted, however, that some dates are approximate and subject to change.

ACTIVITY		DATE/TIME
1	Release Request for Information	July 21, 2023
2	Last day to submit written questions	August 8, 2023
3	State responds to written questions through Request for Information "Addendum" and/or "Amendment" to be posted to the internet at: http://das.nebraska.gov/materiel/purchasing.html	August 11, 2023
4	RFI opening Location: Nebraska Department of Transportation 5001 S. 14 th St. Lincoln, NE 68509-4759	September 1, 2023 3:00 PM Central Time
5	Conduct oral interviews/presentations and/or demonstrations (if desired)	To Be Determined

II. RFI RESPONSE PROCEDURES

A. OFFICE AND CONTACT PERSON

Responsibilities related to this Request for Information reside with the Nebraska Department of Transportation. The point of contact for the RFI is as follows:

Name: Brandy Henke
Agency: Nebraska Department of Transportation
Operations Division
Mailing Address: PO Box 94759
(USPS deliveries) Lincoln, NE 68509-4759
Physical Address: 5001 S. 14th Street
(All other deliveries) Lincoln, NE 68512
Telephone: (402) 479-4328
E-Mail: NDOT.ProcurementServices@nebraska.gov

B. GENERAL INFORMATION

A subsequent Request for Proposal (RFP) may not be issued as a result of this RFI. There will not be a contract as a result of this RFI and the State is not liable for any cost incurred by vendors in replying to this RFI. If an RFP is issued, the information provided will assist the State of Nebraska in developing the Request for Proposal. This RFI does not obligate the State to reply to the RFI responses, to issue an RFP, or to include any RFI provisions or responses provided by vendors in any RFP.

C. COMMUNICATION WITH STATE STAFF

From the date the Request for Information is issued and until RFI opening (as shown in the Schedule of Events), contact regarding this RFI between potential vendors and individuals employed by the State should be restricted to written communication with the staff designated above as the point of contact for this Request for Information.

The following exceptions to these restrictions are permitted:

1. Written communication with the person(s) designated as the point(s) of contact for this Request for Information;
2. contacts made pursuant to any pre-existing contracts or obligations; and
3. State-requested presentations, key personnel interviews, clarification sessions, or discussions.

Violations of these conditions may be considered sufficient cause to reject a vendor's response to the RFI. No individual member of the State, employee of the State, or member of the Interview Committee is empowered to make binding statements regarding this RFI. The State of Nebraska will issue any clarifications or opinions regarding this RFI in writing.

D. WRITTEN QUESTIONS AND ANSWERS

Any explanation desired by a vendor regarding the meaning or interpretation of any Request for Information provision should be submitted in writing to the Department of Transportation and clearly marked "RFI Number R229-23; Broadband Infrastructure Programs Questions". It is preferred that questions be sent via e-mail to NDOT.ProcurementServices@nebraska.gov.

It is recommended that Bidders submit questions sequentially numbered, include the RFI reference and page number using the following format.

Question Number	RFI Section Reference	RFI Page Number	Question

Written answers will be provided through an addendum to be posted on the Internet at <https://das.nebraska.gov/materiel/bidopps.html> on or before the date shown in the Schedule of Events.

E. ORAL INTERVIEWS/PRESENTATIONS AND/OR DEMONSTRATIONS

The State reserves the right to conduct oral interviews/presentations and/or demonstrations if desired at the sole invitation of the State. All vendors may not have an opportunity to interview/present and/or give demonstrations. The presentation process will allow the selected vendors to demonstrate their RFI offering, explaining and/or clarifying any unusual or significant elements related to their response.

Any cost incidental to the oral interviews/presentations and/or demonstrations shall be borne entirely by the vendor and will not be compensated by the State

F. SUBMISSION OF RESPONSE

The following describes the requirements related to the RFI submission, handling and review by the State.

To facilitate the response review process, one (1) original of the entire RFI response should be submitted. RFI responses should be submitted by the RFI due date and time.

A separate sheet must be provided that clearly states which sections have been submitted as proprietary or have copyrighted materials. RFI responses should reference the request for information number and be sent to the specified address. Please note that the address label should appear as specified on the face of each container. If a recipient phone number is required for delivery purposes, 402-479-4328 should be used. The Request for Information number must be included in all correspondence.

G. PROPRIETARY INFORMATION

Data contained in the response and all documentation provided therein, become the property of the State of Nebraska and the data become public information upon opening the response. If the vendor wishes to have any information withheld from the public, such information must fall within the definition of proprietary information contained within Nebraska's public record statutes. All proprietary information the vendor wishes the state to withhold must be submitted in a sealed package, which is separate from the remainder of the response. The separate package must be clearly marked PROPRIETARY on the outside of the package. Vendor may not mark their entire Request for Information as proprietary. Failure of the vendor to follow the instructions for submitting proprietary and copyrighted information may result in the information being viewed by other vendors and the public. Proprietary information is defined as trade secrets, academic and scientific research work that is in progress and unpublished, and other information which if released would give an advantage to business competitors and serve no public purpose (see Neb. Rev. Stat. § 84-712.05(3)). In accordance with Attorney General Opinions 92068 and 97033, vendors submitting information as proprietary may be required to prove specific, named competitor(s) who would be advantaged by the release of the information and the specific advantage the competitor(s) would receive. Although every effort will be made to withhold information that is properly submitted as proprietary and meets the State's definition of proprietary information, the State is under no obligation to maintain the confidentiality of proprietary information and accepts no liability for the release of such information.

H. REQUEST FOR INFORMATION OPENING

The sealed responses will be publicly opened, and the responding entities announced on the date, time, and location shown in the Schedule of Events. Vendors may contact the state to schedule an appointment for viewing RFI responses if desired.

III. PROJECT DESCRIPTION AND SCOPE OF WORK

The bidder should provide the following information in response to this Request for Information.

A. PURPOSE AND BACKGROUND

The Nebraska Department of Transportation (NDOT) is seeking input from interested parties to inform the NDOT Policy for Accommodating Utilities on State Highway Right-of-Way ("Utility Accommodation Policy") particularly for the installation of fiber within state owned right-of-way, including Interstate and Freeway corridors. Recent developments on the national level have provided for state broadband infrastructure deployment programs ("Deployment Programs") with the purpose of supporting the construction and deployment of broadband infrastructure designed to deliver service that meets a statewide goal of attaining universal access of residents to broadband. These Deployment Programs are gaining interest within the industry and provide a unique opportunity for Broadband Internet Service Providers and NDOT to partner in the development of the Utility Accommodation Policy, as it relates to Broadband and underground utility facility installations.

Any state, who is receives or is eligible to receive federal funding for their highway construction projects, is required to provide a policy for accommodating utility facilities within the State Highway Property. Additional requirements for such states are outlined in 23 CFR Part 645 Utilities. NDOT is in the developmental stages of an updated NDOT Utility Accommodation Policy and is seeking input from the industry on such topics as the advantages and disadvantages to installing longitudinal facilities within the Interstate and Freeway corridors, other highway corridors that would be targeted to provide middle-mile broadband to unserved and underserved communities, considerations for collocating and utilizing a dig once policy, and what restrictions or concerns do the Broadband Internet Service Providers in the area have. Any company, group, or entity that has a particular interest in this topic, who may ultimately apply for funding as part of the Deployment Programs, public and private entities that may be interested in contributing assets or providing support for the Deployment Programs in other ways, public interest, and consumer representatives, is invited to respond to this RFI.

B. OVERVIEW OF FEDERAL BROADBAND DEPLOYMENT PROGRAMS

1. American Rescue Plan Act (ARPA) & Coronavirus Capital Projects Fund (CPF) Programs

Congress has recognized that "access to affordable, reliable, high-speed broadband is essential to full participation in modern life," and that the digital divide "is a barrier to...the equitable distribution of essential public services, including health care and education". The 2021 American Rescue Plan Act ("ARPA") Coronavirus Capital Projects Fund ("CPF") allocated \$10 billion for states to invest in high-quality, modern infrastructure to support communities' critical needs as they recover from the COVID-19 public health emergency. The CPF allows for investment in the construction and deployment of broadband infrastructure projects that are designed to deliver service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps. Recipients are encouraged to focus on last-mile connections, and service providers for completed projects must participate in the FCC's [Affordable Connectivity Program](#). More detail on the CPF can be found on the Department of Treasury's Capital Projects Fund [Website](#).

2. Infrastructure Investment & Jobs Act (IIJA) & Broadband Equity, Access, & Deployment (BEAD) Program

The federal Infrastructure Investment and Jobs Act ("IIJA") established six broadband programs with the goal of closing the digital equity gap and providing broadband access to the entire country. The largest of the IIJA programs is the Broadband Equity, Access, and Deployment ("BEAD") Program, which will provide each state with at least \$100 million to support broadband infrastructure deployment and adoption in unserved areas, underserved areas, and community anchor institutions. More detail on the IIJA broadband programs can be found on the National Telecommunications and Information Administration's [Website](#).

The federal BEAD Program surpasses previous investments in broadband by a significant margin, with each state, including Nebraska, receiving at least \$100 million for broadband planning, deployment, mapping, equity, and adoption activities. This program prioritizes funding of projects based on two categories of broadband service locations defined within the IIJA:

- a. Unserved location
- b. Underserved location

Under the BEAD Program, states must prioritize funding for unserved service projects, in which "not less than 80 percent of broadband-serviceable locations served by the project are unserved locations." Once unserved locations are ensured coverage, states may then use remaining funds for underserved service projects, in which "not less than 80 percent of broadband-serviceable locations served by the project are unserved locations or underserved locations," and lastly to community anchor institutions lacking access to 1 Gbps service.

3. Deployment Program Goals

The CPF Broadband Infrastructure Program funding, together with pending funding for the BEAD Program, will allow eligible entities to significantly expand access to affordable and reliable internet service for all, especially low-income and underserved areas of the State. The Deployment Programs will directly enable residents the ability to participate in modern social and economic life, including telework, remote learning, and online health services, while building future-proof infrastructure to serve their long-term needs.

4. Middle Mile Network Infrastructure

Middle mile infrastructure generally refers to the physical mid-section of the infrastructure required to enable internet connectivity for homes, businesses, and community institutions. Expansion and extension of middle mile infrastructure can reduce the cost of connecting unserved and underserved areas to the backbone of the Internet and improve connection resiliency by preventing single points of network failure.

Many states are expanding middle mile networks as a means of ensuring communications to communities within the state and to facilitate last mile deployments by Broadband Internet Service Providers.

C. BROADBAND ACCESS IN NEBRASKA

The FCC data, as seen in the [Nebraska Broadband Availability Map](#), suggests that many Nebraska households are unserved or underserved. Connecting those unserved or underserved households to broadband infrastructure is key to the success of the Deployment Programs. NDOT operates and maintains approximately 10,000 miles of [highways in the state of Nebraska](#) to provide the best possible statewide transportation system for the movement of people and goods. NDOT allows utility companies to install facilities within the State Highway Right-of-Way to provide continuity for their infrastructure, subject to the NDOT Utility Accommodation Policy and the NDOT permitting process. Since both parties have a shared interest in aligning the goals of each, assistance, and input from the Broadband Internet Service Providers in the area can be used in the development of the NDOT Utility Accommodation Policy.

D. REQUEST FOR INFORMATION GOALS

Being able to assist Broadband Internet Service Providers in providing broadband to unserved and underserved Nebraska residents and maintaining a high level of safety within the statewide transportation system is essential to NDOT.

1. Identify strategies for structuring and/or implementing the Deployment Programs, and to stimulate interest in providing middle-mile broadband access to all unserved and underserved residents of the State.
2. Identify ideas and/or recommendations on how to facilitate construction and deployment of broadband infrastructure to meet State broadband goals, as described below.
3. Identify regions or gaps in coverage data related to access, speed, affordability, and reliability, and methods to obtain such data.
4. Identify suggestions on how the State can leverage partnerships, utilize existing assets, coordinate broadband deployment with other infrastructure improvements, and/or take other steps to expedite broadband deployment and reduce costs.
5. Identify potential challenges and/or barriers to the expansion of broadband access for unserved and underserved areas of Nebraska.
6. Identify if any barriers and/or challenges are removed if NDOT specifically provides access to the right-of-way within the interstate/freeway system and if allowing access to the interstate/freeway corridors aids in the installation of broadband infrastructure?
7. Obtain information on potential technology solutions that might enable broadband access for underserved and unserved areas of Nebraska, and when applicable, how to accommodate these solutions on NDOT's Right of Way.
8. Identify regional considerations that might be relevant to the Deployment Programs' ability to meet its goals.
9. Identify barriers that may prevent residents and/or businesses from taking advantage of the benefits of broadband service, and approaches to ensure all Nebraska residents and businesses have access to broadband at reasonable costs.

E. RFI RESPONSE INFORMATION, REQUIREMENTS, AND QUESTIONS

Questions in this section are specific to Broadband Internet Service Providers that would be interested in installing broadband facilities within the State Highway Right-of-Way, either in a network individually or in partnership with one or more other Broadband Internet Service Providers. For information that is claimed to be proprietary and/or confidential, please follow the procedures set forth in Section II.F & G.

NDOT welcomes ideas and recommendations from all interested or potentially interested broadband stakeholders. **Respondents are not required to submit responses pertaining to every question**, but NDOT encourages interested parties to respond to all aspects of this RFI that are relevant to them.

Providing a response to any or all the questions is not mandatory, nor is it a condition of qualification for any potential future requests from the NDOT. The RFI Questions in the section are specifically directed to Broadband Internet Service Providers and/or interested parties that would intend to own or operate a Broadband network individually or with a partner or partners. You should feel free to answer any other questions in your capacity as an interested party and based on your knowledge.

1. **GENERAL**

- a. Please identify yourself and any organization(s) you represent in this RFI.
- b. Please briefly describe your experience, capabilities, and qualifications in the broadband sector, including other networks your organization has designed, built, maintained, or operated.
- c. Identify any Nebraska municipalities and/or regions that you represent or in which you conduct, or would conduct, business as a current or potential broadband service provider.
- d. Describe the assets and capabilities you have that might lead you to participate in the expansion of broadband access in Nebraska, including, but not limited to, fiber, conduits, towers, poles, and other physical infrastructure.
- e. If you are considering participating in the Deployment Programs, describe in which program(s) and in what capacity you would consider participating (e.g., as a last mile provider, middle mile provider, or other).
- f. For any respondents that are non-incumbent providers, or that may constitute a potential partnership of a non-incumbent with an incumbent, please summarize the business model you would consider proposing, including but not limited to the division of network and operations responsibility and ownership. How would your business plan help to meet the State's goals? What are the State's main areas of risk, and how will you attempt to reduce the risk to the State?
- g. Do you foresee any obstacles, such as requirements or processes, to your participation? If so, please explain with the greatest specificity possible.
- h. Are there specific middle-mile or backhaul gaps that should be addressed within the State for which your potential project is especially suited? Explain how you would prioritize which areas should be constructed first, and why.
- i. Does your company have an active business model for planning, design, and constructing middle-mile broadband installations? Is your company looking to proceed with a middle-mile business model within the next five (5) years?
- j. How long are most middle-mile broadband installations performed by your company?
- k. Are your broadband networks constructed with redundancy built into them or do you primarily install single-threaded broadband networks?

2. **NEBRASKA HIGHWAY CORRIDORS, REGIONS, & NATURAL DISASTERS**

- a. Currently NDOT does not allow longitudinal installations of utility facilities within the Interstate and Freeway right-of-way. What are the advantages and disadvantages to your business if the policy is modified to allow parallel installation within these corridors?
- b. Are the Interstate and Freeway corridors being targeted or desired for broadband installation?
- c. Given the [Nebraska Broadband Availability Map](#) and your own information, what additional regions and communities are being targeted or prioritized for middle-mile broadband installations? Would your company be willing to provide any additional information you have pertaining to the locations of unserved and underserved communities within Nebraska?
- d. What middle mile locations/corridors are needed to connect the unserved and underserved areas in Nebraska?
- e. Please describe any specific geographic considerations and/or barriers that you believe might impair your company's deployment of broadband, and your proposed solutions for addressing those regional considerations/barriers.
- f. Describe any specific threats to broadband infrastructure that may be caused by extreme weather and climate events such as (1) increased precipitation and flooding; (2) fire; and (3) storm damage to aerial infrastructure. Which technical and regulatory solutions do you recommend and why?

3. PARTNERSHIPS, COLLOCATION, AND DIG ONCE

- a. What are the advantages and disadvantages, as a business, to collocating or being in the same trench or multi-duct system?
- b. Would you be willing to provide open infrastructure for use by other providers in some way, shape or form? Why or why not and if so, what infrastructure and how?
- c. What is your company's stance on collocation or being in the same trench or multi-duct system with other Broadband Internet Service Providers? With NDOT, municipalities, or other government agencies?
- d. How does your company or entity perceive the concept of Dig Once? Is this a common business practice employed by your company?
- e. What type of utility installations are conducive to joint-trenching or Dig Once?
- f. Would you be willing to partner with other broadband providers and/or municipalities to provide broadband access to underserved and unserved areas of Nebraska? If so, please explain under what circumstances you would be willing to enter such partnerships.
- g. Are there strategic partners whose cooperation would enhance your ability to deliver services under the Deployment Programs and/or reduce your time and cost to deploy? If appropriate, please list the partners you are currently working with or could be interested in working with in the future.
- h. How does your company propose to communicate, coordinate, and cooperate with other Broadband Internet Service Providers during collocation efforts?
- i. Is your company willing to take the lead on a joint construction project with other Broadband Internet Service Providers? What are the advantages and disadvantages for your company to take the lead?
- j. Currently, NDOT only programs construction projects to install NDOT owned fiber to aid in the state highway transportation system. What are the advantages and disadvantages should NDOT consider programming construction projects to install a multi-duct system for the use of other Broadband Internet Service Providers? Is this proposal consistent with the current process which has resulted in a robust middle-mile network across Nebraska?
- k. If NDOT does undertake the type of project noted in the question above, is your company interested and willing to be a competent private industry partner who will help build and manage the project, including conducting the design, construct and (possibly) manage the NDOT fiber and/or conduit.
- l. How might NDOT allow the large number of permittees to install utility facilities within the same stretch of Highway Right-of-Way while maintaining a systematic/methodical use of the available right-of-way.

4. RESTRICTIONS OR CONCERNS

- a. What restrictions or concerns does your company have with the Deployment Programs that would affect your deployment of broadband?
- b. Are there any barriers or hurdles your company sees with future broadband deployment?
- c. Are there any regulations or laws, or is there a need for regulations or laws, to meet the goals of the Deployment Programs to expand broadband services to underserved or unserved locations? Please explain?

5. OTHER

- a. What other approaches do you believe could be successful in connecting all Nebraska residents with access to broadband at affordable costs?
- b. Please describe any issues about pole attachment complications, and other core infrastructure issues that could delay or adversely impact network construction, and any potential solutions that could be leveraged through changes to NDOT's current Utility Accommodation Policy.
- c. Are aerial broadband installations being considered at an alternative deployment practice? If so, is there a cost difference with installing aerial infrastructure or is it less advantageous? Some stakeholders have expressed that aerial telecommunications infrastructure is susceptible to delays due to attachments or 'make ready' work and is an operational risk due to the potential for storm damage.
- d. How could your company's deployment project or the Deployment Programs be coordinated with state or municipal road improvements, or other telecommunications carrier, broadband service provider, or utility trenching events? If coordination did occur, what would that look?

- e. Do you have any other general comments and/or recommendations relating to how NDOT might structure the Broadband section of the NDOT Utility Accommodation Policy to best achieve its goals? If so, please elaborate.
- f. Are there any other concerns that the NDOT should consider?
- g. Please provide any other comments and/or recommendations relevant to the NDOT Utility Accommodation Policy, NDOT highway construction projects, or NDOT permitting process.

Form A

Vendor Contact Sheet

Request for Information Number R229-23

Form A should be completed and submitted with each response to this solicitation document. This is intended to provide the State with information on the vendor's name and address, and the specific persons who are responsible for preparation of the vendor's response.

Preparation of Response Contact Information	
Vendor Name:	
Vendor Address:	
Contact Person & Title:	
E-mail Address:	
Telephone Number (Office):	
Telephone Number (Cellular):	
Fax Number:	

Each vendor shall also designate a specific contact person who will be responsible for responding to the State if any clarifications of the vendor's response should become necessary. This will also be the person who the State contacts to set up a presentation/demonstration, if required.

Communication with the State Contact Information	
Vendor Name:	
Vendor Address:	
Contact Person & Title:	
E-mail Address:	
Telephone Number (Office):	
Telephone Number (Cellular):	
Fax Number:	