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**Q & A's #1 to
Request for Proposals (RFP)
Cable & Wiring Project No. 050R6800016
November 21, 2005**

Ladies/Gentlemen:

Received the following questions by e-mail, which are answered for all Offerors to the referenced RFP, below:

1. Question: Under Paragraph 3.4.12 - Economic Benefit Factors, we are required to list in our proposal "The estimated number and types of jobs for Maryland residents resulting from this Contract" and the "Tax revenues to be generated for Maryland and its political subdivisions as a result of this Contract."

Since this is a competition for a Master Contract with no guidance or predictions of the value or scope of the individual Task Orders, it is impossible to predict the "The estimated number and types of jobs for Maryland residents resulting from this Contract" or "Tax revenues to be generated for Maryland and its political subdivisions as a result of this Contract." In other words, the Master Contract itself has no set monetary value, other than to allow us to compete for individual Task Orders.

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. Will be addressed in Amendment to be issued shortly.

2. Question: 1.9 eMaryland Market Place Fee: If the amounts for the contracted work are unknown at this time, how does the contractor estimate that cost and into which bid item(s) should the fees go? Couldn't an allowance be established to address this unknown cost variability?

Answer: The RFP will be amended to eliminate the eMarylandMarketplace fee applicable to Small Work Orders now reflected in Section 1.9.1. With respect to the fee for a task order (Section 1.9.2), when a TORFP is issued, the nature and scope of the work is defined so a Contractor may factor in the appropriate fee into their financial response to a TORFP. A Contractor can see the eMM website for the fee structure at www.eMarylandMarketplace.com. The fees for eMarylandMarketplace are generally in the range of ¼ to ½ percent. No allowance can be established as the administrative rules are set to accommodate all situations.

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3. Question: How many contractors do you currently have on contract and if we were able to obtain one or all copies of the current contracts with the State. And also, if they are not available, we were wondering if they'll be up for review and if there is any possible way for us to attend, that is if you could provide us with where, when, and what you would need from us to go about doing so.

Answer: For Functional Area I there is one company "on contract"—Fiber Plus. When this issue arose at the Pre-Proposal Conference, it was interpreted by staff to merely be a request for the last Cable and Wiring RFP. However, upon follow-up with the company that asked the question, it became clear that the company was asking for a copy of the incumbent's contract and detailed information associated with that contract. Requests for such information are governed by the Maryland Public Information Act (PIA), Title 10, Subtitle 6, Part III of the State Government Article of the Annotated Code of Maryland. PIA requests must be separately made and will be treated separately from this procurement. Functional Area II requirements have been handled on a case-by-case basis—there are no current contracts.

4. Question: Evaluation criteria in Section 4 states that contractors will be ranked based on both technical factors and price, with technical factors receiving greater weight than price. However, Paragraph 1.1.3, page 1, states that all small work orders will be offered first to the contractor with the lowest price. Paragraph 2.9.1, page 23, also states that the contractor with the lowest price will be contacted first. If the evaluation criteria is to be meaningful, it seems like the "highest ranked" contractor should be first to be contacted and offered the work order. Please clarify.

Answer: The evaluation criteria as stated in Section 4 is correct. Section 1.1.3 will be changed in our amendment to read: "A Small Work Order is \$25,000 or less and will be defined in a Purchase Order (PO) and awarded to the highest ranked Master Contractor considering both Price and Technical capability. The highest ranked Master Contractor shall have the right of first refusal for Small Work Orders. If that Contractor..." Will be addressed in Amendment to be issued shortly.

5. Question: There is no description as to what materials constitutes a "drop," as it relates to the pricing sheets (Attachment F). For example, does a drop include a wall outlet, surface mounted raceway, inserts, faceplate, label, blanks and testing?

Answer: The "drop" includes the type of cable specified installed end-to-end, terminated, and tested. All materials needed to complete a "drop" within specifications and standards must be selected from items listed in Attachment F, pages 7-10. "Drops" will be requested to be run in different manners and pathways for each specific job. The preceding definition for "drop" will be included in Section 1.2 in the RFP by amendment.

6. Question: In Attachment F, pages 5 and 6, various cable types to be installed and terminated – does this assume an existing and useable pathway? Also, in column D, the heading indicates 1,000ft or greater. This could mean 10,000ft or even 100,000ft. Please be more definitive.

Answer: Yes, it does assume a usable pathway. It means anything greater than 1,000 feet.

7. Question: In Attachment F, page 7, the third line item, “Asbestos Present” seems to be in conflict with paragraph 2.3.13 on page 16, which infers that contractors are NOT expected to work when asbestos is present. We have trained technicians that can do such work, but there would be costs for asbestos abatement. Please clarify.

Answer: The three line items mentioning “Asbestos Present” will be removed from Attachment F and RFP Section 2.3.13 will stand as written. Will be addressed in Amendment to be issued shortly.

8. Question: In Attachment F, page 7, can you better describe “molding?” Is it plastic or metal? Also, for power poles, are you looking for a split power/data pole with divider and inserts?

Answer: Plastic molding. Data pole only. Attachment F, Page 7 will be so amended.

9. Question: In Attachment F, page 7, are the fiber patch cords to be simplex or duplex?

Answer: Duplex. Attachment F, Page 7 will be so amended.

10. Question: In Attachment F, page 7, are the surface mounted raceway boxes to be metal or plastic?

Answer: Plastic. Attachment F, Page 7 will be so amended.

11. Question: Attachment F, page 7, various sizes of molding and raceway are specified. Can you define the difference between molding and raceway?

Answer: The two items can be used interchangeably. The Attachment F price sheet will be amended to substitute “molding” for “raceway.”

12. Question: In Attachment F, page 7, can you better describe “J” Hook requirements in term of type and capacity?

Answer: All types and capacities. The RFP will be amended accordingly.

13. Question: In Attachment F, pages 5 and 6, are we to assume that for “installation and termination” of the various cable types, that clear existing pathways are to be used and that floor/wall penetrations are not required? Also, for the various fiber terminations, can you specify connector type/termination method?

Answer: Existing pathways will be used. Termination methods will vary for specific jobs and will be described in Small Work Orders and TORFPs.

14. Question: Attachment F, page 9, requests a single labor rate. Rates vary greatly depending on skill level e.g. cable installer vs. fiber splicer. Can you be more specific?

Answer: The RFP will be amended in Section 2.2.14 and Attachment F (page 9) to reflect the elimination of normal business hour labor rates, because all quotes should be inclusive of labor. The RFP will also be amended to include “Supplemental Labor Rate/Hour (Other Than Normal Business Hours)” which will reflect the difference between normal rates and overtime rates when we exercise this capability.

15. Question: In Section 2, there are references requiring “live data” testing - see paragraphs 2.3.10 D and 2.3.11.C. Live data testing is frequently not possible because related network electronics is being provided by others at a later date, or because the IT Department personnel are not available to add new users to their network. Also, we believe there is a prohibition related to contractor access to Government Networks.

Having to return to a location at a later date (could be months) when related hardware is installed can significantly delay payment and cause additional, un-priced expenditures of labor. Please clarify.

Answer: The RFP Sections 2.3.10D and 2.3.11C will be amended to require a continuity test as the final acceptance test.

16. Question: With regards to paragraph 2.9.1 C, page 24, if a contractor is given what is believed to be a small work order, and after conducting a site survey, designing and pricing said project determines the expected price to be more than \$25,000, will the contractor be reimbursed for expended labor?

Answer: No. Regardless of circumstances, there will be no reimbursements for a walk through or preliminary design work in advance of an authorized purchase order. As soon as it becomes evident to the selected Master Contractor that the price will exceed \$25K for a Small Work Order, the requester of services should be notified immediately and all further efforts by the Master Contactor cease while the requirement is transferred to a TORFP.

17. Question: How will the decision be made as to which of the five Functional Area II contractors will be contacted for an emergency?

Answer: If there is an emergency, there won't be time to create a task order RFP, ask a Master Contractor to survey the scene and do a proposal when that occurs. Our expectation is that a State agency that knows that it needs to be prepared for an emergency will establish a requirement for an "insurance policy" as a hedge against uncertainty. Each agency that needs emergency services would do a TORFP soon after this contract is awarded for those services. The TORFP would likely include history of emergencies, require a set of materials to be set aside for emergency responses, give response times and provide disposition instructions for unused materials at the end of the task order agreement. The task order agreement would be issued to the winner of the TORFP competition and that would be the only Contractor that would respond to the emergency for that requirement.

18. Question: At the pre-bid conference, it was explained that the State and Local Jurisdictions would identify their needs for material to support emergency repairs within their respective jurisdictions. Contractors would purchase specified materials to support emergency responses. Contractors would be paid up-front for these materials and materials not used would be returned to the respective jurisdictions at the end of the contract. Would all five contractors be purchasing these materials?

Answer: No. See reply to Question # 17.

19. Question: Paragraph 2.2.5, page 13, indicates that the State will not pay for unused materials and will not accept unused materials for delivery. How is the contractor expected to deal with the cost for excess cable associated with manufacturers minimum "put-ups?" For example, if a project requires 500ft of a specific cable, but the manufacturer has a 3000ft minimum "put-up," who covers the cost for the extra 2500ft?

Answer: In the case of projects that contain materials with required supplier minimums that are not met by the project itself, it will be at the discretion of the TOM to decide whether to accept the excess materials or ask for unused materials to be removed by the Contractor without reimbursement. RFP Section 2.2.5 will be amended to so state. To

reduce the risk of paying for unused materials, suggest Offerors seek suppliers that are more flexible in allowing the purchase of exact quantities or reduced minimums.

20. Question: In Attachment F, for Functional Area II, do we need to add a labor category for “professional engineering” services, since it is required in paragraph 2.4.2 on page 17?

Answer: Our view is that no engineering services are required for an emergency and therefore, no labor category is required. “Professional engineering services,” if you feel they are applicable, may be proposed as part of the response to a TORFP if it is a “firm fixed price” requirement. If the TORFP is for a “time and materials” contract type, then your prices for the listed labor categories could be adjusted to recognize what you think is your risk for professional engineering services.

21. Question: In Attachment F, for Functional Area II, Category 2, items 7 and 8 – can the State provide an estimated number of outages per segment? The contractor has no idea if we might need to respond to one or fifty outages for any given segment.

Answer: For the purpose of this RFP and the financial evaluation, assume the model has an incident frequency of two outages per year on any given segment. See the response to Question 17 for how a Master Contractor would respond to an agency requirement for emergency services. The incident frequency information will be included in the RFP by amendment.

22. Question: In Attachment F, for Functional Area II, Category 3, items 1 through 5 – can the State be more specific relative to terrain and geological conditions? Directional boring and trenching costs can be radically different between Garrett County and Wicomico County.

Answer: For the purpose of this RFP, assume no rock is present and the terrain is flat. This assumption will be included in the RFP by amendment.

23. Question: In Section 3, paragraph 3.4.6.1, page 30, the contractor is told to discuss equipment and software, and the installation and maintenance of said items. In fact, this paragraph appears to have been part of the RFP for Network Electronics issued last year, and does not seem to be relevant to work required under Functional Areas I and II. Please clarify.

Answer: In Section 3.4.6.1(A) second line “equipment and software services” shall be amended to read just “services”. The last sentence in 3.4.6.1A shall be amended from “equipment” to “services”.

24. Question: In Attachment A, paragraph 23, page 42, does this paragraph apply to financial records related to billing, invoices, payment etc. or are other record types required to be retained?

Answer: Yes, all contract records are subject to Section 23 in the State’s contract (Attachment A).

25. Question: Is Functional Area II, Category 2 Emergency Response, exempt from MBE calculation?

Answer: No. See response to Question 17. There will be adequate time to select MBEs to help a Master Contractor to meet requirements when formulating a response to an agency TORFP for emergency services. MBE participation at the 30% level (or a waiver

request based on your best effort to locate an MBE) is required at the Master Contract level, which means your response to this RFP should include MBE(s) for emergency response. See the RFP, Attachment D.

26. Question: Is a Functional Area I contractor prohibited from trenching in support of inter-building outside cable installations?

Answer: Yes, if a project requires construction of the path, whether conduit or direct bury, it qualifies for Functional Area II. The path must be established/constructed for it to qualify for Functional Area I and Functional Area I Master Contractors are prohibited from trenching. Your question has caused the State to reexamine its “boundaries” for Functional Areas I and II. An amendment will be forthcoming to better define the differences in RFP Sections 1.1.1, 2.1 and 2.4.

27. Question: Since all cable is contained in the Functional Area I part of Attachment F, does this infer that the installation, termination and test of OSP cable will be separately tasked to Functional Area I and not Functional Area II? Like, Functional Area II prepares the pathway and Functional Area I installs the cable?

Answer: Functional Area II allows for the construction of a “turn-key” solution, including the acquisition, installation, termination and testing of the OSP cable. Functional Area I pricing will not be used for Functional Area II. Remember, the two functional areas represent different contracts. A TORFP for a Functional Area II requirement will specify the required type of cable for the desired project. In response, a Master Contractor would provide the materials on either a fixed cost, indefinite quantity or time and materials basis, depending upon the TORFP, and based upon the Functional Area II pricing scenarios in Attachment F. Note that we have added “indefinite quantity” as a contract type and the RFP Section 1.3 will be amended accordingly. The following contract types apply to the functional areas and categories. Functional Area I will always be fixed price requirements. Functional Area II, Category 1 requirements will be indefinite quantity with a fixed unit price; Category 2 will be either fixed price or time and materials; and Category 3 will either be indefinite quantity with a fixed unit price or fixed price. Contract types will always be identified in the small work order or TORFP.

28. Question: Functional Area I includes the installation of exterior fiber optical cable in existing conduit. Is it possible to include the exterior fiber pulling in Functional Area II? The skill sets, equipment and capital requirements for installing lengthy exterior fiber pulls compliment an outside plant contractor’s typical scope of work. The exclusion from Functional Area II would require an outside contractor to bid Functional Area I to obtain the exterior fiber placement.

Answer: Remember that Functional Areas I and II represent two different contracts and should not be confused with one another. If a project qualifies as a Functional Area II project, the Master Contractor will be able to perform all work required to complete the work requested in the Task Order to include exterior fiber pulling. For projects that do not require the construction of the path, the contractor must be qualified under Functional Area I. See answer to Question 26—the State will amend the RFP to better draw the lines of responsibility between Functional Areas I and II. In summary, if a project contains elements from both functional areas for completion, two TORFPs (or one Small Work Order for FA I and one TORFP for FA II) would be issued to meet the total requirement but we anticipate few instances where this would happen.

29. Question: Functional Area II. Please clarify which bid items in Functional Area II are subject to the \$25K limit.

Answer: None. All Task Orders under Functional Area II will be subject to proposals from all Master Contractors via a TORFP. The \$25K limit applies only to Small Work Orders in Functional Area I. See Sections 2.9.1 (Small Work Orders) and 2.9.2 (Task Order Process).

30. Question: Category 2 Emergency Response Item # 7 and Item # 8

Is the intent to have the contractor purchase material in advance, warehouse and provide for (ten) five mile segments (264,000 linear feet)? Is labor to be included in the segment response?

Answer: See Question 17. For Category 2, the TORFP may require the contractor to purchase materials in advance, at the expense of the State to be held in case of an emergency requirement. The price offered in response to a TORFP will always include labor but may be separate if a time and materials contract or collectively represent all requirements if it is a fixed price contract.

31. Question: Category 3 Relocation and Installation Services. The proposed quantities represent approximately 10,000 lf. per year for the life of the contract. Please clarify what the typical directional bore project length will be per task order. Will there be a minimum length? Is there a estimated amount that will occur in urban or rural conditions? (City, County, Traffic Conditions)

Answer: The “proposed quantities” in the price sheets do not represent an annual requirement of 10,000 lf or any other distance. Remember the scenarios in Category 3 of the Functional Area II price sheet (Attachment F) represent a model for evaluation purposes only. There is no minimum or maximum length and the conditions (rural/city), run lengths, and any other conditions will be identified in a TORFP. The significance of the price sheets is that the Master Contractor will be committing to a unit price ceiling per foot in scenarios 1-6 and unit prices as described for scenarios 7-9. The State expects that the “mini-competition” among Master Contractors in a TORFP will result in prices below the ceiling due to competitive forces. The price sheets will be revised in a forthcoming amendment to be clearer.

32. Question: Is the intent to combine items from Category 3 on the same task order.

Answer: Yes, depending upon the agency requirements identified in a TORFP.

33. Question: Per Section 2.3.2, the Contractor is responsible for engineering and design drawings. Are engineering fees to be incorporated into items # 1-5?

Answer: Yes, if you mean Items 1-5 of Functional Area II, Category 3. Again, the price sheets will be revised in a forthcoming amendment to be clearer.

34. Question: Economic Benefit Factors. The exact percentages are extremely difficult to predict unless the amount of work and timing of work can be determined.

Answer: See Question 1.

35. Question: Attachment F, Pages 1 and 2 – Should the contractor include the telecom room termination hardware (patch panels, 110-blocks, etc...) in the unit prices for the horizontal outlet cabling unit prices? If so, should the unit pricing include the full price of the telecom room termination hardware or a fraction based on the outlet quantity (i.e. for the Cat5E <20 drops, use a fractional value based on the port count. Using a 48-port patch panel, I would use a 20/48 fraction to determine unit pricing).

Answer: Responding in order. No, termination hardware is on Attachment F, Page 8. Since response to first question is “no”, response to remaining portion of the question is “not applicable.”

36. Question: Attachment F, Page 8 – Please provide further definition of the fourth category items, “110 TYPE MODULAR PATCH PANEL.” Is this a patch panel with 110 IDC’s on the rear and RJ45 jacks on the front? Is it a 110-block with RJ jack outputs? Is it a standard 110 block with C4 and/or C5 clips? For counts greater than 300-pair, should the contractor price multiple 300-pair 110 blocks (i.e. for a 1200 Pair Cat3, unit price would include four Cat3 300-pair 110 blocks)?

Answer: 110 IDC’s in the rear and RJ45’s in the front. Use the unit price for 1200 pair. This assumption applies to all 110 type modular patch panels on Attachment F, Page 8 and the RFP will be amended accordingly.

37. Question: Attachment F, Page 9 - Please define the line item “EXPEDITE CHARGE PER JOB.” What is required of the contractor to “expedite” a project? Is there a defined turnaround time required and if so, what is that time? Is this to include hours outside of normal business hours to complete a project in a compressed schedule?

Answer: An expedite charge is a request to have the job completed as soon as possible. This means the job is to be started and completed before other jobs in the queue. Consider that an expedite charge is an “event” that would cause you to reprioritize your resources keeping in mind that the price sheet already reflects labor rates for non-business hours and the quotes are labor inclusive.

38. Question: Section 2.3.11.C Technical Requirements - Would it be possible for the State to provide detailed criteria for the required performance test? Is there a measure to further define a satisfactory result from this test?

Answer: No to both questions as requirements can vary. The applicable Small Work Order or TORFP may specify testing requirements, but if not, the RFP Section 2.3.11C applies. Also, see response to Question 15, which eliminates the live data testing requirement.

39. Question: RFP Section 1.5.1.1 Price Adjustment - Recent market conditions have resulted in cable price increases that are substantially higher than the allowable price adjustment based on the BLS CPI model. Is it possible to allow for adjustments commensurate with the actual costs of providing service under the contract?

Answer: The CPI index chosen has a “spike” within the last year, which recognizes inflationary pressures. You provide no specific information or examples showing prices, which exceed current CPI data. The CPI mechanism is fair and should ultimately reflect the upward price pressure in the market place. The Contract Types (RFP Section 1.3) chosen for this contract do not allow for pricing on a cost basis. You have to determine your risk and propose prices accordingly. On the other hand, you have to consider the competitive forces that drive prices downward.

40. Question: Attachment G – Procurement Officer Checklist - Does the State require offerors to submit all elements included on the Procurement Officer Checklist, or shall we disregard items on the list that are not included as requirements in the RFP?

Answer: All elements of the checklist are part of the RFP. Your question did not identify any elements that were not. Upon review, noted that the description of the Sec 3.4.8 is incorrect and should state, “Was the technical response to RFP requirements submitted?” The RFP will be amended to so state. The only purpose of the checklist is to help the procurement officer determine if all the pieces are there upon proposal receipt and has no bearing on the technical evaluation.

41. Question: Section 2.9.2 Task Order Process At the Pre-Proposal Conference, we talked about the issuance of Task Order RFPs for Functional Area II projects. Please clarify the order process for a Functional Area I project over \$25,000.

Answer: Section 2.9.2 describes the process for both Functional Area I and II requirements that will be defined in a Task Order/TORFP. In other words, follow the procedures in Sec 2.9.2. for Functional Area I projects over \$25K.

Date Issued: November 21, 2005

By _____ <signed> _____.
Mike Yeager
Procurement Officer