

Resolution # TC-1756
Public-Private Initiative Guidelines
install fiber optic telecommunications

Transportation Commission
Regular Meeting Agenda Item #19
July 23, 2009

WHEREAS, the Public-Private Initiatives Program Act, C.R.S. 43-1-1201 et seq., allows the Colorado Department of Transportation (CDOT) to solicit and consider proposals, execute agreements, grant public benefits and accept private contributions for public-private initiatives; and

WHEREAS, the Transportation Commission of Colorado adopted Public-Private Initiative Guidelines (TC-658 August 20, 1998) to provide guidance and procedures consistent with the Act for solicitation, evaluation and selection of public-private proposals; and

WHEREAS, over the past several months several interested companies/parties have approached the Department requesting access to Interstate and controlled-access highways rights-of-way either to install fiber optic telecommunications cable or to access existing CDOT dark fiber in these corridors; and

WHEREAS, the Department believes it will incur a direct benefit by providing access to such Interstate and controlled-access highways rights-of-way by partnering with interested companies/parties that will contribute fiber optic facilities (conduit, fiber optic cable, pull boxes, and other related services), which will be used to expand, operate and manage the Department's Intelligent Transportation System infrastructure and network; and

WHEREAS, the Department believes there will be a direct economic benefit to the citizens of Colorado by companies expanding their high-speed telecommunications to areas that are currently either underserved or unserved; and

WHEREAS, based on the aforementioned information and in accordance with the Public-Private Initiatives Program Act and the Public-Private Initiatives Guidelines the Department seeks to issue a separate Request for Proposal (RFP) to solicit proposals from interested companies/parties that desire either to install fiber optic telecommunications cable or to access existing CDOT dark fiber in

**exchange for a private contribution and/or exchange for services;
and**

WHEREAS, the federal government as part of the national stimulus funding program has approved \$7.2 billion dollars in grants and/or loans to expand broadband, which grants and/or loans funds are available through the National Telecommunications Association (NTIA) and the Rural Utility Services Program (RUS); and

WHEREAS, on July 3, 2009 NTIA and RUS issued a Final Notice of Funds Availability (NOFA) and solicitation of applications that describes the purpose, process, eligibility, criteria and scoring parameters, project benefits, project viability, project budget and sustainability, timeframes and other related information necessary to solicit grants and/or loans; and

WHEREAS, NITA purpose is to emphasize underserved and unserved areas focusing on health care, public safety and education, and RUS purpose is to emphasize remote, unserved and rural areas focusing on distance learning, telemedicine and broadband to support economic development: and

WHEREAS, the Governor has appointed the Office of Information Technology (OIT) as the lead state agency to: 1), identify, in conjunction with NTIA and RUS grant criteria, statewide strategic broadband deployment goals, develop maps and materials, 2), be a “clearing house” to coordinate and approve all prospective state grant applications, and 3), evaluate all grant applications submitted by non-state entities as part of the NTIA and RUS grant process and provide recommendations concerning such applications to NTIA and RUS; and

WHEREAS, the Department has been working closely with OIT to understand the NTIA and RUS grant process, OIT’s statewide strategic deployment goals and how that might specifically pertain to state highway rights-of-way that could potentially be utilized for broadband deployment as back haul and/or middle mile implementations; and

WHEREAS, OIT has determined that state agencies will not submit NTIA or RUS broadband applications during the first round solicitation, which is from July 14, 2009 through August 14, 2009, but will most likely submit broadband applications in the second and third rounds, which are anticipated to be December 2009 and May 2010 respectively, based on statewide strategic broadband

deployment goals and in conjunction with first round solicitation project awards to non-state entities.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the Department's request to issue a RFP Request for Proposal (RFP) to solicit proposals from interested companies/parties that desire either to install fiber optic telecommunications cable or to access existing CDOT dark fiber in exchange for a private contribution and the Transportation Commission directs the Department to continue to work with OIT regarding prospective NTIA and RUS broadband grant applications that may submitted by state agencies, with OIT approval, that might specifically pertain to state highway rights-of-way that could potentially be utilized for broadband deployment as back haul and/or middle mile implementations.

AND BE IT FURTHER RESOLVED, any proposals received in response to the Request for Proposal shall be evaluated consistent with the Public-Private Initiatives Program Act and the Public-Private Initiatives Guidelines, as applicable, with further action to be taken by the Transportation Commission, and any NTIA and RUS broadband grant applications that may submitted by state agencies, with OIT approval, that might specifically pertain to state highway rights-of-way that could potentially be utilized for broadband deployment as back haul and/or middle mile implementations shall be presented to the Transportation Commission for appropriate action.