

**Before the
First Responder Network Authority**

))
Nationwide Public Safety Broadband))
Network Special Notice) No. D15PS00295
))

COMMENTS OF THE STATE OF WASHINGTON

The State of Washington (“Washington” or “State”), in cooperation with and input from the Washington OneNet (“WON”) Technical Committee, submits these comments in response to the First Responder Network Authority (“FirstNet”) Nationwide Public Safety Broadband Network (“NPSBN”) Special Notice.¹ These comments are prepared by Washington’s Office of the Chief Information Officer (“OCIO”), which supports and staffs the Washington State Interoperability Executive Committee (“SIEC”).²

I. INTRODUCTION

Washington applauds FirstNet for the transparency and cooperation heralded by the publication of the Special Notice. Sharing this document with the public safety and vendor communities raises awareness of FirstNet’s intended acquisition approach and the status of its efforts, and FirstNet’s request for comment on the document underscores its willingness to hear feedback and make any changes accordingly. The State thanks FirstNet for the opportunity to provide that feedback.

¹ First Responder Network Authority Nationwide Public Safety Broadband Network Special Notice - D15PS00295 (“Special Notice”) (Apr. 27, 2015). As used in these comments, the term “Special Notice” includes all associated documents, including the Statement of Objectives, Appendices, and any others publicly posted at <https://www.fbo.gov/index?s=opportunity&mode=form&tab=core&id=7c77a7ef3f5b3521fd817f1e58f3c875& cview=1>.

² Wash. Rev. Code § 43.41A.080. Washington Governor Jay Inslee designated the SIEC and its Chair, Bill Schrier, as the FirstNet State Point of Contact (“SPOC”).

FirstNet has been collecting input from the public safety community since it held its first “listening tour” meeting in May 2013. After almost two years of outreach and information gathering, it published the Special Notice, which includes its first cut at the document that will reflect how it has consolidated and interpreted the information it has received so far, particularly information the NPSBN’s future users have provided to describe their own requirements for the network.

The Special Notice, like the information-gathering process itself, is not a completed undertaking. This incompleteness—particularly the shortage of structure and definition throughout—makes useful assessment of the Special Notice extremely difficult. As a result, Washington takes this opportunity to comment on the acquisition process described in the Special Notice, recommending a structured approach designed to reduce uncertainty and risk while maximizing efficiency and the likelihood that the NPSBN, when deployed, will indeed meet the requirements of its intended public safety users. The State recommends that FirstNet publish at least three documents: a User Requirements document, a Preliminary RFP, and a Final RFP. The State further urges FirstNet to allow vendors to make proposals in the major functional areas, and the states, that they desire, subject to logical limitations to avoid inefficiency and damaging incentives.

II. FIRSTNET’S PROCUREMENT PROCESS MUST START WITH PUBLIC SAFETY REQUIREMENTS.

Congress created FirstNet to “ensure the establishment of a nationwide, interoperable public safety broadband network.”³ Recognizing that FirstNet could not hope to satisfy that mandate unless it first understands the features and capabilities public safety users require, Congress provided for the federal State and Local Implementation Grant Program (“SLIGP”) to help state, local, regional, and tribal

³ Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. No. 112-96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*)) (“Act”), Sec. 6202(a).

jurisdictions collect and communicate those requirements, enabling FirstNet to obtain from public safety users the information it will need to “satisfy the[ir] wireless communications and data services needs.”⁴ Under SLIGP, the public safety community at all non-federal levels of government has been collecting extensive data on user requirements to be shared with FirstNet, based upon the real-world experience of the NPSBN’s future subscribers. This work is progressing, though still incomplete: FirstNet has requested specific data items under SLIGP Phase 2; that data is not due to FirstNet until September 30. Almost 80 percent of the states and territories, including Washington, have participated in initial consultation meetings with FirstNet.

Congress also recognized the importance of user requirements in the procurement process. The Act specifically states that FirstNet “shall consult with regional, State, tribal, and local jurisdictions regarding,” among other items, “requests for proposals with appropriate ... service levels [and] performance criteria,” and “the technical and operational requirements of the network.”⁵

The Act describes a clear, logical path to FirstNet acquisition: first collect and understand public safety user requirements, then draft requests for proposals (“RFPs”) to reflect those requirements in consultation with the future customer to ensure the RFPs get it right. The State of Washington urges FirstNet to follow this approach, publishing a User Requirements document for comment from the intended user community prior to drafting the RFP, as explained below.

A. The Special Notice Offers a Good Start for a Procurement Framework; It Is Not a Draft RFP.

FirstNet states that the Special Notice includes “draft sections that may be included in a subsequent RFP used to competitively procure a comprehensive technical and business solutions [sic]

⁴ Act, Sec. 6302(a).

⁵ Act, Secs. 6206(c).

meeting FirstNet’s stated mission and objectives.”⁶ The Special Notice includes documents that touch many of the key subjects necessary for inclusion in an RFP. Use cases, functions and functional owners, timeframes, pricing concepts—all of these will be of great importance in creating the RFP.

Even if some of the documents in the Special Notice are early versions of material that FirstNet intends to include in a future RFP, the Special Notice cannot be viewed as a draft RFP itself. Rather, it provides a good start for understanding a proposed procurement framework. Its level of completeness, cohesiveness, and detail, however, are not adequate for an RFP; they are more appropriate to a request for information (“RFI”).

For the vendor community to submit bids that meet the needs of future network users, and for those same future users to properly comment, an RFP must contain both operational and functional specifications, as well as organizational, governance, security and service policies set by FirstNet. These specifications and policies must be based on fully developed, detailed use cases built on real-world input from public safety practitioners. For example, an RFP must contain details on service level agreements (“SLAs”) and governance processes so that bidders understand the level of performance required and the structure for making decisions on future network changes. The Special Notice and associated documents do not provide this necessary information, making it in many cases extremely difficult—if not impossible—to provide helpful comment. Nonetheless, where practicable, Washington, after detailed review and with significant input from members of its WON Technical Committee, has provided comment on specific line items in FirstNet’s Operational Architecture C-7 comments form, attached here as Appendix A.

⁶ Special Notice at 2, Sec. 3.

A draft RFP should provide vendors and potential users of the NPSBN an advance view of the final RFP with the opportunity to suggest improvements that would better reflect user requirements and remove unnecessary obstacles to vendor participation. A draft RFP should be very close to the final RFP, not so much a request for further information upon which to base further development of the RFP—the approach reflected in the Special Notice—but rather a document that allows FirstNet to verify, validate, and confirm the details of its content.

B. FirstNet Should Publish a Complete User Requirements Document for Comment.

FirstNet’s primary mandate is to build a network for public safety that meets future public safety users’ requirements. To meet that mandate, it must determine those requirements—with assurance and specificity. An RFP that does not provide bidders that same assurance and specificity will result in depressed bidder interest, inflated bid prices (to offset the risk of uncertain requirements), fewer bids that do actually meet user requirements, and, ultimately, reduced adoption.

Instead—and in keeping with the direction established by Congress—FirstNet should first obtain a clear, detailed understanding of intended public safety users’ requirements based upon its extensive outreach and the data collected by state, local, and tribal entities under SLIGP. To document and validate its understanding, FirstNet should create and publish a User Requirements document that provides fully developed use cases for the NPSBN. Not only would the User Requirements document provide FirstNet confidence that it fully understands its customers’ needs and provide vendors a well-defined problem to solve, but it also would generate confidence among potential users in FirstNet, the RFP process, and the future NPSBN’s ability to support their public safety missions.

The Special Notice does include, in Appendix C-9, a “Use Case Definitions” document. FirstNet does not intend this Appendix to provide all of the detailed use cases that will be required for the RFP. The “Document Overview” reads as follows:

In order to meet FirstNet’s program objectives, FirstNet will rely on a set of illustrative use cases. One of the objectives of this document is to illustrate usage of the main functions of FirstNet as defined in the Appendix C-7, Operational Architecture. Where appropriate, references are provided to the functions in the Operational Architecture.

In this draft, the content is largely limited to the list of use cases, their titles, and a brief description of each. In addition, a few detailed examples have been included which will serve to illustrate how all of the completed use cases will ultimately be incorporated.⁷

Washington can appreciate the amount of work required to fully develop all of the use cases that will be required for a successful RFP—it is enormous. But Washington, undoubtedly like many other states, must be assured that its use cases will be satisfactorily met in the future NPSBN.

Washington, for example, has named the following as among its own use cases:

Daily operational use	High wind event	Explosions
Tsunamis	Extreme winter storm	Sports events
Floods	Cyber-attack on	Ship wrecks or groundings
SeaFair	infrastructure	Oil spills
Pipeline fires	Massive power failure	Bridge collapses
Aircraft crash	Landline communications	Mud slides
Terrorism event	failure	Forest fires
Volcanic eruption	Avalanche rescue	Search and rescue (SAR)
Seismic events	Nuclear dirty bomb	High water rescue
Ash plumbs	Mountain Rescue	Earth slides
Mud flows	Port fires	Infrastructure attack
Explosive force	Tunnel fires	Tornados
Public Health events	Civil disobedience	Nuclear weapon attack
Pandemic Flu	VIP protection duty	SWAT
Ebola	Refinery fires	Major public events
Bio attack	Building collapse(s)	Port fires
Oil Train derailment and explosion	Public events	
	Earthquakes	

Washington must be able to review the FirstNet use cases and determine that each of the above are met (perhaps with some level of enhancement) by at least one of the use cases FirstNet defines.

⁷ Special Notice, Use Appendix C-9

Thus, Washington urges FirstNet not simply to name its use cases, illustrate what a use case looks like, and describe how it intends to incorporate use cases into its RFP. Leaping from that step, achieved in the Special Notice, to publication of a final RFP would be inadequate both for the customer and the vendor, leading to poor RFP (and NPSBN) results. FirstNet should instead develop a complete set of fully developed generic use cases, perhaps also creating a use case matrix with characteristics of each use case notated on a single line, and then publish them as a User Requirements document.

Presented with the User Requirements document proposed here, the future users of the NPSBN would comment to confirm and sharpen FirstNet's understanding of their needs, thus reducing the risk of under- or over-building the network's capabilities. This increased clarity will become the foundation which, in later procurement stages, will enable vendors to fashion better-tailored proposals at prices that are lower because of the reduced need to offset the risk of uncertainty.

C. FirstNet Should Publish a Preliminary RFP for Comment.

Upon receiving, digesting, and incorporating the feedback from the User Requirements documents, FirstNet should draft the RFP, publishing it in advance as a "Preliminary RFP" and requesting comment.

1. The Preliminary RFP Is a Complete RFP, Final Except for Changes Resulting from Comments.

The purpose of publishing the Preliminary RFP is not to seek broad input from either the customer or vendor communities. Rather, its purpose is to sharpen the RFP for final publication, making adjustments necessary to ensure its requirements will serve future users' needs without unnecessarily raising bid prices or complicating vendors' development and submission of qualifying bids. In short, the Preliminary RFP should be able to stand on its own as a final document; it is not final only because it is being published for comment and will be revised in response to those comments.

2. FirstNet Should Enable Function-specific Bids.

In its RFI published in September 2014, FirstNet asked whether it should

(a) seek proposals for a comprehensive, nationwide solution, (b) act as integrator and seek proposals for equipment and services to custom assemble a nationwide network, or (c) something there-between?⁸

The acquisition strategy described in the Special Notice suggests that FirstNet has selected option (c), though decidedly closer to (a) than (b): the “Category One” approach is essentially a single, comprehensive, nationwide solution.⁹ FirstNet’s only variance from this all-inclusive approach is “Category Two,” wherein a vendor may bid to provide radio access network (“RAN”) and covered leasing agreement (“CLA”) functions for a sub-national state or group of states.¹⁰

Washington urges FirstNet to reconsider this approach and instead enable vendors to bid only on the functions they desire, whether packaged in a single bid or broken into many. The result will be stronger bids for more tailored capabilities, reducing the inefficiencies caused by layers of subcontracts that typically plague large government acquisitions. It will allow FirstNet to select the best provider for each function, freeing it from the partnering decisions of the prime vendor in a bidding team. Thus, FirstNet will not have to settle for a second-rate Applications Ecosystem (for example) in order to procure the first-rate RAN solution offered by a single bidding team.

Though the 2014 RFI framed this option as “act[ing] as integrator ... to custom assemble a nationwide network,” FirstNet itself need not serve as the integrator. Instead, FirstNet could manage an integration contract along with the various function-specific contracts that result from the RFP.

⁸ *Request for Information for Comprehensive Network Solution(s)*, First Responder Network Authority (Sept. 17, 2014) (“2014 RFI”) at 4.

⁹ Special Notice at 5 (“Category One encompasses a single nationwide approach whereby an offeror would be responsible for the provision of all necessary high-level functions needed to deploy and operate a nationwide solution in accordance with FirstNet’s objectives.”)

¹⁰ *Id.* at 6.

The major functions for which FirstNet should require nationwide bids include core network, deployables, devices, satellite, applications ecosystem, and applications API—*i.e.*, those functions for which a single nationwide service is either required or highly desired for purposes of scale and efficiency. It should permit bids on a one-state, multi-state, or national basis to provide RAN, backhaul, subscriber adoption, subscriber lifecycle management, and CLA goods and services.¹¹

Though FirstNet should permit any vendor to bid to provide any one or any combination of functions, it should prohibit any bidder from providing both CLA services (*i.e.* the marketing and selling of excess network capacity to secondary users) and any function that would place the bidder in a position to discourage public safety adoption and usage of the network, thereby increasing the amount of excess capacity available for sale. Such functions include core network, devices, applications ecosystem, applications API, RAN, backhaul, subscriber adoption, and subscriber lifecycle management.

3. FirstNet Should Derive Technical Specifications and Requirements for Each Function from the Use Cases Confirmed by the Intended User.

A major piece of FirstNet’s work will be the derivation of technical specifications and requirements from the use cases it has confirmed with the future user community through the User Requirements document. For each of the eleven major functions named above, FirstNet should identify the technical specifications and requirements that the bids must reflect in order to meet the future user’s needs. The Preliminary RFP as a rule should not suggest that the bidder interpret the future user’s needs and propose their own technical specifications.¹²

¹¹ These eleven “major functions” are the same as the nine “High Level Functions” named in the Special Notice, with the addition of backhaul and Applications API. Special Notice at 5, Sec. 4.2.

¹² See, *e.g.*, Special Notice at 4, Sec. 4.1.3.1 (“FirstNet seeks feedback on the types of price plans and billing options being considered by potential offerors that will meet public safety’s needs.”).

The Preliminary RFP should include all of the information the vendor will require to develop focused, competitive bids with a high degree of certainty that the bid will meet the user's requirements.

It should include at least the following:

- i. Technical requirements and specifications for each of the major functional areas, derived from the feedback responding to the User Requirements document, as well as the confirmed use cases themselves; requirements for each functional area should include a set of requirements focused on the provision and management of network and/or data security, as appropriate.
- ii. Policies developed by FirstNet that will govern the network, including those related to the provision and management of network and data security; FirstNet may wish to publish this section for comment in advance of its inclusion in the Preliminary RFP.
- iii. Clarity as to the procedures governing adoption, administration, policy enforcement, change management, and other areas where new policies will need to be created or existing ones changed as the network evolves.
- iv. A FirstNet-adopted business case setting goals for the service price and related costs, with specificity describing price plans and billing options.¹³

D. FirstNet Should Then Publish the Final RFP for Bids.

After incorporating appropriate revisions from comments on the Preliminary RFPs, FirstNet should issue the Final RFP for bidder proposals. The Final RFP will be similar in form and content to the Preliminary RFP, differing only where FirstNet deems revisions advisable to incorporate specific comments on the Preliminary RFP, as appropriate. It should be received by the vendor community with little fanfare, because the Preliminary RFP should have removed almost all of the suspense and uncertainty. The most interesting detail of the Final RFP should be the announcement of the deadline for bids.

¹³ Washington urges FirstNet to recognize in its business case the tension between public safety usage and CLA revenues, including the expectation that the former will increase over time at the expense of the latter. FirstNet should forecast the growth in public safety usage and require bidders to assume at least that level of growth in their bids.

APPENDIX A

LINE-ITEM COMMENTS ON FIRSTNET OPERATIONAL ARCHITECTURE C-7 COMMENTS FORM

[See file submitted under same cover]