



Legislation Text

File #: 24-0036, Version: 1

Invitation for Bids to Qualified Wireless Service Providers and Wireless Infrastructure Providers for a Nonexclusive Franchise to Use and Occupy the Streets and Public Rights-of-Way Located Within the City for the Purposes of Constructing, Installing, and Maintaining Network Facilities for Wireless Services and for Providing Wireless Infrastructure Services Within and Through the City

PURPOSE/BACKGROUND:

Several wireless service providers and wireless infrastructure providers, including Verizon Wireless, Cox Wireless, and Crown Castle (the “Providers”) have contacted the City of Hampton (the “City”). The Providers advised that they can better serve the citizens of the City by having a franchise to use and occupy the streets and public rights-of-way located within the City for the purposes of constructing, installing, and maintaining network facilities for Wireless Services and/or to provide Wireless Infrastructure within and through the City. Pursuant to Article VII, Section 9 of the Constitution of Virginia and Chapter 21 of Title 15.2 of the Virginia Code, the City has the authority to grant franchises and other authorizations for the use and occupancy of the streets and public rights-of-way. Pursuant to the provisions of §15.2-2100 et. seq. of the Code of Virginia, 1950, as amended, the City agreed to offer franchises to qualified providers by publicly inviting bids for a wireless facilities nonexclusive franchise agreement, subject to the terms and conditions set forth in the City’s proposed Ordinance attached hereto which includes a Nonexclusive Franchise Agreement attached as EXHIBIT A to the said proposed Ordinance. The Public Notice for the invitation for bids for the franchise and for the subsequent adoption of proposed ordinances was run in the Daily Press once a week for two successive weeks as required by the Code of Virginia. The bids are being received, accepted, and opened at this Council meeting (January 24, 2024) and the granting of franchises to successful qualified bidders will occur at the February 14, 2024 Council meeting. The successful bidder(s) shall reimburse the City the cost of the Public Notice advertisement. The City reserves the right to reject any and all bids.

Per the requirements of §15.2-2101 and §15.2-2102 of the Code of Virginia, 1950, as amended, procedures are required to be followed for the accepting and opening of bids. The following is required:

- 1) The bids shall be in writing and delivered upon the day and hour named in the advertisement (no later than 9:00 a.m. on Friday, January 19, 2024);
- 2) The bids shall be opened in public session and marked for identification by the Clerk of Council;
- 3) The Mayor shall read aloud, or cause to be read aloud, a brief summary of each of the bids that have been received, for public information;
- 4) The Mayor shall then inquire if any further bids are offered;
- 5) If further bids are offered, they shall be received;
- 6) The Mayor shall thereafter declare the bidding closed; and
- 7) The Mayor shall advise the public that City staff will review all bids received and give their

recommendations at the Public Hearing to be held on February 14, 2024.

Discussion:

See Purpose/Background above.

Impact:

See Purpose/Background above.

Recommendation:

That City Council receive, accept, and open bids for franchise on January 24, 2024, in accordance with the Code of Virginia and conduct a Public Hearing on February 14, 2024, to consider the bids received, award franchises to the successful qualified bidders, and adopt the appropriate ordinances to grant the franchises.