



OPENCAPe

Creating Regional Broadband Opportunities

PO Box 762 | West Barnstable, MA | 02668-1599

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September 15, 2010

The OpenCape Corporation is seeking qualified Respondents to respond to this request for proposals (RFP) for Outside Plant Field Data Survey, Licensing, Permitting, and Engineering services for the OpenCape Network.

Project Timeline – *all dates are subject to change at OpenCape's discretion*

- **September 15, 2010** – RFP released
- **September 21, 2010** – Written inquiries due by 4:00pm
- **September 24, 2010** – RFP inquiry responses provided by OpenCape by 4:00pm
- **October 27, 2010** – RFP response due by 4:00 pm
- **November 5, 2010** – Respondent Selection by 4:00pm
- **November 5-19, 2010** - Contract Negotiation and Completion
- **February 25, 2011** – Field Data Collection, Licensing, Permitting Complete and Draft Engineering documentation provided to OpenCape
- **March 11, 2011** - OpenCape Review Complete
- **March 25, 2011** - Final Engineering documentation provided to OpenCape

This letter contains:

- A Request for Proposals (RFP)

RFP Response:

A response will not be deemed received until OpenCape has received four (4) hard copies and one electronic copy of a Respondent's response. Hard copies shall be sent by regular mail to OpenCape, P.O. Box 762, West Barnstable, MA 02668 or hand-delivered or sent by overnight delivery to OpenCape, C/O Cape Cod Commission, 3225 Main Street, Barnstable, MA 02630. Faxed or telephone proposals will not be accepted. An electronic copy should be either emailed to info@opencape.com, or provided on a USB "stick drive" or CD-ROM with the hard copies. Respondents assume the risk of the methods of dispatch or delivery chosen.

Sincerely,

Daniel J. Gallagher, CEO



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REQUEST FOR PROPOSALS

**Outside Plant Field Data Collection, Licensing,
Permitting, and Engineering Services for the
OpenCape Network in Southeast Massachusetts**

RFP # 2010-09-001

**OpenCape Corporation
P.O. Box 762
West Barnstable, MA 02668
www.opencape.com**

**Contact: Gary Delius, Construction Coordinator
gdelius@opencape.com
(Please reference RFP # in subject line of correspondence)**

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1. Introduction

The non-profit 501(c)3 OpenCape Corporation (OpenCape) was awarded a \$32 million Broadband Technology Opportunity Program (BTOP) grant by the National Telecommunications and Information Administration (NTIA) from American Recovery and Reinvestment Act (ARRA) stimulus funds on February 28, 2010. The \$32 million BTOP grant will be combined with matching funds totaling \$8 million from the Commonwealth of Massachusetts, private companies, and Barnstable County to construct a comprehensive middle mile communications network to support the economic, educational, public safety and governmental needs of the southeast Massachusetts region.

The OpenCape system will consist of a core fiber backbone on Cape Cod with extensions to two major regional network connection centers in Providence, RI and Brockton, MA, numerous fiber optic laterals extending off of the backbone, a high capacity optical transport system, a microwave radio overlay, a 700 Mhz mobile public safety radio system, and a regional collocation center (see Figure 1: OpenCape Network). All of these elements combine to provide a robust, high capacity comprehensive communications infrastructure. The OpenCape regional collocation center will serve as the focal point of network operations and provide leased collocation space for public and private organizations in the region.

OpenCape will connect over 70 anchor institutions to the network using laterals as part of its initial build-out. Highlights of these include twelve emergency shelters (schools), thirty libraries, five colleges, six academic research facilities, and eighteen town or public safety buildings. The OpenCape path also permits many additional anchor institutions the ability to rapidly obtain service from the network.

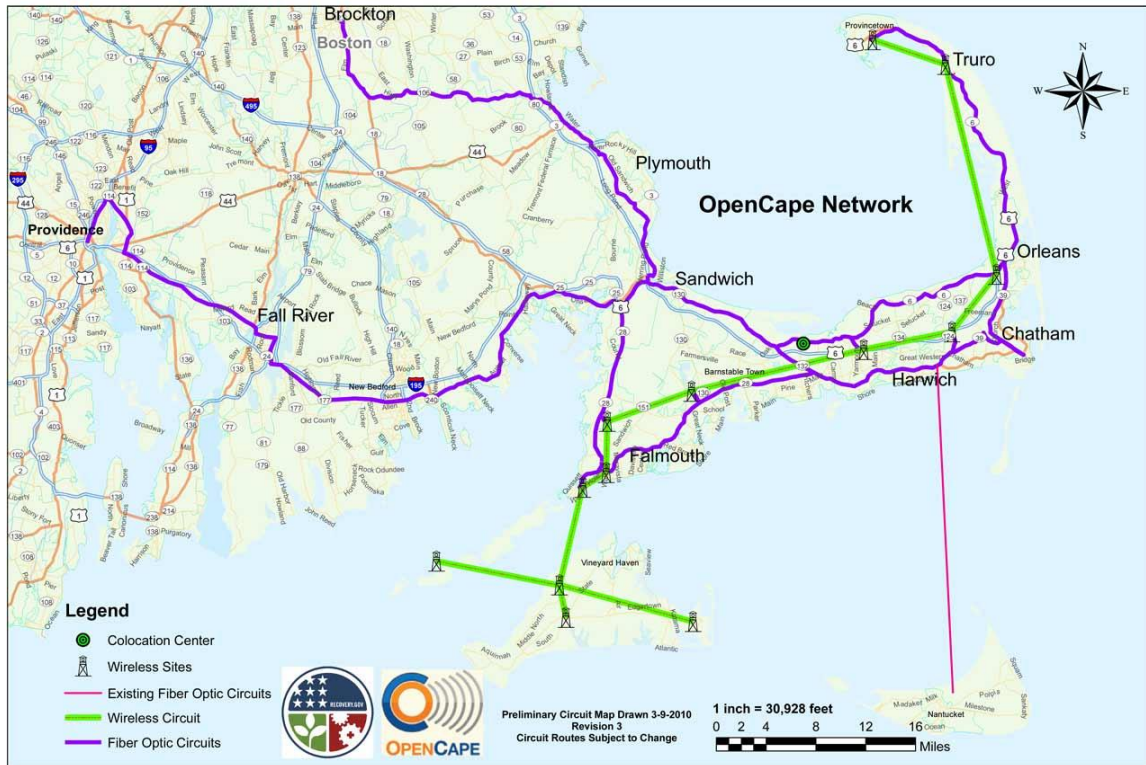


Figure 1: OpenCape Network

2. Background

OpenCape was awarded its \$32 million BTOP grant on February 28, 2010 and must complete its comprehensive middle mile project before January 31, 2013. Since the award announcement OpenCape has met milestones such as the hiring of full time personnel for grant implementation, contracting with accounting and other firms for support, submitting necessary reports, successfully drawing down federal funds, and satisfying Special Award Conditions imposed by BTOP.

OpenCape is issuing several RFPs in the Fall of 2010 related to the construction of its comprehensive middle mile network to include:

1. Outside Plant Field Data Survey, Licensing, Permitting, and Engineering for the OpenCape Network in Southeast Massachusetts
2. Network Design and Build, and Network Operation of the OpenCape Fiber-optic and Microwave Network in Southeast Massachusetts

-
3. Construction Management Services Supporting OpenCape Corporation in the Renovation of its Regional Collocation Center Building
 4. Design, Build, and Operate the OpenCape Collocation Center

The OpenCape Network has the following general characteristics (please see Appendices A, B1, and B2 for further details and maps):

- Nearly 300 miles of new fiber backbone construction
- Nearly 50 miles of new fiber lateral construction
- High strand counts of 144 strands across the vast majority of the network with higher or lesser counts as necessary in specific segments
- Slack loops placed on average at every .25 mile
- Active components supporting dense wavelength division multiplexing (DWDM) as the underlying transport system used to deliver wavelength (1, 2.5, 10, 40 Gb/s), Ethernet, SONET, TDM, Video, and SAN services.
- A regional area network for municipal governments
- A 700Mhz mobile public safety and public service network

3. General RFP Guidance

OpenCape issues this request for proposals (RFP) to solicit bids from Respondents who wish to provide outside plant (OSP) field data survey, licensing, permitting, and engineering services in support of the construction of its comprehensive middle mile network.

This RFP is not intended to limit a potential provider's creativity in suggesting ideas to accomplish the goals of OpenCape. Innovative ideas, new concepts and partnership arrangements will be considered and welcomed. Please indicate any other value-added arrangements, unique business features, sponsorship arrangements, special services, discounts or terms and conditions that might suggest solutions for the needs of OpenCape.

OpenCape intends to select a Respondent from the respondents in early November, 2010 and to complete negotiation of contract terms no later than November 19, 2010.

3.1 The Process for Evaluating RFP Responses

Responses will be evaluated on the degree to which they help OpenCape meet the specific requirements of this RFP within the context of its broader goal to complete the construction of its comprehensive middle mile network before January 31, 2013. We will look at the following dimensions of each response:

- Scope of services – Proposal responses will be evaluated based upon the completeness of their ability to accomplish the Scope of Work.
- Expertise – Evaluations will include demonstrated competency in all of the required services.
- Timeliness –The ability to begin work with OpenCape promptly and complete the project within the timeline provided.
- Cost and Sustainability – Proposals will be evaluated based upon the overall cost effectiveness to OpenCape.

Proposals will be evaluated on the assumption that the RFP response offers the Respondent's most favorable terms to OpenCape. Notwithstanding any other provision of this RFP, OpenCape expressly reserves the right to negotiate with any Respondent, using the Respondent's RFP response as a basis, for obtaining best and final offers prior to contract award.

The Respondent should be aware that time is of the essence. By submitting a response the Respondent agrees to negotiate in good faith with OpenCape to complete and finalize a contract in a manner consistent with the Project's timeline.

3.2 Liability for Costs Incurred for Proposal Preparation

OpenCape is not, and shall not be, liable or responsible for any costs or expenses incurred by a proposing firm in the investigation, preparation, submission and production of a proposal, for expenses for any retained consultants, or for any work performed by the proposing firm prior to the final execution of agreements. All such costs and expenses are the sole and absolute responsibility of the proposing firm.

3.3 Right of Evaluation

Once proposals are submitted and reviewed by OpenCape, OpenCape may select a short list of firms to interview. During the interview stage, non-binding cost estimates will be discussed. After the interview process, OpenCape will select Respondent(s) and begin negotiations to finalize a contract for services. If OpenCape cannot negotiate a contract successfully with the selected Respondent(s), the next highest-ranking Respondent(s) will be contacted and negotiations will begin. The process will continue until a mutually agreeable contract is finalized between OpenCape and the selected Respondent(s).

Notwithstanding any other provision of this RFP, OpenCape expressly reserves the right to:

1. Conduct discussions with any or all Respondents for the purpose of clarification of proposals;
2. Waive, or decline to waive, any insignificant defect or informality in any proposal or proposal procedures;
3. Accept, reject, or negotiate any or all proposals or the terms of any proposal, or any parts thereof, for the purpose of obtaining the best and final offer;
4. Cancel or amend this RFP or issue other requests for proposals;
5. Select a Respondent or Respondents based on OpenCape's analysis and evaluation of proposals submitted.
6. To request presentations of proposals if OpenCape feels further information is appropriate to the decision-making process.
7. Select no proposals at all, and
8. Select more than one Respondent.

OpenCape reserves the right to select and enter into a contract with a Respondent that provides the best qualified response that is most beneficial to the goal of completing the

OpenCape system by January 31, 2013. At its discretion, OpenCape may elect not to pursue an Agreement for any of the services requested in this RFP, or to pursue an Agreement with one or more respondents for some or all of the requested services.

By executing the Authorized Respondent's Signature and Acceptance Form (Appendix F), Respondent acknowledges, understands and agrees to be bound by the procedures set forth in this RFP and agrees that it is compliant with them, and agrees that OpenCape shall not be liable under any circumstances for the subsequent disclosure of any materials submitted to it by Respondent pursuant to this RFP.

It is the policy of OpenCape that contracts are awarded only to responsive and responsible Respondents. In order to qualify as responsive, the Respondent must respond to the requirements of the RFP in a complete and thorough manner. In order to qualify as responsible, the Respondent must demonstrate the availability of adequate resources and staffing and the necessary experience, organization, qualifications, skills and facilities to fulfill the requirements of this RFP. Any proposal determined to be non-responsive to this RFP, including instructions governing the submission of proposals, will be disqualified without evaluation unless OpenCape determines that the noncompliance is insubstantial.

Unless otherwise specified in this RFP, all communications, responses, and documentation must be in English, and all cost proposals or figures in U.S. currency.

Respondents are prohibited from communicating directly with any employee of OpenCape except as specified in this RFP during the RFP process. The contact for this RFP is Gary Delius, Construction Coordinator, gdelius@opencape.com. All correspondence must be via email.

OpenCape may provide reasonable accommodations, including the provision of material in an alternative format, for qualified Respondents with disabilities or other hardships. Respondents requiring accommodations shall submit requests in writing, with supporting documentation justifying the accommodations.

If a Respondent is unable to meet any of the specifications required in this RFP, the Respondent's response must include an alternative method for meeting such specification by identifying the specification, the proposed alternative, and thoroughly describing how the alternative achieves substantially equivalent or better performance to the performance required in the RFP specification. OpenCape will determine if a proposed alternative method of performance achieves substantially equivalent or better performance.

All proposals submitted become the property of OpenCape; they will not be returned and may be released in whole or in part as required by applicable law, including the requirements of granting authorities, the Freedom of Information Act, and Massachusetts General Laws. Pricing and other information that is an integral part of the proposal cannot be considered confidential after an award has been made.

A Respondent may withdraw its proposal prior to the RFP response deadline. The response deadline for this RFP is 4:00PM, October 27, 2010. Proposals received after the deadline will not be considered. Proposals will be opened and reviewed internally at the convenience of OpenCape.

The proposal constitutes an offer by the Respondent to do business with OpenCape under (at a minimum) the terms, conditions and pricing gathered from the Respondent in response to this RFP, and such offer shall remain open and irrevocable for a time period of 60 days after receipt. In the event a contract is awarded to a Respondent, OpenCape, at its option, may incorporate all or parts of a Respondent's proposal and any or all answers and information contained within that proposal into the final agreement between the successful Respondent and OpenCape.

Any information released either verbally or in writing prior to the issuance of this RFP shall be deemed preliminary and not binding upon OpenCape in any manner.

OpenCape reserves the right to use any and all concepts presented in any proposal to obtain the most beneficial and effective path to achieving its desired goals for the project. Selection or rejection of proposals shall not affect this right. All proposals will be evaluated pursuant to the criteria set forth herein, and, at OpenCape's discretion, an award will be made to the Respondent(s) who demonstrates the best ability to satisfy the scope of work in the most timely and cost effective manner possible.

By submittal of a proposal, a Respondent attests to have read, understood, and agreed to all requirements, terms, and conditions in this RFP, including any and all attachments, exhibits, appendices and addendum.

A Respondent must be properly licensed and registered as required by the Commonwealth of Massachusetts as necessary to complete the scope of work contained in this RFP and be able to secure the required bonds discussed in this RFP. Each Respondent may, before submitting a proposal, examine sites to determine the extent of work involved and the conditions under which the work would be performed. The submission of a proposal will be construed as evidence that such an examination has been made, and no subsequent allowance will be made in this regard on behalf of the Respondent for any error or negligence on its part.

Respondents must identify any conflict of interest that may arise from providing services to OpenCape. OpenCape reserves the right:

1. to disqualify any Respondent or reject any proposal at any time solely on the grounds that a real or perceived legal or policy conflict of interest is presented;
2. to require the Respondent to take any action or supply information necessary to remove the conflict; or
3. to terminate any contract arising from this solicitation if any such relationship would constitute or have potential to create a real or perceived conflict of interest that cannot be resolved to OpenCape's satisfaction.

3.4 Response Requirements

A response will not be deemed received until OpenCape has received four (4) hard copies and one electronic copy of a Respondent's response. Hard copies shall be sent by regular mail to OpenCape, P.O. Box 762, West Barnstable, MA 02668 or hand-delivered or sent by overnight delivery to OpenCape, C/O Cape Cod Commission, 3225 Main Street, Barnstable, MA 02630. Faxed or telephone proposals will not be accepted. An electronic copy should be either emailed to info@opencape.com, or provided on a USB "stick drive" or CD-ROM with the hard copies. Respondents assume the risk of the methods of dispatch or delivery chosen.

3.5 Questions Regarding RFP

Any questions regarding this RFP should be submitted electronically no later than **4:00PM on September 21, 2010** to the following e-mail address: info@opencape.com Please include the RFP number in the subject heading.

All questions received by the deadline, along with the corresponding responses, will be posted to the OpenCape website no later than **4:00PM on September 27, 2010**.

3.6 Availability of Proposals

Any items that the Respondent wishes to cover under a non-disclosure agreement should NOT be included in this response.

3.7 Timeline and Due Dates

Project Timeline – *all dates are subject to change at OpenCape's discretion*

- **September 15, 2010** – RFP released
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4. Scope of Work

4.1 General Requirements

Respondents are required to bid outside plant (OSP) fiber optic network engineering and associated field data survey, licensing, and permitting in support of the construction of the OpenCape comprehensive middle mile network for the entire route as described in Appendix A (Narrative Description of the Route) and Appendices B1 and B2, (Graphic Representation of the Route). High resolution versions of Appendices B1 and B2 are available on the OpenCape website at:

<http://www.opencape.com/contracts-and-requests-for-proposals>

Respondents should note that OpenCape intends to install its fiber in the energy slot where feasible and permitted, that the route consists of both road and public utility right of way paths, and that the route length to be field surveyed is greater than the final anticipated miles of network construction because both primary and alternative paths must be field data surveyed.

It is essential that the selected Respondent prepare a timeline of work that will support rapid and segmented hand off to Pole Owners for make ready work to begin. OpenCape will be issuing its RFP – “Network Design and Build, and Network Operation of the OpenCape Fiber-optic and Microwave Network in Southeast Massachusetts”- within the timeline anticipated for completion of this RFP. Field data survey and make ready must be completed by segment in order to allow the rapid hand off of prepared poles to the successful Respondent in that follow-on RFP process.

The Scope of Work can be viewed in three (3) components – Field Data Collection, Licensing and Permitting, and Engineering.

4.2 Field Data Collection

The Field Data Collection contractor(s) will be responsible for all field services to collect the required survey data, to present that data to OpenCape and the Pole Owners in the an appropriate format, to make the information available through a website, and to work with OpenCape and the Pole Owners to make appropriate adjustments in the process and schedule as required. The Respondent shall:

1. Coordinate meetings with OpenCape and Pole Owners to discuss:
 - content and format of existing pole data, if any, to be shared with contractor;

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- content and format of data to be reported by contractor on a web site; and
 - schedule/sequence of the field inspections of network segments by town.
2. Conduct field inspections and record observations regarding required information and data in the format and level of detail required by the Pole Owner for each Pole.
 3. Prepare and post required survey data on a website for OpenCape and Pole Owners to access and use (Note that the data may be posted both in an interactive database/application and in the required MSEXCEL® format, or in another format approved by OpenCape with the tools needed to create MSEXCEL® files.
 4. Possible resurvey to validate discrepant or missing data, or for quality assurance purposes.
 5. Prepare and provide to OpenCape and individual Pole Owners reports on Required Survey Data, progress, schedules/plans, and issues.
 6. Supply all equipment, supplies and transportation needed for performance and delivery of the Field Data Collection Services. All costs associated with the work - including the cost of resurveys, if any, to validate discrepant or missing data, for quality assurance purposes.
 7. Provide a project plan in a format compatible with Microsoft Project V2010 that will facilitate completion of Field Data Collection in identifiable segments for hand off to Pole Owners for make ready and preparation for construction.

The Field Data Collection Services contractor's performance will be subject to review by OpenCape and Pole Owners following a first phase ("Phase 1") of the contract. Specifically, there will be a project checkpoint after completion of 300 poles in each major Pole Owner territory to provide an opportunity to refine the process. This first phase of the project will be used to evaluate procedures, make process improvements, and evaluate performance and data accuracy. Deficiencies in performance may require process changes and, in severe cases, could lead to contract termination.

4.3 Licensing and Permitting

OpenCape shall hold all underlying rights, licenses and permits. The Respondent will be required to manage the licensing and permitting process with various entities in collaboration with and on behalf of OpenCape. The Respondent shall perform or provide for the following:

1. Act on OpenCape's behalf in filing necessary pole and conduit license documents for third party attachments
 2. Act on OpenCape's behalf in property acquisition and rights of way negotiations. Communicate with local, state, and federal governmental entities, to include the
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- Army Corps of Engineers for aerial and underground communication facilities are met; including, if required, accordance with the National Electric Safety Code and National Electric Code.
3. Act on OpenCape's behalf in filing necessary documents and acquiring access to utility owned facilities such as central offices and public utility rights of way, and securing building entry.
 4. Provide all necessary detailed drawings required for special permits (state hwy crossings, RR crossings, bridge details, boring details, etc.)
 5. Provide stamped sealed plans as needed.
 6. Manage pole and conduit licensing through project completion. Engineering firm will provide weekly up-dates that will track the licensing progress per application.
 7. Work collaboratively with Horsley Witten, OpenCape's environmental engineering firm to ensure all required environmental, historical, and cultural requirements are addressed properly and efficiently.
 8. Act on OpenCape's behalf in applying for temporary pole attachment rights as necessary to accomplish the project on schedule.

4.4 Engineering

Engineering will focus strictly on the design of outside plant fiber optic facilities to include splice and loop locations, construction requirements, and specifications for termination, and deliver the following:

1. Produce comprehensive computerized design maps and detailed GIS files compatible with ESRI ArcView v10 projected to State Plane, 1984 Mass mainland (feet) (ArcView), and DXF or DWG CAD (CAD) files and drawings and strand maps of the entire route.
2. Provide for appropriate number and location of service loops, splice points, and other interconnection points to include all anchor institution, microwave tower, central office locations described in Appendix A, and as further described by OpenCape to achieve the best possible access options for economic and government centers of activity.
3. Engineering work prints package is to include color splice diagrams detailing each fiber strand at every splice location in both print and CAD data files.
4. Provide consolidated field notes, electronically stored and provided in a form compatible with Microsoft Excel v2010 (Excel).
5. Provide all forms and documentation for approval of conduit construction and/or installation for underground facility, conduit design, conduit detailing, manhole detailing, and boring.
6. Provide detailed site drawings, permit detail drawings and overview maps in both print and in a form compatible with ArcView.

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7. Receive and consolidate all plant as-built information in mutually agreed upon form with OpenCape.
 8. Provide GPS points of reference for utility poles, splice points, slack points, and equipment locations in an Excel compatible data format in a form approved in advance by Opencape. Care should be taken to insure common keys are used in all spreadsheets for ultimate development of a geo-database for use in the actual construction and maintenance of the system.
 9. Provide all necessary detailed drawings required for special permits (state hwy crossings, RR crossings, bridge details, boring details, etc.)
 10. Provide stamped sealed plans as needed.
 11. Provide all necessary drawings required to approach and enter Central Offices, the Regional Collocation Center, microwave towers, and anchor institutions and assess the space, power, cooling, and other underpinning required services.
 12. Work collaboratively with the eventual Network Design and Build and Network Operation contractor to facilitate project completion. Coordinate loop and splice locations, termination facilities, development of fiber cable/count naming conventions, breakout of fiber to support OpenCape's fiber allocation obligations to obtain underlying rights, secure state grant match funds, develop regional area networks, and distinguish fiber it will license to a private operator and reserve for its own use.

5. Proposal Format

All respondents should provide proposals in the following format:

5.1 Cover Letter: Indicate your firm's interest in the project. Include company name, address, contact name, email, and phone. Provide detailed contact information requested in Appendix D.

5.2 Overview of Respondent(s): Include company(s) history, number of employees by discipline, company locations, location of office where this project will be managed, location of primary workforce, plans to procure additional resources or sub-contractors for this project, length of time your firm has provided similar services, and other relevant information.

5.3 Project Team: Identify the leadership for this project within your organization. Respondent should identify in-house and subcontracted functions to include the names of companies that will be sub-contracted if known. Include resumes for primary staff who will complete the engineering design services. Engineering registrations or certifications within the Commonwealth of Massachusetts should be included. Describe the Respondent's ability to field a sufficient number of experienced crews to complete the surveys in a timely fashion.

5.4 Experience: Indicate the Respondent(s)' experience with field data survey, licensing, permitting, and engineering in similar projects in type and scope. Include experience with federal grant funded projects and their associated documentation to include NEPA compliance.

The Respondent(s) should describe their experience with the Pole Owners - NStar, National Grid, and Verizon - and any special third party relationships with these companies that will serve to ensure rapid completion of the project as well as the following:

- Respondent's experience in conducting utility pole inspections, including the largest prior project
- Respondent's ability to field sufficient experienced staff to conduct the volume of inspections in the timeframes contemplated by this RFP
- An example of data collected from up to five (5) poles surveyed on previous jobs
- Identify all prior experience working with or for the Pole Owners in SE Massachusetts, including information regarding recent data collection conducted by Respondent in the service region of the OpenCape Network, including

identities of Pole Owners for whom such data were collected, municipalities involved and approximate number of poles.

- Identify any current contracts to provide services to the Pole Owners
- Identify other pole attachment survey work performed by the Respondent for attachers or utility companies.
- Identify experience with similar projects in both the power and communication spaces.
- Address any experience your company has with the Army Corps of Engineers as OpenCape will make two crossings of the Cape Cod Canal.

5.5 References: Please provide a minimum of three (3) relevant references to your experience in field data survey, licensing and permitting, and engineering in projects similar in scope to OpenCape. Provide a list and description of all similar projects conducted over the past 2 years. Please include client's name, address, phone number, email address, and description of work and dates completed.

5.6 Other Current Projects: Indicate your existing client workload and what other projects your team is committed to, including project time frames. If you have any project that may cause a conflict of interest or could otherwise hinder your proposed timeframes, please describe those projects and how your firm manages multiple client priorities.

5.7 Small, Minority, and Local Businesses: Respondents are to identify the extent to which Small Businesses (SBs), Veteran-Owned Small Businesses (VOSBs), Service-Disabled Veteran-Owned Small Businesses (SDVOSBs), HUBZone Small Businesses, Small Disadvantaged Businesses (SDBs) Woman-Owned Small Businesses (WOSBs), Historically Black Colleges/Universities or Minority Institutions (HBCU/MIs), Minority-Owned Businesses (MOBs), or Local (SE Mass) Businesses (LBs) would be utilized in the performance of this proposed contract. For small businesses, as defined by the North American Industry Classification System (NAICS) code applicable to this RFP, NAICS code 541330 - Engineering Services, and HBCU/MI, MOB or LB the offeror's own participation as a SB, VOSB, SDVOSB, HUBZONE SB, SDB, WOSB, HBCU/MI, MOB or LB is to be identified, and will be considered in evaluating the Socioeconomic Considerations, Location, and Value Added evaluation factor. All Respondents are to provide:

The names of SB, VOSB, SDVOSB, HUBZONE SB, SDB, WOSB, HBCU/MI, MOB or LB who would participate in the proposed contract, identifying specific components to be produced or services to be performed by them, and the estimated total dollars of such work.

5.8 Financial Information: Include information related to your financial stability, including certified financial statements for the past two (2) years, any current or pending lawsuits or legal actions against your company, and contact information for your financial institution. Complete and submit Appendix F.

5.9 Insurance: Include in your proposal insurance certificates confirming coverage as set forth in the paragraphs below, that OpenCape shall be notified not less than thirty (30) days prior to any cancellation or material change in coverage, that coverage secured by the Contractor shall be on a "Per Occurrence" basis, that all insurance policies shall be obtained and maintained with companies rated "A" or better by AM Best, that the Contractor's insurance shall cover its subcontractors that perform any of the Work, or the Contractor shall require each such subcontractor to maintain insurance of the type and amounts required of the Contractor.

Insurance coverage shall be written for not less than the limits of liability described in the following paragraphs or such limits as may be required by law, whichever are greater:

1. Workers' Compensation and Employer's Liability Insurance covering all employees of the Contractor and any subcontractors wherever they may be in the United States, so long as they are engaged in the work covered by this Contract. Workers' Compensation insurance in amounts required by applicable law and Employer's Liability insurance with a limit of at least two million dollars (\$2,000,000.00) per occurrence is required. For any activity that takes place over water, such Workers' Compensation policy shall include a Federal Act Longshore Harbor Workers Coverage Act "endorsement," which shall be specifically listed on the required insurance certificate.
2. Commercial General Liability Insurance (Bodily Injury and Property Damage) which shall provide not less than five million dollars (\$5,000,000.00) combined single limit liability insurance, per job aggregate, on a per occurrence basis, with the railroad exclusion and marine liability exclusion deleted, protecting the Contractor and any subcontractors from liability arising out of the Work for: (1) bodily injury, sickness, or disease, including death at any time resulting therefrom, sustained by any person; and 3. damage to or destruction of property, including loss of use thereof.
3. Protection and Indemnity Policy in an amount not less than two million dollars (\$2,000,000).
4. An Excess/Umbrella policy in an amount not less than two million dollars (\$2,000,000).
5. "All Risk" property insurance in an amount equal to the replacement cost of any and all equipment owned, leased, or borrowed while in the Contractor's or

subcontractor's care, custody, or control, including while in transport at the direction of the Contractor or subcontractor. Such "All Risk" insurance shall also cover all materials and equipment stored on a project site for incorporation into the Work as well as all partially constructed structures.

6. Automobile liability insurance covering death or injury to any person or persons, or damage to property arising from the operation of vehicles or equipment, with limitations of not less than two million dollars (\$2,000,000).

Include a statement that OpenCape, its subsidiaries, affiliates, directors, officers and owners shall be listed as additional insureds for general liability, protection and indemnity, excess liability, and automobile liability coverages required under the final contract. This coverage shall be primary and non-contributory. In addition, the Contractor and all of its subcontractors will waive all rights of subrogation against OpenCape, its subsidiaries, affiliates, directors, officers and owners, and the Contractor will waive any and all rights to recover against OpenCape, or its subsidiaries, affiliates, directors, officers and owners, for any loss or damage to the Contractor arising from any cause covered by any insurance required to be carried.

5.10 Special Conditions: Indicate the Respondent's ability to meet all requirements contained in the Special Terms and Conditions in Appendix E and acknowledge in Appendix F.

5.11 Safety: Describe Respondent's safety program and its compliance with all applicable federal, state, and local laws, statutes, ordinances, and regulations, and all rules of the owner of the right of way, including but not limited to those related to the environment, health and/or safety (collectively "EHS Requirements").

5.12 Time Schedule: Indicate your proposed timetable, based upon the scope of work, and your experience with other OSP Fiber Optic Network Engineering projects. Respondents must include a detailed project plan and timeline to complete the scope within the timetable prescribed. OpenCape uses Microsoft Project Professional V10 (MPP v10) and the respondents are encouraged to provide a project plan compatible with MPP v10.

The selected Respondent(s) will be required to provide Field Data Collection Services for some or all of the segments of the OpenCape Network specified in Appendix A during the period from November 19, 2010 through February 25, 2011 [the foregoing dates being subject to revision], in accordance with specific time schedules for each segment of the OpenCape network to be set forth by OpenCape and affected Pole Owners after consultation with the selected surveyor, which schedules may, from time to time, be revised. It is now anticipated that most, if not all, of the required Field Data Collection Services will be completed prior to February 25, 2011. Time is of the essence for the

completion of the surveys, and thus the selected surveyor must be prepared to devote the personnel and resources required to complete the surveys within the established schedules for the overall project. A kickoff meeting must be held 5 days from the date of contract execution. Phase 1 field inspections must be commenced 10 days from the date of contract execution. The schedule for Field Data Collection will be determined by OpenCape and Pole Owners with the objectives of meeting the completion targets for the OpenCape Network. Regular meetings will be held to review, and, if necessary, adjust schedules to meet these and other project objectives.

5.13 Proposed Services Summary: Please summarize how Respondent will accomplish the Scope of Work and deliver the required services for:

Proposed Services Summary: Please summarize how Respondent will accomplish the Scope of Work and deliver the required services for:

Field Data Survey

Provide a detailed description of how the Respondent will accomplish the Field Data Survey scope of work to include the methods and technology to be used to conduct the required Field Data Collection Services as well as the recording and reporting of the required survey data. Specify levels of accuracy produced, frequency and process by which OpenCape and the Pole Owners will be provided data, the quality control program for assuring the acceptable accuracy of the data, the makeup and number of crews anticipated and the daily anticipated completion rate, and the process the Respondent will use to incorporate Pole Owners into the field survey process or to validate data samples independently in a manner acceptable to the Pole Owners.

Licensing and Permitting

Provide a detailed description of how the Respondent will accomplish the Licensing and Permitting scope of work.

Engineering

Provide a detailed description of how the Respondent will accomplish the Engineering scope of work.

5.14 Proposed Project Cost Summary: Provide a detailed project cost using Appendix C and summarize below:

Field Data Survey (estimate of total project based on 400 miles of survey distance with an estimated 150 foot pole separation) \$ _____

Licensing and Permitting \$ _____

Engineering \$ _____

TOTAL OF ALL ABOVE \$ _____

Appendix A: OPENCAPE SYSTEM ROUTE
 NARRATIVE DESCRIPTION

Fiber Backbone – General Description

The fiber optic backbone of the OpenCape System consists of nearly 300 miles of fiber optic backbone on Cape Cod with extensions to two major regional network connection centers in Providence, RI and Brockton, MA. The estimated distances of segments of the backbone are contained in the table at right.

Fiber Optic Backbone Path Length Estimates and Strand Counts		
	Distance	Strands
Providence-Canal	70	144
Brockton-Canal	50	144
Canal Road	6	288
Canal - Falmouth	20	288
Falmouth-Barnstable	24	144
Barnstable-Orleans	26	144
Canal- Orleans Rt6A	41	144
Orleans-Ptown	26	72
Rte 132 Connector	5	288
Chatham Extension	8	72
Woods Hole Extension	4	72
Otis Spur	4	48
Total	284	

Fiber Optic Backbone Path

The OpenCape fiber backbone on Cape Cod consists of one path from the Cape Cod Canal generally along MA Route 28 through Falmouth, MA and Hyannis, MA to Orleans, MA. A second path will begin at the Cape Cod Canal and traverse generally MA Route 6A to Provincetown, MA. The two paths will be linked between Hyannis, MA and West Barnstable, MA via MA Route 132 and merge with one another in Orleans, MA.

MA Route 28 Path. The MA Route 28 path begins at the Cape Cod Canal Rail Road Bridge in **Bourne, MA** to Bell Road, to Shore Road, to Sandwich Road, to Cotuit Road, to Trowbridge Road, to MA Route 28 South, to Lake Drive, to Sandwich Road, to Long Hill Road, to County Road, to Depot Road, to Scraggy Neck Road, to County Road, to Sandwich Road, to **Falmouth, MA** on MA Route 28A, to Winslow Road, to Old Main Road, to Hollis Street, to MA Route 28A, to Brick Kiln Road, to Gifford Street, to Morse Road, to MA Route 28 South, to Dillingham Avenue, to Spring Bars Road, to Worcester Court, to Route 28, Waquoit Landing Road, to MA Route 28 to Metoxit Road, to Carriage Shop Road, to MA Route 28, to **Mashpee, MA**, to Great Neck Road, to MA Route 130, to MA Route 28, to **Marstons Mills, MA**, to Lovells Road, to Pine View Drive, to Stub Toe Road, to MA Route 28, to MA Route 149, to Main Street, to Bumps River, Road, to **Osterville, MA**, to Fuller Road, to Old Stage Road, to MA Route 28, to **Barnstable, MA**, to West Main Street, to Main Street, to South Street, to Old

Colony Road, to Main Street, to MA Route 28, to **West Yarmouth, MA**, to **Yarmouth, MA**, to Old Main Street, to Pond Street, to **South Yarmouth, MA**, to Bass River Bridge, to **West Dennis, MA** to **Dennisport, MA**, to **Harwichport, MA**, to **South Chatham, MA** to Meeting House Road, to MA Route 39, to **Orleans, MA**.

Woods Hole Extension Lateral. The Woods Hole Extension begins at MA Route 28 in Falmouth and Depot Avenue, along Depot Avenue to the Public Utility Right of Way, to existing Woods Hole underground conduit, to Elm Road, to Shining Sea Bikeway, to Beach Road, to Woods Hole Oceanographic Institution Clark Complex. Additional fiber path within Woods Hole, MA that is indicated on graphics represents existing fiber owned by Woods Hole Oceanographic Institution that will be used to distribute service to anchors in this area.

Chatham Extension Lateral. A loop will be created to **Chatham, MA** beginning on MA Route 28 at Meetinghouse Road to Stoney Hill Road, to Stepping Stones Road, to Old Queen Anne Road, to intersection of Meetinghouse Road.

MA Route 6A Path. The MA Route 6A path begins at the Cape Cod Canal in **Bourne, MA** at the North Canal Primary 2 Directional Bore site, accessing existing pole lines along the Canal Service Road, to **Sandwich, MA**, to Freezer Road, to Tupper Road, to MA Route 6A, to Jarves Street, to Pleasant Street, to Liberty Street, to Main Street, to Beale Street, to MA Route 130, to Service Road,

<p>Primary Path to Chase Road, to Public Utility Right of Way, to Barnstable, MA to Oak Street, to MA Route 6A,</p>	<p>Alternate Path to Chase Road, to Old County Road, to High Street, to MA Route 6A, to Barnstable, MA,</p>
--	--

to **Yarmouth, MA**,

<p>Primary Path to West Yarmouth Road, to Public Utility Right of Way, to South Yarmouth Road, to Dennis, MA, to MA Route 6A,</p>	<p>Alternate Path To MA Route 6A, to Dennis, MA,</p>
--	---

to **Brewster, MA**,

<p>Primary Path to Harwich Road, to Public Utility Right of Way, to Orleans, MA, to Lots Hollow Road, to Eldredge Parkway, to MA Route 6A, to</p>	<p>Alternate Path to MA Route 6A, to Orleans, MA, to Old State Highway, to Mid-Cape Highway MA Route 6, to Eastham, MA, to Old State</p>
--	--

Canal Road, to Jones Road, to Public Utility Right of Way, to Eastham, MA , to Wellfleet, MA , to Truro, MA , to Collins Road, to George Nilson Road,	Road, to Mid-Cape Highway MA Route 6, to Wellfleet, MA , to Mid-Cape Highway MA Route 6, to Long Pond Road, to Main Street, to West Main Street, to Briar Lane, to Mid-Cape Highway MA Route 6 to Truro, MA , to George Nilson Road,
--	--

to MA Route 6, to MA Route 6A, to Truro Center Road, to Mid-Cape Highway MA Route 6, to Whitmanville Road, to Mid-Cape Highway MA Route 6, to MA Route 6A, to Shanks Painter Road, to Jerome Smith Street, to Winslow Street.

Route 28 and Route 6A Mid-Cape Link. The Route 28 and Route 6A mid-Cape link will run from the Verizon Central Office in **Barnstable (Hyannis Village), MA** along Barnstable Road, to MA Route 132, to Independence Drive, to Kids Hill Road, to Phinneys Lane, to Hyannis Road, to MA Route 6A in **Barnstable Village, MA**.

National Seashore Extension. The National Seashore Extension begins at the intersection of MA Route 6 and Truro Center Road in **Truro, MA**, to North Pamet Road, to South Pamet Road, to the end of South Pamet Road.

There will be two major fiber optic cable backbone extensions reaching from the Cape Cod Canal to regional network access locations in Brockton, MA and Providence, RI.

Brockton, MA Path. The Brockton, MA path begins at the Cape Cod Canal in **Bourne, MA** from either a new directional bore location or the Sagamore Bridge, to Canal Service Road, to Gibbs Road, to Old Plymouth Road, to MA Route 3A, to **Plymouth, MA**, to Herring Pond Road, to Long Pond Road, to South Street, to Towns Street, to Stafford Street, to Birch Avenue, to Newfield Street, to Summer Street, to Market Street, to MA Route 3A, to MA Route 44, to Samoset Street, to MA Route 80, to **Plympton, MA**, to Elm Street, to Brook Street, to Colchester Street, to Mayflower Road, to MA Route 58, to **Halifax, MA**, to MA Route 106, to **Bridgewater, MA**, to MA Route 104, to MA Route 18, to **East Bridgewater, MA**, to Central Street, to North Central Street, to North Central Street, to Pleasant Street, to Belmont Street, to Elm Street, to **Brockton, MA**, to a major point of presence within Brockton at which the RFP Respondent can provide robust further interconnection points to Boston and the broader Internet.

Providence, RI Path. The Providence, RI path begins at the Cape Cod Canal Rail Road Bridge in **Buzzards Bay, MA**, to Canal Street, to Main Street, to **Wareham, MA**,

Primary Path to Public Utility Right of Way, to Narrows Road, to MA Route 6,	Alternate Path to Public Utility Right of Way, to Water Street, to MA Route 6,
--	--

to **Marion, MA, Mattapoisett, MA,** and **Fairhaven, MA** to Alden Road, to Howland Road, to Coggeshall Street, to **New Bedford, MA** to Mt Pleasant Street, to Austin Street, to State Street, to Hill Street, to Foster Street to Middle Street, to Acushnet Ave, to Williams Street, to County Street, to Elm Street, to Summer Street, to MA Route 6 to **Dartmouth, MA,** to **North Westport, MA,** to **Fall River, MA,** to Bedford Street, to North Main Street, to Cherry Street, to Durfee Street, to Locust Street, to High Street, to Highland Avenue, to New Boston Road, to Robeson Street, to Stewart Street, to Brightman Street Bridge, to MA Route 6 West to **Swansea, MA,** to **Seekonk, MA,** to **East Providence, RI,** to Broadway, to North Broadway, to Newman Avenue, to **Pawtucket, RI** on Pawtucket Avenue, to Prospect Street, to Main Street, to Park Place, to East Street, to **Providence, RI,** to a major point of presence within Providence at which the RFP Respondent can provide robust further interconnection points to New York, Springfield, and the broader Internet.

Central Office Connections

The OpenCape network will be connected to telecommunications central offices along its path to gain the maximum possible outreach to communication

Building Type	Street	City	State	Zip
Telecom Central Office Bldg	TBD Major POP	Brockton	MA	02302
Telecom Central Office Bldg	33 Court Street	Plymouth	MA	02360
Telecom Central Office Bldg	326 North Main Street	Fall River	MA	02720
Telecom Central Office Bldg	390 Acushnet Avenue	New Bedford	MA	02740
Telecom Central Office Bldg	55 Depot Road	Bourne	MA	02534
Telecom Central Office Bldg	400 Main Street	Falmouth	MA	02540
Telecom Central Office Bldg	49 Ocean Street	Hyannis	MA	02601
Telecom Central Office Bldg	79 Route 6A	Orleans	MA	02653
Telecom Central Office Bldg	12 Winslow Street	Provincetown	MA	02657
Telecom Central Office Bldg	TBD Major POP	Providence	RI	02909

customers. A central office (CO) is a building typically owned by Verizon in Massachusetts and Rhode Island. Verizon, as the Incumbent Local Exchange Carrier (ILEC), allows Competitive Local Exchange Carriers (CLEC) and others access to the CO building. The locations of the COs that OpenCape will enter and install equipment are located at right. It is anticipated that access to these locations will be through short laterals of less than 500 feet over existing poles or conduits with minor digging and trenching to gain access.

Anchor Institution Fiber Laterals

Over 30 miles of fiber optic laterals will be installed from the fiber backbone to existing buildings to deliver service to anchor institutions such as libraries, town halls, and schools. There will be a mixture of aerial and buried fiber optic cables installed. Currently most of the cabling is planned to be attached to existing power poles or conduit. Minor digging and trenching is anticipated to gain access to conduit and buildings along existing infrastructure paths. The names and addresses of the anchor institutions that will receive laterals are as follows:

Category	Anchor Institution Name	Address
Higher Education/Research Inst	Bridgewater State College	131 Summer Street, Bridgewater, Massachusetts 02325
Higher Education/Research Inst	Bristol Community College	777 Elsbree Street, Fall River, MA 02720
Higher Education/Research Inst	Cape Cod Community College	2240 Iyanough Road, Barnstable, MA 02668
Higher Education/Research Inst	Massachusetts Maritime Academy	101 Academy Drive, Buzzards Bay, MA 02523
Higher Education/Research Inst	Massasoit Community College	One Massasoit Blvd., Brockton, MA 02302
Higher Education/Research Inst	Woods Hole Oceanographic Institution	Clark Building, Woods Hole, MA 02543
K12 District/Evacuation Shelter	Barnstable High School	744 Main Street, Hyannis, MA 02601
K12 District/Evacuation Shelter	Cape Cod Regional Technical School	351 Pleasant Lake Ave., Harwich, MA 02645
K12 District/Evacuation Shelter	Chatham High School	425 Crowell Road, Chatham, MA 02633
K12 District/Evacuation Shelter	Falmouth High School	874 Gifford Street, Falmouth, MA 02536
K12 District/Evacuation Shelter	Mashpee High School	500 Old Barnstable Road, Mashpee, MA 02649
K12 District/Evacuation Shelter	Nauset Regional High School	100 Cable Road, Eastham, MA 02642
K12 District/Evacuation Shelter	Nauset Regional Middle School	70 South Orleans Road, Orleans, MA 02653
K12 District/Evacuation Shelter	Oak Ridge School	260 Quaker Meeting House Road, East Sandwich, MA 02537
K12 District/Evacuation Shelter	Truro Central School	317 Route 6, Truro, MA 02666
K12 District/Evacuation Shelter	Upper Cape Regional Technical School	220 Sandwich Road, Bourne, MA 02630
K12 District/Evacuation Shelter	Veterans Memorial School	2 Mayflower Lane, Provincetown, MA 02657
K12 District/Evacuation Shelter	Wellfleet Elementary School	100 Lawrence Road, Wellfleet, MA 02667
Library	Barnstable/Sturgis Library	3090 Main Street, Barnstable, MA 02630
Library	Brewster Ladies Library	1822 Main Street, Route 6A, Brewster, MA
Library	Cape Cod Community College Wilkens Library	2240 Iyanough Road, Barnstable, MA 02668-1599
Library	Centerville Public Library	585 Main Street, Centerville, MA
Library	Chatham/Eldredge Public Library	564 Main Street, Chatham, MA
Library	Cotuit Public Library	871 Main Street, Cotuit, MA
Library	Dennis Memorial Library	1020 Old Bass River Road, Dennis, MA 02638
Library	Dennis Public Library	5 Hall Street, Dennisport, MA 02639
Library	East Dennis Library (Jacob Sears)	23 Center Street, East Dennis, MA 02641
Library	Eastham Public Library	190 Samoset Road, Eastham, MA
Library	Falmouth Public Library	300 Main Street, Falmouth, MA
Library	Falmouth Public Library	310 East Falmouth Highway, East Falmouth, MA 02536

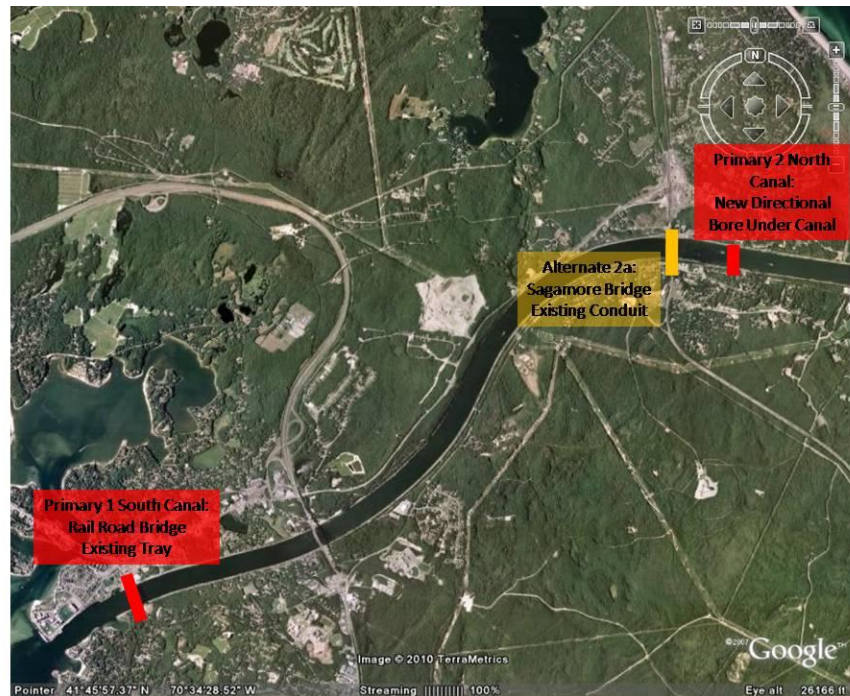
Category	Anchor Institution Name	Address
Library	Harwich/Brooks Free Library	739 Main Street, Harwich, MA 02645
Library	Hyannis Public Library	401 Main Street, Hyannis, MA
Library	Jonathan Bourne Public Library	19 Sandwich Road, Bourne, MA 02532
Library	Marstons Mills Public Library	2160 Main Street, Marstons Mills, MA 02648
Library	Mashpee Public Library	64 Steeple Street, Mashpee, MA 02649
Library	Osterville Free Library	43 Wianno Avenue, Osterville, MA 02655
Library	Provincetown Public Library	356 Commercial St, Provincetown, MA 02657
Library	Snow Library (Orleans)	67 Main Street, Orleans, MA 02653
Library	South Dennis Free Public Library	389 Main Street, South Dennis, MA 02660
Library	South Yarmouth Library	312 Main Street, South Yarmouth, MA 02664
Library	Truro Public Library	5 Library Way, Truro, MA 02652
Library	W.Barnstable/Whelden Memorial Library	2401 Meetinghouse Way, West Barnstable, MA 02668
Library	Wellfleet Public Library	55 West Main Street, Wellfleet, MA 02667
Library	West Dennis Free Public Library	272 Main Street, West Dennis, MA 02670
Library	West Falmouth Library	575 West Falmouth Hwy, West Falmouth, MA 02574
Library	West Yarmouth Library	391 Main Street (Rt 28), West Yarmouth, MA 02673
Library	Woods Hole Public Library	581 Woods Hole Road, Woods Hole, MA 02543
Library	Yarmouthport Library	297 Main Street, Yarmouthport, MA 02675
Municipal Government/Public Safety	Town of Barnstable	367 Main Street, Hyannis, MA 02601
Municipal Government/Public Safety	Town of Bourne	24 Perry Avenue, Buzzards Bay, MA 02532
Municipal Government/Public Safety	Town of Brewster Police Dept	631 Harwich Road, Brewster, MA 02631
Municipal Government/Public Safety	Town of Chatham Elementary School	147 Depot Road, Chatham, MA 02633
Municipal Government/Public Safety	Town of Dennis	485 Main, South Dennis MA 02660
Municipal Government/Public Safety	Town of Eastham	2500 State Hwy, Eastham, MA 02642
Municipal Government/Public Safety	Town of Falmouth Fire Station	399 Main Street, Falmouth, MA 02540
Municipal Government/Public Safety	Town of Harwich Public Safety Complex	183 Sisson Road, Harwich, MA 02645
Municipal Government/Public Safety	Town of Mashpee	16 Great Neck Road North, Mashpee, MA 02649
Municipal Government/Public Safety	Town of Orleans	19 School Road, Orleans, MA 02653
Municipal Government/Public Safety	Town of Provincetown	260 Commercial Street, Provincetown, MA 02657
Municipal Government/Public Safety	Town of Sandwich DPW	500 Route 130 Sandwich, MA 02563
Municipal Government/Public Safety	Town of Truro	24 Town Hall Rd., Truro, MA 02666
Municipal Government/Public Safety	Town of Wellfleet	300 West Main Street, Wellfleet, MA 02667
Municipal Government/Public Safety	Town of Yarmouth	1146 Route 28, South Yarmouth, Massachusetts 02664-4492

Cape Cod Canal Crossing

The Cape Cod Canal will be crossed in two spatially separated locations to minimize the chance that Cape Cod will be cut off from network services. OpenCape is pursuing a south canal crossing at the Rail Road Bridge (labeled as Primary 1 South Canal) and a north canal crossing using a directional bore underneath the canal (labeled as Primary 2 North Canal).

Alternative. Should the directional bore underneath the north canal be unachievable OpenCape will cross via existing conduit on the Sagamore Bridge.

Each of these crossings will involve some minor trenching at the foot of the bridges to gain access to existing conduit or poles. The directional bore will require surface disturbance at the entry point and exit point on each side of the canal.



Microwave Public Safety Network

The microwave wireless component of the OpenCape network is primarily designed to serve as an emergency backup for the fiber optic network that is dedicated to public safety in times of crisis. The antennas and radios will be mounted on existing robust structures, which in most cases will be town water towers, existing communications towers, or building attachments. The fiber network will be integrated with the microwave network with fiber connections to each of the towers. The currently planned towers that will receive microwave equipment and fiber connections are as follows:

Tower Name	Street Address	City	State	Zip
TBD	TBD	Provincetown	MA	02657
Truro Police Station	344 Route 6	Truro	MA	02666
Orleans Water Tower	O'Conner Road	Orleans	MA	02653
Harwich Water Tower	2nd Street	Harwich	MA	02645
Yarmouth Water Tower	75 German Hill Rd.	Yarmouth	MA	02664
Mashpee Water Tower	50 Meeting House Road	Mashpee	MA	02649
Falmouth Water Tower	Bernard E. St. Jean Drive	Falmouth	MA	02540
Falmouth Fire Department Tower	399 Main Street	Falmouth	MA	02540
Woods Hole Oceanographic Institution	Clark Building	Woods Hole	MA	02543

Appendix B1: USGS Topographic Quadrangle Maps of the OpenCape Network

High resolution version of this Appendix is available on the OpenCape website at:

<http://www.opencape.com/contracts-and-requests-for-proposals>

Appendix B2: USGS Topographic Quadrangle Maps of the OpenCape Network (Cont.)

High resolution version of this Appendix is available on the OpenCape website at:

<http://www.opencape.com/contracts-and-requests-for-proposals>

Appendix C: Pricing Proposal

C1. Field Data Collection Services

The Respondent provides the following not to exceed price for all costs associated with the Field Data Collection Services Scope of Work for the entire OpenCape Network route as indicated in Appendix A, B1, and B2.

The following not to exceed price is provided: \$ _____

The following unit pricing is provided

Title	Unit Price
Per Pole Survey if all poles are surveyed once	
Per pole price if the total number of poles is between [] and []	
Per pole price if the total number of poles is between [] and []	
Per pole price if the total number of poles is between [] and []	
Per pole price if the number of poles released for work at one time is between [] and []	
Per pole price if the number of poles released for work at one time is between [] and []	

C2. Licensing and Permitting

The Respondent provides the following firm fixed price for all costs associated with the Licensing and Permitting Scope of Work for the entire OpenCape Network route as indicated in Appendix A, B1, and B2.

The following fixed price is provided: \$ _____

C3. Engineering

The Respondent provides the following firm fixed price for all costs associated with the Engineering Scope of Work for the entire route OpenCape Network Route as indicated in Appendix A, B1, and B2.

The following fixed price is provided: \$ _____

Appendix D: Company Profile

Company Name: _____

Address: _____

Contact Name: _____

Contact Title: _____

E-Mail Address: _____

Phone: _____

Fax: _____

Alt Contact: _____

Alt Title: _____

Alt E-Mail Address: _____

Alt Phone: _____

Alt Fax: _____

Date Founded: _____ Number of employees: _____

Total revenue last fiscal year: _____

Number of full-time employees qualified to perform work on this project: _____

Appendix E: Special Terms and Conditions

The Respondent acknowledges that OpenCape has received funds from the Broadband Technology Opportunity Program administered by the National Telecommunications and Information Administration as well as funds from the Commonwealth of Massachusetts, based on grant applications made by OpenCape. All or a portion of the funds received by OpenCape were provided under the American Recovery and Reinvestment Act ("ARRA"). As such, the Respondent warrants and guarantees that all actions by the Respondent under this Contract shall comply with OpenCape's grant award conditions, and laws, rules and regulations applicable to ARRA funds and OpenCape's funding sources.

Award Cancellation

An award resulting from this RFP is automatically canceled if federal funds under ARRA are not appropriated or otherwise made available to support the contract's commencement or continuation of performance. Services performed, up to that point, will be compensated on a pro rated basis.

Compliance

Upon request of OpenCape, the Respondent will furnish OpenCape with a certificate satisfactory in form to OpenCape that the Respondent's performance of this Contract is in full compliance with the requirements of the Fair Labor Standards Act of 1938 as amended and the regulations and orders of the U.S. Department of Labor.

The Respondent shall in the performance of this Contract comply fully with the provisions of Executive Order No. 11246 (Equal Employment Opportunity) dated September 24, 1965, effective October 24, 1965, as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," including without limitation the reporting and affirmative action requirements thereof.

The Respondent agrees and shall require all subcontractors for this project to agree in writing that they shall comply with the following:

the provisions of M.G.L. c. 149 and shall pay the appropriate lawful prevailing wage rates to their employees as determined pursuant to the Massachusetts Division of Occupational Safety's Prevailing Wage Program.

Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), as supplemented by Department of Labor regulations (29 CFR Part 5).

to the extent consistent with applicable law, endeavor to recruit and hire qualified workers who are residents of Cape Cod and Southeastern Massachusetts for each apprenticeable trade or occupation represented in their workforce.

maintain or participate in a bona fide and active apprentice training program as defined by M.G.L. c. 23, § 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Workforce Development of the Commonwealth of Massachusetts and shall abide by the apprentice to journeymen ratio for each trade prescribed therein. For the purposes of this paragraph, the word "active" shall mean an apprentice training program that has operated without suspension for at least three (3) years prior to the bid date for the project in question (except in the case of a company that has been in existence for less than three (3) years in which case such program must have operated without suspension for that period the company had been in existence), and that has completed or graduated at least two (2) apprentices per year per trade for the same period.

comply with the terms, obligations and requirements of Chapter 30 of the Massachusetts Acts of 2009, including, without limitation, the apprenticeship requirements contained in Section 33 of said Act.

maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. c. 152.

classify employees employed on the project as employees rather than independent contractors and shall properly classify said employees accordingly for purposes of workers' compensation insurance coverage, employment taxes, Social Security taxes and income tax withholding pursuant to M.G.L. c. 149, Sec. 148B. Similarly, those personnel retained as independent contractors shall be treated as independent contractors, and shall not be subject to the insurance and tax obligations owed to employees.

the Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c), as supplemented by Department of Labor regulations (29 CFR part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”), which provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled.

Section 1606 of the American Recovery and Reinvestment Act and the Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7), as supplemented by Department of Labor regulations (29 CFR part 5, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction”), which requires, among other things, contractors to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor.

the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352), which requires the contractor or subcontractor to certify that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352, and to disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.

The Respondent represents and warrants that neither the Respondent nor its principal employees are listed on the General Services Administration’s List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with Executive Order Nos. 12549 and 12689, “Debarment and Suspension,” as implemented by Department of Commerce regulations at 15 CFR part 26. Moreover, the Respondent agrees that it shall not retain any subcontractors who are listed on the List of Parties Excluded from Federal Procurement or Nonprocurement Programs.

Confidentiality

Consultant should note that services performed and fees paid as provisioned under the NTIA BTOP compliance guidelines may be subject to disclosure under the Freedom of Information Act and are, therefore, responsible for identifying and labeling any confidential and proprietary information as such. Furthermore, Consultant must make available to the NTIA any information pertaining to services rendered for up to three years after the completion of the project (approximately December 31, 2012).

Appendix F: Officer Certification and Acceptance Form

1. Is your organization in compliance with all of its obligations under all bank lending and other credit (e.g., equipment leases) arrangements and has it been in compliance with these requirements during the past 12 months?
 Yes No
2. During the past 5 years has your organization filed for bankruptcy or has any Principal (more than 5% stockholder or other type of ownership) or officer been an officer or Principal of another firm that filed for or been the subject of any bankruptcy or insolvency proceeding?
 Yes No
3. Is your organization current in all of its obligations to federal, state and local taxing authorities?
 Yes No
4. Is your organization a party in any litigation proceeding or threatened litigation which could result in a material adverse effect on the organization?
 Yes No
5. Has your organization or any officer or Principal been convicted in any criminal proceeding (other than minor traffic and other non-felony offenses) during the past 5 years or currently the subject of any similar criminal proceeding?
 Yes No
6. Is your organization involved in any material dispute with any federal, state or local regulatory authority or been involved in any such material dispute during the past five years?
 Yes No
7. Are your organization's financial statements audited?
 Yes No
8. If so, have you received a "going concern" opinion from such audit firm during the past three years?
 Yes No
9. Are more than 25% of your revenues derived from any single customer?
 Yes No
10. Did your organization have positive net income in each of the two most recent fiscal years?
 Yes No
11. Do your organization's tangible current assets (current assets less goodwill) exceed its current liabilities?
 Yes No

If you have answered 'Yes' to questions 2, 4, 5, 6, 7(b), or 8, please explain.

If you have answered 'No' to questions 1, 3, 7(a), 9, or 10, please explain.

Attach additional sheets if necessary.

I certify that I have the authority to bind the Respondent indicated below to the specific terms and conditions imposed in this RFP and offered in this bid proposal, that all of the foregoing answers and all statements contained in any explanation are complete, true and correct, and that by my signature on this document I specifically agree to all of the waivers, restrictions and requirements of this RFP as conditions precedent to submitting this proposal. I further state that in making this bid proposal that the Respondent has not consulted with others for the purpose of restricting competition or violating State or Federal anti-trust laws and has not knowingly made any false statements in this proposal.

Authorized Signature:

Printed Name:

Title:

Telephone:

Fax Number:

E-Mail:

Business Name:

Address:

Federal ID Number:

Signed and sworn to before me, a Notary Public, this _____ day of _____, _____

Notary Public