

1. Q. **Does OpenCape have the money for 700mhz base stations or the core?**
 - A. *OpenCape will provide radio and antenna base stations for the 700Mhz radios at microwave tower locations. These radios will contribute to the broader requirements of a 700 Mhz mobile public safety system. Additional base stations will be required and will be funded and deployed at a later time to more comprehensively cover the region. The Barnstable County Regional Emergency Planning Committee will take the lead on FCC waivers and decisions regarding the development of a system core in partnership with other regional stake holders. The 700Mhz system will be part of a later RFP, but the successful Respondent to RFP 2010-10-001 must include its future integration in the network design.*

 2. Q. **Would you accept microwave only bid or will you accept bids for individual components of the RFP?**
 - A. *Though not preferred, Respondents may respond to one or the other component individually. These single component responses will be considered should a qualifying comprehensive response not result, thus requiring OpenCape to develop an alternative solution that could include independent Network Design and Build, and Network Operation contracts.*

 3. Q. **Will we get list of attendees to bidder Conference?**
 - A. *Yes, it is now available on the web site.*

 4. Q. **Is the two million dollar match expected from the Construction or Operator Contractor or both?**
 - A. *OpenCape seeks a private partner that is fully engaged and committed to working with OpenCape and the broader Southeast Massachusetts region to expand economic and educational opportunity, civic engagement, and public safety over the long term. How the Respondent(s) divide the match contribution is their choice.*

 5. Q. **Where do you see the division of responsibility between RFP 2010-09-001 and RFP 2010-10-001?**
 - A. *We see the division as the point where the license to attach has been received from the pole owners and completion of the OSP fiber plant engineering. We anticipate these two tasks will run in parallel throughout much of the project. We will require close coordination between the successful Respondents to both RFPs so both responsibilities can be performed in a coordinated fashion.*
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6. Q. **Is there an expectation of contractors designing?**

A. *OpenCape has completed a high level design that is included in the RFP. The route path is established within the RFP, fiber counts provided, and performance described. The OSP fiber engineering and path will be further refined through the RFP 2010-09-001 "Outside Plant Field Data Collection, Licensing, Permitting, and Engineering Services for the OpenCape Network in Southeast Massachusetts" contractor. The Respondent to RFP 2010-10-001 will develop a more detailed design and specification to include optonics, switching and routing, microwave design and integration, integration into the Collocation Center, etc.*

7. Q. **Are alternatives built into the design?**

A. *Yes, where we could anticipate a need for an alternate route we have included it in the described route path and in the Environmental Assessment. These largely reflect various crossing points for waterways, crossing of the Cape Cod Canal, and NSTAR utility rights of way corridors.*

8. Q. **What is the status of obtaining various rights of way?**

A. *OpenCape has done a significant amount of preparation and planning to ensure rights of way can be obtained and selected route paths that will minimize the complications of securing rights of way. Rights of way are included in RFP 2010-09-001 which closes October 27. The crossing of the Cape Cod Canal, particularly the directional bore described in the RFP will require a separate process of permitting and environmental assessment that may require considerable time to secure.*

9. Q. **95% is aerial, would you also accept if a bidder proposes underground – how would that be perceived?**

A. *Underground was considered during the initial design phase, but considerations about rights of way, environmental approvals, and the potential delay which could be imposed by those processes resulted in a decision to pursue an aerial physical plant. Changing this plan would require considerable effort and requests for grant modifications and a renewed Environmental Assessment process. We have tried to anticipate potential borings that may be required in alternative path descriptions and anticipate there will be some use of existing shared conduit necessary to cross waterways.*

10. Q. **On path, any restrictions on adding paths?**

A. *Adding paths to the described route path in Appendix A would require careful consideration and justification, due to the requirements of the grant award and Environmental Assessment process.*

11. Q. **Who owns laterals?**

A. *OpenCape will own all laterals constructed under its funding. The Operator will own laterals it may build to customers.*

12. Q. **With regard to wording in contract, in specific segments with specific language, would you consider rewording?**

A. *If the respondent wishes to offer modifications to the contract they must do so within their RFP response. OpenCape provided the contract drafts for your consideration in the RFP in order to minimize the time that will be needed to conclude a contract.*

13. Q. **Is there some place we can get demographic/regional information in terms of customers?**

A. *the Cape Cod Commission has a link for regional data located at:*
<http://www.statscapecod.org/>

UMASS Dartmouth has regional demographics on S.E. Mass at:

<http://www.lib.umassd.edu/find/busref.html>

and

<http://www.lib.umassd.edu/find/articlesdb.html>

14. Q. **Page c5, figure 4, microwave, what are the small numbers, 24.**

A. *The small numbers on that figure represent 24 strands of fiber to the tower.*

15. Q. **Will each tower be connected by fiber, in addition to microwave?**

A. *The microwave will both operate as an integrated part of the fiber network and operate independently should the fiber network be down. This is to protect the network in case of a catastrophic event like Katrina. If the fiber loops are lost due to massive loss of infrastructure the Microwave portion will still operate or be rapidly restored.*

16. Q. **Will the microwave systems be sharing shelter space with the fiber?**

A. *Yes, we anticipate they will share shelter space at the towers.*

17. Q. **Is the Cape Cod Commission on board with any tower work which might have to be done?**
- A. *The Cape Cod Commission and Barnstable County in general are very supportive of the OpenCape project and its goals. OpenCape is identified as a priority goal in the recently issued Cape Cod Comprehensive Economic Development Strategy. They can help expedite and facilitate processes but standing requirements and processes will still need to be honored and followed.*
18. Q. **Who is responsible for retaining rights to Water Towers?**
- A. *OpenCape with the selected Respondent's assistance.*
19. Q. **Is the microwave component expected to provide 99.999% service and if so there is nothing about loop design or hot standby in the RFP?**
- A. *The microwave system is integrated with the fiber system and loops are established using both systems. The selected Respondent will design a system to ensure each path established meets a high standard of availability no lower than 99.99% on the entire link with a base requirement to deliver to public safety consumers at 99.999% availability.*
20. Q. **Is it the Hoyt Tower or the Clark building in Woods Hole?**
- A. *It is the Clark Building on the Quissett Campus of Woods Hole.*
21. Q. **Are there many vendors of Broadband on Cape? Where is the coverage?**
- A. *The largest presence for Broadband on Cape Cod is Comcast. There is also some Verizon DSL and there are resellers of Verizon DSL. On the Outer Cape there is also HughesNet Satellite.*
22. Q. **In addition to the \$2 million match, the \$500K administrative and the revenue share are there other administrative fees expected?**
- A. *No, but there are other expectations in terms of creating a regional area network and price discounts for non-profits and government within the RFP.*
23. Q. **Who will pay the cost of Make-Ready and Police Details?**
- A. *OpenCape will pay the cost of Make-Ready directly to the pole owners, but the successful Respondent will be expected to play a coordinating role in facilitating the make ready work on behalf of OpenCape. Police details will*
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be paid by the successful Respondent and therefore should be included in cost models submitted.

24. Q. **Can we get a copy of revenue model and do you have the state match?**

A. *We would prefer the Respondent develop their own revenue and business models.*

The Commonwealth has committed to its match through the Massachusetts Broadband Institute using general obligation bonds from the Incentive Fund. Final contract agreements to begin the flow of funds are near complete.

25. Q. **Who would get the revenue from a local WiFi or WiMax installation at a microwave site?**

A. *The company that offers that last mile service would get the revenue from that service. This may or may not be the Operator of the OpenCape Network.*

26. Q. **Is there a way that we could talk with the town leaders on the issue of 700 Mhz and the capabilities Town's might want to consider in adoption of this technology?**

A. *The Barnstable County Regional Emergency Planning Committee (BCREPC) has established a sub-committee to investigate and develop the 700 Mhz system on Cape Cod. That group meets once each month. The contact is Sean O'Brien, who is the Coordinator of the BCREPC and also a member of the OpenCape Board of Directors. His email is bcrepc@barnstablecounty.org*

27. Q. **Will OpenCape pay for base stations?**

A. *Yes. OpenCape is making an investment in 700 Mhz mobile public safety communications for the region. It is not providing a complete solution and will require the involvement of many stake holders and coordination with other regional entities to be successful.*

28. Q. **Is it a mandatory component to use small businesses, minority & women-owned?**

A. *See section 5.7 of the RFP*

29. Q. **Has there been any commitment with local unions?**

A. *OpenCape has engaged IBEW locals 223, 104, and 2232, as well as the AFL-CIO in its effort to keep all community stake holders informed and engaged, but has made no commitments.*

30. Q. **What progress is OpenCape making on CLEC status?**

A. *Our application is under review by the Department of Telecommunications and Cable (DTC) of the Commonwealth of Massachusetts.*

31. Q. **Can the Operator sell services to Anchor Institutions?**

A. *There are specific requirements in the RFP for services that must be provided by the Network Operator to the anchor institutions listed in the RFP. For example, the creation and operation of a government regional area network on Cape Cod. Additional services to the listed anchors can be sold by the Operator. In addition, services can be sold to other anchors not listed in the RFP.*

32. Q. **Are Anchor Institutions providing letters of commitment?**

A. *Though OpenCape has obtained letters of support from anchor institutions it has not sought nor obtained letters of commitment to buy services from Anchor Institutions. Many other BTOP applicants used this technique to build a sustaining business model. OpenCape's model does not.*

33. Q. **Can you provide clarification of the right of OpenCape to swap fibers. Will the Operator have any input into those decisions?**

A. *OpenCape shall at all times be permitted to trade or swap a portion of the Retained Fibers with third party owners of fibers outside of the System if such trade or swap will extend the redundancy and capabilities of the System. Examples include an immediate need to swap fiber strands with Woods Hole Oceanographic Institution (WHOI). WHOI is providing fiber connections to the Anchor Institutions of Woods Hole through an existing aggregation point on the Quissett Campus of WHOI, thus obviating the need for OpenCape to run fiber throughout Woods Hole to those Anchors. In exchange, OpenCape will exchange some strands of fiber between Falmouth and the Quissett Campus to aide WHOI in creating a redundant path for its own needs. There may be additional need for swaps in the future that cannot at this time be anticipated. OpenCape will include the Operator's input in decisions related to these swaps, but we will not allow the Operator to have an exclusive veto right over the decision. It is anticipated that these*

swaps will be to expand the fiber network to the mutual benefit of OpenCape and the Operator.

34. Q. **Will OpenCape use its Retained Fibers to sell commercial services?**

A. *As stated in the IRU Contract of the RFP OpenCape shall not be permitted to lease, license or grant IRUs in the Retained Fibers to third party competitors of the Operator for the first five (5) years after the Acceptance Date unless there is an Event of Default OpenCape will not sell commercial services of any kind on the Retained Fibers for that same period.*

35. Q. **Does OpenCape seek to connect to New York?**

A. *OpenCape's goal is to provide the broadest possible connections to the Internet in a redundant fashion. The connections to Providence, RI and Brockton, MA offer further connection to major interconnection points in New York, NY and 1 Summer Street in Boston, MA respectively.*

36. Q. **Please clarify what is meant by restricting the Respondent from competing with OpenCape?**

A. *OpenCape describes in the Operator IRU that the Operator shall not compete with OpenCape by constructing, maintaining or operating a fiber optic communication system, microwave radio system or regional collocation center within the geographic area covered by the System.*

37. Q. **Are you saying that these are the only paths we can use?**

A. *No, if the Operator currently owns and operates fiber paths in the OpenCape geographic area it can continue to use those assets, but should identify those paths as part of its proposal in full disclosure.*

38. Q. **Who will absorb the cost of moves?**

A. *The allocation of those costs will be situation dependent. In some cases they may be mandated by the Commonwealth and the cost included in the related funding. In some cases the Operator may recommend the move to OpenCape and the Operator absorb the cost. In other cases the move may be a joint decision of OpenCape and the Operator and the cost shared.*

39. Q. **Will OpenCape apply for additional funds?**

A. *OpenCape may seek additional funds in the future for further expansion of the network, but is focused on the current build.*

40. Q. **If a Respondent does not submit questions on Appendix E & F, does OpenCape assume the bidder agrees to accept it?**

A. *Yes. The RFP allows the bidder to provide alternative language for the clauses in the contract, or to express concern or clarification about language. OpenCape seeks to conclude a contract rapidly. Providing these concerns as part of the RFP response will accelerate decision-making and contract finalization.*

41. Q. **The Operator will invest significant capital in delivering services to customers. How will this effect the revenue share? In the event of a default or dissolution, what happens to the customer equipment purchased and installed by the Operator?**

A. *OpenCape recognizes that the Operator will have to build and light laterals. That equipment and the lateral fiber is the property of the Operator. The revenue generated by the lateral up to the point where it accesses the OpenCape System, is the Operator's and not subject to revenue sharing. Respondents should describe other such concerns within their response in detail, and offer solutions, recommendations, and options with regard to them.*

42. Q. **Is microwave already licensed?**

A. *The microwave must be operated on licensed spectrum. The successful Respondent will deliver the spectrum licenses as part of its build.*

43. Q. **If there is a pole move required after issuance of the attachment license who will be responsible for that cost.**

A. *The party requesting the move would be responsible. In those instances where the move was initiated by OpenCape or the selected Respondent for mutually accepted reasons the cost would be absorbed by OpenCape through the selected Respondent. In cases where the move was required by the fault or negligence of a contractor the contractor would absorb the full cost.*

44. Q. **Does OpenCape consider this an Open Access Network.**

A. *Yes, see Section 6.5 of Appendix F of the RFP.*

45. Q. **Will purchases made by the contractor as part of the OpenCape contract be subject to Sales tax?**

A. *An authorized agent of OpenCape, including a contractor, can use the organization's sales tax exemption to purchase tangible personal property or building materials and supplies. Building materials and supplies include all materials used, consumed, employed or expended in the course of a building or reconstruction project. Equipment or supplies that are used or useable by the contractor after the completion of the project are not covered by this exemption.*

The agent must present a vendor with two forms: (1) OpenCape's Form ST-2 (exemption certificate) and (2) Form ST-5C (Contractor's Sales Tax Exempt Purchase Certificate).

46. Q. **Did Open Cape go through the webinar on Environmental information already?**

A. *OpenCape has submitted its Final Environmental Assessment (EA) to the NTIA and is awaiting its finding of no significant impact (FONSI).*

47. Q. **Public safety communications now and certainly in the future have evolved into more than just push to talk land mobile radio communications, can you please elaborate if you plan on using your planned 700Mhz radio network for applications like in vehicle high speed mobile data, real time video surveillance and VoIP.**

A. *The specific requirements of the 700 Mhz system will be detailed in a later RFP. The current RFP 2010-10-001 requires that the design build in the future integration of the 700 Mhz system.*

48. Q. **Do you envision layering any wireless last mile infrastructure onto your microwave network to provide wireless broadband access for your contracted ISP's?**

A. *The full spectrum of last mile services from providers are desired.*

49. Q. **Do you envision allowing your local municipalities to have access to the network for things such as smart grid technology, automated meter reading, SCADA, or Wi-Fi Hot Spots?**

A. *The OpenCape system is being built to enable the full spectrum of services now and in the future for both public and private entities.*

50. Q. **Have you specified any minimum requirements for your shelters that will be located at each tower site.**

A. *No, that will be done as work under this RFP and after consultation and negotiation with the Tower Owners.*

51. Q. **What are the latitudes and longitudes and tower heights of the 12 identified water towers in your microwave design?**

A. *During the Environmental Assessment (EA) it was determined the Pilgrim Monument in Provincetown cannot be used due to its historical status. A link will be installed in Provincetown if an alternative site is provided by the community. The selection of two sites on Martha's Vineyard requires further input from the community and the Operator microwave engineer to be on board and involved in the selection of these two locations. At least one site will be a regional shelter building and the other must be located on or close enough to Chappaquiddick Island to provide an interconnection point to last mile providers to deliver service to that island.*

SiteName	SiteStreetAddress	SiteCity	State	SiteZip	SiteLatitude	SiteLongitude
WHOI	Clark Building	Woods Hole	MA	02543	41° 32' 5.3" N	70° 38' 52.5" W
Truro Police Station	344 Route 6	Truro	MA	02666	42° 1' 12.5" N	70° 4' 23.8" W
Yarmouth Water Tower	75 German Hill Rd.	Yarmouth	MA	02664	41° 41' 28.4" N	70° 21' 12.1" W
Falmouth Water Tower	2 Research Rd	Falmouth	MA	02540	41° 36' 42.96" N	70° 36' 18.05" W
Harwich Water Tower	2nd Street	Harwich	MA	02645	41° 42' 36.5" N	70° 4' 18.3" W
Orleans Water Tower	O'Conner Road	Orleans	MA	02653	41° 46' 35.1" N	70° 0' 2.3" W
Mashpee Water Tower	Hollow Road	Mashpee	MA	02649	41° 38' 43.0" N	70° 28' 39.4" W
Falmouth Fire Dept Tower	399 Main Street	Falmouth	MA	02540	41° 33' 6.57" N	70° 36' 42.70" W
W. Tisbury Fire Tower	Fire Tower Rd	W. Tisbury	MA	02568	41° 25' 26.82" N	70° 40' 18.41" W
Penikese Island School	Penikese Island	Gosnold	MA		41° 26' 59.95" N	70° 55' 19.56" W
Martha's Vineyard 1	TBD	TBD	MA		TBD	TBD
Martha's Vineyard 2	TBD	TBD	MA		TBD	TBD
Provincetown 1	TBD	TBD	MA		TBD	TBD

52. Q. **The RFP states that the microwave network should be independent of the fiber network, however there could be significant cost savings if some of the same switches and routers could be used in both deployments. Does Open Cape find this networking efficiency acceptable?**

A. *OpenCape expects that the switching and routing for the fiber and microwave at tower sites will be common and integrated.*

53. Q. **Does the operator for the network receive the revenue from the 70 anchor institutions (minus any revenue share arrangement)?**
- A. *Yes, the revenue from Anchor Institutions for the services they may procure are revenues of the Operator that are subject to the revenue share. Of course, required discounts apply.*
54. Q. **Can you identify where in the RFP that it states what materials will be supplied by either the contractor or Open Cape?**
- A. *Appendix K – Design and Build Scope of Work , Appendix I – Construction Specifications, and Appendix C - Pricing Proposal should allow a respondent to scope a response with adequate details to estimate the cost of the project. The exact Bill of Materials to be purchased jointly agreed between OpenCape and the Vendor, based on the results and acceptance of the Design completed during the design phase of the project.*
55. Q. **The RFP states that the project is subject to the Davis-Bacon Act, but there are no DBA Wage Determinations (WDs) attached or identified. We understand from reviewing the “Broadband Technology Opportunities Program Davis-Bacon Requirements Fact Sheet,” dated August 12,2010, that BTOP award recipients are responsible for identifying and incorporating the correct Wage Determinations in the RFP and the contract. Could you please provide the applicable Wage Determinations.**
- A. *OpenCapes sees this as the responsibility of the respondent as it is their employees and sub-contractors who will be doing the work. The respondents should be guided by the Mass Department of Work Force Development. The link below details the State Prevailing Wage Program. <http://www.mass.gov/?pageID=elwdagencylanding&L=4&L0=Home&L1=Workers+and+Unions&L2=Wage+and+Employment+Related+Programs&L3=Prevailing+Wage+Program&sid=Elwd>*
56. Q. **Does OpenCape have specific requirements on what you would like to use for Fiber on this project?**
- A. *We refer you to the RFP Appendix I, Exhibit D. Pages 40-42 which provides a fairly complete description of what we require. Further, please see page 54 of the body of the RFP, Appendix K, Item C which references the requirement to provide optical switching and the use of Dense Wave Division Multiplexing (DWDM) and to provide for 'tremendous capacity for future*
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expansion'.

57. Q. **We are looking for some business data for the Cape Cod area. In particular, we are looking for business type and size information along with address or geocodes, so that we may determine the distances of these businesses from the proposed fiber network.**

A. *OpenCape does not have this data.*

We recommend you seek out other sources such as the Cape Cod Commission, Cape Cod Chamber of Commerce, and the Commonwealth of Massachusetts. For example, the Commonwealth has some related data at: http://lmi2.detma.org/Lmi/Largest_employer_index.asp

58. Q. **We believe there to be some confusion over what was communicated at the bidder's conference and how the RFP is actually written, particularly related to clause 1.2 in the IRU contract.**

Does OpenCape retain the ability to sell (or grant) dark fiber services directly to customers (example: Homeland Security, healthcare institutions)? If so, does 100% of this revenue flow through to the Operator?

A. *OpenCape does not have the right to sell dark fiber services directly to customers in the first five years of operation.*

59. Q. **If a portion of the 40% retained fibers are used for the RAN and MAN's as indicated in clause 1.2, would there be any related additional revenue for the operator relating to those networks?**

A. *Yes. OpenCape's intent is to build the RAN. It may chose to use some strands of the retained fiber to support the development of town MANs directly along our defined path. The Operator has every opportunity to work with municipalities to develop their MANs and provide application services.*

60. Q. **What other suggestions could OpenCape offer that negate this potential risk to the selected operator, that OpenCape will not compete? Verbal assurances were offered during the bidder's conference, but this is not how the current IRU as proposed reads.**

A. *OpenCape does not intend to compete with the Operator in any way during the first five years of operation except in the event of a default. After the*

five year period in which the Operator has had the opportunity to establish itself, OpenCape will have the right to use its fiber in a competitive manner, but has no desire to do so if the Operator is performing well. Clarifying language should be offered to mitigate any concern.

61. Q. **Please clarify the dark fiber pricing as noted in Appendix H, page H4. Is the pricing specified applicable to any distance on the network?**

A. *Yes, however, Respondents should provide concerns, alternatives, where appropriate, particularly as it impacts the efficient consumption of fiber. We recognize that a lease of a large number of fibers on a short segment could have a detrimental impact on available fiber throughout a much greater distance. Model options are encouraged.*

62. Q. **Would OpenCape consider the first installment of the BTOP Match Requirement of \$100K payable upon contract completion? If not, what are the assurances the money will be refunded in the event OpenCape and the selected respondent fail to agree on terms and conditions?**

A. *The funds could be placed in escrow until contract completion.*

63. Q. **To help better understand how to structure the revenue share, is there any customer revenue (either from dark or lit services) that does not go through the Operator?**

A. *No, however, there may be some special circumstances related to obtaining underlying rights from the public utility or the Commonwealth of Massachusetts that payments related to maintenance must go through Opencape.*

64. Q. **Does OpenCape have a list (including addresses and GPS coordinates) of other Government Institutions in the proposed addressable market?**

A. *The Commonwealth Information Technology Department (ITD) has a list of state owned buildings. To obtain a copy of this list please send an email to Jason.I.Snyder@state.ma.us and make a request for the southeastern Massachusetts state buildings spreadsheet as a vendor interested in the OpenCape project.*

65. Q. **Does OpenCape have a list of all cell towers (including addresses and GPS coordinates) that are within the addressable market?**

A. No.

66. Q. **Does OpenCape retain the ability to sell (or grant) dark fiber services directly to customers (example: Homeland Security, healthcare institutions)? If so, does 100% of this revenue flow through to the Operator?**

A. *OpenCape does not have the right to sell dark fiber services directly to customers in the first five years of operation.*

67. Q. **As this approach establishes OpenCape as a competitor to their selected private operator, and removes a significant piece of revenue from the available market, would OpenCape consider applying this clause only in the event the Network Operator fails to meet performance obligations?**

A. *See Question 66, above.*
