



Wes Moore, Governor · Aruna Miller, Lt. Governor · Atif Chaudhry, Secretary

**CABLE AND WIRING OUTSIDE PLANT INSTALLATION, RELOCATION, PREVENTATIVE
AND ROUTINE MAINTENANCE FIBER OPTIC COMMUNICATION CABLE
REQUEST FOR PROPOSALS (RFP) # BPM036949**

Q&A # 1

Issued: September 26, 2023

This list of questions and responses is being issued to clarify certain information contained in the above-referenced RFP. The State's responses are italicized and in blue. The statements and interpretations contained in responses to any questions, whether responded to verbally or in writing, are not binding on the Department of General Services ("Department") unless the RFP is expressly amended. Nothing in any response to any questions is to be construed as agreement to or acceptance by the Department of any statement or interpretation on the part of the entity asking the question.

1. Question: Is it possible for the same vendor to be awarded to multiple or all (6) regions?
Answer: Up to two (2) awards per region will be made to the two (2) highest overall-ranked Offeror(s) proposing for that region. Please refer to Section 4.9.1 (Award Basis). It is possible for one Offeror to receive an award in each region, or any number of regions up to 6.
2. Question: Once the bid closes, how long before the contractor is notified of the award?
Answer: We cannot predict the exact time.
3. Question: Will the State have SLA's (service level agreements) that are expected for Emergency Response?
Answer: Service Level Agreements (SLAs) are not applicable to this RFP. Please refer to Section 2.6 of the RFP.
4. Question: Does the State expect the contractor to provide "on-call" personnel for Emergency Response?
Answer: Yes, and the Contractor is expected to respond to Emergency Response situations as stipulated in RFP Section 2.3.2. C (Emergency Response – Category II).
5. Question: Are there provisions in the contract to charge for SLA's related to Emergency Response tickets?
Answer: Service Level Agreements (SLAs) are not applicable to this RFP. Please refer to the answer to Question 3.
6. Question: What bonding is required- Payment and Performance?

Answer: Yes. Payment and performance bonding may be required at Work Order level. See Amendment #1.

7. Question: What are typical Bond requirements by the State for Category I and Category III Scopes of Work?

Answer: Both payment and performance bonds shall be required at Work Order level.

8. Question: In the SOW, 2.1.7, it states that this award does not ensure the contractor will receive all or any State business. What determines what projects will or will not go to the contractor? How do other contractors get on the "list" to get these jobs should the state not give it to the awarded contractor?

Answer: The State will make up to two (2) awards per region to the two (2) highest overall-ranked Offeror(s). Please review RFP Section 4.9.2 (Assignment of Work) for how work will be assigned. Being awarded a contract under this RFP is not a guarantee of any State business.

9. Question: Will the State be able to provide a list of projects and scope so that the contractor can appropriately staff the positions as needed (FTE or Subcontractor)?

Answer: The projects or usage of the contract depends on the needs of the using agency (See RFP Appendix 1 for the definition of "using agency"). Therefore, the State cannot provide a list of projects at this time.

10. Question: Section 2.3.1 B -- Is there a timeframe on how long it will take the State to approve new subcontractors that may be needed to support jobs/projects? Aka. 1-week turnaround once all documents are submitted...?

Answer: Generally, it does not take more than a week to vet and accept a new subcontractor. The State will not "expedite" its approval of a new subcontractor during the period of performance.

11. Question: 2.3.1D - Contractor is responsible for end-to-end design to construction completion. Will the State have to approve the design/engineering? Will the state provide capacity or interconnect requirements? What information will be provided to the contractor to ensure the job is designed to meet the State's goals?

Answer: The State will need to approve any designs to ensure they comply with requirements. The State will provide suitable details and requirements in the Work Order to enable a vendor to produce designs.

12. Question: Is it correct that the contractor will provide a full set of construction drawings and permit drawings/apps for each project? Will anyone from the state be required to sign off on these designs? Or will the State provide drawings of the plant and the contractor will just provide As-Builts at the end of the job by Red-Lining the State Provided Drawings?

Answer: It will depend on the Work Order requirements. The State may provide full sets of engineering drawings or require the contractor to produce the drawings. All designs must be approved by the requesting agency.

13. Question: Section 2.3.2.D 2e - Does this mean end to end fiber characterization/testing should prove 100G capable?
Answer: It means that the manufactured fiber must be capable of transmitting data at rates of 100 Gigabytes. It is worth noting that fiber that is improperly installed can lead to reduced data transport rates even if the manufactured fiber has 100G capability.
14. Question: Is the contractor required to do inside wiring and testing or just to the demarc?
Answer: No, the contractor is required to do outside wiring and testing. Since this is an Outside Plant master contract, wiring to the demarc would be the normal standard.
15. Question: How should a contractor be compensated for labor rates outside the standard business day (aka after hours, weekend and night work)?
Answer: Per the Financial Proposal's instructions, Offerors are to provide fully loaded hourly labor rates for each labor category that include all costs/expenses associated with the provision of services. The State will compensate contractors at those rates.
16. Question: Please confirm what the State deems acceptable for passing light readings? Is the testing at the terminal (greater than -22db) or at the OLT at the Hub()-2 or -3 db)?
Answer: Testing requirements will be detailed in each Work Order.
17. Question: Does the State have to approve the overall cost for each job before the contractor can begin?
Answer: Yes.
18. Question: If bidding/proposing as the MBE Prime and my firm's participation satisfies the overall MBE goal, will my firm still be required to use additional MBEs?
Answer: Yes. MBE Prime Contractors may self perform up to 50% of the Statewide MBE goal for a specific contract. Therefore, your firm will still need to use additional certified MBEs to satisfy the participation goal.
19. Question: Test results on Fiber -- what light levels are considered acceptable/passing?
Answer: The testing requirements will be specified in each Work Order document.
20. Question: Will the State be able to provide a list of projects and scope on a quarterly basis so that materials can be procured in sufficient time to complete the projects? Many items have long lead times, so specifics on project scope/timelines may help eliminate delays and expedite fees.
Answer: Please see Amendment #1.
21. Question: If the State does not have a project list and scope, is it possible to obtain a material "run rate" to identify which materials need to be kept "on hand"?
Answer: No, the State does not have any information to provide a material "run rate" to identify materials that should be inventoried for State projects.

22. Question: Are there any proprietary materials that are only used by the state or customized for use by the state? Specifically, any fiber cabinets, pedestals, and terminal equipment? This is not identified in the MDOT Standard Spec for Construction & Materials.
Answer: The State prefers to use industry standard materials for Outside Plant construction. Should there be any proprietary materials or parts needed, those would be specified in the Work Order document.
23. Question: Does the state have existing contracts with materials suppliers that they prefer or have existing discounts?
Answer: No.
24. Question: Materials costs are to be pass thru charges with no markup. Are there any provisions for paying the contractor for materials handling/shipping/logistics and yard storage?
Answer: As stated in RFP Section 2.3.4.J, material costs shall be passed through with no mark-up by the Contractor. Again, Offerors are to provide fully loaded hourly labor rates for each labor category that include all costs/expenses associated with the provision of services. Offerors awarded a contract will be paid based on the fully loaded hourly labor rates contained in their financial proposal.
25. Question: Regarding RFP Section 2.1.8, will there be scenarios where a Maryland State and/or local entity would purchase goods from the contractor but NOT purchase the services? Would the contractor be allowed to place a markup on materials if this scenario exists?
Answer: No. This contract does not contemplate Contractors providing the goods without the services. The Contractor will be required to both purchase the materials and do the installation/service.
26. Question: Regarding RFP Section 2.3.4 H - Contractors cannot use the states tax-exempt status, but will the state sign off on the contractor's reseller certificate so that the contractor does not have to lose money for the taxes on the materials which cannot be passed thru to the State.
Answer: No.
27. Question: What are the payment terms (lead time for payment) after materials are purchased, delivered and accepted by the State?
Answer: Payment will be made within 30 days after receiving the invoice. See Section 3.3 Invoicing. Specific information regarding invoice submission is contained in RFP Section 3.3.2. Please note, though, that using agencies will not just buy materials from the Contractors. Rather, agencies will pay for both materials and installation services.
28. Question: What are payment terms (lead time for payment) after services/tasks are complete and accepted by the State?
Answer: See the answer to Question 27.
29. Question: Can DGS provide some clarity on the percentage of purchases vs. services an awarded vendor can expect? For example, under another Maryland contracting vehicle (the CATS Plus

Master Contract), 51% of all task orders must be for services, and purchases cannot exceed 49%. On this contract, if the percentage of purchases is unlimited, and the MBE goals cannot be applied to purchases, it will be difficult to meet the MBE goals. Also, if a large percentage of the assigned work requires significant purchases, it will be difficult for awarded vendors to be profitable on this contract.

Answer: The usage of this contract will depend on the needs of the using agency. As such, the percentage of purchases and/or services that the vendor expects cannot be conclusively determined. The pass-through cost is not included in calculating the total for the MBE Goal compliance.

30. Question: Is it possible for a company to be awarded a contract for more than one of the regions?

Answer: Please see the answer to Question 1.

31. Question: The MBE goal is stated to be 15% per region. If a vendor is awarded multiple regions, could DGS consider evaluating the vendors' MBE participation based on the total of all work performed in all regions?

Answer: No. Also, please note that any regional award in which a Prime proposes less than the State's MBE goal must be accompanied by a good faith waiver request, even if that same Prime contractor proposed a goal in excess of 15% in one or more other region(s).

32. Question: Will companies be awarded a contract for regions based on the proximity of their location? In other words, will a company headquartered in Baltimore be more like to be awarded a contract for the Central Region? Please clarify how the awards will be assigned.

Answer: Please refer to RFP Sections 4.9.1 and 6. The RFP does not list geographic proximity as an evaluation factor. It would be appropriate for the State to ask a vendor with no in-state presence and no office or workforce in the state of Maryland how it intends to perform the contractual duties.

33. Question: We understand that DGS will manage this contract; however, will DGS work directly with the state agencies to define requirements and provide contract oversight jointly with the agencies?

Answer: Yes. Like all Master Contracts that do not involve secondary competition, individual end using agencies will issue Work Orders to the Contractor. The agencies will also have their contract managers. The DGS Contract Manager will coordinate with them to make sure that the vendors are performing the duties that are required under the RFP for the contract. The scope of work outside the defined requirements under the RFP will solely be at the agency's discretion

34. Question: The contract is being awarded on a regional basis. Is there a guidance for how services will be awarded should they cross from one region to another, thus causing confusion when servicing statewide infrastructure?

Answer: The State has provided specifics. The contract shall be awarded on a regional basis to up to two (2) Offeror(s) submitting the Proposal that has been determined to be the most advantageous to the State, considering price and evaluation factors set forth in this RFP. Please refer to Section 4.9.2 (Assignment of Work) of the RFP and Amendment #1 – Revision to this section. Also, the State does not expect services to cross regions.

35. Question: Materials are to be provided as a pass-through to the State. Is there a restriction in the contract preventing a State agency from just buying materials, essentially causing a vendor to lose money from those sales?

Answer: Under the contracts, using agencies cannot just buy materials. Any work request will involve both materials and installation.

36. Question: The Contract requires planned and emergency services leveraging the same labor categories. Though the financials are being evaluated for the selection of the awardees, there is a wide disparity in services that need to be covered by the limited number of labor categories. Please clarify.

Answer: The Department believes the required labor categories are sufficient to cover the three service categories listed in the RFP

37. Question: The financial evaluation does not include equipment used to perform the work nor does the RFP address the use of equipment in any way. Post award, there will be no maximum value a vendor can charge for equipment utilized for these services or it may be determined that the procurement is failed because the labor rates are not inclusive of the necessary equipment. Please Clarify.

Answer: The RFP's financial proposal requires offerors to provide a fully loaded hourly labor rate for each labor category. As the labor rates are fully loaded, they should include all costs/expenses associated with a Contractor's provision of services, including any costs associated with the equipment to be used. The State will pay contractors based on the fully loaded hourly labor rates and will not pay separately for equipment usage.

38. Question: There is a lack of clarity on the statement that the materials cannot be purchased using the State's exemption for sales and use tax, so we have to assume they will pay the tax or the contractor will lose 6% on any materials sold supporting a project or services. Please Clarify.

Answer: The Department addressed this in the Department's response to Question #26. RFP Section 2.3.4, though, states that "The Contractors are not eligible to purchase materials using the State's exemption from sales and use tax."

39. Question: With no material mark-up, we will not be able to leverage MBE partners to provide those materials thus reducing the opportunity for goal attainment. Please address.

Answer: Please note that material purchases cannot assist contractors in meeting the RFP's MBE goal. Subcontractable areas that will count towards the MBE goal are: 1) NAICS Code 238210: Electrical Contractors and Other Wiring Installation Contractors; and 2) 532490/561990: Laborers (Flagging and Traffic Control Services). Refer to RFP Exhibit 1.

40. Question: The State is requiring an OSP certification for all technicians that work on the contract though one does not exist today. Please clarify.

Answer: The State reasonably believes that it is in its best interest to require individuals employed in each labor category to hold a current Building Industry Consulting Service International (BICSI)

certification (refer to Section 2.4 of the RFP). The RFP does not, however, require the Contractor's staff to hold an Office of State Procurement or OSP certification.

41. Question: The State is requiring a 1% electronic transaction fee to be included in the unit prices but there are no unit prices for materials which are pass-through. No language in the RFP addresses how to cover the transaction fee within the labor rates when you have no idea the mix between labor and materials. Please clarify.

Answer: The language in Section 3.15.4 A has been revised. See Amendment #1, item #4 posted on eMMA. Note that all costs should be included as "Pass Through Cost" which shall reflect the fully loaded prices that include all costs/expenses associated with the provision of goods and services as required by the RFP. Please reference Attachment B-1 Financial Proposal Instructions.

42. Question: For the first time in State history, they are giving the contractor with the highest ranking the first right of refusal for the work even with multiple awards. The State should be awarding to a larger number of vendors and using secondary competition to get the best price and service available at the time of need. Will the State reconsider the right of first refusal?

Answer: No. While this method may be new in the Cable and Wiring area, it is not the first time the State has awarded a Statewide contract with right of first refusal. The State has determined that it is in the State's interest to use this approach and not secondary competition.

Issued by:

Emmanuel G. Smith
Procurement Officer