

## Broadband Application Review RFP Questions

- 1) RFP Section 2.1 and RFP Summary Document, what is the anticipated period of performance of the contract resulting from this procurement?

A contract will be issued to the Successful Respondent in or around March 2016. The services referenced in this RFP are being sought in connection with ESD's first solicitation for grant applications to the New NY Broadband Program (Phase 1). The Phase 1 application period will be March 1, 2016 – April 15, 2016.

It is anticipated that the Respondent will conduct a simultaneous review of all applications beginning on April 15<sup>th</sup>, and support ESD's selection of award recipients (intended to be announced in the Summer 2016). ESD may, at its discretion, extend the scope to future solicitations, to be conducted in 2016-2017.

- 2) Section 1.0, Paragraph 2; Section 1.2, A-D, Does the government anticipate making all phase 1 awards simultaneously, or on a rolling basis?

The BPO anticipates making all Phase 1 awards simultaneously.

- 3) Section 1.2 (C) (Evaluation of Reasonableness and Efficacy of Network Design): What level of technical analysis or validation is required with regard to the technologies proposed? Is the Respondent expected to validate that technologies of the type proposed will meet the minimum 100 Mbps download speed requirement in general or will it be expected to assess if the complete end-to-end architecture proposed will achieve minimum speeds for each proposed HU in the Service Area?

The Successful Respondent must demonstrate the ability, either through internal or sub-contracted expertise, to perform a technical evaluation of the proposed technology. This verification is intended to assess the efficacy of the technology solution and network design, proposed by grant applicants as well as the reasonableness of broadband delivery to proposed end users, from a technical perspective. If the Respondent does not have such capacity 'in house,' they should be prepared to consult with outside experts to perform this analysis.

- 4) Section 2.2 (Submission of Proposals): Please confirm if the Administrative Proposal should be delivered in the same binder as each Technical Proposal (x5 copies)

Yes, the Administrative Proposal shall be delivered in same binder as each Technical Proposal.

- 5) Section 2.2 (Submission of Proposals): Please confirm if the cost proposal should be included in the contents of the CD/zip drive, or only in sealed paper copy

The Cost Proposal shall be included in the contents of the CD/zip drive, as well as in paper copy.

- 6) Section 4.1: Is it acceptable to include some basic information introducing our firm in an additional section of the document (e.g. a cover letter prior to the table of contents)?

Yes, but such resume and background information must be succinct and provided for background purposes only.

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- 7) Section 4.1 (F) (Diversity Practices): Smaller companies (including VOSB and Minority Owned) may find it difficult to comply with some of the Diversity requirements simply as a matter of size and scale. Will this be taken into account in the scoring of proposals?

It is the policy of the State of New York to encourage all vendors to maximize the diversity of their procurement practices, regardless of size. No vendor is required to demonstrate any minimum level of diversity practices in order to be awarded a contract. Some questions used as part of this procurement to evaluate the diversity practices of respondents relative to their prior revenue. However, no respondent's diversity practices score will be modified based upon the respondent's size or ownership composition.

- 8) Section 4.2 (Complete Cost Proposal): Please confirm that during Phase 1 Respondent is expected to review all 35 applications (e.g., all 35 applications will be received during Phase 1).

The Successful Respondent should assume the review of thirty-five (35) applications for Program funding in response to the Phase 1 solicitation in developing their workplan and budget.

- 9) Section 4.2 (Complete Cost Proposal): In order to understand required staffing levels, please confirm that this volume assumption is assumed to cover 35 concurrent assessments, even though the 45 day submission window could potentially lead to some assessments being non-concurrent?

Yes, this staffing level is to cover concurrent assessment, as required by State law. Please note that it is anticipated the Respondent's review of applications will commence on April 15<sup>th</sup>, when all proposals have been received.

- 10) Section 4.2 (Complete Cost Proposal): Is there a possibility of overlap between the assessment phases of multiple phases or rounds?

The BPO does not anticipate that the assessment of multiple phases of funding will overlap.

- 11) Is the Broadband Program Office intending to execute a Time and Material contract, or a Firm Fixed Price contract for this work?

The BPO intends to execute a Time and Materials contract, with a not-to-exceed cap.

- 12) Where is work expected to be performed?

Work is expected to be performed at the office of the Successful Respondent.

- 13) **“Verification that an application meets all requirements concerning the required co-investment (as discussed in the Program Guidelines).”** Will the respondent to this RFP be responsible to create a BPO methodology used to evaluate proposals to recommend grant funding? If so, what level of methodology detail must be included in the RFP response?

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No, the Respondent must confirm that the applicant has adhered to all program requirements as articulated in the New NY Broadband Program Request for Proposal Guidelines (the Program Guidelines).

- 14) What point system will be used by the BPO office to select the winning vendor?

The Point System is detailed in Section 4.4 C – Scoring of Applications.

- 15) Has the BPO considered giving special considerations to those whom reduce costs by using middle mile funded under previous grants?

The Program Guidelines detail the Program’s requirements and considerations for grant applicants, including eligible projects costs and the financing of projects.

- 16) Will grant applicants need to demonstrate their previous network deployments capabilities and typical costs per mile?

The Program Guidelines detail the Program’s requirements and considerations for grant applicants, including the financial and management capabilities of grant applicants.

- 17) If so, will the BPO give respondent the associated costs per mile aerial/underground, costs per connected unit, equipment costs, etc. pricing tables and matrixes to be used when determining if the proposal costs are in line with typical costs in the area proposal submitted?

The Program Guidelines detail the Program’s requirements and considerations for grant applicants, including eligible projects costs and the financing of projects.

- 18) Does the BPO have set cost pricing matrixes and guidelines to use when evaluating submitted proposals to ensure the costs outlined in the proposal are in line with industry standard costs?

The BPO has detailed Cost Modeling data which serve to validate the deployment costs proposed by grant applicants, including eligible projects costs and the financing of projects.

- 19) Will special considerations be given to companies that have automated processes to reduce overall project costs?

As detailed in the Program Guidelines, the BPO will utilize a reverse auction methodology, wherein qualified applicants requesting the lowest state investment per unit served are prioritized. Therefore, no additional special consideration is necessary for grant applicants who are able to reduce their requested funding total due to internal efficiencies.

- 20) How does the respondent factor {give points} for those building more last mile than middle mile?

As noted throughout the Program Guidelines, the Program will select grantees from among qualifying applicants using a reverse-auction methodology, not a scoring process.

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- 21) **“Verification of the number of Units (pursuant to definition in the Program Guidelines) to be addressed by the application, by U.S. Census Block.”** Will the BPO be providing an average acceptable market price dollars per units to be used as criteria for evaluations? What plus or minus levels will be acceptable in relation to the market pricing norms?

The BPO may provide Cost Model data, based on area demographics, as a verification tool for specific applications, as needed.

- 22) **“Verification of the Internet speeds delivered by a proposed project.”** Is there a preference wired or wireless? Will the BPO be providing a detailed guideline of acceptable deployment design practices for respondents to use in a formula to factor submittals?

The Program Guidelines articulate pre-approved technologies, and detail those technologies that will be accepted if no commercially reasonable bids for the pre-approved technologies are received.

- 23) **“Confirmation that a proposed technology solution and network design conform to the requirements articulated in the Program Guidelines,”** Does the BPO have a list of NYS approved technologies? If not, will the respondent be responsible to vet emerging technology performance? Is redundancy a factor to be used during evaluations? Will respondent be required to create an automated system for making such determinations?

See response to Question 22, above.

- 24) Section 1.2A, if an application is determined not to be complete in its submission. E.g. If applicant doesn't answer all questions and/or doesn't contain all applicable attachments, does the application review process stop for that application or does the complete review process need to be completed?

Incomplete applicants need not be reviewed in full.

- 25) Section 1.2B, how closely will this vendor work with the “GIS Mapping and Cost Modeling” vendor for determining budget feasibility?

The vendor is expected to work closely with the GIS Mapping and Cost Modeling vendor, alongside the BPO.

- 26) Section 1.2B, is the Respondent expected to perform verification of census data, or will the “GIS Mapping and Cost Modeling” vendor do that? Will the Respondent conduct its own evaluation of the applicants proposed capital and operating budgets, or will the “GIS and Cost Modeling” vendor do that?

Neither the verification of Census Block and Cost Modeling data, nor the evaluation of proposed capital budgets will be verified by Respondents to the ‘Application Review’ RFP. However, ESD reserves the right to request additional services of the Application Review RFP Respondent; such services would be mutually-agreed and within the scope of the executed contract.

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- 27) Section 1.2B, is there a different standard of review for qualified vs. not qualified technologies? (E.g. a lower standard for FTTP and DOCSIS 3.0; a higher standard for DSL and Wireless?)

As noted in the Program Guidelines, certain technologies are pre-approved for use in Phase 1. Applications proposing technologies not pre-approved for Phase 1 shall only be considered where no commercially-reasonable applications are submitted to address the same proposed Service Area, and those technologies shall receive an additional level of review, as provided for in the Guidelines.

- 28) Section 1.2B, if applications contain a Professional Engineer signature on network design, does Respondent need to have a Professional Engineer peer review and sign the reviewed/signed design?

No.

- 29) Section 1.2B, does Respondent independently validate Applicant's compliance with laws, or take Applicant's representation of compliance?

As noted in the Program Guidelines, applicants must consent to a background check, which includes such verification. Such verification will be conducted at the discretion of ESD.

- 30) Section 1.2B, to what extent is compliance with all laws determined?  
o E.g. Temporal -- Current/past/proposed compliance?

Applicant is currently in substantial compliance with all laws.

o E.g. Jurisdictional -- Federal/state/local law?

All local, State, and Federal laws.

- 31) Section 1.2C, does timeline and budget allow vendor to ask Applicant questions for clarification on matters of reasonableness and efficacy in their application?

Yes. However, all questions should be conducted through the BPO.

- 32) Section 1.3B, is the proposed methodology for scoring applications also a deliverable? If so, can the vendor work with the NYBPO to develop that methodology ahead of the Phase 1 closing date?

As detailed in the Program Guidelines, the BPO will utilize a reverse auction methodology for scoring grant applicants, wherein qualified applicants requesting the lowest state investment per unit served are selected.

- 33) Section 1.3B – Will vendor be given more than 30 days to submit deliverables if the number of applications substantially exceeds 35?

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For purposes of the proposal, deliverables for the review of thirty-five (35) applications must be remitted to the BPO within 30 days, or within such other period other period as mutually-agreed.

34) Section 2.5 – If proposal is not selected will ESD comment on the reason for not being selected?

Individual applicants who request this detail may receive feedback from the BPO, at the BPOs discretion.

35) Section 4.4C (iii) – Is the project budget in the Cost Proposal intended to function as a not-to-exceed cost proposal? Or as a guideline for a time and materials proposal?

The project budget in the Cost Proposal is intended to allow the BPO to calculate per-application costs. It is anticipated that the contract will be structured as a not-to-exceed contract, with a cap on total potential costs under the contract.

36) Section 4.4C (iii) – If it is intended/treated as a not-to-exceed cost proposal, and the ESD receives more than 35 applications, will ESD issue a change order?

See response to Question 35. The number of applications to be reviewed by Respondent could be more or less than 35, based on the number of applications actually received. To the extent that the Successful Respondent reviews more than thirty-five (35) applications, and such time and materials costs exceeds the contract's not-to-exceed cap, ESD may issue an amendment to the contract.

37) Section 4.4C (iii) – If it is intended/treated as a time and materials proposal, how will the ESD handle a contractor that bills a blended rate that is higher than budgeted, or bills for more hours than budgeted in the original Cost Proposal?

See responses to Questions 35 and 36. The selected contractor shall conduct all review within the not-to-exceed totals articulated in the contract.