



**BOARD OF CONTRACT AND SUPPLY
CITY OF PROVIDENCE, RHODE ISLAND**

REQUEST FOR INFORMATION

Item Description: Shared Wireless Infrastructure (RFI)

Date to be opened: April 15, 2019

Issuing Department: Office of the Mayor

QUESTIONS

- Please direct questions relative to the bidding process, how to fill out forms, and how to submit a bid (Pages 1-8) to Purchasing Agent Patti Jordan.
 - Phone: (401) 680-5264
 - Email: pjordan@providenceri.gov
 - Please use the subject line “**RFP Question**”
- Please direct questions relative to the Minority and Women’s Business Enterprise Program and the corresponding forms (Pages 9-11) to the MBE/WBE Outreach Director for the City of Providence, Grace Diaz
 - Phone: (401) 680-5766
 - Email: gdiaz@providenceri.gov
 - Please use subject line “**MBE WBE Forms**”
- Please direct questions relative to the specifications outlined (beginning on page 12) to the issuing department’s subject matter expert:
 - Sabrina Solares-Hand, Director of Operations
 - ssolareshand@providenceri.gov

Pre-bid Conference

There will be no pre-bid conference.



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INSTRUCTIONS FOR SUBMISSION

Bids may be submitted up to **2:15 P.M.** on the above meeting date at the **Department of the City Clerk, Room 311, City Hall, 25 Dorrance Street, Providence.** At 2:15 P.M. all bids will be publicly opened and read at the Board of Contract Meeting in the City Council Chambers, on the 3rd floor of City Hall.

- Bidders must submit **2 copies** of their bid in sealed envelopes or packages labeled with the captioned **Item Description** and the **City Department to which the RFP and bid are related.** (On page 1)
- Communications to the Board of Contract and Supply that are not competitive sealed bids (i.e. product information/samples) should have “**NOT A BID**” written on the envelope or wrapper.
- Only use form versions and templates included in this RFP. If you have an old version of a form, **do not recycle it for use in this bid.**
- The bid envelope and information relative to the bid must be addressed to:

**Board of Contract and Supply
Department of the City Clerk – City Hall, Room 311
25 Dorrance Street
Providence, RI 02903**

****PLEASE NOTE:** This bid may include details regarding information that you will need to provide (such as proof of licenses) to the issuing department before the formalization of an award.

*This information is **NOT** requested to be provided in your initial bid by design.*

All bids submitted to the City Clerk become public record. Failure to follow instructions could result in information considered private being posted to the city’s Open Meetings Portal and made available as a public record. The City has made a conscious effort to avoid the posting of sensitive information on the City’s Open Meetings Portal, by requesting that such sensitive information be submitted to the issuing department only at their request.



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BID PACKAGE CHECKLIST

Digital forms are available in the City of Providence Purchasing Department Office or online at <http://www.providenceri.gov/purchasing/how-to-submit-a-bid/>

The bid package **MUST** include the following forms, in this order:

- Bid Form 1: Bidder's Blank as the cover page/ 1st page (*see page 6 of this document*)
- Bid Form 2: Certification of Bidder as 2nd page (*see page 7 of this document*)
- Certificate Regarding Public Records (*see page 8 of this document*)
- Minority and Women Business Enterprise Program Affidavit: (*see page 11 of this document*)
- Bidder's Proposal/Package: Formal response to the specifications outlined in this RFP, including pricing information and details related to the good(s) or service(s) being provided. Please be mindful of formatting responses as requested to ensure clarity.
- Financial Assurance, *if requested* (as indicated on page 5 of this document under "Bid Terms")

All of the above listed documents are REQUIRED. (With the exception of financial assurances, which are only required if specified on page 5.)

******Failure to meet specified deadlines, follow specific submission instructions, or enclose all required documents with all applicable signatures will result in disqualification, or in an inability to appropriately evaluate bids.***



BOARD OF CONTRACT AND SUPPLY
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NOTICE TO VENDORS

1. The Board of Contract and Supply will make the award to the lowest qualified and responsible bidder.
2. In determining the lowest responsible bidder, cash discounts based on preferable payment terms will not be considered.
3. Where prices are the same, the Board of Contract and Supply reserves the right to award to one bidder, or to split the award.
4. No proposal will be accepted if the bid is made in collusion with any other bidder.
5. **Submit 2 copies of the bid to the City Clerk, unless the specification section of this document indicates that should include more than two.**
6. Bids may be submitted on an “equal in quality” basis. The City reserves the right to decide equality. Bidders must indicate brand or the make being offered and submit detailed specifications if other than brand requested.
7. The Board of Contract and Supply reserves the right to reject any and all bids.
8. Competing bids may be viewed in person at the Department of the City Clerk, City Hall, Providence, immediately upon the conclusion of the formal Board of Contract and Supply meeting during which the bids were unsealed/opened. Bids may also be accessed electronically on the internet via the City’s [Open Meetings Portal](#).
9. As the City of Providence is exempt from the payment of Federal Excise Taxes and Rhode Island Sales Tax, prices quoted are not to include these taxes.
10. In case of error in the extension of prices quoted, the unit price will govern.
11. All expenses must be included in your initial bid. Requests for reimbursement of incidental (e.g. parking) costs above the submitted and awarded bid will not be entertained.
12. The contractor will **NOT** be permitted to: a) assign or underlet the contract, or b) assign either legally or equitably any monies or any claim thereto without the previous written consent of the City Purchasing Director.
13. Delivery dates must be shown in the bid. If no delivery date is specified, it will be assumed that an immediate delivery from stock will be made.
14. A certificate of insurance will normally be required of a successful vendor.
15. For many contracts involving construction, alteration and/or repair work, State law provisions concerning payment of prevailing wage rates apply ([RIGL Sec. 37-13-1 et seq.](#))
16. No goods should be delivered or work started without a Purchase Order.
17. Bidder must certify that it does not unlawfully discriminate on the basis of race, color, national origin, gender, gender identity or expression, sexual orientation and/or religion in its business and hiring practices and that all of its employees are lawfully employed under all applicable federal, state and local laws, rules and regulations. (See Bid Form 2.)
18. A bidder who is an **out-of-state corporation** shall qualify or register to transact business in this State, in accordance with the Rhode Island Business Corporation Act, RIGL Sec. 7-1.2-1401, et seq.
 - a. In order to enter into a contract with the City of Providence, the awarded vendor must provide a local agent for service. A local (aka registered) agent for service is defined by [RIGL Sec. 7-2-501 et seq.](#)



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BID TERMS

1. Financial assurances may be required in order to be a successful bidder for Commodity or Construction and Service contracts. If either of the first two checkboxes below is checked, the specified assurance must accompany a bid, or the bid will not be considered by the Board of Contract and Supply. The third checkbox indicates the lowest responsible bidder will be contacted and required to post a bond to be awarded the contract.
 - a) A certified check for \$_____ must be deposited with the City Clerk as a guarantee that the Contract will be signed and delivered by the bidder.
 - b) A bid bond in the amount of _____ per centum (%) of the proposed total price, must be deposited with the City Clerk as a guarantee that the contract will be signed and delivered by the bidder; and the amount of such bid bond shall be retained for the use of the City as liquidated damages in case of default.
 - c) A performance and payment bond with a satisfactory surety company will be posted by the bidder in a sum equal to one hundred per centum (100%) of the awarded contract.
 - d) No financial assurance is necessary for this item.
2. Awards will be made within **sixty (60) days of bid opening**. All bid prices will be considered firm, unless qualified otherwise. Requests for price increases will not be honored.
3. Failure to deliver within the time quoted or failure to meet specifications may result in default in accordance with the general specifications. It is agreed that deliveries and/or completion are subject to strikes, lockouts, accidents and Acts of God.

The following entry applies only for COMMODITY BID TERMS:

4. Payment for partial delivery will not be allowed except when provided for in blanket or term contracts.

The following entries apply only for CONSTRUCTION AND SERVICE BID TERMS:

5. Only one shipping charge will be applied in the event of partial deliveries for blanket or term contracts.
6. Prior to commencing performance under the contract, the successful bidder shall attest to compliance with the provisions of the Rhode Island Worker's Compensation Act, RIGL 28-29-1, et seq. If exempt from compliance, the successful bidder shall submit a sworn Affidavit by a corporate officer to that effect, which shall accompany the signed contract.
7. Prior to commencing performance under the contract, the successful bidder shall, submit a certificate of insurance, in a form and in an amount satisfactory to the City.



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BID FORM 1: Bidders Blank

1. Bids must meet the attached specifications. Any exceptions or modifications must be noted and fully explained.
2. Bidder's responses must be in ink or typewritten, and all blanks on the bid form should be completed.
3. All bids **MUST BE SIGNED IN INK.**

Name of Bidder (Firm or Individual): _____

Contact Name: _____

Business Address: _____

Business Phone #: _____

Contact Email Address: _____

Agrees to bid on (Items(s) to be bid): _____

If the bidder is a corporation based in a state *other than Rhode Island*, list name and contact information for a local agent for service of process that *is located within Rhode Island* _____

Please visit <http://www.naics.com/search/> and identify the NAICS Code(s) for items being bid on. Enter the NAICS code(s) here or in parentheses next to each item listed immediately above: _____

Delivery Date (if applicable): _____

Signature of Representation

Title



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BID FORM 2: Certification of Bidder
(Non-Discrimination/Hiring)

Upon behalf of _____ (Firm or Individual Bidding),

I, _____ (Name of Person Making Certification),

being its _____ (Title or "Self"), hereby certify that:

1. Bidder does not unlawfully discriminate on the basis of race, color, national origin, gender, sexual orientation and/or religion in its business and hiring practices.
2. All of Bidder's employees have been hired in compliance with all applicable federal, state and local laws, rules and regulations.

I affirm by signing below that I am duly authorized on behalf of Bidder, on
this _____ day of _____ 20_____.

Signature of Representation

Printed Name



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Certificate Regarding Public Records

Upon behalf of _____ (Firm or Individual Bidding),

I, _____ (Name of Person Making Certification),

being its _____ (Title or "Self"), hereby certify an

understanding that:

1. All bids submitted in response to Requests for Proposals (RFP's) and Requests for Qualification (RFQ's), documents contained within, and the details outlined on those documents become public record upon receipt by the City Clerk's office and opening at the corresponding Board of Contract and Supply (BOCS) meeting.
2. The Purchasing Department and the issuing department for this RFP/RFQ have made a conscious effort to request that sensitive/personal information be submitted directly to the issuing department and only at request if verification of specific details is critical the evaluation of a vendor's bid.
3. The requested supplemental information may be crucial to evaluating bids. Failure to provide such details may result in disqualification, or an inability to appropriately evaluate bids.
4. If sensitive information that has not been requested is enclosed or if a bidder opts to enclose the defined supplemental information prior to the issuing department's request in the bidding packet submitted to the City Clerk, the City of Providence has no obligation to redact those details and bears no liability associated with the information becoming public record.
5. The City of Providence observes a public and transparent bidding process. Information required in the bidding packet may not be submitted directly to the issuing department at the discretion of the bidder in order to protect other information, such as pricing terms, from becoming public. Bidders who make such an attempt will be disqualified.

I affirm by signing below that I am duly authorized on behalf of Bidder, on

this _____ day of _____ 20_____.

Signature of Representation

Printed Name



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WBE/MBE Form Instructions

The City of Providence actively seeks Minority and Women business enterprises to participate in bids to meet the City's procurement needs. Pursuant to the City of Providence Code of Ordinances, Chapter 21, Article II, Sec. 21-52 (Minority and Women's Business Enterprise) and Rhode Island General Laws (as amended), Chapter 31-14, et seq. (Minority Business Enterprise), Minority Business Enterprise (MBE) and Women's Business Enterprise (WBE) participation goals apply to contracts.

The goal for Minority Business Enterprise (MBE) participation is **10%** of the total bid value.

The goal for Women's Business Enterprise (WBE) participation is **10%** of the total bid value.

The goal for combined MBE/WBE participation is **20%** of the total bid value.

Only businesses certified with the State of Rhode Island as minority and/or women business enterprises are counted towards the City's goals. Eligible minority or women-owned businesses are encouraged to seek certification from the State of Rhode Island Minority Business Enterprise Compliance Office at: <http://odeo.ri.gov/offices/mbeco/>

Note: MBE certification with the State of Rhode Island on the basis of Portuguese heritage is not currently recognized by the City of Providence's MBE program.

Bid Requirements:

All Bidders: All bidders must complete and submit the **MBE/WBE Participation Affidavit** indicating whether or not they are a state-certified MBE/WBE and acknowledging the City's participation goals. Submission of this form is required with **every bid**. Your bid will not be accepted without an affidavit.

Bidders who will be subcontracting: Bidders who will be subcontracting must submit the **Subcontractor Disclosure Form** as part of their bid submission. All subcontractors, regardless of MBE/WBE status, must be listed on this form. Business NAICS codes can be found at <https://www.naics.com/search/>. Awarded bidders are required to submit **Subcontractor Utilization and Payment Reports** with each invoice.

Waiver Requests:

If the percentage of the total amount of the bid being awarded to MBE or WBE vendors is less than 20% (Box F on the Subcontractor Disclosure Form) and the prime contractor is not a Rhode Island State-certified MBE or WBE, the Bidder must complete the **MBE/WBE Waiver Request Form** for review. Waivers will be considered on a case by case basis.

No waiver will be granted unless the waiver request includes documentation that demonstrates that the Bidder has made good faith efforts to achieve the City's stated participation goals. Waivers must be reviewed and signed by the City of Providence's MBE/WBE Outreach Director, Grace Diaz, or her designee. Department Directors cannot recommend a bidder for award if this form is applicable and absent. If the bid does not meet the participation goals of the City of Providence and a waiver is not filed with the signature of the MBE/WBE Outreach Director or her designee, the bid will not be accepted.

Verifying MBE/WBE Certification

It is the responsibility of the bidder to confirm that every MBE/WBE named in a proposal and included in a contract is certified by the Rhode Island Minority Business Enterprise Compliance office. The current MBE/WBE directory is available at the State of RI MBE Office, One Capitol Hill, 2nd Floor, Providence, RI, or online at <http://odeo.ri.gov/offices/mbeco/mbe-wbe.php>. You can also call (401) 574-8670 to verify certification, expiration dates, and services that the MBE/WBE is certified to provide. Note: MBE certification with the State of Rhode Island on the basis of Portuguese heritage is not currently recognized by the City of Providence's MBE program.

Form Instructions:

Access all bid forms from <http://www.providenceri.gov/oeo/> or <http://www.providenceri.gov/purchasing/minority-women-owned-business-mbewbe-procurement-program/>. **Download** the forms as blank PDFs. Once saved on your computer, fill them out using



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the Adobe program. The fillable PDFs must be completed in Adobe in order to be saved properly. Google Chrome and similar platforms do not allow for the forms to be saved as filled PDFs. Therefore, please download the blank forms to your computer, then fill them out and save.

Assistance with Form Requirements

Examples of completed forms can be found on the City of Providence website at <http://www.providenceri.gov/oeo/> or <http://www.providenceri.gov/purchasing/minority-women-owned-business-mbewbe-procurement-program/>.

Contract Requirements:

Prime contractors engaging subcontractors must submit the *Subcontractor Utilization and Payment Report* to the City Department's Fiscal Agent with every invoice and with request for final payment. This form is not submitted as a part of the initial bid package.

For contracts with duration of less than 3 months, this form must be submitted along with the contractor's request for final payment. The form must include all subcontractors utilized on the contract, both MBE/WBE and non- MBE/WBE, the total amount paid to each subcontractor for the given period and to date. During the term of the contract, any unjustified failure to comply with the MBE/WBE participation requirements is a material breach of contract.

Questions?

For more information or for assistance with MBE/WBE Forms, contact the City of Providence MBE/WBE Outreach Director, Grace Diaz, at mbe-wbe@providenceri.com or (401) 680-5766.



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MBE/WBE PARTICIPATION AFFIDAVIT

Item Discussion (as seen on RFP):

Prime Bidder: _____

Prime Bidder (Company) Phone Number: _____

Prime Bidder (Company) Zip Code: _____

Which one of the following describes your business' status in terms of Minority and/or Woman-Owned Business Enterprise certification with the State of Rhode Island? MBE WBE Neither MBE nor WBE

By initialing the following sections and signing the bottom of this document in my capacity as the contractor or an authorized representative of contractor, I make this Affidavit:

It is the policy of the City of Providence that minority business enterprises (MBEs) and women business enterprises (WBEs) should have the maximum opportunity to participate in procurements and projects as prime contractors and vendors. Pursuant to Sec. 21-52 of the Providence Code of Ordinances and Chapter 31-14 *et seq.* of the Rhode Island General Laws (as amended), MBE and WBE participation goals apply to contracts.

The goal for Minority Business Enterprise (MBE) participation is 10% of the total bid value.
The goal for Women's Business Enterprise (WBE) participation is 10% of the total bid value.
The goal for combined MBE/WBE participation is 20% of the total bid value.

I acknowledge the City of Providence's goals of supporting MBE/WBE certified businesses. Initial _____

If awarded the contract, I understand that my company must submit to the Minority and Women's Business Coordinator at the City of Providence (MBE/WBE Office), copies of all executed agreements with the subcontractor(s) being utilized to achieve the participation goals and other requirements of the RI General Laws. **I understand that these documents must be submitted prior to the issuance of a notice to proceed.** Initial _____

I understand that, if awarded the contract, my firm must submit to the MBE/WBE Office canceled checks and reports required by the MBE/WBE Office on a quarterly basis verifying payments to the subcontractors(s) utilized on the contract. Initial _____

If I am awarded this contract and find that I am unable to utilize the subcontractor(s) identified in my Statement of Intent, I understand that I must substitute another certified MBE and WBE firm(s) to meet the participation goals. **I understand that I may not make a substitution until I have obtained the written approval of the MBE/WBE Office.**
Initial _____

If awarded this contract, I understand that authorized representatives of the City of Providence may examine the books, records and files of my firm from time to time, to the extent that such material is relevant to a determination of whether my firm is complying with the City's MBE/WBE participation requirements.
Initial _____

I do solemnly declare and affirm under the penalty of perjury that the contents of the foregoing Affidavit are true and correct to the best of my knowledge, information and belief.

Signature of Bidder

Printed Name

Company Name

Date



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SPECIFICATIONS

Intent:

The City of Providence (City) seeks to more thoroughly understand innovative hardware, technology, and service options available via third-party organizations to support the implementation of small cell technology throughout our City. In the interest of making informed decisions, the City seeks responses from organizations able to offer shared wireless infrastructure options. The broad goal of this project is to enable wireless providers to establish their 5G network in the City while taking into account our various related goals and initiatives. Based on the packages submitted responsive to this RFI, the City seeks to clarify the logistics of a thoughtful roll-out, including the possible retention of a third-party for implementation support services.

Considerations:

- The City will not consider technology options presented from organizations who are affiliated with wireless providers as it could demonstrate a potential conflict of interest. Those presenting technology options must also be absent of conflicts of interest with regard to any other work performed by the organization for the City.
- Proposed solutions may utilize sub-contractors.
- The City shall not be responsible for any costs associated with preparing or responding to this RFI.
- Any options submitted for consideration must comply with the City's Small Wireless Facility Siting Rules (see attached document), FCC, and Rhode Island State laws, including but not limited to, Declaratory Ruling and Third Report and Order (Declaratory Ruling and Order), WT Docket No. 17-79 and WC Docket No. 17-84; FCC 18-133, adopted September 26, 2018 and released September 27, 2018, the Small Cell Siting Act of 2017, R.I. General Laws §39-32-1 et seq.
- Proposed infrastructure solutions must have the ability to accommodate multiple wireless providers. Further, it is worth noting that we seek to utilize hardware compatible with all wireless providers currently serving Rhode Island.
- We envision that the third-party organization we could eventually contract with could install, operate, maintain, modify, repair, and replace communications equipment as a contractor of the City.
- The City is committed to a comprehensive capital improvement plan, updated each year and structured to address five years at a time. Our current plan can be viewed here: <http://www.providenceri.gov/pvdcip/>
 - As these improvements represent a significant investment on the part of the City, we recommend that respondents review these investments for context on recent and projected infrastructure improvements. The City will seek to preserve these investments.
 - The City is open to solutions including the replacement of some existing poles. However, the City has also made significant investments in the conversion of street lights to LED and streetlight controls. The City seeks to preserve and complement such existing investments.
- When proposing potential solutions for consideration please take into account the following City priorities:
 - Digital equity
 - Efficient and effective use of City properties and facilities
 - The City's own technological/infrastructure benefits
 - Public space activation including public art
 - Urban innovation districts
 - Capital Investments and cost effectiveness
 - Environmental impact
 - Health and wellness of Providence residents

Content of Response:

Please provide the following content and answers to the following in your submission:

1. What solutions does your organization provide and/or recommend for use in the City? Please note: As the landscape of the City is diverse, we anticipate that a comprehensive plan would utilize a variety of infrastructure solutions. For example, our team is aware of hardware options including rooftop devices, fully integrated light poles, and freestanding, multifunctional



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structures. We expect and encourage submissions to include a diverse selection of potential solutions. To aid in our understanding of your recommendations please provide:

- a. A detailed narrative outlining each recommendation
 - b. Information about the process for implementation of each recommendation
 - c. Details around customer service available for each recommendation as it relates to our vision to eventually contract with an organization who could install, operate, maintain, modify, repair, and replace communications equipment as a contractor of the City
2. We seek to understand how a third-party organization specializing in shared wireless infrastructure could support the capacity necessary to manage a small cell deployment program. Please outline what consulting service your organization has offered to other clients and could potentially provide to the City.
 3. Please demonstrate the compatibility of your proposed infrastructure solutions with wireless providers present in Rhode Island.
 4. We seek to understand the short and long term cost of implementation as associated with your proposed infrastructure solutions, including estimated cost of your hardware and/or services. Please outline general investment information for our context.
 - a. Please note: We do not anticipate that exact cost projections will be provided at this time. We are seeking to generally understand potential cost to the City.
 5. The visual landscape of the City and consideration for historical infrastructure are of particular importance. Please include visuals demonstrating how the solutions you are able to provide could look if implemented. Overall, we seek minimalist solutions that will blend into the landscape of the City.
 6. Please include a narrative outlining your company history and expertise. With this narrative please include at least two references for contacts affiliated with entities for whom you have provided similar products/services.

Timeline:

- RFI issued and open for bidding – March 18, 2019
- Responses to the RFI due to the City Clerk - April 15th, 2019
 - Evaluation of responses shall begin immediately following receipt of bids to the issuing department. Following evaluation the City may seek to issue an RFP. The timeline for an RFP to follow is contingent on the content received responsive to this RFI.

CITY OF PROVIDENCE
SMALL WIRELESS FACILITY SITING RULES

WHEREAS, the Small Cell Siting Act of 2017, R.I. General Laws §39-32-1 et seq., set statewide standards for siting small wireless facilities on City owned poles in public rights of way.

WHEREAS, the City of Providence owns approximately 17,000 streetlight poles that it acquired under R.I. General Laws §39-30 and approximately 2,000 decorative lights.

WHEREAS, under R.I. General Laws §39-32-5, the City must establish by ordinance, regulation or rule, nondiscriminatory, competitively neutral and commercially reasonable rates, terms and conditions for collocation of small wireless facilities on poles in the public right of way that are consistent with the provisions of the Small Cell Siting Act.

WHEREAS, under R.I. General Laws §39-32-5, the City must authorize the collocation of small wireless facilities on structures not located within the public rights-of-way to the same extent the City permits access to such poles and structures for other commercial projects or uses.

a) *Definitions.*

“Applicant” is a wireless service provider authorized to do business in Rhode Island, or a contractor acting on its behalf, that files an application under these Rules.

“Regulated Pole” means a pole owned or controlled by the City in a public way including state highways and freeways and includes metal, composite, concrete, wood and decorative poles.

“City Structure” means a building, water tower, pole or other structure owned or controlled by the City, other than a Regulated Pole.

“Director” means the Director of the Department of Public Works.

“Small Wireless Facility” means equipment at a fixed location that enables wireless communications between user equipment and a communications network.

“Small Wireless Facility License” or “License” means a license granted by the City for a small wireless facility under these rules.

“Wireless service” means any services using licensed or unlicensed wireless spectrum, whether at a fixed location or mobile, provided using wireless facilities.

“Wireless service provider” means a person who provides wireless service as well as a person who builds, installs, or maintains wireless communications transmission equipment, wireless facilities or wireless support structures in collaboration with a neutral third party contracted by the City.

“Neutral third party” means a single neutral host that will operate resources to be shared by multiple wireless service providers to achieve a multi-operator environment using different methods.

b) *Applicability.*

i) The rates, fees, terms and conditions established pursuant to these Rules shall apply to applications for Small Wireless Facilities submitted after the effective date of this ordinance. An agreement with the City for the installation and operation of Small Wireless Facilities on Regulated Poles in effect as of September 27, 2017, shall not be subject to these Rules unless and until that agreement expires or terminates.

ii) A wireless service provider authorized to do business in this state or a contractor acting on its behalf may collocate Small Wireless Facilities on Regulated Poles and may construct conduit, cables, and facilities between such Small Wireless Facility and other equipment or services located on or adjacent to the Regulated Pole, subject to the provisions of these Rules.

iii) Any Small Wireless Facilities installed on a Regulated Pole or a City Structure without a license issued under these Rules will be subject to a fine of not less than \$500 per day of wrongful attachment and the unauthorized Small Wireless Facilities will be subject to removal at the owner's expense.

c) *Regulation.*

i) An applicant to install Small Wireless Facilities on Regulated Poles or City Structures is a permitted use for all zoning districts, and is not subject to zoning review or approval. However, an applicant to install Small Wireless Facilities on Regulated Poles, City Structures, or any other location within the City of Providence must obtain any required building, electrical or public right-of-way use or work permits or any other permit required by the City of Providence deemed necessary for the installation and operation of any device attached to City owned infrastructure. Nothing more than a public right-of-way work permit is required for routine maintenance on a previously approved Small Wireless Facility on a Regulated Pole or to replace a Small Wireless Facility on a Regulated Pole with a facility of substantially similar or smaller size and weight.

- For electrical permit requirements see: <https://providenceri.viewpointcloud.com/#/1072/63800>
- For public right of way permits see: https://www.providenceri.gov/wp-content/uploads/2016/09/Construction_Permit.pdf

ii) In the interest of the requirement to establish by ordinance, regulation or rule, nondiscriminatory, competitively neutral and commercially reasonable rates, terms and conditions for collocation of small wireless facilities, applications to the City will be accepted, processed, and approved per standards established by the City via a neutral third party. The neutral third-party will contract directly with the City and represent its interests.

iii) A Wireless Service Provider may install poles in the public rights-of-way in order to collocate Small Wireless Facilities, subject to approval by the neutral third party on behalf of the City. The neutral third party shall receive, process, and approve such requests on a non-discriminatory basis and in substantially the same manner and on substantially the same terms and conditions as it applies to similar requests by other communication service providers seeking to place poles in public ways.

iv) The neutral third party shall authorize the collocation of Small Wireless Facilities on City Structures under these Rules to the same extent the Director permits access to City Structures for other commercial projects or uses, and may authorize such collocation if the City has not previously permitted such access. Such collocation shall be subject to reasonable and nondiscriminatory rates, terms and conditions as provided by these Rules. The City will not charge on an annual recurring basis more for such a collocation than the amount charged for similar commercial projects or uses to occupy or use the same amount of space on similarly situated property.

d) *Application Process.* The neutral third party shall accept an application for, process and issue a permit allowed under these Rules as follows:

i) The neutral third party shall receive applications for, and process and issue Licenses for the City. The application form, to be developed by the neutral third party, will be found on the Department of Public Works website, including sufficient information to determine whether the collocation meets building codes, electrical codes, and standards for construction in the right-of-way; that it does not conflict with another permitted or City use at or near the location; and has been reviewed by the historic district commission if the collocation is within a historic district.

For historic districts see <https://www.providenceri.gov/planning/phdc-lhd-info/> .

ii) No application will be accepted or processed if, and as long as, the Applicant or any entity affiliated with the application has any unpaid and overdue tax bills or other fees such as those affiliated with police details or penalties pending payment with the City.

iii) The neutral third party, on behalf of the City, will assess a fee of \$100 to process an application to collocate a Small Wireless Facility, to be paid upon submission of the application.

iv) An applicant may file a consolidated application and receive a single permit to collocate Small Wireless Facilities at multiple locations within the City's jurisdiction. The neutral third party, on behalf of the City, may adjust the application fee to account for added processing costs of a consolidated application for multiple Small Wireless Facilities. An application for consolidated review will be subject to City review and approval of each individual attachment.

v) All Licenses regarding the collocation of Small Wireless Facilities are of unlimited duration. Initial construction must be completed within one hundred eighty (180) days after the License issuance date or the License will terminate, unless the City and wireless provider agree to extend.

vi) Small Wireless Facilities shall be in accordance with R.I.G.L. §39-32-1 et seq.

vii) All electrical components of the Small Wireless Facility shall conform to relevant and applicable local, state, and national codes, laws and regulations. To the greatest extent possible, all wiring shall be internal to the Regulated Pole or City Structure and external conduits shall not be allowed.

viii) An application for a License within a historic district shall be subject to historic district commission review and approval, in accordance with standards to be adopted by regulation or rule. Such standards may include that a collocation meet reasonable design, context, color and

stealth and concealment requirements and make reasonable accommodation for location within the district. The historic district commission may waive one or more standards upon a showing that the standard(s) are not reasonably compatible with the particular location of a small wireless facility, or that the standard(s) impose an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request for waiver. An application for a collocation license must comply with the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas executed by the Federal Communications Commission, the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation. The City adopts that agreement for historic review of proposals to attach Small Wireless Facilities, deferring to federal and state government review only if and as long as such review is conducted.

ix) The installation shall comply with any emissions standards established by the Federal Communication Commission and shall not cause radio frequency radiation that could put the public, City workers or contractors in danger or expose them to emissions that require special conditions, training, or safeguards. An on/off switch must be provided or else the City reserves the right to disconnect the Small Wireless Facility at the base of the Regulated Pole or City Structure during maintenance activity, without notice.

x) The installation must not interfere with any signage or brackets used for the installation of banners.

xi) For instances where installation will require excavation, please note Utility excavations and restorations are governed by the "Standards to be Employed by Public Utility Operators when Restoring any of the Streets, Lanes, and Highways in Municipalities", pursuant to an order by the PUC on October 6, 2008. See attached order, Standards and other associated documents.

The Standards indicate methods and times (typically measured by duration after excavation) for restoration. In accordance with Section 4.1 of the Standards, "Section 24-5-1.1 of the RIGL requires any entity that alters a roadway to "restore that portion of the roadway which is altered to the same or better condition that existed prior to alteration." All restorations must be replaced in kind.

xii) If damage occurs, the wireless provider must repair any damage caused by the wireless provider to substantially the same condition. Additionally, in the event that a device is abandoned, the wireless provider must return City infrastructure to its original condition. If damage is not repaired within a timely manner after notice is provided, the City may make the repairs and charge the wireless provider the reasonable, documented, actual cost for the repair. If the damage causes an immediate safety hazard, the City may make the repairs and charge the wireless provider the reasonable, documented, actual cost of the repair.

xiii) A permit may require a collocation on a Regulated Pole that is a decorative pole to meet the following design standards as applied by the Department of Public Works in consultation with the Director of the Department of Planning and Development or its designee:

1. No portion of the Small Wireless Facility shall be higher than the lowest portion of the globe of the decorative light.

2. All components of the Small Wireless Facility will be internal to the decorative light with no exposed wiring, unless otherwise approved by the City. If the pole is too small then a larger base may be installed to hold the components if such base is aesthetically appropriate in that setting as determined by the City. Any such base shall be designed to match the design of the decorative pole, and be no larger than two (2) feet tall and no wider than the current base of the decorative pole. Any exposed portions shall be the same color as the decorative light pole.

xiv) No small wireless facility shall emit any buzz, hum, or other sound that is clearly audible to a person standing at the closer of (a) ten feet from the Regulated Pole or City Structure or; (b) at the property boundary nearest the pole.

e) *City Action on License Applications.*

i) Within ten (10) days after receipt of the application by the neutral third party, the neutral third party shall notify the Applicant in writing, on behalf of the City, either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application.

ii) The City will approve, via neutral third party, a complete application for a License for attachment to a Regulated Pole unless the collocation does not meet applicable building or electrical codes or, if applicable, standards for construction in the right-of-way or historic district standards or any other applicable standards pursuant to these Rules, provided such codes and standards are of general applicability. The City will document the basis for any denial, including the specific code provisions or standards on which the denial was based, and send the documentation to the applicant on or before the day the City denies an application. The Applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) days of the denial without paying an additional processing fee. The City shall approve or deny the revised application within thirty (30) days. Any subsequent denial shall be limited to the deficiencies cited in the original denial. Where one or more locations addressed in a consolidated application do not meet the criteria of this section, the Director shall allow the application as to all other locations.

iii) An application shall be deemed approved if the City fails to approve or deny the application within sixty (60) days of submission. If the Director notifies the Applicant within fourteen (14) days after the initial submission that the application is incomplete and reasonably identifies at that time the information that is lacking, the time period stated above shall be tolled during the time it takes the Applicant to respond. No other request for additional information shall toll such time periods. Applications must be submitted in the form/standard established by the City.

iv) A person whose application or revised application for a license on a Regulated Pole is denied by the City may appeal to the superior court within thirty (30) days of the denial. The superior court shall have jurisdiction to determine all disputes arising under these Rules pursuant to R.I. Gen. Laws §8-2-14.

f) *License fee.*

i) In addition to the application processing fee, the licensee must pay an annual recurring fee of no more than one hundred and fifty dollars (\$150.00) or the rate produced by applying the formula adopted by the Federal Communications Commission for telecommunications attachments under 47 U.S.C. §224(e) for each collocation of a Small Wireless Facility on a Regulated Pole.

ii) In addition to the application processing fee, the licensee must pay an annual recurring fee of one thousand five hundred dollars (\$1,500.00) for each collocation of a Small Wireless Facility on a City Structure.

g) *Public Inquiries and Complaints.*

The applicant shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints about the Small Wireless Facility, conspicuously posted on the location of the attachment and included on all submissions and plans. The Applicant or its designee shall make reasonable efforts to respond to the public's inquiries and complaints within 72 hours and shall provide written copies of all complaints and the company's resolution or response to the Director upon request.

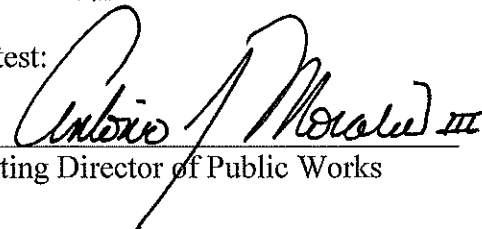
h) *Additional Terms.*

The Director is hereby authorized to develop and implement additional terms of agreement that are not addressed in these Rules, pursuant to the form attached hereto as Schedule 1. Within the first six(6) months and annually thereafter, the Director shall submit a report to the Providence City Council regarding small cell applications.

These Rules are effective upon adoption.

I hereby certify that the foregoing Rules were adopted on the 10TH day of MARCH, 2019.

Attest:


Acting Director of Public Works