

Town of Sudbury
Notice of RFP
Request For Proposals for
Programming, Management and Operation of PEG Access
In the Town of Sudbury, Massachusetts

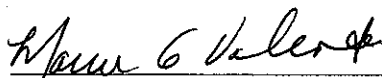
The Town of Sudbury, Massachusetts, acting through its Town Manager, is soliciting proposals for provision of Public, Educational and Governmental (PEG) Access services in Sudbury.

The initial term of this contract will be three years. The contract may be renewed based on acceptable performance during the initial term. The term of any renewal contract will be negotiated between the parties for a period not to exceed three years.

The proposal and 10 copies must be received at the Town Manager's Office, 278 Old Sudbury Road, Sudbury, MA 01776, by 2:00 p.m., Friday, February 1, 2008. All proposals must be in a sealed envelope, clearly marked "Proposal For Programming, Management and Operation of PEG Access" together with the proposer's name, address, and due date.

The RFP may be obtained from the Town Manager's Office at the above address Monday through Friday, between 9:00 a.m. and 5:00 p.m. In addition, RFP's will be mailed to interested parties by calling the Town Manager's office at (978) 639-3382, and requesting a copy.

The Town reserves the right to reject any and all proposals, wholly or in part, and to accept any proposal or part thereof deemed to be in the best interest of the Town.



Maureen G. Valente, Town Manager

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Section 1. Introduction

Two cable operators presently serve Sudbury: Comcast and its predecessors have been licensed since 1985, and the Comcast license will expire on November 15, 2010. Verizon is operating under a final license that was effective February 13, 2007, which expires February 12, 2022.

Since the Town awarded its first cable television license, Comcast and its predecessors have provided and operated studio facilities, produced local cable programming (technically Public, Educational and Governmental (PEG) Access programming and Local Origination programming) for Sudbury and distributed this programming to all its subscribers.

The Board of Selectmen considers the local interest is having a Designated Access Provider take over the PEG Access programming function and to provide programming to all Sudbury cable subscribers. Additionally there is a presently strong interest in such an organization providing such services at the present time. Many residents wanted additional materials produced for the benefit of local institutions and activities.

The Town intends that the Designated Access Provider shall initially operate from the current studio and select its final studio location within one year after contract award.

Former Comcast equipment to be made available for use by the Designated Access Provider under the terms of this agreement is provided "as is." Equipment purchased by the Town or Designated Access Provider, and former Comcast equipment made available for use by the Designated Access Provider under the terms of the agreement established pursuant to this RFP, will be the property of the Town upon termination of the contract. Any costs associated with repair or replacement of this equipment are the responsibility of the Designated Access Provider.

The Designated Access Provider shall be responsible for the quality of all PEG Access productions. The cable operators will monitor the PEG Access channels for technical quality and will ensure that they continue to meet FCC technical standards.

Section 2. Project Scope

This RFP is for PEG Access services as described herein.

The designated PEG Access provider shall manage the PEG Access channels, equipment and facilities on a non-discriminatory basis.

The designated PEG Access provider shall be exclusively responsible for cablecasting PEG Access programming in the Town of Sudbury.

The designated PEG Access provider shall coordinate PEG Access programming with all operators providing cable television services in the Town of Sudbury.

With respect to the public access channels, the designated PEG Access provider shall: be responsible for programming free from censorship of program content; develop and promote programming including but not limited to cultural, literacy, educational and public affairs content; make the public access facilities and channels available in a non-discriminatory manner to encourage the exchange of ideas and opinions on a broad range of topics; assume responsibility for fund-raising to supplement Public Access programming; and be responsible for consistent outreach to the various segments of the community to encourage use of the public access channels.

The designated PEG Access provider shall provide Educational and Governmental Access programming in consultation with the Sudbury Public Schools and Town Manager, respectively, and assume such other responsibilities related to this production as the designated PEG Access provider and the Town Manager, for Governmental Access, and the Superintendent of Schools, for Educational Access, may mutually agree upon.

In addition, a goal of the designated PEG Access provider shall be to provide or hold workshops for the purpose of teaching television skills to individuals and community groups; manage funds designated for PEG Access television; schedule PEG Access cablecasting, manage and maintain PEG Access facilities and equipment; and be responsible for ensuring an acceptable level of technical quality of all programs cablecast on its system, pursuant to FCC regulations. While individuals and community groups may submit programming that was produced outside of the studio, the designated PEG Access provider shall not be obligated to cablecast any PEG Access program that does not meet FCC technical standards. However, a decision not to cablecast a program due to technical problems shall in no way involve

consideration of the actual content of the program. The designated PEG Access provider shall not be held responsible for technical problems under control of a cable operator.

The designated PEG Access provider shall have or create operating policies and procedures governing PEG Access including but not limited to use of equipment and facilities, training programs, membership, outreach activities, and cablecasting procedures.

The designated PEG Access provider shall maintain a log of programming that is cablecast on the PEG channels, and a record of PEG producers. Logs shall be available for public inspection and retained by the designated PEG Access provider for a minimum of three years.

The Designated PEG Access provider shall institute a program for storage in a permanent archive of all materials produced or cablecast.

The designated PEG Access provider shall cablecast all annual and special Town Meetings, public hearings preliminary to Town Meetings, Board of Selectmen and School Committee meetings, and other committee meetings and community events as requested. The designated PEG Access provider is encouraged to add to this list other governmental meetings (e.g., Board of Appeals) and meetings of general interest (e.g., "Candidates Nights" as sponsored by various groups) as funding permits and with concurrence of the hosts of the meetings.

Cablecasting of governmental meetings shall include an initial live cablecast and at least three subsequent cablecasts of the recordings within one week of the original session. The timing of the subsequent cablecasts should span a range of times during the day (e.g., morning, afternoon, evening) so as to be accessible to as many subscribers as possible.

The directors, managers and staff of the designated PEG Access provider shall make themselves available from time to time to advise the Town on matters concerning PEG Access.

The designated PEG Access provider shall engage in outreach activities designed to inform Town residents and organizations about the availability and use of PEG Access channels and to encourage their use.

The designated PEG Access provider will provide a community calendar on the Public Access channels for the purpose of announcing programming and access services, making public service announcements, and allowing the Town, the School Department and nonprofit organizations to make certain announcements. The community calendar shall be updated

regularly. The community calendar shall be cablecast when regular programming is not scheduled.

The designated PEG Access provider will publicize each week's programming schedule in the previous week's issue of at least one local weekly newspaper, which, until further direction, is to be the Sudbury Minuteman. The designated PEG Access provider shall create and maintain a Web site that allows access to an up-to-date copy of, at a minimum, the current and following weeks' programming schedules, the Community calendar and timely notification of planned schedule changes.

The designated PEG Access provider shall be responsible for locating, arranging for use of, managing and maintaining facilities, including payment for rent, for PEG Access purposes under this agreement.

The designated PEG Access provider shall maintain accounting, budget, and business systems for the management, operation, protection, investment, and oversight of the facility and public access services that comply with generally accepted accounting principles.

The designated PEG Access provider shall take proper precautions to protect its on-loan and owned property. In particular, it shall establish a system of identity tags on all equipment and a log of all equipment loans or moves so that the whereabouts of each piece of equipment is known at all times.

All meetings of the Board of Directors of the successful proposer shall be open to the public and advertised by publication and posting on the Town's bulletin Board clearly describing the entity and disclosing its non affiliation with the Town except as an independent contractor.

Section 3. Instructions to Proposers

RFP Availability

The RFP may be obtained from the Town Manager's Office, 278 Old Sudbury Road, Sudbury, MA 01776, between 9:00 a.m. and 5:00 p.m. Monday through Friday, or will be mailed to interested parties by calling the Town Manager's office at (978)639-3382, or may be obtained on the Town's web site. In the event that the RFP is obtained on the Town's web site, it is incumbent upon the potential proposer to register with the Town Manager's office to ensure receipt of any addenda which may be issued.

Requests for Information/Addenda

Questions concerning this RFP may be addressed to the Town Manager's Office Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Requests for interpretation or supplemental information must be in writing and must be received by the Town Manager's designee, Mary McCormack, (mccormackm@sudbury.ma.us) by mail, delivery, e-mail or fax no later than 5:00 p.m., January 28, 2008. Any interpretation or supplemental information to proposers will be issued in the form of written addenda to the RFP and will be sent by e-mail or fax to all persons on record as having received the RFP no later than 4:00 p.m., January 29, 2008. Addenda will also be posted on the Town's web site.

Site Visit

A site visit to the existing studio can be arranged for each proposer who requests such a visit by calling the Town Manager's office, phone 781-862-0500, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Submittal Process

Proposers shall submit a sealed Proposal clearly marked "Proposal for Programming, Management and Operation of PEG Access, along with the proposer's name, address and due date.

Proposals (10 copies) must be received by the Town Manager's Office, 278 Old Sudbury Road, Sudbury, MA 01776, no later than 2:00 P.M., February 1, 2008.. Regardless of the cause of delay, proposals not received by that time will not be considered.

The responsibility for assuring the receipt of proposals before the specified closing time is incumbent upon the proposers.

Proposal corrections, modifications, or withdrawals may be submitted until the proposal deadline; any such shall be in writing in a sealed envelope appropriately labeled and delivered to the Town Manager as indicated above.

Section 4. Proposal Submission Requirements

Minimum Requirements

To be considered responsive, proposals must address the following:

1. Provide evidence that the proposed organization is a 501(c)(3) corporation. If the proposer is not already such a corporation, the proposal must include a statement of the

proposer's willingness, ability and intention to form such a corporation within three months of the date of the contract with the Town. The proposer must bear the cost of incorporation if such corporation does not already exist.

2. Provide a statement of intent to locate the proposed PEG Access facility in Sudbury for the entire term of the contract.
3. Proposals shall provide that all equipment acquired during the term of the contract will become the property of the Town at the termination of the contract.
4. The Proposer must complete non-collusion and tax compliance certifications (attached).
5. The Proposal must include the following:
 - .1 Name of contact person (including phone and fax numbers, address, and email address).
 - .2 Name and address of all partners, officers, and directors and any other person with an interest.
 - .3 Names of any Town officials or employees who are related to any of the partners, officials or directors working on the project, or others who have any interest in the Proposer.
 - .4 Contact name, phone number for references.
 - .5 A description of the general skills of the Proposer, and any specific skills to be brought to this proposal. Any certifications/licenses shall be provided.
 - .6 Other information which will document the Proposer's capabilities and qualifications for the project

Additional Required Information. For purposes of comparative evaluation, proposals must additionally include the following:

1. A statement of philosophy about PEG Access, including the proposer's vision for PEG Access operations. This statement should include its goals, planning, projections and expectations for public access programming, including hours of operation, percentage of locally-produced programming, sources of external programming, ratios of original/repeat and locally/non-locally produced programming.
2. A 3-year business plan that demonstrates allocation of resources, staffing plans, program development, procurement and maintenance of equipment purchased by the organization, and management of PEG Access facilities;
3. Qualifications of proposed or existing principal staff;
4. A sampling of proposed outreach activities;
5. A proposal for assessing community needs, interests and concerns, and for demonstrating responsiveness to those assessments; and

6. A proposal for enhancing the basic funding provided for public access through grants, underwriting, relationships with outside entities, and other fundraising activities.

Proposals may include any other information that will help the Town understand and evaluate the proposer's qualifications, commitment to PEG Access and to the Town of Sudbury.

Section 5. Acceptance or Rejection of Proposals

The Town of Sudbury reserves the right to accept or reject any or all proposals, to waive minor informalities, and to make awards as may be deemed to be in the best interest of the Town. Those who enter into contractual obligations with the Town of Sudbury must not discriminate against qualified, handicapped individuals in their employment decisions. The Town will evaluate the proposals submitted and either accept one proposal or reject all of the proposals.

The Town reserves 60 days from the proposal deadline to make an award if it is in the best interests of the Town to do so.

More than one proposal from the same proposer, whether or not the same or different names, shall not be considered. Reasonable proof for believing that any proposer is interested in more than one proposal for the work contemplated shall cause the rejection of said proposals made by him, directly or indirectly.

Material submitted in response to this RFP will not be considered confidential under the terms of the Massachusetts Public Records Law.

Section 6. Evaluation Criteria

Proposals may include any other information that will help the Town understand and evaluate the proposer's qualifications, commitment to PEG Access and to the Town of Sudbury.

In general, proposer must be responsive to the requested information set forth in the RFP. Proposers submitting proposals deemed to be non-responsive shall be given a ranking of Unacceptable.

Proposals will be evaluated on the basis of how well each meets the needs, interests and objectives of the Town in three areas: governance, policies and procedures and business plan. The Town will negotiate a contract with the organization that submits the proposal rated highest using these criteria. With respect to each criterion, proposals will be determined to be Highly

Acceptable, adequately meeting the needs of the Town; Acceptable, meeting some of these needs or meeting all of them minimally; or Unacceptable, not meeting these needs satisfactorily.

Policy Development. The PEG Access provider should demonstrate in its statements of PEG Access philosophy a broad understanding of and support for the goals of PEG Access in the Town of Sudbury.

Governance Structure. The PEG Access provider should have a governance structure that is adequate to provide guidance to and control over the organization, and, at the same time present the broadest representation of the community of users and the community of Sudbury.

Financial and Management. The PEG Access organization should describe proposed plans for financial management adequate to assure control over the capital and operating funds of the organization and, at the same time, present the broadest opportunities for PEG Access for the community of users and the community of Sudbury.

Staffing. The PEG Access organization should describe the experience and technical quality of existing or proposed staff sufficient to assure the highest levels of production quality.

Outreach Activities. The PEG Access organization should describe proposed plans for outreach activities designed to inform Town residents and organizations about the availability and use of PEG Access channels and to encourage their use.

Needs Assessment. The PEG Access organization should describe proposed plans for assessing community needs, interests and concerns, and for demonstrating responsiveness to those assessments; and

Revenue Enhancement. The PEG Access organization should describe proposed plans for enhancing the basic funding provided for public access through grants, underwriting, relationships with outside entities, and other fundraising activities.

Section 7. Award of Contract

Final selection will be made by the board of Selectmen after interview of the final applicants at a public meeting. Contract award, if any, will be made by the Town Manager upon determination of the most advantageous proposal from a responsible, qualified and responsive proposer, taking into consideration all evaluation criteria set forth in the RFP, and as voted by the Board of Selectmen.

Section 8. Minimum Contract Provisions

After one organization is selected as the most qualified proposer, the organization shall be notified and negotiations initiated to reach agreement on a contract. After negotiations, Town Counsel will approve the final agreement to be submitted to the Town Manager for signature with the prior approval of the Selectmen.

If for some reason agreement cannot be reached, then, with the approval of the Town Manager, discussions with the top-ranked organization are closed, it is so notified, and the second-ranked organization is invited to undertake negotiations. This process can continue to the third-ranked organization, and beyond, if agreement cannot be reached.

Payment for Services. The designated PEG Access provider will receive operating funding for PEG Access services, as a portion of the revenues received by the Town from Comcast and Verizon.

Term of Contract. The initial term of this contract will be three years. The contract will be renewable based on the performance of the designated PEG Access provider in meeting its objectives not to exceed three years for any renewal. The Town will measure success in this context based on reports submitted by the designated PEG Access provider and on opinions of the public as determined by polling, questionnaires, public hearings and other means.

Liability. The designated PEG Access provider as well as the corporation and proposers will require every access user to indemnify the Town of Sudbury and the designated PEG Access provider and hold both harmless against any claims arising out of program or program material produced and/or cablecast, including but not limited to, claims in the nature of libel, slander, invasion of privacy or publicity rights, non-compliance with applicable laws, license fees and the unauthorized use of copyrighted material and will require every access user to do so.

The designated PEG Access provider will maintain workers' compensation, general liability, comprehensive and non-owned vehicle liability insurance coverage in an amount to be determined naming the Town as an additional insured throughout the term of the contract, and will provide the Town with certificates of such insurance on an annual basis.

Termination. The Town will require that any contract include provisions for its termination, including termination upon the adjudication of the bankruptcy of the designated PEG Access provider and termination if the Town determines that the Designated PEG Access provider has failed to fulfill its responsibilities pursuant to the terms and conditions of the

contract. The Town will agree to provisions which balance the interests of the designated PEG Access provider with those of the Town, and to balanced procedures for hearings into matters of breach or non-performance. The Town will require that upon termination of the contract, the Town and the designated PEG Access provider will agree as to disposition of outstanding obligations of the designated PEG Access provider, and the disposition and transfer of all equipment acquired under the terms of the Renewal License and any and all equipment acquired by the designated PEG Access provider by other means.

Public Performance Evaluations. Every year, within ninety days of the anniversary date of the execution of the PEG Access contract, the designated PEG Access provider shall take part in a public performance evaluation, in the form of a public hearing conducted by the Board of Selectmen. The process and conduct of this evaluation will be determined by the Town and communicated to the designated PEG Access provider within the first thirty days of the ninety day evaluation period. The purpose of said evaluation will be to determine whether the designated PEG Access provider is performing its responsibilities pursuant to the contractual agreement including, without limitation, public access programming, managing the annual payments for PEG Access, training residents and scheduling PEG Access channels. After the first performance evaluation, the frequency of said evaluations may be changed by the advance, mutual written agreement of the Town and the designated PEG Access provider. Specific performance criteria may be made part of the contract.

Reporting Requirements. Within ninety days after the end of each calendar year or fiscal year established by the PEG Access provider, the designated PEG Access provider will provide, at its own expense, financial and operating reports to the Town Manager. All reports shall be accessible to the public through the Web site created and maintained by the designated PEG Access provider.

The Town may require that the annual financial report include the results of a complete financial audit by an independent outside auditor.

The operating report may reflect input received from community members and organizations, and will serve as a means of evaluating the performance of the designated PEG Access provider and identifying new goals and directions. The operating report shall include the following information:

For the just-completed year,

- Results of fundraising
- Statistics on number of residents trained, number of hours of public programming, etc.
- Number of hours by type of programming
- Inventory of all equipment with both a qualitative statement of condition and a planned date for replacement for each piece of equipment as of the end of the just-completed fiscal year.

For the next year,

- Budget for next year by category. The budget should include an item to cover the cost of replacing equipment according to the replacement plan, and a reserve for replacing equipment that unexpectedly fails.

- Fundraising targets.
- Number of hours by type of programming planned for the next year
- Plans for expanding existing services and adding new services
- Plans for equipment upgrades
- Plans for expanding training capabilities.

The successful contractor will:

1. Schedule, operate and program the PEG Access Channel(s) provided in accordance with its proposal, or as mutually agreed;
2. Manage annual funding;
3. Purchase and/or lease equipment,
4. Operate and maintain a PEG Access studio in the Town for Sudbury for Subscribers and other users in accordance with its proposal or as otherwise agreed;
5. Conduct periodic training programs for Sudbury residents and members of Sudbury-based organizations in the skills necessary to produce PEG Access programming;
6. Provide access to production and post-production equipment and facilities, and technical assistance, to PEG Access users, in accordance with PROPOSER Policies and Procedures;
7. Establish rules, procedures and guidelines for the use of the PEG Access Channel(s);
8. Engage in publicity, fund-raising, outreach, referral and other activities to support PEG Access;
9. Provide Lincoln-Sudbury Regional High School faculty and staff with reasonable access to studio facilities;

10. Accomplish such other tasks relating to the operation, scheduling and/or management of the PEG Access Channel, facilities and equipment as PROPOSER may consider appropriate and necessary; and
11. Producing and cablecasting events of interest to Sudbury Subscribers including, but not limited to, governmental meetings, public hearings, and other Sudbury events.

Section 9. Appendix

1. Certificate of Taxes/Tax Attestation
2. Certificate of Non-collusion

TAX ATTESTATION

Pursuant to M.G.L. Chapter 62C, sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Social Security Number or
Federal Identification Number

Signature of Individual or
Corporate Name

By: _____
Corporate Officer (if applicable)

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid, or proposal, has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature of Individual, or
Corporation Name

By: _____
Corporate Officer & Title (if applicable)

AFFIX CORPORATE SEAL