



Q&A #1
Cable and Wiring Materials and Services
Outside Plant RFP
PROJECT NO. 060B1400067
September 19, 2011

Ladies/Gentlemen:

The Department of Information Technology received the following question by e-mail for the above referenced RFP. They are answered below for all Offerors:

1. **Question:** In the Summary Statement within subsection 1.1.5, instructions are that "Offerors may propose to one or multiple areas; however, Offerors must be able to supply all goods and services requested in this solicitation in the functional area(s) for which they propose." The basis of my question is further in the notice whereas Section 2.3 detailing Functional Area 1 - Material & Equipment provides bullet-pointed generic product categories such as Fiber optic cabling, Conduit, etc. however seems to contradict 1.1.5 by specifying "Systems, material, and equipment may include, but are not limited to: (continues)."

While it is understood that Section 2.3 is not intended to limit the possible systems, material, and equipment offered; could you please clarify the intentions within 1.1.5 which seem to specify a minimum 'all-or-nothing' offer for these generic product categories?

Answer: The intent of these two sections is to insure that if a vendor proposes to supply particular labor categories and/or equipment as a Master Contractor under this RFP, they commit to supplying these materials and/or labor categories for the life of the contract. If a vendor does not specifically commit to supply a given type of material under this RFP, they are not contractually bound to supply it for the term of the contract.

2. **Question:** Will any as-built drawings of existing plant be provided with the TORFP?

Answer: As built drawings of existing plant may be provided with a given TORFP if they are available. If as-built drawings are not available, there is no requirement that they be provided with any particular TORFP.

3. **Question:** Will all TORFPs be design build or will Functional Area II TORFPs include only construction and not design?

Answer: Functional Area II TORFPs may include either design/build or only construction.

4. **Question:** Will a State Furnished Material (SFM) list be provided for Functional Area I?

Answer: Functional Area I is intended to be for fiber optic cable and related materials purchases. As such, there would be no reason to include any State Furnished Material as it is not relevant to this functional area. In Functional Areas II and III, State Furnished Material may be identified on an individual TORFP basis.

5. **Question:** Will Professional Services Insurance be a requirement for this contract?

Answer: If necessary, this requirement will be addressed at the TORFP level.

6. **Question:** Will Pollution Liability Insurance be a requirement for this contract?

Answer: If necessary, this requirement will be addressed at the individual TORFP level.

7. **Question:** Will Materials for construction be a “pass through” to the State? I.e. Bolts, clamps, strand, anchors...etc.?

Answer: Ancillary materials that would reasonably be consumed as part of any given installation task must be passed through to the State at cost.

8. **Question:** Will FOC be cut job specific or will respondents or inspectors have to manage footages?

Answer: This will be determined at the individual TORFP level.

9. **Question:** On “Call outs” is travel time covered from “Portal to Portal”?

Answer: This will be determined at the individual TORFP level.

10. **Question:** Will Retainage be held?

Answer: This will be determined at the individual TORFP level. There is no requirement for Retainage in the RFP.

11. **Question:** How will respondents be compensated when Police or Special traffic control requirements are needed?

Answer: This will be determined at the individual TORFP level.

12. **Question:** Is it possible that more than one contractor will be working in the same area or zone? On the same project?

Answer: Yes, it is possible that multiple vendors could work in the same area, zone or project.

13. **Question:** How will ROCK be compensated, when encountered?

Answer: This will be determined at the individual TORFP level.

14. **Question:** Will the State identify the appropriate Classifications to use in performing work under Davis Bacon current wage determinations?

Answer: No, the vendor will be responsible for determining appropriate labor classification when working under Davis Bacon Requirements. Please see Attachment M to this RFP.

15. **Question:** Will the State cover material price increases that may take place during the course of the contract?

Answer: Fully-loaded labor rates may not be changed during the contract. Please propose maximum prices that will enable you to manage material price increases over the life of the contract. You may always propose lower prices at the TORFP level.

16. **Question:** Is "Third Tier" partnerships allowed?

Answer: Please define "Third Tier" partnerships.

17. **Question:** With only 10 labor categories, are respondents to “Include” everything into these specific units only? (I.e. Overhead, Safety, Materials, Training, Certifications, Transportation, Meetings ...etc.?)

Answer: The labor rates are to be considered “fully loaded” rates, and must include all the above in the quoted rate.

18. **Question:** Will the contractors chosen be used by various Maryland State entities for the length of the 5 year contract?

Answer: Awarded Master Contractors will have the ability to propose to TORFPs and PORFPS released in their awarded Functional Area during the entire 5 year period of the Master Contract.

19. **Question:** Can a task order be turned down by a contractor during the TORFP process without penalty or bias?

Answer: A Master Contractor is not required to submit a proposal for a TORFP.

20. **Question:** Will Time and Material be paid for “delays or down time” not as a result of the contractor?

Answer: This will be determined at the individual TORFP level.

21. **Question:** Will Respondents be instructed on the proper Davis Bacon Wage Determinations with Fringe Benefits?

Answer: No, the vendor will be responsible for determining appropriate labor classification when working under Davis Bacon Requirements. Please see Attachment M to this RFP.

22. **Question:** Is a bid bond required with the Technical proposal of the master contract?

Answer: This is addressed in Amendment #2.

23. **Question:** How are we to figure an amount to come up with a 5% bid bond if we are just providing hourly rates on attachment E2?

Answer: This is addressed in Amendment #2.

24. **Question:** Will you be issuing form D1-A to be used in conjunction with functional areas II and III?

Answer: This is addressed in Amendment #2.

25. **Question:** Please provide clarification on what you're looking for as an "Organization Chart" for section 4.4.3.5 Order Fulfillment Capabilities.

Answer: An Organization Chart is a diagram that shows the structure of an organization and the relationships and relative ranks of its parts and positions/jobs.

26. **Question:** Page 50, Section 3.2, Functional Area Requirements – Can the same reference be used for multiple Functional Areas?

Answer: Yes, the same reference may be used for multiple Functional Areas.

27. **Question:** Page 51, Section 4.3 Submission – Please clarify where in the response the Offeror should place the following as requested in this section, "for each functional area proposed, should describe what part of that functional area (as described in Section 2) the Offeror has the ability to provide and how the Offeror qualifies to provide what is proposed".

Answer: The responses should be identified by Functional Area and should be included in the Offeror's Technical Proposal.

28. **Question:** Page 52, Section 4.4.3 Format of Proposal – Please clarify whether or not the State requires point by point responses to all requirements in Section 2 and 3 of the RFP.

Answer: Point by point responses to all requirements in Sections 2 and 3 are not required. If the Offeror wishes to clarify a particular response to a requirement they may do so.

29. **Question:** Section 1.40 Liquidated Damages, \$700/per day- Shouldn't the amount be determined on each individual TORFP/PORFPs depending on its relative value, size and schedule, particularly since subsequent TORFP/PORFPs could range in value from \$5,000 to \$5,000,000 with an associated timeline between a couple of days and six months? Does the State believe in a set amount for all TORFP/PORFPs as a reasonable estimate of damages (the definition of Liquidated Damages), "and not a penalty" (which might be unreasonable or arbitrary and therefore unenforceable by a court), when the \$700 amount currently proposed has absolutely no association with a particular project?

Answer: The State believes the stated Liquidated Damages rate is a reasonable estimate of damages and not a penalty. Assessment of Liquidated Damages is governed by the time associated with completing a given project. The State feels that larger projects will be given correspondingly longer times for completion and any concerns over individual projects and the time given to complete them would be addressed at the TORFP level.

30. **Question:** Section 1.40 Liquidated Damages - Certain permits (city / county / railroad) may take several months for approval (several agencies may need to approve). Are TORFP's with permit requirements exempt from liquidated damages due to unknown approval periods?

Answer: There are no explicit exemptions to Liquidated Damages identified in the RFP. Any issues regarding permitting approvals and their effect on project timelines will be dealt with on an individual TORFP basis.

31. **Question:** Section 4.4.3.9 subcontractor list – Please clarify expectation. Are we naming subcontractors now? Can we add and change subcontractors later? Should the sub list be included with each task order proposal (TORFPs)?

Answer: It is not necessary to name subcontractors at this time. Subcontractor reporting requirements will be provided, in detail, at the TORFP level.

32. **Question:** Will all TORFPs and PORFPs for Functional Area III involve ARRA funding?

Answer: No, this RFP is available for use by any State agency and may or may not involve ARRA funding, state funding or other grant funding.

34. **Question:** Attachment A, page 70, Section 36 Limitation of Liability. Shouldn't the contractor's liability be limited to the total amount of the "TORFP or PORFP" instead of the "Contract Value." Both the State of Maryland's Telecommunication Equipment and Services Contract (PBX III) and Consulting and Technical Services II (CATS II) Contract, appropriately recognize this difference. In addition, both of those very similar statewide contracts also state, "provided however, the State may, in its sole discretion, decrease the ceiling established hereunder in any TORFP or PORFP issued pursuant to this RFP." Can the State add this statement as well please?

Answer: Please see Amendment #3 for revisions to Attachment A.

35. **Question:** Section 2.2.2 regarding returned material restocking fees. Industry practice is that most distributors have a restocking fee that is typically not waived. Further, our normal practice is that if the reason for returned materials is caused by the contractor, then the contractor absorbs the restocking fee. If the reason for the returned materials is caused by the customer, then the customer is charged the restocking fee.

Finally, though our experience is that material for Cable & Wiring projects is not often returned, it would be nearly impossible to account for our potential cost of absorbing restocking fees at the Master Contract level, not knowing the specifics of potential projects until we see PORFPs or TORFPs.

With this in mind, would the State consider revising this requirement to say that within 30 days of return of equipment, if return is due to scope of work or other customer change the customer would be charged the restocking fee. If the return is due to design error, or otherwise caused by the contractor, then the contractor will absorb the restocking fee.

Answer: The State will not revise this requirement.

36. **Question:** Page 54 Section 4.4.3.5 Explanation of Offeror's Order Fulfillment Capabilities. The information requested seems to be geared towards product sales only and not installation or maintenance services. Are we to provide this information for Functional Area I – Materials Only and not address Functional Areas II & III in our response to this section of the RFP as they do not all fit within the specifications of Functional Area II & III?

Answer: This does apply to all Functional Areas although the requirements may not always be applicable at the TORFP level.

37. **Question:** Page 55 Section 4.4.3.8 Economic Benefit Factors.
- Item A ask for the Offeror to provide an estimated percentage of Contract dollars to be recycled into Maryland's Economy. Without a fixed dollar amount of the contract and type of work how are we the Offeror supposed to provide this information? Do we need to make up an assumed value/project and base it off of that or will DoIT provide this information so we can provide the estimate.
 - Item B asks for the Offeror to provide an estimated number of Jobs and Types for Maryland residents resulting from the contract. Without a fixed dollar amount of the contract and type of work how are we the Offeror supposed to provide this information? Do we need to make up an assumed value/project and base it off of that or will DoIT provide this information so we can provide the estimate.
 - Item C ask for the Offeror to provide an Estimate (Forecast) of the Percentage of your total proposal price that will generate tax revenue for Maryland and it political subdivisions as a result of the contract. Since we are not proposing a project with a specific value and tasks, are we to make an assumption of revenue that may stem from this Master Contract award or is there a baseline number that DoIT would like to provide so we can provide an estimate based off of that number.

Answer: Economic Benefit Factors should all be expressed in percentages, and your challenge is to estimate the percentages based upon requirements. The State recognizes exact percentages are difficult to determine. You could base your percentage estimates on a stated assumption of the amount of business you would receive. Then, percentages could be accurate for your set of assumptions.

38. **Question:** Page 51 Section 4.3 Submission. The RFP states that Offeror's shall include a separate section for each functional area they are proposing. As mentioned above not all sections in the RFP relate to all the Functional Areas. In an Offeror's proposal are we to provide information in redundancy for each Functional item or could DoIT please identify which sections the Offeror should address in the individual sections for each functional area. i.e. Functional Area I requires the Offeror to include responses to items 4.4.3.5, 4.4.X.X, etc. This would eliminate the need for redundant information being provided in each functional area's sections.

Answer: Being thorough in responses sometimes requires redundancy. It is up to the vendor to determine what is appropriate in preparing and submitting responses to this RFP. The Submission requirements are set up as such in the event Offerors do not propose to all three Functional Areas.

39. **Question:** Sections 2.9 Material Costs and 2.18.2 Invoicing.

Can the State please clarify the requirement(s) for pass through materials?

In our normal course of business Consumable and Ancillary materials are generally included on a pass-through basis, but are typically purchased in bulk quantities, not on a per project basis.

We therefore do not associate individual projects with supplier invoicing for these types of materials. Would the State please consider removing the requirement for materials invoices or consider this requirement at the time of TORFP/PORFP depending on the size and scope of the actual project?

Answer: Please see Amendment #3.

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