

Instructions for Standardized Bid Package and Procedures For Municipal Licensees

A. Background

800 MHz Transition Administrator, LLC (“TA”) has prepared a standardized bid package and developed standardized bidding procedures that municipal licensees may use in selecting vendors to perform the reconfiguration work. **There is no requirement to use the standardized bid package or bidding procedures.** They are being provided to assist licensees in procuring reconfiguration services. Sprint Nextel has approved the standardized bid package and bidding procedures. Please note that your State, local, and municipal laws may conflict with provisions of this standardized bid package and that the TA can offer no assurance in this respect.

Although the standardized bid package and bidding procedures are not mandatory, they do incorporate certain procedures that are requirements. For example, the standardized package and procedures contemplate that Sprint Nextel will pay vendors directly and include certain required terms and conditions that are conditions of such direct payments.

In creating the standardized bid package and bidding procedures, the TA followed several general principles. Licensee should have wide discretion to select the vendors that will perform the reconfiguration work and thus will be solely responsible for ascertaining whether the vendors selected are qualified and competent. Licensees should evaluate prospective vendors based on proven experience performing similar tasks and carefully consider the competency of vendors with no or limited prior experience.

While the FCC has required Sprint Nextel to make funds available for reconfiguring existing 800 MHz systems, licensees must certify to the TA that the reconfiguration funding requested is the minimum necessary to provide facilities comparable to those presently in use. The TA will only authorize funding for reasonable and prudent expenses directly related to the retuning of an 800 MHz system. Thus, licensees must consider cost as well as technical competence when selecting vendors.

B. Standardized Bidding Procedures

Because Sprint Nextel will provide reconfiguration funding and make payments directly to vendors performing the reconfiguration work, no licensee will need to obligate or expend any appropriated funds for the reconfiguration. Accordingly, licensees should consider whether and to what extent statutes and regulations enacted or promulgated to regulate procurements using appropriated funds apply to the reconfiguration work. Each licensee is responsible for assuring that the reconfiguration of its system complies with applicable law.

Although each licensee must certify to the TA that the reconfiguration funding requested is the minimum necessary to provide facilities comparable to those presently in use, the TA does not interpret this certification to require the use of competitive procedures when selecting vendors or to require a licensee to select the lowest priced vendor without regard to other factors such as past performance, prior working knowledge of the licensee's system, quality of services and risk. However, the TA encourages licensees to use competitive procedures for significant reconfigurations, and cost must always be a factor in selecting reconfiguration vendors.

C. Standardized Bid Package

Licensees should adopt procurement procedures that are appropriate for the scope of the reconfiguration work to be performed. To assist municipal licensees, the TA has prepared the following standardized bid documents:

- Request for Proposals – for use when a licensee has decided to solicit competitive proposals in order to select a vendor to provide reconfiguration services. (Exhibit 1)
- Invitation to Submit a Proposal – for use when a licensee has pre-qualified a particular vendor and intends to award a sole source contract for reconfiguration services. (Exhibit 2)
- Statement of Work Template – for use to develop a statement of the specific reconfiguration services that must be performed by the vendor. (Exhibit 3)
- Rebanding Agreement – for use to contract with vendors for reconfiguration services. (Exhibit 4)

These standardized bid package documents are available on the TA's website (www.800TA.org).

D. Assistance from Sprint Nextel

Sprint Nextel has requested that licensees provide Sprint Nextel with a courtesy copy of any request for proposals or invitation to submit a proposal together with the accompanying statement of work that the licensee proposes to use to select its reconfiguration services vendor(s). By reviewing these documents early in the process, Sprint Nextel can confirm that the licensee is requesting sufficient information from prospective vendors so that the licensee will have the information that it needs to negotiate its Frequency Reconfiguration Agreement with Sprint Nextel.

E. Disclaimer

As noted earlier, licensees are responsible for selecting qualified vendors to perform the required reconfiguration services, for certifying that the requested reconfiguration funding is the minimum necessary to provide comparable facilities, and for complying with applicable laws. By providing a standardized bid package, the TA is neither mandating the use of the package nor warranting that the package is complete and will perform as intended. In addition, the information contained in the bid package is not intended to be legal advice, and the TA encourages licensees to consult with their legal advisors. Please note that the standardized bid package documents are subject to change and revisions. Licensees are encouraged to periodically check the TA's website to ensure that they have the most current version.

F. Questions

Any questions or comments that licensees have regarding the standardized bid package should be directed to comments@800TA.org or (888) 800-8220.