



Maryland Department of Budget & Management

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**QUESTIONS AND RESPONSES #1
PROJECT NO. 050R5800079
Long Distance Calling Services
October 28, 2004**

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 answers 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. Would you please provide clarification regarding the reference to Statewide Virtual Private Network Contract No. DBM-9914-VPN under paragraphs 2.2.1 and 2.2.2? Are VPN services part of this bid or is this bid strictly voice? Why are those two statements part of the RFP?

Answer: The title of the current contract is DBM 9914 VPN (Virtual Private Network). As stated in 2.2.2, these services have been renamed to Long Distance Services.

2. We understand the State of Maryland and the current administration's goals and commitment to MBE involvement in State contracts. As a responsible vendor we share the commitment to MBE involvement in the State of Maryland. Because of the nature of how Long Distance, Calling Card and Conferencing service is provided – it is impossible to utilize a subcontractor. Can the State please share with vendors how to utilize MBE subcontractors in this procurement?

Answer: The 5% subcontracting goal is an aggressive but attainable goal. The easiest way to comply with the MBE commitment is through the direct use of MBE subcontractors. Direct use of MBEs for long distance phone services may require you to make some adjustments to how you have traditionally supported the delivery of such services. Potential Offerors should examine their internal business processes to identify areas for potential direct MBE participation. In addition, dollars that are paid to certified MBE subcontractors for work that is allocable (indirect use) to the performance of this contract will be credited towards the goal on a prorated basis.

3. Section 2.2.4. Can the state provide the percentage of monthly call minutes for switched access vs. dedicated access?

Answer: The percentage of monthly call minutes is 99% for switched access and 1% for dedicated access.

4. Section 2.5.1.8 - Does this refer to invoicing each agency? Are you referencing a new database where state agencies can go to see the current services provided to certain agencies? Would you please provide specific examples of this requirement?

Answer: Addendum #2 item #2 removes this section.

5. Section 2.5.1.11 - Would you please provide specific examples for items A, B and C? For example, does item A represent utilizing a modem on an analog line? In item 3 are you currently Bonding ISDN B channels for video conferencing?

Answer: Item A represents use of a modem on an analog line. Item B represents use of a modem over dedicated facilities. Item C represents bonding ISDN B channels for video. Currently ISDN B channels, are not commonly used, but may be used in the future.

6. Section 2.5.1.14 - Please expand on alternate routing. Does this reference the carrier's long distance network? Is it inclusive of a dedicated access link? Are you asking for diverse local loops at all State of Maryland sites?

Answer: Yes, this references the carriers' long distance network. Yes, this is inclusive of dedicated access links. No, the State is not asking for inclusive local loops at all State of Maryland sites.

7. Can a vendor request a waiver of the MBE requirement if the vendor has the ability to provide all required services without the use of an MBE?

Answer: Vendors can request a waiver as part of their proposal submission (see revised RFP Attachment D, MBE Utilization and Fair Solicitation Affidavit). If subsequently recommended for award, vendors must fully document the efforts put forth to try to obtain 5% MBE participation. In order for the waiver to be granted, the documentation must meet the waiver criteria outlined in COMAR 21.11.03.11. The ability to provide all services using in-house resources does not, by itself, meet the necessary waiver criteria.

8. Please clarify, in Attachment D, it states that a vendor may request a waiver of the MBE requirement provided it conforms to COMAR 21.11.03.11 (Attachment E). After reviewing the above referenced COMAR section, there is not a document listed as Attachment E and Attachment E in the RFP document is for registration for the bidders conference. Please provide guidance as to the proper forms and the location of the forms required to possibly submit an MBE waiver.

Answer: Please see Addendum #2, item #8. Also, please note that Attachment D is being revised and will be sent out to all potential Offerors in the near future.

9. What format and pricing document should be used for teleconferencing?

Answer: Table K of Pricing Sheet Attachment F-6 contains the format to be used for teleconferencing.

10. Section 2.5.1.8, please explain and provide clarification and examples of the database referenced in this section.

Answer: Please refer to the answer in question #4 above.

11. If a vendor does not bid an MBE is it still required to submit forms D-1 through D-4?

Answer: If a vendor wants its proposal to be considered for award, MBE forms D-1 (Utilization Affidavit) and D-3 (MBE Participation Schedule) must be submitted at the time of proposal submission.

12. Page 10, 1.33 – Please describe present uses of non-visual access that would need to be provided as part of the services provided as part of this RFP.

Answer: Currently, the only use of non-visual access is accessing and obtaining web reports.

13. Regarding the MBE requirements portion of the LD bid, is it necessary to do a further break down between Women and other minority contractors?

Answer: There is no break down between women, African-American and other minority contractors for this procurement.

14. Because this is a telecommunications services contract will there be any flexibility given regarding bid bond and performance bond issues?

Answer: The State of Maryland has revised its requirements for the performance bond. See Addendum #2, item #1. The State has not revised its requirements for the bid bond.

15. Is the State of Maryland on an SDN network today with the current provider? If so what features are being used from the SDN feature set today by the state?

Answer: Yes, the State of Maryland is on an SDN network with the current provider. The State is gathering this information and will identify the current SDN features in a separate correspondence.

16. Section 2.5.1.9. The RFP makes reference to Network Announcements. Can the state provide information on what other Toll Free features the state is currently using other than Network Announcements?

Answer: The State is gathering this information and will identify the current SDN features in a separate correspondence.

17. Does the State currently have the ability to change their network announcements themselves?

Answer: Currently, the State does not have the ability to change the announcements themselves.

18. Is the State using any type of Network Management tool? If so, what?

Answer: There is no network required in this RFP. No, the State is not using a Network Management tool.

19. Is the State requesting that a person be physically on site for a calling card coordinator, maintenance person and contract person?

Answer: No, the State is not requesting a person to physically be on site for the above-mentioned responsibilities. However, the State does require the selected Contractor to provide the requisite support when the situation dictates.

20. Is the State requiring that their calling cards be billed in 6 second increments?

Answer: Yes, the State requires that their calling cards be billed in 6-second increments in accordance with 2.15.2 item C.

21. Does the State currently have the ability to pull their own utilization reports on dedicated circuits or is some type of report being provided on a monthly basis from current provider?

Answer: Monthly reports are provided by the current provider to the individual State Agencies.

22. Section 2.5.1.7. Can the State please further define the 10-digit screening requirement?

Answer: The Contractor must be able to pass all 10 digits including the correct area code.

23. Section 2.9 Traffic Studies. Will the contractor deliver the raw data for the State to perform Traffic Analysis, or will the Contractor perform the Traffic Analysis and deliver it in report form?

Answer: The requirement is for the Contractor to perform the Traffic Analysis and deliver it in a report format.

24. Section 3.4.11 Plans and Procedures, B. Disaster Recovery Plan as outlined in section 2.3.11

There is no section 2.3.11 within the RFP. Should the section referenced be 2.3.10?

Answer: You are correct. Addendum #2, item #7 corrects this.

25. Attachment A Contract, Item 32 Guarantee of Performance by...

We will be proposing a subsidiary business unit as the entity responsible for (and with authority for) all aspects of the resulting contract. Will this section of the Contract be applicable?

Answer: The Company that submits the proposal will be the one evaluated. Therefore all financial statements, affidavits, references, etc. must be those of the company submitting the proposal. If a subsidiary submits the proposal but uses the any references, statements etc. of the parent in their proposal, Section 32 Guarantee of Performance will be applicable. No assignment of the contract or any rights or obligations of the bidder may be permitted without the prior written approval of the State. See Section 25 of Exhibit A.

26. The 2 sections cited seem to contradict each other as to when the PMP is required, please clarify when the PMP is required.

Section 2.11.1 in the deliverable table in IB, #3 "The draft PMP shall be provided at the Kick-Off Meeting"

And then on page
Page 35, 3.4.11 Plans and Procedures

Offeror shall include the following plans and procedures as part of their proposals:

- A. Emergency Call Procedures as outlined in section 2.10.1
- B. Disaster Recovery Plan as outlined in section 2.3.11
- C. Master Contract milestones and deliverables as outlined in section 2.11

Answer: There is no contradiction between the two sections. The PMP described in section 3.4.11 is the draft PMP. At the Kick-off meeting, this draft PMP will be updated as required and finalized within 10 business days after the Kick-Off meeting.

27. Section 2.7.2

Will the State require Vendor to notify the LEC of the State's carrier choice or will the Vendor notify the LEC?

Answer: The State does not understand this question.

28. What is the amount of liquidated damages for this contract?

Answer: The amount of liquidated damages for this contract is dependent on costs incurred by the State to obtain replacement services outside the Contractor's system, if the Contractor fails to return long distance calling service within the specified time.

Refer to section 2.16 of the RFP.

29. Section 26.1

Please clarify that the "costs, expenses, loss" are that could arise out of potential suits, actions or claims?

And similarly related please clarify;

Must the Contractor indemnify the State for any costs arising from or relating to the performance of the Contractor under the Contract? Does this include expenses arising from or relating to the performance of the Contractor under the contract?

Should the Contractor have to pay for the Contractor's or other vendors' charges for providing the services?

Answer: a) The "costs, expenses, loss" are those that could arise out of potential suits, actions or claims.

b) The Contractor must indemnify the State for any costs arising from or relating to the performance of the Contractor under the contract.

c) This includes expenses arising from or relating to the performance of the Contractor under the contract.

d) The contractor does have to pay for the contractor's or other vendors' charges for providing the services.

30. Section 26.3 c

Can the State clarify that the State has no obligations for payment of judgments or settlement for third party claims? What if the contractor has a judgment against State, is the State saying they have no obligation to pay such judgment?

Answer: The State has no obligations for payment of judgments or settlement for third party claims. If the Contractor has a claim against the State, it is not a third party claim. Contractor claims against the State under the Contract are not third party claims and would be governed by applicable State law.

31. Section 30 (3)

Is the "not" in front of "blind or visually impaired" correct, or should it read ". . . individuals who are blind or visually impaired; . . ."

Answer: The statement is correct as stated.

32. Section 32

Can the State confirm that this Section is not applicable to contractors who if awarded, are both signing the contract and providing the service. What if due to regulatory issues, the contractor cannot bind parents or subsidiaries?

Answer: See Answer #25 above.

33. Section 2.7.1 Long Distance Calling Ordering/Cancellation Process

Section C: Forward to Contractor. After review and approval of an ADPICS Requisition by DBM/OIT Telecommunications Division, a signed PO will be faxed to the Contractor.

Question: Does the state have the capability to provide the signed PO to contractor in an electronic format?

Answer: No, the State does not have the capability to provide signed POs to the Contractor in an electronic format at this time.

34. Section 2.7.2 Long Distance Calling Service Order Response Times

Section B: Initiate Switched service locations within 3 business days from receipt of the signed Purchase Order.

Question: Will the State verify maximum # of locations that will accompany such a request? In addition to stating a "not to exceed number" of telephone numbers per purchase order.

Answer: No, the State cannot specify a maximum of locations or a "not to exceed number" of telephone numbers per purchase orders.

35. Section D: Port from one vendor to another vendor within 15 business days from receipt of signed purchase order.

Question: Could the state please clarify if the 15-day interval addresses both dedicated and switched services?

Answer: The 15-day interval pertains only to switched services.

36. Express Ordering Process for Calling Cards,

Section B: The Contractor shall provide the calling card number over the phone to the TC and express mail the calling card and Acknowledgement Form to the TC or the cardholder (mailing instruction will be identified at the time of the request) within 24 hours of the request.

Questions: Will the State set limitations to the quantities ordered under the Express process?

Answer: The State will set the limit to no more than 10 calling cards per request for express processing. This will be updated in Addendum #2 item #4.

37. 2.5.1.11 Provide the following dial up data capabilities:

A. Ability to transmit data at speeds of 56 kbps or slower both on-net and off-net.

B. Ability to transmit data at speeds of 56 kbps or higher over dedicated DS-1 circuits.

C. Ability to provide ISDN capability, on both basic rate interface (BRI) and primary rate interface (PRI) basis.

Question: Is the State requesting data services for this solicitation? If so, will the state revise the pricing worksheets to accommodate data pricing?

Answer: Addendum #2 item #3 will remove the dial-up data requirements.

38. On Price Proposal Form, Attachment F-7, please define the "Number of Intervals" section.

Answer: In Attachment F-7, column E contains 10 for the number intervals, which equates to a one-minute interval. Please refer to Attachment F, which contains the Price Proposal Form Instructions.

39. On Price Proposal Form, Attachment F-7, please break down the "Calling Card Minute Usage" by IntraState & InterState usage.

Answer: The State will update the Pricing Forms to break down the calling card minute usage by IntraState & InterState usage. See Addendum #2 item #10.

40. On Price Proposal Form, Attachment F-7, please break down the International Traffic by switched & dedicated usage.

Answer: The State will update the Pricing Forms to break down the International Traffic by switched & dedicated usage. See Addendum #2 item #10.

41. 2.5.2.1 The Contractor shall have the capability to limit the dollar amount used on an individual's Calling Card per month when requested by the State. During the calling card ordering process, will the vendor be notified what calling card(s) will require a usage limit?

Answer: Yes, as part of the ordering process the Agency will identify if the calling card requires a usage limit and the amount of the limit.

42. Attachment F states, in pertinent part: "Offeror bears the sole risk that such surcharges and additional fees may increase, and/or that new surcharges and additional fees may be levied by appropriate governmental or quasi-governmental authority during the term or any renewal term of the Contract." This provision indicates that vendors should "bake in" all current surcharges as well as an additional factor to protect against the risk of future regulatory charges. Vendor is concerned that (1) application of this provision conflicts with Vendor's obligation to pass through certain surcharges at no more than the rate specified by federal regulatory bodies (which rates may fluctuate during the term of the agreement); and (2) this provision will not result in the lowest cost to the State.

Would the State consider a pricing submission that included (1) an accounting of all current surcharges (for evaluation purposes) and (2) an affirmative statement that surcharge rates will be limited to the pass-through rate levied upon Vendor by the federal agency (no mark up or "administrative fees")? Such an offer would result in the lowest cost to the State?

Answer: The State has removed the requirement for surcharges and additional fee to be included in the Offerors proposed rates. See Addendum #2 Item #9.