

Memo

To: Marsha Segal-George, City Attorney
From: Kate Duffy, Purchasing Manager
Date: April 30, 2024
Re: RFP#24019

Staff solicited proposal from firms that provide Cell Tower Management. Five responses were received. The Selection Committee completely reviewed and scored the proposals. The Selection Committee then met to discuss their scoring of the responses and there was a consensus to recommend making award to Neel Schaffer, the highest scoring firm. Scoresheets are attached for your review.

Please sign below on behalf of the Committee indicating your approval to move forward with bringing this to the Commission for approval and return this memo to me. Once the City Manager signs it, I will return it to you to do the agenda memo for Commission approval.

If you have any questions, please let me know. Thanks.

Kate



APPROVAL OF AWARD TO: **Neel-Schaffer**



City Attorney



Date



City Manager



Date

RFP#24019 CELL TOWER MANAGER

| COMMITTEE MEMBER | Diamond Towers V, LLC | Gunnerson Consulting and Communications | Everset Infrastructure Partners | Neel-Schaffer | Subcarrier Communications |
|---------------------|-----------------------|---|---------------------------------|---------------|---------------------------|
| Marsha Segal-George | 73 | 78 | 86 | 98 | 68 |
| Debbie James | 55 | 43 | 36 | 99 | 31 |
| Dana Gardini | 70.6 | 58 | 69.5 | 87.2 | 59.5 |
| TOTAL POINTS | 198.6 | 179 | 191.5 | 284.2 | 158.5 |

**CITY OF DELTONA
CONSULTANT EVALUATION**

**SCORESHEET FOR:
RFP#24019 CELL TOWER MANAGER**

| TAB | CRITERIA | POSSIBLE POINTS | Diamond Towers V LLC | Gunnerson Consulting and Communicaton | Everest Infrastructure Partners | Neel-Schaffer | Subcarrier Communications | NOTES |
|-----|--|-----------------|----------------------|---------------------------------------|---------------------------------|---------------|---------------------------|-------|
| 1 | General Information | 0 | 0 | 0 | 0 | 0 | 0 | |
| 2 | Company Profile | 10 | 6.4 | 6.8 | 6.8 | 9 | 9 | |
| 3 | Experience in Providing Similar Services | 20 | 9 | 9 | 10 | 20 | 12 | |
| 4 | Adequacy of Approach to Project | 20 | 13.2 | 16.2 | 16.2 | 16.2 | 6 | |
| 5 | Past Performance | 15 | 15 | 15 | 7.5 | 12 | 7.5 | |
| 6 | Cost | 20 | 12 | 1 | 14 | 15 | 13 | |
| 8 | References | 15 | 15 | 10 | 15 | 15 | 12 | |
| | | 100 | 70.6 | 58 | 69.5 | 87.2 | 59.5 | |

Does the Committee Member want interviews scheduled with selected firms:
Yes No

To be completed after Selection Committee Meeting

Final Ranking

1. Neel-Schaffer
2. _____
3. _____

Dave J. Law

U. Segal-Georg

CITY OF DELTONA
CONSULTANT EVALUATION

SCORESHEET FOR:

RFP#24019 CELL TOWER MANAGER

| TAB | CRITERIA | POSSIBLE POINTS | Diamond Towers V.LLC | Gunnerson Consulting and Communicaton | Everest Infrastructure Partners | Neel-Schaffer | Subcarrier Communications | NOTES |
|-----|--|-----------------|----------------------|---------------------------------------|---------------------------------|---------------|---------------------------|-------|
| 1 | General Information | 0 | 0 | 0 | 0 | 0 | 0 | |
| 2 | Company Profile | 10 | 6 | 8 | 9 | 10 | 7 | |
| 3 | Experience in Providing Similar Services | 20 | 17 | 13 | 14 | 19 | 15 | |
| 4 | Adequacy of Approach to Project | 20 | 13 | 13 | 16 | 19 | 14 | |
| 5 | Past Performance | 15 | 10 | 10 | 12 | 15 | 10 | |
| 6 | Cost | 20 | 15 | 18 | 18 | 20 | 10 | |
| 7 | References | 15 | 12 | 14 | 15 | 15 | 12 | |
| | | 100 | 73 | 78 | 86 | 98 | 88 | |

Does the Committee Member want interviews scheduled with selected firms:

Yes No

To be completed after Selection Committee Meeting

Final Ranking

1. _____

2. _____

3. _____

U. Segal-Georg

**CITY OF DELTONA
CONSULTANT EVALUATION**

SCORESHEET FOR:

RFP#24019 CELL TOWER MANAGER

| TAB | CRITERIA | POSSIBLE POINTS | Diamond Towers V LLC | Gunnerson Consulting and Communication | Everest Infrastructure Partners | Neel-Schaffer | Subcarrier Communications | NOTES |
|-----|--|-----------------|----------------------|--|---------------------------------|---------------|---------------------------|-------|
| 1 | General Information | 0 | — | — | — | — | — | |
| 2 | Company Profile | 10 | 8 | 3 | 5 | 10 | 6 | |
| 3 | Experience in Providing Similar Services | 20 | 15 | 9 | 8 | 20 | 5 | |
| 4 | Adequacy of Approach to Project | 20 | 17 | 14 | 8 | 19 | 5 | |
| 5 | Past Performance | 15 | 3 | 7 | 0 | 15 | 4 | |
| 6 | Cost | 20 | 10 | 7 | 8 | 20 | 8 | |
| 7 | References | 15 | 2 | 3 | 7 | 15 | 3 | |
| | | 100 | 55 | 43 | 30 | 99 | 31 | |

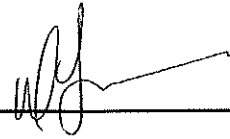
Does the Committee Member want interviews scheduled with selected firms:

Yes No

To be completed after Selection Committee Meeting

Final Ranking

1. Neel Schaffer
2. Diamond
3. Gunnerson





Tab 6 Cost

The City proposes to pay for leasing services through a revenue sharing program for newly generated revenue. The following fee structure is proposed:

Revenue Sharing, Site Leasing and Management – The City proposes a revenue sharing structure on newly generated revenue. Also, a management fee will be paid in an amount equal to a percentage of the gross rent collected which we assume to apply to both current rents and newly generated rents. Management fees are only due and payable when and to the extent the rent is collected from the tenant. All revenue share terminates upon contract termination.

Proposed Management Fee Percentage for Existing Rent: 10 percent of rent collected

Proposed Revenue Sharing on Newly Generated Rent: 25 percent of rent collected

Application Review – Neel-Schaffer will provide Application Review services in accordance with the requirements of the RFP. This fee would be paid by the applicant and placed in an escrow account for our services to be charged towards. Typically, any remaining balance at the conclusion of the process would be returned to the applicant at the discretion of the City. This fee would include attendance at hearings if required.

Proposed Application Review Fee: \$6,000 per site

Hourly Rates for Additional Services: (scope and fees to be negotiated as needed)

| <u>Staff Position</u> | <u>Hourly Rate</u> |
|--|--------------------|
| Project Manager/Principal Engineer | \$200 |
| Application Review/Senior Engineer | \$180 |
| Leasing Manager/Real Estate Professional | \$150 |
| Tower Manager/Project Engineer/Planner | \$130 |
| Drone Pilot/GIS/Inspector/Designer | \$120 |
| CAD/Graphics | \$110 |
| Leasing Assistant | \$90 |

SCOPE OF SERVICE

RFP NO. 24019 CELL TOWER MANAGER

The City of Deltona is seeking proposals from interested third parties to manage and market the City's properties as sites for commercial wireless facilities and to manage all current cell tower leases. The City currently has 10 cell tower leases.

SITE LEASING AND MANAGEMENT

Leasing public-owned lands will assure the City the preference of concealing materials and technologies presently available to the industry. As public site are development, the infrastructure installed becomes the precedent of how future site should be developed on private land. As public land sites are considered and utilized for these purposes, staff will gain invaluable knowledge on how wireless sites are constructed which will aid in future site plan design evaluations and approvals on both public and private properties. Consultant will manage, in conjunction with the appropriate City and legal staff, all existing and future City-owned Sites for wireless communications development (sites).

Consultant's primary objective will be to ensure that each particular facility approved within the City will be designed in a manner to ensure maximum usage of the site by the City and as many wireless services as feasible, effectively reduction the total number of towers or support structures needed, which simultaneously maximizing the City's revenue potential.

Consultant will provide the following services related to lease management to include, but not limited to:

- Expert consulting relating to legal and engineering aspects of all telecommunications issues in the City;
- Maximizing potential revenue for the existing City-owned facilities and future City-owned facilities;
- Design specification for new City-owned tower facilities;
- Minimizing the total number of individual sites (towers) needed for the City by proper collocation and combining of wireless provider services on existing and/or new facilities;
- Analyze lease rates and terms of existing contracts;
- Recommend a fee structure for review and processing of future wireless provider and tower owner applications;
- Review and assist the City in improving the existing lease approval process of the license agreements between the City as the landlord and all future tenants;
- General business and lease administration of all new lease agreements between the tenants and the City
- Consultant manages the billing cycle of each lease on behalf of the city, including billing and collecting rent payments from the tenants and remitting report and balance of accounts to the City on a monthly basis
- Consultant will provide income receipt reports and projections for the City-owned sites.

Duties and obligations of the City:

The City shall provide Consultant a complete comply of all related contracts, design criteria and any additional related work or studies of existing sites and or potential City-owned properties.

The City shall cooperate with Consultant in all matters that require common cooperation in order to maximize the long-term profitability of the Sites.

Duties and Obligations of Consultant:

Consultant will serve as the City's exclusive Site Manager in connection with users/tenants of publicly owned sites. The primary responsibility of the Site Manager shall be to consult with the City during the negotiation of, and maintain after execution thereof, the Tenant contracts and their related equipment in such a manner that will yield the highest net revenues to the City on a long-term basis. As Site Manager, Consultant shall at all times maintain the highest priority to protecting the City's communications system from interference, reduce power, or damage of any sort.

Consultant shall assist the City in identifying new customers for the City-owned sites and shall consult with the City in negotiations of future Tenant leases and in the preparation of a lease form to be approved in advance by the City. Failure of a Site to generate any specific revenue amount shall not be considered a failure of Consultant. Consultant shall be responsible for the leasing management and administration of the city-owned Sites to future wireless carriers, to include, but not limited to: consulting with the City in the negotiation of new and renewal contracts, performing intermodulation and interference studies, assisting with the appropriate coordinating of installation or modification activities, facilitating non-legal resolution of any disagreements among Tenants, handling of any FCC or FAA matters, including matters of tower compliance with all location standards and conformance to existing TIA/EIA standards and good engineering practices, tower lighting (FAA lighting notification) structural analysis (tower loading evaluations), necessary ANSI computation and/or measurements to assure the Sites safe for human exposure to non-ionizing radiations, evaluation of the need to repair or improve and City towers or equipment; notification to the City of any deficiencies in, or damage to, the City towers and equipment; notification to the City of tenant default; contract enforcement; collection of delinquent rent excluding legal action; removing or acquiring possession of abandoned tower structures and equipment; and all other matters as directed or approved by the City that do not involve policy decisions, legal services, real estate brokerage services, or public procurement. All such activities shall be conducted employing the highest level of expertise and scrutiny. Consultant shall service as both an expert consultant to the City for legal and engineering aspects of all wireless telecommunications issues for the term of a contract with the City for Site Management. At any time at the request of the City, Consultant will provide an annual performance report, or presentation, regarding the status of city-owned properties, management activities, including current placements and updated future expectations. Consultant shall be responsible for all billing to Tenants in connection with their operations on the Sites, and for the collection of any delinquent accounts. The City grants to Consultant the authority, on its behalf, to take such action as may be necessary to collect any delinquent accounts. The institution of legal action shall require the prior of the City, and the cost of such proceedings shall be borne by Consultant and City in the same proportion as their respective interest in the proceeds as provided for below. The proceeds of any recovery from Tenant, whether by settlement or court judgment, including any legal and collection expenses received, shall be paid to Consultant and City in the same proportion. Neither Consultant nor the City offers any guaranteed rate of success in collecting delinquent lease payments from tenants.

Consultant will remit to the City, on a monthly basis, or any other timetable as determined by the City, the amount due to the City all rents, fees, and other amounts collected (less sales tax, if applicable), together with a monthly report including a statement of account detailing all transaction, and showing all amounts collected and all amounts uncollected from Tenants. Monthly accounting documents and project records, files, papers, systems, including all those in electronic or digital format, developed, created, revised, maintained or store by Consultant in connection with the performance of an Agreement with the City, shall be the property of the City throughout the duration of an Agreement and thereafter.

Site Leasing Management Fees

Management fees for the site administration and leasing of City-owned property will be based on the schedule of percentages below, of the gross rent collected on each new contract for City-owned tower facilities managed and administered by Consultant. Sales taxes, real estate or personal property tax reimbursement, insurance reimbursements and late fees, if applicable, shall be excluded from the amount of the rents and fees upon which the compensation of Consultant is based.

Consultant will receive a percentage of gross rent collected on all new lease agreement for the first initial five year term of any new lease agreement. Thereafter, beyond the initial five year term of a lease agreement, Consultant will adjust the fixed rate from the agreed upon percentage minus 5% less of the gross rent collected on all lease renewal agreements.

As long as a contract between the City and Consultant is in effect, Consultant will act as a resource, at the request of the City, regarding any telecommunications issues in the City.

THIRD PARTY EXPERT APPLICATION REVIEW

A municipality's obligation under Section 704 of the Federal Telecommunications Act of 1996 is to act upon applications for new wireless telecommunications infrastructure in a reasonable period of time, and make decisions that are reasonably justified under the circumstances. Consultant will provide the technical information to form policy decisions based on facts related to the necessities in wireless network design. Important in the Consultant program is your expertise and background in the engineering, legal, and land use disciplines. Consultant's process is to clearly understand the governing document, the Ordinance, and assure its compliance with the Federal and State guidelines. If concerns are found in any submittal, Consultant will offer suggestions to resolve the situation. Upon request by the City, Consultant will provide expert review (Third Party Expert Application Review) of applications submitted to the City for the placement, construction and/or modification of personal wireless service facilities. The City will forward to the Consultant any application submittal package for which review is desired. Upon receipts of an application submittal package from the City, Consultant will review the application submittal package and evaluate the application submittal materials for completeness. Consultant will notify the City's Planning Director, or other planner responsible for the application under review as specified by the City, of any additional materials required to conduct a comprehensive review of the application. Consultant will review the wireless application from a legal standpoint to ensure each meets the requirement of the applicable ordinance, laws, rules and regulations, including but not limited to those applicable to zoning, permissible structure height, safety and aesthetics, and compliance with applicable federal

guidelines include FAA and FCC (i.e., RF emission standard, power levels, etc.). Consultant's review and evaluation will include, but is not limited to:

- Accuracy of data and application completeness of submissions;
- Assurance that the City works within the confines of the FCC "shot clock" and meets the short time allowed for disposition of all telecommunications applications;
- Applicability of analysis techniques and methodologies;
- Validity of conclusion reached;
- Compliance with all applicable federal, state, and local structural, safety and exposure to human safety codes;
- Whether the proposed wireless telecommunications facility complies with the applicable approval criteria set forth in local regulations;
- Determine whether the site's search ring is adequate based on generally accepted cellular, PCS, ESMR, ISP, paging and other emerging technology engineering principles for the intended site;
- Evaluation of proposed height of requested facilities, based on capacity or coverage;
- Evaluation of compliance with existing local ordinances, rules and regulations (i.e., without limitation, setbacks, tower separations, ordinance definitions, etc.);
- Compliance with all zoning approvals to include but not limited to correctness of concealed or Stealth design, low profile antenna installation, maintaining the correct number of co-locations, and assurance of matching concealment.
- Compliance with the Telecommunications Act of 1996 and other applicable federal laws, rules and regulations, whether now existing or hereafter enacted
- Compliance with the state wireless statutes
- Evaluation of aesthetic impacts and possible mitigation of, structures, shelters, containers and landscaping to provide a more aesthetically pleasing solution;
- Evaluation of Federal Communications Commission (RCC) Radio Frequency (RF) exposure compliance;
- Evaluation of Compatibility with Public Safety Communications systems;
- Evaluation of Structural Integrity of the support structure to assure compliance with applicable wind zone designations, state building codes; and
- Other matters deemed by County to be relevant to determining whether a proposed wireless telecommunications facility complies with the provisions of the City's regulations.

Consultant's methodology shall carefully follow the federal and state regulations and include an initial checklist of the material submitted for completeness. If the application is incomplete, Consultant will conform to City policy regarding proper stakeholder notifications while maintaining the short FCC "shot clock."

Consultant will prepare and submit a report summarizing each application, and detail in writing its findings in an independent review. Consultant will provide to the City an application review package with 15 copies of the written report of the analysis, and one (1) electronic PDF copy.

Consultant shall provide a 72-hour turnaround time for all Third Party Expert Application Reviews for the City. In addition, if required by the City, Consultant's engineer will attend one public hearing or Commission meeting related to each application to provide expert testimony and assistance to the City, at no additional charge to the City. If attendance at more than one public hearing or Commission meeting is required, Consultant's engineer will attend additional related public hearings as Additional Consulting Services and charged at a per diem hourly rate, include travel expenses. Any additional consulting services shall be approved in advance in writing by the City.

