

**RESPONSE TO REQUEST FOR PROPOSALS TO PROVIDE
CONSULTING SERVICES AND INDEPENDENT ANALYSIS OF WEST
VIRGINIA'S CURRENT BROADBAND INFRASTRUCTURE**

RFQ NUMBER: **DEV1224**

ITEM NUMBER: **961-20**

VENDOR: **RUDOLPH J. GEIST**

7910 Woodmont Avenue, Suite 405
Bethesda, MD 20814
Tel. 240-821-9850, x101
Cell: 301-922-4100
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Charleston, WV Office:
237 Capitol Street, PO Box 1258
Charleston, WV 25301
Fax: 304-346-9337

CONTACT: **RUDOLPH J. GEIST**

CERTIFICATION:


Rudolph J. Geist

DATE: **November 21, 2011**

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WV PURCHASING
DIVISION

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COPY OF COMPLETED REQUEST FOR QUOTATION

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PURCHASING AFFIDAVIT



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER
 DEV1224

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ADDRESS CORRESPONDENCE TO ATTENTION OF
 FRANK WHITTAKER
 304-558-2316

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

Rudolph J. Geist
 7910 Woodmont Ave., Suite 405
 Bethesda, MD 20814

SHIP TO

WV DEVELOPMENT OFFICE
 ADMINISTRATION
 BUILDING 6, ROOM 645
 1900 KANAWHA BOULEVARD, EAST
 CHARLESTON, WV
 25305-0311 304-558-0350

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
10/16/2011				

BID OPENING DATE: 11/22/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		961-20		
<p>CONSULTING SERVICES</p> <p>REQUEST FOR PROPOSAL (RFP)</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEVELOPMENT OFFICE IS SEEKING PROPOSALS FROM QUALIFIED CONSULTANTS TO PROVIDE CONSULTING SERVICES AND INDPENENDANT ANALYSIS OF THE STATE'S CURRENT BROADBAND INFRASTRUCTURE PER THE ATTACHED SPECIFICATIONS.</p> <p>ALL TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO FRANK WHITTAKER IN THE WV PURCHASING DIVISION VIA EMAIL AT FRANK.M.WHITTAKER@WV.GOV OR VOA FAX AT 304-558-4115 DEADLINE FOR ALL TECHNICAL QUESTIONS IS 11/03/2011 AT 4:00 PM. ALL TECHNICAL QUESTIONS WILL BE ADDRESSED BY ADDENDUM AFTER THE DEADLINE.</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
	240-821-9850	11/21/2011
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
	52-2338293	

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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<p>WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICE SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p>						

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<p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 05/26/2009</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: 44</p>						

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				BID OPENING DATE : 11/22/2011		
				BID OPENING TIME : 1:30 PM		
				PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: 301-656-2328		
				CONTACT PERSON (PLEASE PRINT CLEARLY): Rudolph J. Geist		
				***** THIS IS THE END OF RFQ DEV1224 ***** TOTAL :		

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ATTACHMENT A: VENDOR RESPONSE SHEET (DEV1224) – ADDENDUM

Consultant: Rudolph J. Geist

More than 15 years of experience immersed in the legal, policy, technical and business areas of the developing broadband industry and in developing new and emerging telecommunications. Founded Utopian Wireless Corporation in 2006 that acquired prime licensed 2.5GHz spectrum in 45 U.S. markets with plans to deploy 4G wireless broadband services to urban and underserved markets. Prior to Utopian, Founder and Managing Partner of RJGLaw LLC, a Washington, D.C. area boutique telecommunications law firm focusing on serving wireless and wireline clients in emerging telecommunications. Prior to RJGLaw LLC, Co-Founder, Director, President and General Counsel of SpectrumLink Networks, Inc., a wireless broadband company that was merged into and became Clearwire Holdings, Inc., a company acquired in 2003 by Craig McCaw that became Clearwire Corporation, the largest 4G wireless service provider in the United States. Prior to founding SpectrumLink, was co-founder, Executive Vice President, General Counsel and Director of O1 Communications, Inc., a California facilities-based telecommunications carrier. Before joining O1, started up dial up Internet service provider, U.S. Netway, Inc. in Pennsylvania with brother, while practicing telecommunications law with the Washington, D.C. law firm of Wilkes Artis. Education: JD, Catholic University of America School of Law, Washington, D.C., with a special certificate in communications law from its Institute for Communications Law Studies; BA, Honors Inter-disciplinary degree in communications law (self designed), Magna Cum Laude, Dean's Scholar, Phi-Beta Kappa, Temple University, Philadelphia, PA. References available upon request.

WRITTEN RESPONSES (Mr. Geist to serve as principal consultant for all activities described below with support from staff member, Norman Liu).

2.3.1 Industry and Policy Analysis, State and Federal Funding Analysis, Strategic Planning Support - list minimum three projects completed in the past ten years for each of the following, along with a list of names/addresses and details regarding project specifics and outcome:

- **2.3.1.1 Understanding and view of the broadband industry at both Federal and State levels to provide policy analysis and program development or planning assistance to clients.**
 1. As Managing Partner of RJGLaw LLC, immersed from a top down policy standpoint in nearly every major development in broadband industry at Federal and State levels over the past 10 years, including policies relating to; i. consolidation of the local exchange carrier, Internet service provider and wireless industries; ii. development of the local exchange carrier, Internet service provider and competitive wireless industries; iii. Federal and State policies and policy evolution concerning promotion of the broadband industry (and policies relating to incumbent interests); iv. creation and carrying out of policies concerning

funding for broadband deployment and measurement; and v. direct participation on behalf of clients to influence/shape the above policy issues at agency and legislative levels. As counsel to clients with respect to telecommunications policy matters, advised clients regarding how to influence policy matters with successful outcomes, and to use positive policy outcomes to their advantage. For example, represented largest national holder of prime licensed 2.5GHz EBS spectrum in participation in all Federal Communications Commission (“FCC”) policy matters concerning 2.5GHz spectrum from 1997 to 2010, through which the FCC evolved policies to encourage flexible use of that spectrum in secondary markets, allowing client to partner with major national wireless broadband carrier, generating in excess of \$100 million in value to client through further efforts in developing and negotiating transactions on the client’s behalf to take advantage of the new, favorable policies.

2. As Co-Founder/President of SpectrumLink Networks, Inc. (which was merged into and became Clearwire Holdings, Inc.), and later as Founder/CEO of Utopian Wireless Corporation, immersed from a bottom up standpoint in the developments in the Broadband industry listed in #1 above, and specifically from the standpoint of the development of an operational competitive wireless broadband Internet service provider being affected by the relevant policies. Leveraged knowledge and influence in relevant policy areas to facilitate transactions and development of plans for new competitive wireless broadband concerns.
3. As Co-Founder, Executive VP, General Counsel of O1 Communications, Inc., participated in policies involving the local exchange carrier industry and executed business plans to put company at a competitive advantage with respect to favorable Federal and State policies. For example, based on understanding of policies concerning traffic termination rates for competitive local exchange carriers, negotiated favorable interconnection agreements with incumbent carriers for terminating traffic, which resulted in O1 generating over \$20 million per year in reciprocal compensation payments, thereby helping fund larger network deployment throughout California, and helping O1 secure funding and ability to remain competitive through 2010 sale of company retail operations at premium to shareholders.

- **2.3.1.2 Domestic and international experience in assessment, engineering, design, operation and capacity building for broadband infrastructure and different business models applicable to both middle mile and last mile networks as evidenced by verifiable, delivered work product pertaining to same.**

1. As Founder/CEO of Utopian Wireless Corporation from 2006 through 2010, led company’s successful efforts to acquire prime licensed spectrum assets in 45 markets (including in multiple markets in West Virginia) for use in deployment of national 4G wireless broadband carrier with focus on serving end users in underserved areas. Oversaw all business planning/modeling and deployment planning efforts for simultaneous multi-market, multi-state deployment, including market selection and market research (including development of proprietary tools for determining current broadband penetration), technology selection, vendor

discussions and selection, network architecture, services and planning, funding strategy (including broadband stimulus funding application), and sales, marketing and customer support planning. Although the company nearly executed on these plans, due to difficult economic conditions, the company discontinued its pursuit of becoming operational in 2010 after it was unable to successfully raise necessary funding, and will be selling its valuable spectrum assets in an orderly fashion as conditions improve.

2. As Co-Founder/President of SpectrumLink Networks, Inc. (which was merged into and became Clearwire Holdings, Inc.), oversaw company efforts to secure national footprint of prime licensed spectrum assets (in over 100 markets), planned market/geographic deployment, including market evaluation, technology and vendor selection, business planning strategy, and raised over \$40 million of seed capital through efforts with Goldman Sachs. Facilitated transaction with Craig McCaw for acquisition of Clearwire Holdings, Inc., which became Clearwire Corporation, which is today a leading provider of 4G wireless service in the United States in partnership with Sprint Nextel, Google, Comcast, Time Warner, and other major partners, offering 4G wireless services to areas including over 130 million people and growing. Intimately involved in every major network, technology and business development of competitive wireless industry since founding of SpectrumLink.
3. As Co-Founder, Executive VP and General Counsel, of O1 Communications, Inc., assisted in the early development and business and network planning for California, state-wide, facilities based telecommunication carrier, including oversight and planning of state-wide carrier deployment, negotiation of agreements for transport (long haul) and facilities interconnection at incumbent carrier central offices, tandem offices and end offices, negotiation of Internet peering and backbone connectivity agreements, to facilitate O1's ability to serve customers in California. This resulted in O1 successfully deploying a California state-wide facilities based telecommunications network in its first two years of operation and becoming a profitable company through sale of its retail operations in 2010 .

- **2.3.1.3 Advisory, assessment and program support for state and federal regulatory, federal funding programs, and Universal Service Fund reforms, including an assessment of where Federal and State funding is underutilized as evidenced by verifiable, delivered work product pertaining to same.**

1. As Managing Partner of RJGLaw LLC, assisted major non-profit client in successful multi-year participation in funding programs offered through the Universal Service Administrative Company, administrator of the Federal Universal Service Fund, for island wide Internet services, telecommunications and equipment provision to schools and libraries in Puerto Rico, including advisement on all program rules and policies, participation in rulemaking and policy proceedings, development of bidding documents and procedures, oversight of funding application process, providing program audit and compliance services regarding same, and assistance with securing award funds and program

compliance procedures regarding accounting and use of disbursed funds. Maximum funding was secured for most disadvantaged areas in Puerto Rico based on geographic survey information and demographic research.

2. As Founder/CEO of Utopian Wireless Corporation, orchestrated and oversaw successful company efforts to apply for and obtain awards from the U.S. Department of Agriculture, Rural Utilities Service ("RUS"), for \$11.6 million in Federal broadband stimulus program funding through the American Recovery and Reinvestment Act of 2009 ("ARRA"), for use in deployment of wireless broadband last mile services to 13 underserved areas in 10 states. Funding was awarded based on applications for underserved areas determined by company based on proprietary national database developed for purpose of identifying all U.S. zip code areas with actual broadband penetration rates (based on local Internet service provider speedtests) lower than threshold rates established pursuant to agency rules for consideration as unserved and underserved. Although this ARRA funding was awarded, the company ultimately rejected the funding based on post award conditions associated with the funding.
3. As Managing Partner of RJGLaw LLC, assisted major non-profit client with respect to applications for ARRA funding through the U.S. Department of Commerce, National Telecommunications and Information Administration ("NTIA") and the RUS, for funding to deploy last mile 4G wireless networks in underserved areas in Puerto Rico, including assistance with identification of unserved and underserved areas eligible for funding, and network strategy and business planning and analysis. These applications were not approved for funding.

- **2.3.1.4 Assessment and development of comprehensive strategic and tactical plans for infrastructure deployment and capacity building for commercial entities, communities or states.**

1. As Founder/CEO of Utopian Wireless Corporation, led all efforts related to the planning, strategy and execution of the company's proposed deployment and funding of a multi-state facilities based 4G wireless network serving urban and underserved areas, including complete and detailed planning of new cell site construction and cell site acquisition, all last mile network elements, including tower site equipment, local points of presence and backhaul, development of a leased national transport network (including in state middle mile network facilities), and detailed planning and development of complete network operations and backoffice carrier functionality, including capacity requirements.
2. As Co-Founder/President of SpectrumLink Networks, Inc., oversaw efforts to plan national wireless broadband network deployment, including network design and assessment, selection of equipment vendors and transport providers, acquisition of spectrum licenses and assets, and pursuit of funding. Efforts resulted in merger of the company into Clearwire Holdings, Inc., which was acquired in 2003 by Craig McCaw and renamed Clearwire Corporation, which is the leading 4G wireless operator in the U.S. today.

3. As Co-Founder, Executive VP, General Counsel of O1 Communications, assisted in the planning, design and execution of deployment of a statewide facilities based telecommunications carrier network serving both retail (end user) and wholesale (carrier and service provider) customers. Involved in decisions about network equipment, network capacity requirements and planning, geographic point of presence locations and collocation, and agreements pertaining to securing funding for same. Efforts led to successful deployment of state wide network and development of profitable company through sale of its retail operations in 2010.
- **2.3.1.5 Implementation and management of broadband adoption programs on a regional or national level.**
 1. As Founder/CEO of Utopian Wireless Corporation, successfully negotiated agreement with owner of leading World-wide online measurement tool for measuring broadband speedtest data for exclusive use of data in developing proprietary national broadband service provider penetration database to be used for identifying broadband penetration rates (on an individual service provider basis and on average) at a zip code level across the U.S. As a result of this agreement, oversaw creation of proprietary national broadband penetration database, which included all U.S. service provider broadband penetration data on a zip code level, including capabilities to overlay service provider and demographic data on broadband maps to the zip code level. This proprietary database allowed Utopian to identify underserved areas within its licensed spectrum coverage for which to apply for ARRA broadband stimulus funds, resulting in the company obtaining \$11.6 million in funding awards from the RUS to deploy wireless broadband service to 13 distinct geographic underserved areas in 10 states.
 2. As Managing Partner of RJGLaw LLC, assisted major non-profit client over several years to provide high speed Internet access to underserved and disadvantaged areas through funding from the Universal Service Fund after identifying areas with greatest need through geographic survey information and demographic research. Efforts led to client successfully obtaining Universal Service Funds to provide high speed Internet access services to substantial underserved populations throughout Puerto Rico.
 3. As Managing Partner of RJGLaw LLC, assisted major non-profit client in identifying underserved areas in Puerto Rico with respect to application for ARRA broadband stimulus funding, including identifying specific broadband adoption rates in all areas of Puerto Rico, and assistance in planning deployment of 4G wireless services to unserved and underserved areas with the intent to increase broadband adoption rates in Puerto Rico through provision of wireless broadband services in partnership with Clearwire Corporation.

2.3.2 Specialized Broadband Mapping - Ability to support specialized data capture, create specialized mapping and analysis, and provide variety of data specific overlays, including various technology and demographic as required by NTIA standards for state specific broadband. Each vendor should submit at least one project with an associated degree of granularity.

1. As Founder/CEO of Utopian Wireless Corporation, successfully negotiated agreement with owner of leading World-wide online measurement tool for measuring broadband speedtest data for exclusive use of data in developing proprietary national broadband service provider penetration database to be used for identifying broadband penetration rates (on an individual service provider basis and on average) at a zip code level across the U.S. As a result of this agreement, oversaw creation of proprietary national broadband penetration database, which included all U.S. service provider broadband penetration data on a zip code level, including capabilities to overlay service provider and demographic data on broadband maps to the zip code level. This proprietary database allowed Utopian to identify underserved areas within its licensed spectrum coverage for which to apply for ARRA broadband stimulus funds, resulting in the company obtaining \$11.6 million in funding awards from the RUS to deploy wireless broadband service to 13 distinct geographic underserved areas in 10 states. Also oversaw development of integrated proprietary mapping software to allow overlays of demographic, service provider coverage area, wireless license coverage and other overlays for use in analyzing broadband industry issues. Company was approached by major national broadband mapping organization for potential partnership utilizing proprietary broadband penetration data and tools for use in development of broadband maps for states through ARRA funding programs.

2.3.3 Strategic Communications - Initiating Public Awareness Campaigns to include the promotion of standards and best practices. List minimum of one project completed in the past ten years, along with a list of names/addresses and details regarding project specifics and outcome.

1. As Founder/CEO of Utopian Wireless Corporation, oversaw company identification of and compliance with industry standards for technology and network deployment, and oversaw company approach to achieving best practices benchmarks to help company achieve performance milestones. Through meeting industry standards, company successfully planned deployment of wireless network utilizing most cost-effective and interoperable network and end user technology. Designed process to achieve best practices benchmarks in planned marketing, sales and customer support organizations to improve customer satisfaction and network reliability while decreasing costs and customer churn.

2.4 Project and Goals

Section 2.4.1 Goal/Objective 1: Please describe how you would perform an assessment of West Virginia's current broadband efforts across the State's governmental entities with regard to strengths, weaknesses, opportunities and threats.

Phase 1. Top down review of all current government telecommunications service provider contracts and State's use of telecommunications services across State agency and department networks. Top down review of State data networks and methods and processes for transmitting data communications, including identification/relationship of interoperable and/or independent networks.

Phase 2. Review current technologies implemented on State telecommunications networks, including network technologies utilized by providers of telecommunications services to the State. Review State broadband mapping efforts and status.

Phase 3. Detailed analysis of telecommunications network costs to State on a present value basis, including review of contract terms and analysis of any post termination contract rights/obligations – for purposes of assessing future abilities to consolidate and increase services and capacity and decrease costs.

Phase 4. Provide conclusions regarding how to facilitate interoperable networks, increase capacity, decrease costs, increase security, and provide better broadband services to government entities and promote State broadband networks to the public. Provide analysis/recommendations of how ARRA funds may be utilized based on applications for funds and current/changed needs for funding, taking into consideration ARRA program requirements and service substitution procedures.

Phase 5. Evaluate all State broadband outreach programs and efforts and based on overall assessment of government broadband capabilities, provide recommendations for improvement of programs promoting broadband adoption and penetration in all sectors. Provide recommendations regarding refinement of broadband mapping efforts and how to publicize broadband availability and penetration information.

Section 2.4.2 Goal/Objective 2: Please describe how you would perform an assessment of federal programs and policies, including those at the National Telecommunications and Information Administration, the Federal Communications Commission and the U.S. Department of Agriculture that will impact the state and its broadband plans.

Provide top down review of State's entire process since inception for participation in ARRA/NTIA program, including current status of funding awards and issues and objectives concerning strategy for obtaining release of funds and how funds should be utilized (including review of past and current plans for funding). Based on analysis regarding Objective 1 discussed above and review of the State's participation in the ARRA program, provide recommendations to the State for use of ARRA award funds

and to position the State to secure release of all awarded NITA funding and secure additional future funding awards through NTIA and RUS programs.

Provide review of FCC's new Universal Service Fund reforms as they relate to State's broadband objectives as determined from review respecting Goal/Objective 1, and make specific recommendations regarding how the State may be positioned to take advantage of new USF support mechanisms for facilitating broadband services in unserved and high cost areas, including how these reforms relate to State Public Service Commission regulatory proceedings and regulation of telecommunications common carriers by the State, and how any new FCC USF rules/policies affect existing State common carrier rules/policies and any actions the State must take to implement the new reforms. Provide recommendations regarding how the State may consider participating in upcoming FCC rulemakings regarding USF support to help shape rules and policies most favorable to the State.

Provide review of current FCC policies with respect to making available broadband spectrum assets for public safety agencies, and providing assessment of current use by State public agencies of previously allocated wireless spectrum, including assessment of factors preventing deployment of new and upgraded public safety wireless broadband networks on legacy and new spectrum allocations. Make recommendations for participation by State in processes involving allocation of former broadcast spectrum for public safety use and potential funding opportunities for new public safety wireless broadband networks.

Section 2.4.3 Goal/Objective 3: Please describe how you would assist in the development and implementation of a plan/strategy focused on increasing access and adoption of broadband technologies around the State's small business and entrepreneurial communities to include benchmarking, analysis, a detailed work plan and measurable results.

Complete an assessment/collection of all contacts for State and local business chambers of commerce/board of trade and venture capital associations and organizations and establish outreach program to connect State to small business community. Request survey response through small business outreach program for assessment of broadband adoption and demand for broadband services and technologies in small business community in the State. Analyze broadband penetration data from speedtest data against small business broadband survey results and determine whether availability of broadband services is affecting small business usage versus cost factors. Complete assessment of advertised availability/cost of broadband services by current broadband providers (both wireless and wireline) in the State on a zip code basis as compared to broadband speedtest penetration data, and publish results to small business community through outreach program. Using conclusions for lack of broadband availability/penetration by small businesses in State, establish goals and benchmarks for increasing broadband penetration and usage.

Section 2.4.4 Goal/Objective 4: Please describe how you would perform an analysis of the Universal Service Fund as it relates to West Virginia's current community of service providers and in anticipation of forthcoming changes at the federal level/initiation of the Connect America Fund to include potential impact on West Virginia's citizens of the forthcoming changes and solutions to lessen any anticipated impact.

Based on review and assessment of USF reforms per Objective 2 above, perform detailed analysis of recent and current USF funding utilization by all West Virginia carriers based on USF allocations and carrier reports to PSC. Provide assessment whether/how FCC and State PSC implementation of reforms may impact ability of State carriers (and their low income customers) to continue obtaining USF funding, and whether/how reforms make available funding to new classes of wireless and competitive service providers and how the State may facilitate current and newly eligible carriers to take advantage of the reforms.

Section 2.4.5 Goal/Objective 5: Please describe how you would perform the review and analysis and report of findings focused on the current State broadband map with regard to national standards, best practices, levels of granularity and inclusion of all current broadband technologies being offered in West Virginia (wireline, wireless, fiber, satellite) in an effort to monitor, assess, and influence broadband infrastructure deployment, affordability and sustainability moving forward.

Complete comprehensive assessment of broadband penetration and availability of all current service providers based on actual speedtest data and other survey data available from NTIA and State sources. Provide assessment of broadband penetration by technology/service type against advertised and reported speeds and availability of service providers. Compare results against current data collected by State for broadband maps and determine areas of inconsistency for resolution. Publish results of private assessment against reported and claimed availability by service providers in the State to facilitate service providers providing more accurate broadband availability and penetration results, and to assist prospective competitive broadband providers to make available advanced broadband services at lower cost in underserved areas, as well as to facilitate more accurate information to the public.

Section 2.4.6 Goal/Objective 6: Please describe how you would perform an assessment and analysis of West Virginia's current school-based (K-12) broadband access and adoption rates to include potential solutions to any identified shortcomings.

Provide comprehensive review of participation by all West Virginia K-12 schools in the Federal USF Schools and Libraries Program during the past 3 program years. Collect data from USAC concerning the Internet access services, equipment and telecommunications services being purchased through the USF Schools and Libraries Program by participating K-12 schools. Determine which schools are not participating and ascertain reasons for non participation (e.g., lack of funds for applicant share of contract price, non-availability of broadband services in the area, lack of

information/expertise to apply for program funds, etc.). Summarize data about K-12 broadband availability for layer presentation on West Virginia Broadband map. Provide outreach to non-USF participating K-12 schools and offer information to facilitate participation and/or assistance with the funding process. Evaluate and develop program to tie Federal USF Schools and Libraries Program to ARRA funded educational anchor institution connections to position schools for subsidies for reimbursement by the USF of future Internet backbone and other recurring costs with respect to services provided over the ARRA funded fiber backbone, and make recommendations regarding how State may benefit from such program.

Section 2.4.7 Goal/Objective 7: Please describe how you would perform an analysis of opportunities to leverage additional funding with State-based resources around the development, deployment and adoption of broadband technologies to include specific market opportunities and technical assistance around addressing any identified opportunities.

Complete review of all funding allocated by the State for broadband deployment, development, and adoption (including Federal funding to be awarded and any tax incentives), and that is available to be distributed or offered for projects, and provide assessment, based on the results and data obtained from the reviews and assessments per Objectives 1-6, of how to target industry segments and geographic areas for commitment of the funding opportunities through competitive bid processes and other government sanctioned processes for attracting applicants for funding/subsidies based on the most compelling needs. Make summary of available State broadband related funding and programs on the Internet, along with detailed instructions for pursuing funding, and provide information through other outreach programs to be developed as part of the overall process of reviewing the State's broadband future. Make recommendations concerning prospective future funding programs.

Section 2.4.8 Goal/Objective 8: Please describe how you would provide advisory consultancy services for the development, implementation or refinement of state broadband projects and programs focused on development, deployment or adoption of broadband technologies to include an independent and objective analysis of existing plans and operational strategies around same.

Based on the review and assessment with respect to Objectives 1-7, and taking into consideration all data, conclusions and results ascertained through the process, prepare a comprehensive "West Virginia Broadband Plan" that describes the current state of broadband in West Virginia and that makes recommendations for the immediate implementation of current broadband plans, as they may be revised in response to this project, and to establish a framework for execution of strategies to facilitate funding additional broadband deployment and adoption in the State. Make recommendations concerning promotion of findings to increase public awareness of broadband availability, opportunities and challenges.

Attachment B: Mandatory Specification Checklist

List mandatory specifications contained in Section 2.5:

Not applicable.

I certify that the proposal submitted meets or exceeds all the mandatory specifications of this Request for Proposal. Additionally, I agree to provide any additional documentation deemed necessary by the State of West Virginia to demonstrate compliance with said mandatory specifications.

(Company)

Rudolph J. Geist
(Representative Name, Title)

240 821 9850 x 101 / 301 656 2328
(Contact Phone/Fax Number)

11/21/2011
(Date)

RFQ No. DEV1224

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

West Virginia Code §5A-3-10a states: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

DEFINITIONS:

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

EXCEPTION: The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

Under penalty of law for false swearing (*West Virginia Code §61-5-3*), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

WITNESS THE FOLLOWING SIGNATURE

Vendor's Name: Rudolph J. Geist

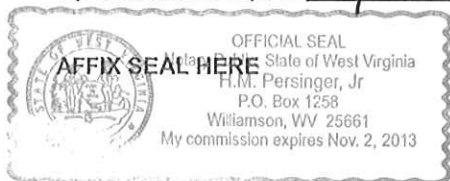
Authorized Signature: [Signature] Date: 11/21/2011

State of West Virginia

County of KANAWHA, to-wit:

Taken, subscribed, and sworn to before me this 21st day of November, 2011.

My Commission expires 11/02/13.



NOTARY PUBLIC [Signature]