

#	Question/Answer
1	Section 7.1 Schedule indicates that proposals are due on October 12, 2010. Section 8.3 Interviews & Selection of Finalists indicates that "interviews are expected to be held beginning the work of October 4, 2010." This is prior to the submissions of proposals.
A	The dates in the RFP have been corrected.
2	Page 19 of the Form of Agreement for Project Management services states that the OPM shall monitor and report on each Project Vendor's Compliance with MBE/WBE requirements. Has a target MBE/WBE participation percentage been established for this proposal?
A	MTC has not established a specific numerical or percentage goal for MBE/WBE requirements. Applicable regulations provide for MTC to "take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible." 15 CFR 24.36(e). The Federal Minority Business Development Agency will assist recipients in matching qualified minority owned enterprises with contract opportunities. For further information contact:  U.S. Department of Commerce Minority Business Development Agency Herbert C. Hoover Building 14th Street and Constitution Avenue, N.W. Washington, D.C. 20230
3	Attachment A: Agreement to Sensitive Information Policy does not have a signature page, yet we are asked to complete Attachments A & B. Does the signature page of Attachment B correspond with Attachment A?
A	Yes.
4	Technical Proposal Content Section 6.2 bullet 3 asks for comments on the agreement. Should respondent provide a point by point confirming/acceptance/non-compliance or comments regarding contract provisions?
A	MTC requires that respondents provide specific comments by article and subpart or redlining, or comments or questions about intent. MTC requires that you submit the proposed edits or counterproposals simultaneously with your response. It is not acceptable to "x" out a provision without explanation or a proposed counterproposal, or to say N/A. Respondents are required to be as specific as possible in objection, counter proposal or modification. If no objection, modification or counterproposal is submitted at the time you submit your response, Respondent will be deemed to have accepted the terms of the contract and no additional negotiation of contract provisions will be entertained.
5	If you bid on the OPM contract are you precluded from bidding on other contracts?
A	There is no restriction from bidding. However, if you are awarded the OPM contract, you will be precluded from being awarded a subsequent contract or subcontract influenced or overseen by the OPM.
6	Will slides be posted on the website and will the list of attendees be provided to those participating?
A	Yes
7	Does providing sub-contractor services to the chosen OPM for section(s) 4.1.1, 4.1.3 and 4.1.4 exclude said sub-contractor as a candidate for the physical construction of the network?
A	All the Project Vendors listed in Section 4 of the RFP except for the Consulting Engineer (4.1.6) will be engaged by MTC or provided by pole owners, not engaged by the OPM. The Engineer engaged to comply with Mass. G.L. ch. 149A (RFP Section 4.1.1) will not be eligible to participate in physical construction of the network. Furthermore, for reasons of state conflict of interest laws and public

	<p>policy considerations, no sub-contractors to the OPM will be eligible for awards as a prime contractor or subcontractor to a prime contractor on downstream project procurements. Under existing state conflict of interest laws, the Field Data Collectors (4.1.3) and Make-Ready Contractors (4.1.4) may be eligible to participate in physical construction of the network only if the actual individuals who performed the services under 4.1.3 and 4.1.4 are different than the actual individuals who perform services during construction of the network.</p>
<b>8</b>	Are there any required project management software
<b>A</b>	No, however MTC uses Microsoft Project
<b>9</b>	Are there any required Document management software
<b>A</b>	No, however the OPM is required to develop and maintain a database (the Attachment Database) which will act as an ongoing repository of project documents, permits, licenses, CAI information, etc. and the MTC will need to be able to continue to use and maintain this database post project. Therefore, systems with high ongoing license fees or vendor maintenance charges will be viewed less favorably.
<b>10</b>	Are there any required financial software?
<b>A</b>	No, however financial software must be able to maintain records sufficient to meet Federal audit requirements.
<b>11</b>	Is there a required % awarded to MBE/WBE companies? If not, does MTC have a goal in mind?
<b>A</b>	See Q.2.
<b>12</b>	As discussed in the RFP (Section 3.2), you are in the process of negotiating agreements with the owners of existing utilities' poles and other facilities on which you plan to attach the network's fiber. Please elaborate on the status of these negotiations. Further, is MTC seeking a more streamlined process and an expedited handling of the MTC applications?
<b>A</b>	<p>As of this date, active negotiations are under way with Verizon, WMECO, and National Grid. Two agreements are in-process, a memorandum of understanding regarding an improved process for make-ready surveys using a single contractor, and the Pole Attachment Agreement. The MTC anticipates that these agreements will be completed in October.</p> <p>The modification proposed to the make-ready process affects the application submission and field surveys. Under the approach being planned, MTC will directly contract with a vendor for field data collection services (RFP 2011-MTC-02) to collect data on pole conditions. All parties will use this data to determine make-ready requirements. This data will be collected and analyzed prior to submitting licensing applications, and all parties agree to rely on this data for the purposes of make-ready determinations in all matters except pole loading analysis, if any is required.</p> <p>In addition to the survey changes, MTC is working with the electric company pole owners to permit MTC to directly contract for, and manage, Make-ready contractor(s) to perform Make-ready on an expedited schedule.</p>
<b>13</b>	Section 4.1 of the RFP describes the various Project Vendors and services that you envision being procured during the project, including 4.1.1 Engineer, 4.1.2 Environmental Assessment Consultant, 4.1.3 Field Data Collectors, 4.1.4 Make Ready Contractors, 4.1.5 Design-Builder, 4.1.6 Consulting Engineer, 4.1.7 Vendors of fiber and/or network equipment, 4.1.8 Network Operator. With the exceptions of 4.1.5 Design-Builder, 4.1.7 Vendors of fiber and/or network equipment, and 4.1.8 Network Operator, and to the extent that you still have unfilled needs for these vendors, would you consider allowing the OPM and/or its qualified subcontractors and subconsultants to perform these tasks, thereby providing a streamlined process that avoids the need for a number of outside procurements?

<b>A</b>	No, other than the Consulting Engineer (4.1.6) which is viewed as integral to the OPM's responsibilities. The OPM must be an unconflicted entity who solely represents the best interests of the MTC in all matters related to the project. In addition, the Engineer (4.1.1) RFP is due to a requirement in the Commonwealth's design-build procurement laws. The Environmental Assessment Consultant (4.1.2) has already been engaged, the first Field Data Collectors RFP (4.1.3) has been released (RFP # 2011-MTC-02) and a second will be released the week of September 27.
<b>14</b>	Section 8.7.6 of the Agreement for Project Management services states "Conduct, through the Consulting Engineer or otherwise, acceptance testing of the Design-Builder's Work, and coordinate the participation in or observation of such testing by the Network Operator." In the event that the OPM provides this service, is it your intention that the OPM will actually conduct the testing, or do you envision that the Design-Builder will be required to submit detail test plans for MTC approval which, upon acceptance by MTC, would be the basis for Design-Builder to conduct the acceptance testing, all of which would be monitored and witnessed by the OPM?
<b>A</b>	The MTC anticipates that the majority of preliminary testing, including all unit testing, will be performed by the Design-Builder using test plans approved by, and conducting the testing under the supervision of, the OPM. Final Acceptance testing of the completed network shall be conducted by the OPM directly.
<b>15</b>	Reference 4.1 – Project Vendors and Route Facility Providers: Please elaborate on the current status of the procurement of the "Engineer" (4.1.1) and the "Environmental Assessment Consultant" (4.1.2) to be engaged by MTC.
<b>A</b>	<p>Procurement of the Engineer (4.1.1) is dependent on approval from the Office of the Inspector General of the Design-Build proposal for the project. This procurement will proceed in parallel with the OIG approval process and is expected to complete in December.</p> <p>The Environmental Assessment Consultant (4.1.2) procurement is complete and the EA is underway at this time.</p>
<b>16</b>	Reference 5.3 – Contract Length: The RFP states that the network must be substantially complete or 67% complete by June 30, 2012, a period of two years from the Grant being issued. Given that OPM Proposals are not due until October 13, 2010, and an OPM will not be engaged for some period after that, does MTC anticipate that the June 30, 2012 date will/may be revised later?
<b>A</b>	<p>As explicitly stated in Section 5.3 of the RFP, the Federal Grant Award for BTOP funding requires substantial completion within 2 years of the date of the award. Only the NTIA can change that requirement. The MTC has no indication at this point that the NTIA intends to modify this requirement.</p> <p>In the event the terms of the grant permit extensions of this or other deadlines, and MTC avails itself of such extensions, the contract length may be adjusted. The MTC will consult with the OPM and project Vendors, and evaluate the project status, schedule, and remaining scope of work in making a determination regarding schedule extensions, should such an opportunity be presented.</p> <p>Bidder's should note two additional factors. First, 67% complete refers to a coMTCnation of milestones and the overall progress of the project. It does not require that 67% of the fiber be deployed. Second, the MTC is proactively pursuing the project and making excellent progress on a number of fronts including the procurements, environmental assessment, route validation, and pole owner rights negotiation.</p>
<b>17</b>	A. Reference 6.2 – The Technical Proposal: If the OPM Team includes multiple firms, is only the lead firm required to complete Attachments A, B and I, and provide the firm's financial information

	<p><u>or</u> must all team members complete the required Attachments and provide firm financial information.</p> <p>B. Please elaborate on what MTC expects relative to a “<i>plan for office space</i>” and “<i>plan for utilization of office space</i>” both in the field and at MTC’s offices in Westborough.</p>
<b>A</b>	<p>A. If the proposing entity is a corporation or LLC, that entity’s financial information must be furnished. If the proposing entity is a joint venture or partnership, the financial information of all partners and joint venturers must be furnished.</p> <p>B. The MTC is prepared to make available to the OPM office facilities at MTC’s location in Westborough MA, and also anticipates that the OPM will require field office facilities. Each Proposer should specify how much space it will need, how that space should be configured, and when and for how long space is required, and whether it is relying on others to provide that space.</p>
<b>18</b>	<p>At the Proposer’s Conference, MTC stated that an Addendum would be issued providing a list of people and firms in attendance, as well as provide a copy of the power point presentation used. Can this information be provided?</p>
<b>A</b>	<p>Yes. This information will be emailed to attendees the week of 9/27 and the presentation will be posted to the MTC website and CommPass that same week.</p>
<b>19</b>	<p>Reference Attachment G – Pricing Proposal: Can this form be provided in a Word format to allow for easier responses? The section where respondents are to provide Titles and Rate/Hr only has room for five entries and it is expected to be more extensive. In addition, should the Rate/Hr be the base payroll rate per person or range for a specific Title or an all in rate including markup and profit? Are there any restrictions or limitations on rates and markups for the people who will be involved for the OPM Team?</p>
<b>A</b>	<p>Attachment G may be found in word document format on CommPass at:  <a href="https://www.ebidsourcing.com/viewDoc?doValidateToken=false&amp;docPath=%2FPublic%2FSolicitations%2F122013%2F00002%2FTERMS%2F2011-MTC-01_RFP_Att_G_Sep10.doc">https://www.ebidsourcing.com/viewDoc?doValidateToken=false&amp;docPath=%2FPublic%2FSolicitations%2F122013%2F00002%2FTERMS%2F2011-MTC-01_RFP_Att_G_Sep10.doc</a></p> <p>The Rate/Hour should be as specific as possible and should include all overhead and profit. There are no limitations on rates and markups, however total costs and resource commitments will be included in the evaluation of finalists.</p>
<b>20</b>	<p>As part of the review and evaluation process, will MTC look favorably on MBE/WBE firms, either as the lead or a team member, and teams with local offices?</p>
<b>A</b>	<p>See Q2 regarding MBE/WBE. MTC expects key personnel of the OPM to be available locally as needed. Travel costs to the site or to MTC’s offices will not be reimbursable.</p>
<b>21</b>	<p>How do you envision the compliance and oversight of Safety. Does the OPM have a role?</p>
<b>A</b>	<p>Under sections 8.19 and 4.7 of the draft OPM Agreement, “Receive, review and make recommendations to the Owner regarding approval of safety and quality control/quality assurance plans of each Project Vendor” (8.19). “The OPM shall report to the Owner any act or inaction in connection with the Project which the OPM believes creates a substantial health or safety risk. Notwithstanding the immediately preceding sentence, the OPM shall not assume responsibility for safety precautions and programs in connection with the Project, which shall remain the sole responsibility of each of the Design-BUILDER, Make-ready Contractor, Field Data Collector and other Project Vendor, respectively.” (4.7). Other provisions of the draft OPM Agreement make reference to monitoring and documenting of the Project Vendors’ safety compliance.</p>
<b>22</b>	<p>Do you envision the oversight provided by the OPM to include several field engineers?</p>
<b>A</b>	<p>Yes, including at least one who is in the field full time once construction activities begin. See Q.26.</p>

<b>23</b>	Do you envision the design build contract to be Unit Price based or Lump Sum? This answer will assist us in the development of the field support needed.
<b>A</b>	The OPM is expected to make recommendations to MTC on this issue. See OPM Agreement Section 8.4.10. Each Proposer should supply pricing for its services under each of the two alternative pricing approaches for the design-builder. A revised Payment Schedule form (Attachment A to the OPM Agreement) will be posted.
<b>24</b>	Article 8.1.19.1.2 of the Agreement for OPM Services requires a memorandum of negotiations to document change order negotiations with Vendors. A memorandum of negotiation can be as simple as a marked up vendor proposal showing how the negotiated settlement was reached to an official written document explaining the negotiations to something in between. What level of memorandum of negotiations is envisioned?
<b>A</b>	MTC will require a formal documentation process that documents the reason for the change order, the initial Vendor proposal, and a summary of proposals and counterproposals that led to the recommended change order. If the changes are self evident through the source document, a cover note and the document with revision history is sufficient. The successful OPM's proposed forms and procedures will be subject to MTC approval.
<b>25</b>	Article 8.2.2 of the Agreement for OPM Services indicates that the OPM will subcontract with a Consulting Engineer for inspection, testing, and approval of the Design-Builders work. Please explain what is expected regarding testing? Do you envision the OPM / Consulting Engineer actually performing all required testing or performing a quality assurance function where the OPM / Consulting Engineer observes the Design-Builder perform the actual testing?
<b>A</b>	See Q 14.
<b>26</b>	Article 8.7.3.3 of the Agreement for OPM Services requires a Project Representative " <i>shall be present at all times when the Design-builder is conducting operations along the route...</i> " If the Design-Builder is working in multiple locations concurrently along the route spaced too far apart for one representative to be at each location then is the expectation that there be multiple project representatives at the multiple locations? Furthermore, what is considered " <i>present at all times</i> "? Does this mean 100% of the time such that a project representative cannot cover 2 or more separate work locations all, say within 10 miles from each other or can one project representative cover more than one work location if they are all within say ½ hour drive from each other?
<b>A</b>	The OPM is expected to make a recommendation to MTC on this issue. See OPM Agreement Section 8.7.2. For purposes of responding to this RFP proposers should assume that they will have to observe all excavation, underground, directional boring and testing operations from start to finish in all locations. Each Proposer should break out that portion of its not-to-exceed price for these services as provided in the revised Pricing Proposal (revised Attachment G to the RFP), and should state the assumptions about field observation of other activities on which it bases its proposal. The phrase " <i>at all times</i> " is not intended to require presence at all locations at all times.
<b>27</b>	Article 8.7.11 of the Agreement for OPM Services requires the OPM to monitor compliance by the Design-builder with applicable prevailing wage requirements. Various Commonwealth agencies have different levels of expectations for "monitoring" from 1) as little as just receiving the payrolls and filing them to 2) randomly spot checking individuals to ensure the proper prevailing wage is being paid to 3) cross checking the number of employees in the field on a daily basis to the number included in the certified payrolls and then verifying that the pay rate of every individual included on the certified payroll meets the prevailing wage. What level of monitoring is envisioned?
<b>A</b>	The OPM will be expected to spot check individuals, verify head counts and verify use of correct rates.
<b>28</b>	Article 8.8.7 of the Agreement for OPM Services requires the OPM to organize all project records

	for long term storage following Owner's records retention guidelines. Please provide more information on what the Owner's guidelines are. For example, does the Owner expect "hard" records, electronic records or a coMTCnation? Are the records to be turned over to the Owner at the end of the project or is the OPM required to maintain / store all project records?
<b>A</b>	The MTC requires both hard copy and electronic records be organized and turned over to MTC for long-term storage shortly after the completion of the project. Documents created and maintained electronically will not need to be printed for turn-over.
<b>29</b>	Will the prime contractor for the OPM be permitted to bid as a prime contractor on other MB123 related RFP's?
<b>A</b>	See Q13
<b>30</b>	Will a subcontractor to the OPM prime contractor be permitted to bid as a prime on other MB123 related RFP's?
<b>A</b>	For reasons of state conflict of interest laws and public policy considerations, no subcontractors to the OPM will be eligible for awards as a prime contractor or subcontractor to a prime contractor on downstream project procurements.
<b>31</b>	Will a subcontractor to the OPM prime contractor be permitted to subcontract to a prime contractor for other MB123 procurement?
<b>A</b>	See the answer to Q.30.
<b>32</b>	It was mentioned that MTC is currently seeking agreement with the principle utility pole owners to streamline attachment and make-ready. Can you please elaborate on content, status and likely outcome of these agreements?
<b>A</b>	See Q.12.
<b>33</b>	To what degree shall the bidder expect the existing MTC legal team to contribute to the OPM's efforts in procurement activities?
<b>A</b>	Bidders should expect MTC to take an active role in procurements and project management.
<b>34</b>	Does MTC envision awarding multiple Design-Build contracts or just a single contract?
<b>A</b>	MTC envisions awarding a single Design-Build contract, but it reserves the right to award multiple contracts.
<b>35</b>	Should the bidder assume that the cost for the Consulting Engineer is to be borne by the OPM?
<b>A</b>	The Consulting Engineer represents a role which is integral to the success of the OPM. As such, all costs associated with the Consulting Engineer should be included within the OPM proposal regardless of whether the position is filled from staff or Sub-Consultants.
<b>36</b>	With regard to the testing required in Section 8.2.2 and 8.7.6 of the agreement, will the OPM via the Consulting Engineer or otherwise be required to: <ul style="list-style-type: none"> <li>a. actually perform the testing of the Design-Builder; or</li> <li>b. develop a test plan and acceptance criteria, allowing the Design-Builder to perform the actual testing?</li> </ul>
<b>A</b>	See Q.14.
<b>37</b>	If the OPM is required to perform the actual tests, can you elaborate on the requirements? For example basic functionality test could be performed or testing could be required of each fiber strand plus testing at higher network layers (e.g. DWDM, SONET, and Ethernet)?
<b>A</b>	See Q14. The OPM will help develop test specifications.
<b>38</b>	Can you clarify the desired relationship between the OPM, the Consulting Engineer, the Engineer and the Design Builder? We assume that the MTC prefers the Consulting Engineer to be an employee or direct sub-contractor of the OPM.
<b>A</b>	The Consulting Engineer "role" is considered an important skill set for the OPM to have, and as such has been merged into the OPM RFP rather than as a separate RFP. The OPM is responsible

	for supervision of other Vendors, such as the Engineer and Design-Builder. MTC anticipates that the OPM will actively supervise and work with these entities to facilitate completion of tasks on time and on or under budget.
<b>39</b>	Are there any specific professional requirements or qualifications that the MTC requires the consulting engineer to have?
<b>A</b>	The MTC anticipates that the Consulting Engineer will have an engineering degree and a minimum of five years of post education experience including significant responsibilities in multiple prior fiber deployment projects or related areas. Specific certifications, such as a PE, whether from Massachusetts or another state, will be included in the overall assessment of qualifications but are not specifically required for the Consulting Engineer.
<b>40</b>	Other than the consulting engineer is the OPM expected to provide any of the services of the project vendors listed under section 4.1 of the RFP?
<b>A</b>	The expectations of the services provided by the OPM are explicit in the contract draft attached to the RFP. The MTC does not believe there is any overlap in services between the OPM and other parties in section 4.1, except that both the OPM and the Engineer will be substantially involved in creating procurement specifications for the Design-Builder.
<b>41</b>	Can you provide details on the status of negotiations with specific pole owners?
<b>A</b>	See Q12
<b>42</b>	Can you provide estimates of what tasks in the OIG phase will be complete prior to engagement of the OPM?
<b>A</b>	<p>With reference to the task list contained in the proposed contract attached to the RFP, the MTC anticipates the following activities will be completed or near completion prior to the engagement of the OPM:</p> <p>8.2.1 – The application will have been submitted to the OIG, and should be either approved or near approval.</p> <p>8.2.3 – EA Work will largely be completed. A first draft will have been submitted to the NTIA and a second or final draft will be within a few weeks of submission to the NTIA, assuming they respond to the initial draft on time. Approval of the EA and issuance of a Finding of No Significant Impact are expected in early January of 2011. A preliminary preconstruction survey (route drive-down, outside surveys of Community Anchor Institutions) will also be completed or near completion prior to execution of the OPM agreement. Field data collection will be underway and the preliminary poles (3,000 in total) will be nearing completion. License applications for some, but probably not most, of these poles will have been submitted.</p> <p>8.2.4 – Agreements in the form of MOU's, Pole Attachment Agreements, and Conduit Agreements are expected to be completed. The OPM will be expected to continually analyze and make recommendations regarding the most efficient sequencing of pole data collection, license applications, etc.</p> <p>8.2.5 – Agreement with one or more Field Data Collection firms is expected to be completed and the work will be on-going. The OPM is expected to assist with development of an RFP for Make-ready Contractors and perform all sub-tasks under 8.2.5.</p>
<b>43</b>	Should the OPM define additional expenses that it may incur in section 10.2 as part of its RFP response?
<b>A</b>	All expenses for which the OPM plans to seek reimbursement must be explicitly listed in its proposal. The items listed in section 10.2 of the OPM Agreement are an example, not a final list of eligible expense categories. Section 10.3 lists expense categories that will not be reimbursable.

<b>44</b>	What is the expected timeframe for the OPM to begin to provide services?
<b>A</b>	The MTC anticipates that the OPM will begin to provide services in late November or early December of 2010.