



**Questions and Answers No. 1
Request for Proposal F50B4400028
Data Telecommunications Services Master Contract**

Ladies/Gentlemen:

This list of questions and responses is being issued to clarify certain information contained in the above referenced RFP. The statements and interpretations contained in the following responses to questions by potential Offerors are not binding to the State, unless an addendum expressly amends the RFP. Nothing in the State's response to these questions is to be construed as agreement to or acceptance by the State of any statement or interpretation on the part of the vendor.

- 1) Is this a multi-vendor award or will there only be one vendor chosen for the master contract?

RESPONSE: This is a multi-award Master Contract. Please review Section 1.1 of the RFP.

- 2) IP Services- can you clarify the type? Internet, Transport, etc?

RESPONSE: IP Services is for Transport only. Please refer to the Quality of Service requirements in section 2.3 of the RFP.

- 3) Will "last mile" be transport only?

RESPONSE: Yes.

- 4) Section 1.5.1 requests "Most Favored Customer" pricing, yet section 2.4.1 asks for "maximum pricing for all service areas". These requests appear to be in conflict with each other. Also, since each PORFP will receive a competitive bid from qualified offerors, would the State consider removing its "Most Favored Customer" request?

RESPONSE: At the Master Contract level Offerors should propose the maximum, not-to-exceed prices it will offer under the contract. At the secondary PORFP level, Master Contractors shall propose "Most Favored Customer" pricing that is appropriate for the scope of work. The State will not remove the most favored customer requirement.

- 5) Will DoIT allow an award across all Functional Areas and LATAs to multiple affiliate entities or a consortium (which use a single point of contact), under a single contract so that each affiliate can provision the service and bill the State directly, as is the case with the State's current Local Telecommunications Services Contract?

RESPONSE: Yes. However, the affiliate entities must either submit proposals individually or be listed as subcontractors to a prime offeror.

- 6) In Attachment 2 Contract, Section 28 regarding Limitation of Liability it states, "... Master Contractor's Liability per claim shall not exceed five (5) times the total amount of the PORFP..." We respectfully request the State to reduce the Limitation of Liability to one (1) times the total amount of the PORFP..." If not, can DoIT please explain its reasoning why these services require a Limitation of Liability of 5 times?

RESPONSE: The master contract establishes five (5) times total PORFP value as a ceiling. The limitation of liability applicable to any give PORFP will be set at the secondary level when a specific scope is identified.

- 7) According to COMAR 21.05.03.05 (E)(1)(b) "Adequate price competition" means competition between two or more responsible offerors..." through "procurements by competitive sealed proposals." Also note subsection (E)(6); if the intent was to provide expressly for most favored customer pricing for sole source procurements (i.e., as a means to ensure fair and reasonable pricing when using that method), then the inference is that such protection was deemed unnecessary when utilizing competitively bid methods. Therefore, will DoIT remove sections 1.5.1 and 1.5.2 regarding Most Favored Customer pricing? If not, please explain how DoIT can treat this RFP as both a competitively bid procurement and a sole source procurement?

RESPONSE: No, the State will not remove Sections 1.5.1 and 1.5.2. Please see the answer to Question #4.

- 8) Can DoIT provide a list of active Maryland statewide contracts awarded as a result of competitively bid proposals where a Most Favored Customer clause was required?

RESPONSE: The State does not maintain and therefore cannot provide such information.

- 9) Regarding RFP section 1.5, shouldn't there also be the mechanism for a Master Contractor to propose rate increases, particularly since the original term is 12 years (well over a decade)?

RESPONSE: The Offerors shall propose maximum, not-to-exceed, prices at the Master Contract level. The prices submitted shall provide the Offeror enough flexibility to account for potential increases over the term of the contract.

- 10) Regarding RFP section 1.5, can the State provide a list of other existing State contracts with a term in excess of a decade where rates for the services must remain the same or lower through the entire term?

RESPONSE: The State does not maintain and cannot provide such information.

- 11) Regarding RFP section 1.5, will the State accept future proposals from the Contractor, to include potential rate increases, decreases, upgrades or replacements to service offerings, and/or changes to service offerings?

RESPONSE: No, the State will not accept future proposals from the Contractor to increase rates. However, pursuant to Section 1.5 of the RFP, "Master Contractors may grant a concession

to the State and lower the rates at any time during the Master Contract by submitting revised service rates to the Procurement Officer.” Please see Section 2.9 regarding the process for adding a service offering, tax or surcharge.

- 12) Regarding RFP section 1.5.2, if a Master Contractor provides rates for any subsequent PORFP, which are lower than its original contract pricing tables, wouldn't DoIT and the Master Contractor be required to do a formal contract modification each time.

RESPONSE: No, a formal contract modification would not be required at the Master Contract level. However, if a Master Contractor provides rates for a subsequent PORFP that are lower than a previously awarded PORFP, then the State and the Master Contractor will work to modify the previous PORFP to reconcile the pricing.

- 13) We would like to request a deadline extension if order to provide the best and most complete response to this RFP.

RESPONSE: Please see Amendments #1 and #2.

- 14) Is the State open to receiving bids for Layer 3 services, such as MPLS, in addition to Layer 2 service solutions?

RESPONSE: Yes.

- 15) Regarding page 70, #31, Does the State currently or has the State in the past employed nonvisual employees in roles responsibility for dealing with invoices, customer billing, network performance reporting or otherwise dealing with a customer-provider online interface?

RESPONSE: The State does not maintain and therefore cannot provide such information.

- 16) If we bid on a subset of the LATAs today, can we add other LATAs during one of the three year intervals?

RESPONSE: Yes.

- 17) Regarding section 2.3.5.2, does this always have to be auto negotiation or can it also be port rate sometimes?

RESPONSE: Auto-negotiation is preferred, but direct configuration of speed and duplex for 100Mbps and 10Mbps connections are acceptable.

- 18) How many high security locations does the State have and can you provide the addresses?

RESPONSE: The State will not provide this information.

- 19) Please point us to the direct link associated with the title 16 reference under Attachment 3 section G

RESPONSE: Among other locations, Title 16 of the State Finance and Procurement Article (§§16-101 through 16-312) is available at the Maryland General Assembly website: <http://mgaleg.maryland.gov/webmga/frmStatutes.aspx?pid=statpage&tab=subject5>

20) Questions for the State regarding Attachment 4 and 16

- a. Is a Supplier Certification document that requests a Supplier to submit a self-affidavit certifying its diversity/minority status sufficient, or do we HAVE to hold their actual current certificate?

RESPONSE: At the time of proposal submission, Offerors must submit a completed and signed Attachments 4-D-1A and 16-V1A. These forms are acknowledgements that PORFPs released at the secondary level may have a subcontracting goal. Offerors do not need to submit the other forms included in Attachments 4 and 16. If an MBE goal is set at the secondary level, the subcontractor must be certified by the State of Maryland as an MBE.

- b. Is there a list of “all MBE requirements associated with any PORFP”?

RESPONSE: MBE requirements will be determined at the PORFP level.

- c. What is the percent goal associated with this proposal?

RESPONSE: The MBE goal established for the Master Contract is 0%.

- d. Is there any way that Maryland will accept our company-wide plan and standard certification process and associated spend reports?

RESPONSE: Please see the answer to Question #24 (a).

21) Can dark fiber be added as a service to FA 1 and FA3? How should the pricing be added to the price tables?

RESPONSE: The State is not requesting Dark Fiber.

22) Can the price tables be adjusted for different term lengths (MTM, 12month, 36 month, 60months) for service?

RESPONSE: Term Lengths may not be adjusted. The State Operates on a 12 month Fiscal Year Budget, with Invoicing processed monthly.

23) On the FA 1 Optic Transport sheet, would it be possible to add 1 Gbps as a bandwidth option?

RESPONSE: The State will not purchase Optic Transport Services under 10 Gbps as a Wide Band DDS Service. This Service offering should be proposed under FA 3.

24) On the FA 1 Optic Transport sheet, there is a line item for ‘IP and Data Services’. Does this assume IP bandwidth matches the port size?

RESPONSE: **No. Services may not always be congruous with the port size.**

25) Can the closing date and time be extended until 8/1/2014 at 2pm?

RESPONSE: **Please see Amendments #1 and #2.**

26) Please confirm that there are no MBE requirements for this RFP?

RESPONSE: **Please see the answer to Question # 24 (c).**

27) If awarded, will the state negotiate contract terms?

RESPONSE: **No. See Section 3.4.2.2 of the RFP.**

28) Section 2.3 - Most items in this section would not apply to TDM based services in FA1. Please change the language to remove requirement for TDM.

RESPONSE: **The State will not modify the language in Section 2.3. Section 2.4 states: "The State is seeking Wide Band services to provide data transport to the State in formats including but not limited to: DS-1, DS-3, OC-3, and OC-12. These services do not require Ethernet Delivery to the State." Section 2.3 clearly distinguishes copper, fiber, and medium agnostic requirements.**

29) Per section 2.3.5.2, what is dictating the State's requirement for Auto-negotiation on copper UNI's?

RESPONSE: **The State will not answer this question as it is not relevant to proposing a service offering.**

30) How does the State plan to manage NNI between multiple carrier networks?

RESPONSE: **Please clarify the question. There is not enough information to provide an answer.**

31) Is it a requirement that all circuits under this contract interface with networkMD?

RESPONSE: **No.**

32) Per 2.4.1 is the State requiring access cost to be included in its request for "maximum pricing for all service areas"? Providing access for all service areas outside of the State of MD would be a near impossible task to complete within the given timeframe.

RESPONSE: **Attachment 15 lists five specific locations outside of the State. The State does not agree that the task is insurmountable in the timeframe given for response.**

33) Is it possible that the State could issue a PORFP that includes services or service elements that are not listed on one of the functional area price sheets?

RESPONSE: **No. The PORFP is bound to the Services and service elements of the Master Contract.**

34) Will the State consider Managed Network Services or Network Monitoring options in the response?

RESPONSE: **No.**

35) Section 2.4.4 – Contractor could proactively notify on an incident on T-1 or higher provided the access is connected to the MPLS network. Can the State please amend this requirement accordingly?

RESPONSE: **No. A provider should monitor its infrastructure and be aware of any degradation or outage in that infrastructure with the ability to notify the State, by phone or e-mail, of the Incident.**

36) Section 2.4.4 – [sic] does not offer proactive outage notification on unmanaged services, is the State requesting a Managed Service overlay for every circuit?

RESPONSE: **No. See response to Question #35.**

37) Section 2.4.5 – [sic] does not offer the specified services on unmanaged services, is the State requesting a Managed Service overlay for every circuit?

RESPONSE: **No. See response to Question #35.**

38) Section 2.17 - Please clarify what sort of documentation the state is expecting from the web system.

RESPONSE: **This refers to Master Contractor administration of a web portal for the State to access account information. Documentation may include, but is not limited to, invoices and circuit information.**

39) Is it expected that the contractor shall be able to provide services in all LATA's?

RESPONSE: **No. Offerors may propose to specific LATA's within a Functional Area.**

40) According to COMAR 21.07.01 a Most Favored Customer pricing clause is not a State of Maryland Mandatory Contract Provision and therefore will DoIT remove IFB sections 1.5.1 and 1.5.2 regarding Most Favored Customer pricing?

RESPONSE: **No, the State will not remove Sections 1.5.1 and 1.5.2. Please see the answer to Question #7.**

41) Will agencies be allowed to procure services off of the Data Communications contract without going through a competitive (PORFP) process? For example is Agency A wants to continue working with Company B for business continuity purposes, will Agency A be forced to go through the PORFP process?

RESPONSE: Yes, the PORFP process will be mandatory.

42) Section 1.13 – Contractor requests the duration of offer be modified to 180 days from the date of response submission or BAFO. Protest resolution is an indefinite length of time. We therefore request to omit item 2 of this section.

RESPONSE: The State will not remove this requirement.

Thank you,

Michael Meinel
Procurement Officer

End of Question and Answer # 1