

**Southside Network Authority
Summary Minutes
April 9, 2021**

Pursuant to the declared state of emergency in the Commonwealth of Virginia in response to the COVID-19 pandemic and to protect the public health and safety of the Authority members, staff, and the general public, the April 9, 2021 Southside Network Authority (SNA) meeting was held electronically via Webex with the following in attendance:

Southside Network Authority Voting Members in Attendance:

Susan Vitale, Chair, CH
Andria McClellan, Vice-Chair, NO
Daniel Jones, PO*

Albert Moor, SU
Rosemary Wilson, VB

Other Participants:

Steven DeBerry, SNA Executive Director
Robert Crum, HRPDC Executive Director
Sean Dolan, SU
Scott Fairholm, Alternate CH
Charlie Harcum, SU
Fraser Picard, NO
Jay Stroman, CH

Peter Wallace, Alternate VB
Catheryn Whitesell, Alternate NO
Mike Lockaby, Guynn, Waddell, Carroll &
Lockaby, P.C.
Matthew DeHaven, CTC Technology &
Energy

*Indicates late arrival or early departure

Mr. Robert Crum, HRPDC Executive Director, stated that per the requirements of the Code of Virginia, the meeting notice, agenda, and supporting documentation were posted on the HRPDC website for public review. Electronic copies of the information were provided to Authority members and other interested parties. Additionally, the meeting was being live-streamed and was available for viewing on the Regional Connection YouTube channel. A recording of the meeting will be available on the HRPDC website. This electronic meeting is required to complete essential business on behalf of the region.

Mr. Crum reviewed a few important housekeeping rules to help the meeting run smoothly:

- Participants were asked to please remain on mute before and after providing any comments to avoid unnecessary background noise and potential feedback.
- All votes taken must be by roll call vote and recorded in the minutes.
- Participants were asked to identify themselves when speaking and/or providing a motion or a second.

Mr. Crum noted the City of Portsmouth was having the swearing-in ceremony of their new City Manager at 2:00 PM today and Mr. Jones would join the meeting as quickly as he was able.

Call to Order

Chair Vitale called the April 9, 2021 meeting of the Southside Network Authority to order at 2:04 PM and welcomed everyone to the meeting. She asked Mr. Crum to conduct a roll call to determine Authority members' attendance. Mr. Crum suggested Chair Vitale call for a motion to approve the agenda and the vote would also serve as the roll call for attendance. Chair Vitale concurred and called for a motion to approve the Agenda.

Ms. Andria McClellan Moved to approve the Agenda; seconded by Ms. Rosemary Wilson.

Roll Call Vote:

Ms. Vitale	Yes
Ms. McClellan	Yes
Mr. Jones	Absent
Mr. Moor	Yes
Ms. Wilson	Yes

The Motion Carried and a quorum was confirmed.

After the roll call, Mr. Crum continued with the identification of the remaining participants in the meeting.

Public Comment

No public comments were received.

Approval of the Minutes

Chair Vitale called for a motion to approve the Minutes of the February 26, 2021 meeting.

Ms. McClellan Moved to approve the minutes of the February 26, 2021 SNA meeting; seconded by Ms. Wilson.

Roll Call Vote:

Ms. Vitale	Yes
Ms. McClellan	Yes
Mr. Jones	Absent
Mr. Moor	Yes
Ms. Wilson	Yes

The Motion Carried.

Status Update on February 26, 2021 Near-term Action Items

During the February 26, 2021 SNA Board meeting, members voted to pursue a dual path strategy for funding, constructing, operating, and maintaining the Regional Connectivity Ring. This decision provides options to move the project forward while gathering additional information regarding potential funding strategies. Mr. Steven DeBerry, SNA Executive Director provided an update on the progress and outlined the projected timelines for near-term action items. He expressed his appreciation for the HRPDC purchasing/procurement staff as they were able to turn a number of items very quickly that were associated with releasing the Requests for Proposals (RFPs).

Mr. DeBerry noted the Construction and Maintenance pre-qualification RFP was released April 8th with responses due May 11, 2021. Mr. DeBerry indicated he will also be sending the RFP to the region's Chief Information Officers asking them to push them out to cast a wider net for respondents. He noted that in order to apply for and respond to the construction Invitation for Bid (IFB), a vendor must respond to the pre-qualification RFP.

The Financial Analysis RFP is scheduled to be released April 15th. Mr. DeBerry explained this RFP will assist the SNA in comparing the costs for a constructed fiber ring that the SNA will own and operate versus a public-private partnership (P3). It is anticipated this contract will be a negotiated contract. Mr. DeBerry noted the remaining RFPs will be released in such a way that the SNA and city staffs will receive the information in a timely, coordinated fashion in order to make appropriate comparisons. He anticipates the SNA will be reviewing proposals throughout the months of July, August and September.

Mr. Daniel Jones arrives

Mr. DeBerry clarified the differences between the construction and maintenance RFP and the construction and maintenance IFB. The RFP is a prerequisite for the IFB; the IFB is where the SNA will receive the actual bid, pricing and timelines. He noted the timeline for responses to the P3 is 90 days as this is more complex and comprehensive and the Authority wants to give bidders enough time to respond.

Ms. McClellan asked Mr. DeBerry to elaborate on the following points:

- The timeline makes note of a construction and maintenance RFP; however, previous discussions defined that the SNA would release an RFP for construction and an RFP for maintenance and marketing management.
- There is a pre-qualification for the IFB but not for the P3 – what are the differences between the two?
- What is CTC's role in this process?

Mr. DeBerry explained that for the prequalification on the maintenance side, it is specifically referring to the basics of emergency service and repair. He noted the SNA will be implementing this fiber ring in segments, and the moment the fiber is in the ground, you are at some risk.

Mr. Lockaby noted that when we refer to construction and maintenance at this stage, it is short-term maintenance. Typically, when infrastructure is built there is usually a one-year warranty. If something goes wrong that is related to that construction time, the construction contractor must fix it. The SNA is looking at a longer-term of maintenance where the Authority is asking the construction contractor to provide those services for a slightly longer time period so we have time to do the RFP for the much longer-term maintenance (10 to 20-year time frame). This allows the SNA a margin of comfort. As it relates to prequalification, on rather large contract, Mr. Lockaby stated it is worthwhile to make sure that anyone who intends to bid on the project has gone through a baseline process to ensure the company has the technical ability, the appropriate number of staff, the amount of equipment necessary, as well as the bonding capacity to put up the construction performance of payment bonds before they are permitted to bid on the contract. Otherwise, you could end up in the situation where a contractor bids on the project and lacks the actual capability to perform as intended. The prequalification process heads this off.

Ms. McClellan inquired if there is a reason this process is not being pursued with the P3. Mr. Lockaby said that with the P3, the SNA is asking for the prequalification information; it is one all-encompassing RFP versus several RFPs.

Mr. DeBerry noted CTC will help the SNA with RFP development and ensuring the RFPs go out in the correct format with the right information. They will be an advisory member of the selection committee with the CIOs to help the Authority with the process and provide technical support. As the Authority moves forward with construction, CTC will serve as the SNA's engineer on staff.

Mr. Wallace noted the three distinct RFPs and timeliness and inquired if a vendor could bid on all three RFPs, or once a contractor submits an RFP, must they step out of the others? He noted there is a possibility a contractor could bid on more than one component. Mr. DeHaven noted that the RFPs are not mutually exclusive. There will come a decision point where the SNA will decide which track it wishes to pursue. There is nothing that precludes a contractor from providing responses to both tracks. Mr. Lockaby stated that from a legal perspective, there is no reason a company could not bid on one or all of the components.

Mr. Fairholm inquired about the plan, during the construction phase, for construction engineering and inspection services. Mr. DeBerry stated that is still being worked on, but if there are aspects that Mr. Fairholm and the other CIOs know have worked in the past, they would certainly like to see that information. The CIOs will have an opportunity to review and comment.

Mr. Crum asked Mr. DeBerry to address Ms. McClellan's question as it related to marketing. Mr. DeBerry indicated he updated the original tasking list to include marketing and branding. The SNA has \$50,000 in the FY22 budget for marketing. The plan would be to pull in a marketing firm to assist with marketing and branding.

Ms. McClellan indicated she would like to continue discussions on this particular topic as there appears to be different perspectives surrounding this; she wants to ensure the SNA is clear on what the RFP is looking for. Mr. DeBerry concurred, and Chair Vitale asked that this discussion be included on the agenda for future meetings.

Mr. DeBerry concluded his presentation with a series of next steps for the SNA:

- Execute the procurement strategy
- Prioritize and align remaining contract & governance items
- Continue to pursue potential grants and strategic partnerships
- Work with the SNA localities regarding the American Rescue Plan and American Jobs Plan as a funding mitigation strategy for building the fiber ring

Mr. Crum highlighted the conversations the HRPDC and HRTPO have had with our federal congressional delegation about the federal infrastructure program – including the fiber ring construction. The HRPDC/HRTPO has been working with other regional organizations to assemble a list of regional infrastructure projects for consideration by the federal government. The fiber ring project has been part of this conversation. Mr. Crum indicated he will continue to keep the SNA apprised the progress.

Budget Update

Mr. DeBerry directed the SNA members' attention to the budget summary contained in the agenda. He noted the budget is on track for this year and indicated he may come back to the Board in June to recommend a carry-over of approximately \$350,000 to fund legal and financial advisory tasks as well as to continue the contractual relationship with CTC to assist the SNA through the RFP process.

Old/New Business

Chair Vitale called for any Old or New Business to come before the SNA.

Adjournment

With no further business to come before the Southside Network Authority, the meeting adjourned at 2:51 PM.

Respectfully submitted,

Robert A. Crum, Jr.
HRPDC Executive Director
Recording Secretary