

Nelson County Outside Plant Construction Request for Proposal # 2011-SC02OSP-C

*Issued:
April 14, 2011*

*PreBid Meeting
April 28, 2011@ 1:00 PM
Nelson County Courthouse 2nd Floor
Boardroom-Non- Mandatory*

*Q&A Deadline
May 4, 2011@ 5:00 PM EDT
Last Q&A Response Distribution
May 6, 2011 @ 5:00 PM EDT*

*Proposal Due
May 13, 2011@ 4:00 PM EDT*





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PUBLIC NOTICE

April 14, 2011

**Request for Proposal #2011-SC02OSP-C
Outside Plant Fiber Construction**

Nelson County, Virginia (The County) is seeking qualified companies to submit proposals to provide outside plant (OSP) construction services for the Nelson County Broadband Network. The Nelson County Broadband Network is a Layer1/Layer 2 Open Access Middle Mile network that will integrate fiber optic and wireless backhaul to provide wholesale high bandwidth connectivity to participating Service Providers' commercial and residential end-users throughout Nelson County. This Request for Proposal (RFP) is for the Outside Plant fiber construction of the Nelson County Broadband Network project. Construction is expected to begin in the Spring/Summer of 2011 and be completed by the end of 2011.

This Request for Proposals (RFP) seeks offerings and information from experienced telecommunications construction firms engaged in the business of building telecommunication fiber networks. The County desires to receive proposals from qualified applicants that understand the goals and objectives of the network construction and can demonstrate the ability and resources to offer said services. The County will give preference to those that (1) have experience in constructing fiber optic infrastructure; (2) have a sufficient, trained workforce available to complete the work in a timely manner; (3) are able to demonstrate financial viability; (4) demonstrate the best practices in citizen interface and land restoration; and (5) offer the best proposal for the benefit of Nelson County.

The applicant must follow the outline and requirements of the RFP. This is an open invitation issued in accordance with the Competitive Negotiation Procedures in Section §2.2-4311 of the Code of Virginia, whereby the County may select, in its sole judgment, the proposal that best serves the interests of the residents of Nelson County. Minority and/or female owned businesses or firms and Local (Section 3) County businesses or firms are encouraged to apply. Nelson County is an Equal Opportunity Employer and does not discriminate against Faith Based Organizations.

The RFP is available on the Nelson County Website www.nelsoncounty.com and The Commonwealth of Virginia's procurement website at <http://www.eva.state.va.us/index.htm>. Any questions and contact information must be directed in writing via email to Nelson@iconengineering.net or via fax to (770)592-7363.

All proposals will be evaluated and the County, in its sole judgment, may select any of the proposals or none of them as a result of the RFP process.

This project is funded by a grant from the Department of Commerce, Broadband Technology Opportunities Program as authorized by the American Recovery and Reinvestment Act of 2009 and with Virginia Community Development Block funds. The purpose of the grant is fund the construction of a middle mile network delivering broadband services to community anchor institutions, and providing access to private providers on an open access basis to enable broadband service delivery to unserved and underserved areas of Nelson County.

By Authority of the Nelson County Board of Supervisors

P.O. Box 336 • Lovington, VA 22949 • 434-263-7000 • Fax 434-263-7004 • www.nelsoncounty.com



REQUEST FOR PROPOSAL (RFP) NUMBER 2011-SC01OSP-C FOR OUTSIDE PLANT (OSP) CONSTRUCTION OF THE NELSON COUNTY BROADBAND NETWORK

INTRODUCTION

Nelson County, Virginia is seeking qualified companies to submit proposals to provide outside plant (OSP) construction of the Nelson County Broadband Network. The purpose of this RFP is to offer prospective construction firms the opportunity to demonstrate their ability to construct, test and turn up the OSP. Nelson County is interested in exploring all reasonable and viable proposals to construct the OSP.

BACKGROUND

Nelson County is located in central Virginia, between Charlottesville and Lynchburg, along the eastern slope of the Blue Ridge Mountains. Nelson County is a rural county with a population of approximately 15,000 residents. There are 6,300 residential dwellings, and 600 commercial premises, according to the latest census information. Nelson County has no incorporated towns or cities, and the seat of its government is the County Courthouse located in the village of Lovingston, VA.

NETWORK OVERVIEW

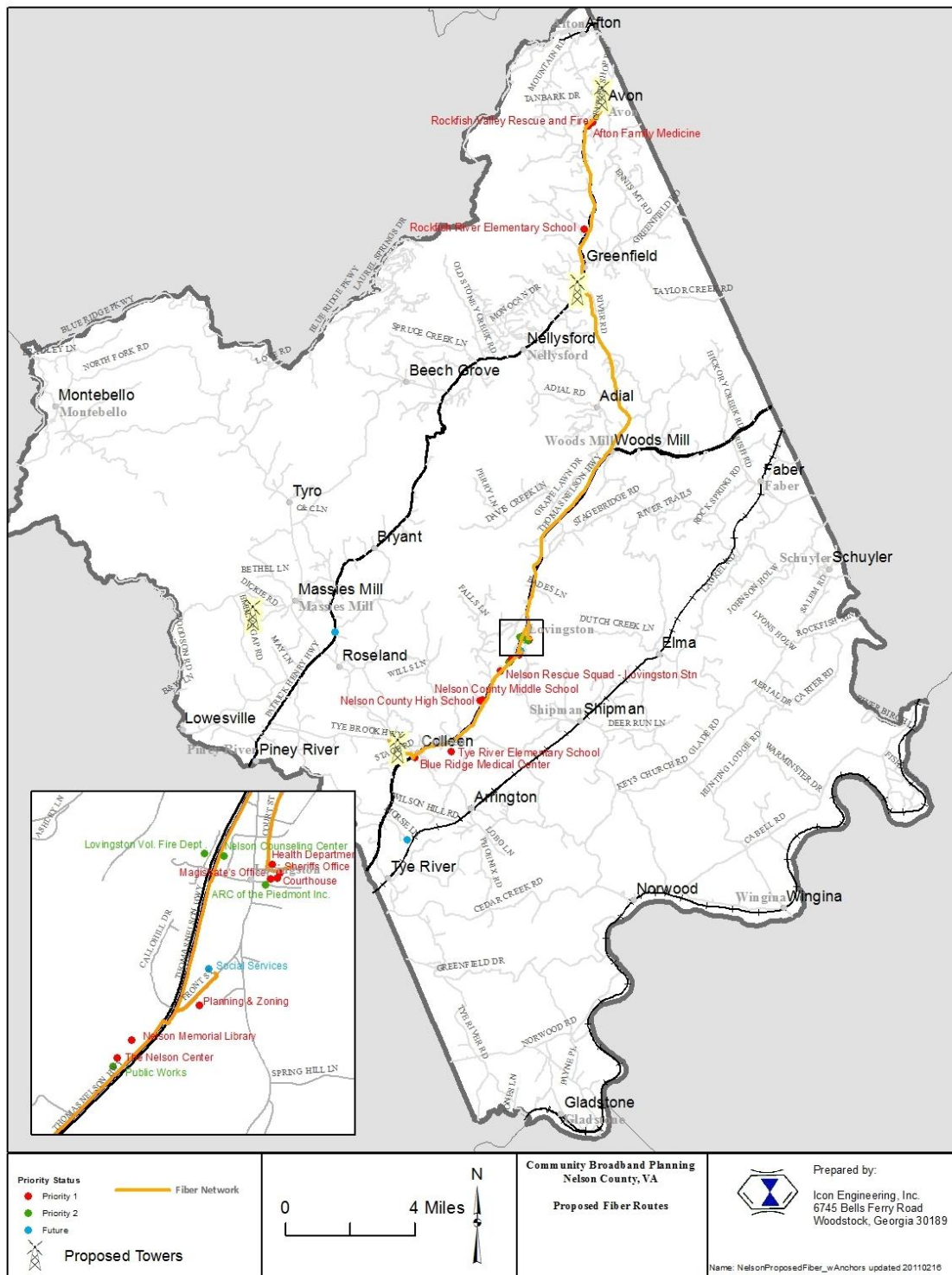
The Nelson County Middle Mile Broadband Project lays out a fiber optic and wireless backbone network that will provide connectivity for high-speed Internet access and other telecommunications services to residents and businesses throughout the County. The network will begin with a secure Point of Presences (POP) facility built adjacent to the Nelson County Courthouse in Lovingston, VA. The POP will house the broadband network access equipment for the County, as well as provide secure space for the Service Providers to co-locate and access their network equipment and where outside carriers can terminate their circuits for Internet access backhaul to the Internet carriers.

From the POP, the Authority will build approximately 29 miles of 144 and 288 count fiber cable that will serve as the backbone for the network. The fiber backbone will be connected to four new communication towers strategically located around the County from which Wireless Internet Service Providers can use them to offer high-speeds services to unserved and under-served residents and businesses. The fiber will provide high bandwidth transport from the tower sites to the NOC where Service Providers will aggregate their wireless traffic for efficient Internet Access backhaul to Internet Carriers.

The proposed network map including strategic facilities follows on the next page.



NETWORK MAP INCLUDING STRATEGIC FACILITIES





The fiber backbone will pass strategic community facilities some of which will be connected to the network with drop fiber and an active or passive Optical Network Terminal (ONT) as part of the grant-funded network build. The OSP Contractor is responsible for the drop, mounting the ONT, and testing the network¹. No inside installation is included. The facilities to be connected to the network by the OSP Contractor are as follows:

<i>Facility Name</i>	<i>Address</i>
Afton Family Medicine (new building)	10921 Rockfish Valley Highway, Afton VA
Blue Ridge Medical Center	4038 Thomas Nelson Highway, Lovingston VA
County Offices/Courthouse/Sheriff's Office/Magistrate's Office/School Board	84 Courthouse Square, Lovingston VA
County Service Authority	Cooperative Way, Colleen VA
Health Department	63 Courthouse Square, Lovingston VA
Nelson County High School/ Nelson County Middle School	6919 Thomas Nelson Highway, Lovingston VA
Nelson Memorial Library/Nelson Tourism and Economic Development	8521 Thomas Nelson Highway, Lovingston VA
Nelson Rescue Squad-Lovingston STN	8047 Thomas Nelson Highway, Lovingston, VA
Planning & Zoning/Building Inspection	80 Front Street, Lovingston VA
Rockfish River Elementary School	200 Chapel Hollow Road, Avon VA
Social Services	203 Front Street, Lovingston, VA
The Nelson Center/Recreation Department/Others	8445 Thomas Nelson Highway, Lovingston VA
Tye River Elementary School	5198 Thomas Nelson Highway, Lovingston VA

NETWORK SERVICES

The network will be designed to provide connectivity options to the Service Providers, including; metro Ethernet, High-Speed transport, Internet backhaul and Dark Fiber. The fiber backbone will have network access points at intermediate locations along its route.

OUTSIDE PLANT CONSTRUCTION PROPOSAL RESPONSE

This Request for Proposals (RFP) seeks qualifications, deployment practices, and pricing from Contractors who are experienced in constructing outside plant fiber optic network. Nelson County is interested in receiving proposals from any prospective organization meeting the qualifications outlined in this document.

¹ Though several of the drop sites show more than one facility there will be only one drop per building. There are 13 total facilities.



The Applicant's RFP response should be prepared simply and economically, providing straightforward and concise descriptions of the Applicant's capabilities and including sufficient information to satisfy the requirements of this RFP.

False or inaccurate information will result in the rejection of the Applicant's response.

DEFINITIONS

<i>Text or Acronym</i>	<i>Description</i>
Applicant	The company or team of companies that submits a proposal
ARRA	American Recovery and Reinvestment Act
Authority	The Nelson County Broadband Authority (NCBA) was established under Virginia Law as an entity authorized to offer telecommunications services and manage the County-owned network assets
CVEC	Central Virginia Electric Cooperative
Contractor	The successful Applicant (the Prime Contractor for the project)
Declaration of Service	A published statement by the service provider that describes the guaranteed level of service to the end user as described in the Network Management Plan
End-User	The customer who receives services of data, voice, video or any or all of those services
Fiber Drop	The physical connection that is made between the outside plant to the ONT on the building
IAP	Internet Access Provider: The entity providing wholesale access to the internet
IRU	Indefeasible Right of Use
ISP	Internet Service Provider
NCBA	Nelson County Broadband Authority
Network	The Nelson County Middle Mile fiber and wireless network
Network Management Plan (NMP)	The document that administers how the network will be governed
Network Management Plan Statements	Excerpts from the NMP that apply to this RFP
NAP	Network Access Point
Nelson County	The Owner of the Network
Network Operator	That entity that will operate the network from the NOC to the ONT and Nelson County direct customers
NID	Network Interface Device: The NID is the end use device on the Authority Network. It is the demarcation point at an end user site where the broadband signal is returned to the control of the provider. The NID is owned, maintained and provisioned under the direction of the Authority. It is also know by other acronyms including ONT (Optical Networking Terminal).
OLT	Optical Line Terminal
ONT	Optical Networking Terminal, interchangeable with NID. <i>Device may</i>



Text or Acronym	Description
	<i>have voice, video and data ports or data ports only. Data ports shall be interpreted to include voice and video ports for purposes of this RFP</i>
OSP	Outside plant: the physical fiber optic plant outside of the NOC
OSS/BSS	Operations support systems and business support systems: Telecom OSS and BSS are software systems that support operational network processes. OSS's track network inventory, assets and provisioning of services, while BSS's deal with customer relationship management (CRM) and processes including taking orders, processing bills and collecting payments
POP	Point of Presence
QoS	Quality of service: A guaranteed acceptable level of service of data flow for assigned services
RFP	Request for Proposal
Service Drop	The connection from the pole or vault to the ONT placed on the house or building
Service Provider	Those entities that will provider end user services of voice, video or data and will service those customers from the ONT to the end user appliances
SLA	Service Level Agreement
Tower(s)	Communication towers that are owned by Nelson County or connected to the network via fiber with backhaul support

RESPONSE TITLE

The RFP title for this project is "OSP Construction RFP # 2011—SC02OSP-C."

EXAMINATION OF DOCUMENTS

Applicant(s) should carefully examine this RFP. It is the Applicant's responsibility to become familiar with Nelson County and other factors that may impact the OSP construction. By responding to the RFP, the Applicant affirms that requisite due diligence necessary to provide a full response has been completed.

Applicant(s) shall address all items as specified in this RFP. Failure to address specified items may disqualify the Applicant from further consideration.

Submission of a proposal shall constitute evidence that the Applicant has made all the above-mentioned examinations and is free of any uncertainty with respect to conditions which would affect the execution and completion of this project.

RFP MODIFICATIONS

Nelson County reserves the right to modify or change any information presented in this RFP as more information becomes available or as architectural/technological details are further defined. Any RFP modifications will be provided to all Applicants who have indicated interest by a written request via regular mail, via fax to (770) 592-7363 or Email to Nelson@iconengineering.net.



RESPONSIBILITY FOR COSTS

The Applicant shall be fully responsible for all costs incurred in the development and submission of the proposal or any other costs incurred by the Applicant prior to issuance of an agreement or contract. Nelson County shall not assume any contractual obligation as a result of the issuance of this proposal request, the preparation or submission of a proposal by an Applicant, the evaluation of proposals or final selection.

RFP INQUIRIES

RFP addenda and question and answer responses will be sent to all applicants that request in writing they be added to the distribution list via regular mail at the Nelson County Courthouse address attention Candy McGarry by fax to (770) 592-7363 or Email to Nelson@iconengineering.net.

Questions regarding the RFP or the Nelson County Broadband Network project should be sent in writing via email to Nelson@iconengineering.net or faxed to (770) 592-7363, by no later than May 4, 2011 @5:00 PM EDT. Questions and or requests for clarification received after this deadline will not be answered. Nelson County will address each question within the week received and all Q&A will be sent electronically to Applicants not later than close of business Friday May 6, 2011.

All potential Applicants who have requested addition to the Distribution list on will receive copies of all questions and answers and any addenda.

PROPOSAL FORMAT

Responses should follow the format and order of the questions and information requested as they are presented in the Nelson County Broadband Network OSP Construction RFP document under the heading OSP Construction RFP Format beginning on page 14. Responses to the proposal document questions and information requests should be complete, concise, and to the point. Superfluous material or information is not welcomed.

GENERAL INSTRUCTIONS FOR RESPONSE SUBMISSION

RETURN PROPOSAL INSTRUCTIONS

The RFP Response should include three (3) printed copies and one (1) electronic copy on CDROM or other storage mechanism of your Proposal in PDF or MS Word format. The original proposal should be signed by the person authorized to obligate the company and should be marked original. The response should be delivered to the following address in a sealed envelope or box labeled **"Nelson County Broadband Project – OSP Construction RFP # 2011-SC02OSP-C"** clearly marked on the outside of the package. Emailed or faxed responses are not allowed. The proposal should be delivered to:

Nelson County
Attention: Nelson County Purchasing Manager
84 Courthouse Square
P. O. Box 336
Lovingston, VA 22949
(434) 263-7000



The deadline for accepting RFP responses is 4:00 p.m. EDT on May 13, 2011 at the above address. Responses received after that time will be returned unopened to the Applicant.

PRE BID MEETING

A non-mandatory pre bid meeting will be held in the Nelson County Courthouse Boardroom, second floor boardroom on April 28, 2011 @ 1:00 PM EDT.

DRAWINGS

A complete set of drawings for the outside plant may be obtained electronically in ESRI (ArcView 10 map package) or PDF format by requesting via fax (770) 592-7363 or Email Nelson@iconengineering.net. There is not charge if delivered electronically. For ESRI format there will be a charge of \$80.00 overnight delivery on either CDROM or DVD paid to Icon Engineering, Inc. 6745 Bells Ferry Road, Woodstock, GA 30189. For printed drawings please submit your check for \$250.00 Icon Engineering, Inc. 6745 Bells Ferry Road, Woodstock, GA 30189

CRITERIA

Nelson County will select, in its sole judgment, the proposal that best serves the interests of Nelson County. Pursuant to Section §2.2-4359 (D) of the Code of Virginia, Nelson County is not required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous. Nelson County reserves the right to reject all proposals if it determines that none are sufficiently responsive to Nelson County's needs.

SOLICITATION DEBRIEFING

The competitive negotiation process requires that the content of all offers made subject to this solicitation be kept confidential until official posting of Nelson County's 'intent to award'. In accordance with the Section § 2.2-4300 et seq. of the Commonwealth of Virginia with the exception of documents claimed as proprietary, such information may be viewed only by a submitting Applicant within a 10 day period after notice of intent to award is given, and by the general public only after the award is made. Nelson County shall not be required to give reasoning for its interview selection or decision to award to the selected Applicant.

ADDITIONAL PROPOSAL MATTERS

Respondents to this RFP should note the following disclaimer:

The intent of this RFP is to provide a general framework to assist Applicants in preparing proposals. This RFP does not provide a complete understanding of the project, nor does it contain all matters upon which an agreement must be reached. Nelson County reserves the right to include additional or modified technical, performance, and financial specifications. The issuance of this RFP and the receipt of Applicant proposals do not bind or otherwise impose legal obligation upon Nelson County.

This RFP does not commit Nelson County or any of its affiliates or subsidiaries, to pay for any costs incurred in the review of this RFP, the preparation or submission of a proposal, or any other costs incurred by a respondent prior to execution of a binding and definitive agreement between a respondent and Nelson County. Further, Nelson County has no obligation to accept any proposal or to proceed with any of the possible activities described herein. No representations or warranties whatsoever are being made as to the accuracy or completeness of the information contained in this RFP.

Nelson County reserves the right to amend this RFP through written or electronic notification.



I) RFP General Requirements

Nelson County requests that each Applicant provide point-by-point response for each section. The Applicant shall provide supporting explanations or additional information as needed. The Applicant must meet the specific requirements listed in this section.

(A) Insurance

The Contractor shall, during the performance of the Agreement, keep in force at least the following minimum limits of insurance: Workers compensation insurance shall comply with the requirements of the laws of the Commonwealth of Virginia.

Class of Insurance	Each Person	Each Occurrence	Aggregate
Worker's Compensation	Statutory	Statutory	Statutory
Commercial General Liability	\$2,000,000	\$2,000,000	\$2,000,000
Automobile Liability, Combined Single Limit	\$1,000,000	\$1,000,000	\$1,000,000
Additional Umbrella Liability required only for aerial construction		\$2,000,000	\$2,000,000

The Contractor shall furnish a Certificate of Insurance, naming, the Nelson County Broadband Authority as an additional insured. The Certificate of Insurance must provide that the Authority shall be given 45 days advance notice of cancellation, non-renewal or material change in coverage.

(B) Surety

Each proposal must be accompanied by a Bid Bond or certified check payable to Nelson County for 5% of the total bid cost. The total bid cost for calculating the 5% bid bond or check shall be the sum of all items listed in the Labor Extended Price section of Exhibit A pages 20 through 22. The Bid Bond or certified check of the successful Contractor will be retained until a surety instrument has been negotiated with the successful Contractor and has been executed and approved.

II) General Provisions

(A) RFP Acceptance and Rejection

Nelson County reserves the right to accept any RFP response; to reject any or all RFP responses; to waive irregularities or informalities in any RFP response; and to make the award in any manner deemed in the best interest of Nelson County.

(B) Presentations and Site Visits

Any or all Contractor's may be invited to make a presentation. If so, Nelson County will notify Contractor of the date and time of its presentation. In addition, certain Contractor's may be asked to participate in one or more site visits with Nelson County's representatives to investigate the Contractor's ability to meet the project requirements. All costs incurred by the Contractor in the presentations or site visits will be the responsibility of the Contractor.

(C) Selection Criteria

Nelson County intends to select and contract with the Applicant that demonstrates, in Nelson County's opinion, the highest degree of technical and professional merit for this installation. The County will give preference to those that (1) have experience in constructing fiber optic infrastructure; (2) have a sufficient, trained workforce available to complete the work in a timely manner; (3) are able to demonstrate financial viability; (4) demonstrate the best practices in citizen interface and land



restoration; and (5) offer the best proposal for the benefit of Nelson County. Evaluations will be structured, systematic and fair. Selection of, and contract negotiations with, including scope of work, deliverables, schedules and fees shall be conducted pursuant to Section §2.2-4300 et seq. of the Code of the Commonwealth of Virginia.

(D) Contract Negotiation(s)

Contract negotiations with a successful Contractor(s) shall be conducted pursuant to Section §2.2-4300 et seq. of the Code of the Commonwealth of Virginia.

(E) Contract Cancellation

If the Applicant's proposal progresses to a contract for services, Nelson County reserves the right to terminate all or any part of the contract at any time upon prior written notice to selected Contractor. Thereafter, Nelson County will pay Contractor's costs properly allocated to work performed prior to the termination.

(F) Contractor Identification

The Contractor is responsible for compliance with Nelson County signage on vehicles and/or equipment and personnel identification. The contractor should prepare magnetic door signs including the Nelson County logo that indicates the contractor is working for Nelson County. Individualized personnel ID are to be worn at all times by all employees and subcontractors when on the work site. It is possible that Nelson County will additionally require the NTIA emblem to be displayed on the magnetic signs on vehicles and equipment that indicates the contractor is working on a project for Nelson County funded by a grant from the ARRA. The exact signage and personnel identifiers will be determined prior to execution of a contract with the successful contractor.

(G) Davis Bacon Wage Requirement

Prevailing Wage Rates and Labor Standards – To the extent applicable, the Contractor shall pay all laborers and mechanics employed by Contractor on the Project not less than the prevailing wage determined under the "Davis-Bacon Act" (USC 276a-a5) for similar work in the civil subdivision for which the laborers and mechanics perform the work. In addition, to the extent applicable, the Contractor shall pay all laborers and mechanics overtime compensation in accordance with the provisions of the "Contract Work Hours and Safety Standards Act" (40 U.S.C. §327-333). (See Exhibit D pages 33, 34, and 35.)

Contracts for amounts over \$100,000 that are covered by the Davis-Bacon Act must include additional standard clauses (also appearing in 29 C.F.R. § 5.5) providing, among other things, that overtime for laborers and mechanics must be paid at a rate 1.5 times the basic rate of pay for time worked in excess of 40 hours per week. In addition, the DOL Davis-Bacon poster (WH-1321) must be prominently posted at the site of the work. Refer to: www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf

(H) Affirmative Action Minority Participation

Compliance with the Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246, as amended). (Applicable to all contracts and subcontracts exceeding \$10,000.) See Exhibit C beginning on page 29.

The Contractor shall comply with all regulations issued pursuant to the above-referenced Acts and with all applicable federal and state laws and regulations.



III) OSP Construction RFP Format

Contractors should provide responses to the information requested in the order in which they are listed below.

IV) Letter of Transmittal

The Applicant must provide a letter of transmittal that includes:

1. The Contractor's company name, address, telephone number, fax number, website address, contact name, contact email and contact phone number
2. Must clearly state who is authorized to negotiate and execute a contract or agreement
3. Must list receipt by addenda number of all RFP addenda and the date issued
4. Attach a copy of the company(s) Certificate of Authority to do business in the Commonwealth of Virginia or if a foreign corporation include a statement of intent to properly register with the Commonwealth and Nelson County upon award and prior to contract execution
5. Include your contractor license NO. (#) and classification(s) including the issuing State(s)/Commonwealth(s) or provide a statement of intent to provide this information as soon as practicable upon award.²
6. Be signed by a company representative authorized to commit the company and include the printed name and title of that individual

V) Executive Summary

Provide a discussion (less than 2 pages) of the differentiating factors of your proposal.

VI) Contractor Information

(A) Company Overview

- Provide an overview including the following information about your Company:
- Company name, date established, number of employees, business address, phone number, fax number, e-mail address;
- Brief statement of the Contractor's background, demonstrating longevity and financial stability;
- Strategic partnerships;
- Lines of business conducted by company;
- Description of any recent mergers or acquisitions;

(B) Legal

Provide information on any active, pending or recent (within 5 years) legal proceedings in which the Contractor or subcontractors have been involved.

(C) Finance

- Explain the financial position of the company. If privately funded, list acquired financing including but not limited to:
 - The number of financing rounds attained to date;
 - Investors of each round and contribution;

² Some States or Commonwealths require testing prior to Contractor licensing depending on the classification of the work. Those tests are given only at certain times. The successful Contractor or team will negotiate these terms with Nelson County should licensing be required for a corporation performing OSP construction.



- Description of any plans to acquire future financing;
- Ability to provide 100% performance and payment bond

(D) Workforce

- Describe the Contractor's organizational structure and breakdown of number of employees by function
 - Provide a Corporate organizational chart
 - Identify the Project Manager and provide a short resume
 - State the percentage (%) of in-house versus subcontractor personnel that will be used on Nelson County project
 - Explain your company ID policies/signage for identifying employees, subcontractors and equipment when on the work site.

(E) Project Experience

Describe all fiber projects your company has been involved with during the past three years. Nelson County may contact other project owners as references. Include the following for past projects:

- Customer name and contact information (phone and e-mail if available);
- Type of customer (Middle Mile, Last Mile, developer, rural telephone, electric utility, MSO, municipality, etc.);
- Contract start and finish dates;
- Size of project (miles of fiber or premises' passed);
- Overall scope of the project;
- Contractor's role in the project;
- Present stage of the project(s);

(F) Project Management

Please provide a brief summation for the following.

- The responding firm should provide an organizational chart specific to the Nelson County project. The chart should include all key personnel and subcontractors with their roles and responsibilities delineated.
- Describe proposed progress and reporting meetings frequency and personnel that will present
- The Contractor should address the amount of time that a project manager will be on-site and describe the plan for receiving, tracking and resolving citizen complaints
- Please describe how your firm will manage materials for this project.
- Describe the quality control measures you utilize to insure quality of work
- Describe the methods and procedures for measuring project progress and reporting that progress

(G) Project Schedule

The Contractor must provide Nelson County a timetable outlining the construction process from beginning to end. Milestones should be established to monitor progress. If work is to be performed concurrent with other tasks or is dependent on other activities the Contractor should clearly identify these activities within the schedule. If any task or milestone is the responsibility of Nelson County, please provide this information in the timetable. Describe how your firm will work with Nelson County to ensure the project will stay on schedule. Nelson County does not intend to limit the number of crews that may be utilized on this project.



(H) Subcontractors

If your firm seeks the help of outside contractor(s) to complete this phase of the project, please provide the following for each subcontractor:

- Provide each subcontractors company information and its qualifications
- List projects that the subcontractor has completed in concert with your firm
- How do you manage your subcontractors
- Contractor has the option of subcontracting parts of the services they propose. The Contractor's proposal must include a description of any anticipated subcontracting arrangements and provide a current insurance document and Workers Compensation OSHA DART rate or incident report for each subcontractor to be used. The successful Contractor shall ensure fulfillment of all contractual provisions by subcontractors. Contractor must submit and Nelson County must provide written approval if the Contractor wishes to include subcontractor(s) not included in their response or after they have been awarded the contract.

(I) Mapping and Design

The outside plant design for Nelson County project was developed by the design firm in ESRI format. The aerial outside plant will consist of 144 and 288 count lashed fiber connected to Central Virginia Electric Cooperative (CVEC) pole line. The underground outside plant will consist of 144 and 288 count fiber within 1.5 and 2.5 inch conduit. The approximate footages and underground to aerial split is detailed on the drawings and in the pricing sheets.

The design firm will provide detailed deployment design drawings to the successful Contractor in large format hardcopy and truck map detail. Following a joint ride-out with the field designer and the construction project manager any design changes will be incorporated and the construction project manager will be issued one set of maps labeled construction drawings. If design changes must be made to accommodate an unexpected change in design due to on the ground changes during construction the field designer will make the appropriate changes, recover and/or destroy all drawings (included any printed truck maps) labeled as construction and reissue a new set of drawings labeled current construction drawing Version 1.X. At no time shall the construction project manager or any field personnel construct from any drawing not labeled the current construction drawing.

The construction project manager will be responsible for providing as-built drawings. From the construction drawings the design firm will provide a set of drawings labeled As-Built drawings. The construction project manager will "red-line" the as built drawings and provide that information to the design firm for incorporation into the final as built maps.

(J) Materials

The Contractor will manage materials purchased by Nelson County:

Once materials are ordered and received by Nelson County they will be handed off to the Contractor and it will become the Contractor's sole responsibility to warehouse (yard and conditioned space where required), acceptance test, deploy, insure until deployed, and provide a precise audit trail. Although this is a relatively small materials inventory because of the Federal and Commonwealth funding mechanism(s) materials management will include a Federal audit at the end of the project.



Truck tools are not included in the materials for this project and any pricing should include fully loaded overheads in the per foot price construction pricing.

The Contractor's project manager will provide all materials management. Please provide an explanation of the following:

- The Contractor will provide a secure staging area for all materials. Once the materials have been ordered by Nelson County, and delivered to the proper staging area, the construction project manager will assume responsibility for all materials.
- What system(s) or software is used by the firm for materials management?
 - What is the procedure for receiving and distributing materials to crew level?
 - What is the procedure for reporting to Nelson County the materials usage?
 - What are the procedures for testing and accepting or rejecting materials?
 - What are the procedures for materials failures?

VII) Outside Plant Construction

The project manager and construction team are responsible for all outside plant and field activities during this project. The citizens of Nelson County have reported poor restoration of ground disturbance by previous construction contractors. A good description of citizen complaint resolution, restoration techniques and execution methodology are very important. The construction will conform to National Electric Safety Code, OSHA and all manufacturers' standards.

- The construction team will manage all customer care and any pre-construction notifications during the construction phase. Describe how this will be done.
- The construction team will be responsible for receiving initial citizen complaints regarding any construction activity. Describe the process that will be followed to resolve those complaints and notify the County personnel.
- The construction team will be responsible for all aerial and underground construction of the outside plant. Please describe your methods for:
 - Aerial Construction. Please include an expected equipment list
 - a. Please describe the aerial construction techniques that your firm will employ for this construction.
 - b. Please describe right of way (ROW) and private property restoration for truck ruts, gravel, and all other land disturbances (be very specific)
 - Underground Construction. Please include an expected equipment list
 - a. Describe all underground construction techniques used by your firm. Please describe your ROW and private property restoration and environmental run off techniques for each underground method, e.g. trench, directional bore, missile bore, etc. (be very specific).
 - b. Do you routinely photograph or video before and after underground construction?
 - c. Do you use missile bore techniques and if so what methods do you use to restore the ground disturbance?
 - d. Please describe how you will locate underground utilities and structures including any specific equipment? When would you typically pot hole? Provide a description of your incident strike reporting?



- e. Vaults—please describe your procedure for placing vaults/handholds? How do you dig the pit, what method do you use for vault underlayments and overlayments; conduit placement and landscape leveling?
- Service Drops.
 - a. Service Drops will include aerial or underground drop to building and mounting the ONT only. No inside work will be required under this RFP pricing.

(A) Splicing and Testing

The selected Contractor will be required to conform to specification standards while splicing and testing the fiber optic cable. Your firm should provide the following information:

- Please describe your Splicing techniques including cold weather methods. Include a complete equipment list.
- Provide an equipment list for testing equipment
- Optical Time Domain Reflectometer (OTDR) traces revealing a splice loss of greater than 0.2 db shall be rejected and have to be repaired (ODTRs bidirectional at two frequencies 1310 and 1550 nm or at other agreed to frequencies).
- Verification of Link Integrity. Additionally ODTRs shall be used as a basis to reject microbends or other discontinuities in excess of that allowable by the manufacturer's specification for the selected cable.

(B) Safety

The selected Contractor will be required to conform to all OSHA, National Electric Safety Code, the Commonwealth of Virginia, and Nelson County safety and training protocols. Please provide the following information:

- Please describe your traffic control procedures including flagging certifications
- Please state the date of last flagging training session held
- Please describe your safety training including any planned tailgate sessions during the project
- What is your current OSHA incident rate and DART? Please provide the same information for any named subcontractors.

(C) Change Orders

Change orders are not desired. Please describe under what circumstances you would request a change order and what procedure would be followed.

VIII) Pricing

Your firm should complete the pricing sheets in Exhibit A pages 20 through 22. The pricing structure should be fully loaded including all overheads. The successful Contractor shall be required to:

- Furnish all supplies, truck tools, supervision, management, transportation and other accessories, services and facilities
- Provide and perform all necessary labor
- Execute and complete all specified work to the satisfaction of Nelson County in accordance with good technical practices, with due diligence and in accordance with the requirements, stipulations, provisions and conditions of this RFP and the resulting contract
- Provide project management throughout the implementation, testing and acceptance
- Provide all test results, in paper and electronic format
- Provide marked up as-built drawings



IX) Additional Information if Desired

- Applicable company brochures;
- Construction specification sheets;
- Information with regard to Contractor's resources that are deemed advantageous to the success of the project. This might include other management capabilities and experience, general equipment list, technical resources, and/or operational resources not directly assigned to this project, but available if needed;
- General comments;
- Solution sketches as appropriate;
- Other information Contractor may deem relevant and useful to Nelson County in the evaluation of the RFP response.



EXHIBIT A PRICING SHEET(S)

Pricing sheets are provided in Excel Spreadsheet format as a separate document, Please complete the pricing sheets on the Excel Spreadsheet.

Assumptions

29 miles total fiber
22.5 miles aerial construction double lashed
communications zone on 327 poles
6.5 miles underground construction in conduit
1.0 mile service drops construction
13 anchor customers with drop(s)
16% storage
All numbers approximate

Item #	Estimated Quantity	Description	Unit of Measure	Unit Price	Labor Extended Price	Comment
Aerial Construction						
100	106,807	Aerial Placement of Strand - Communication Zone	per foot			\$0 Strand may vary from one-quarter to three-eighths inch in diameter. Sag shall correspond approximately to neutral or lowest power conductor after placement of cable. All strand to be placed in Communications Zone (Generally 40 inches below neutral) Unit of measure includes all required hardware except guys
102	120,295	Aerial Placement of Fiber - Communication Zone	per foot			\$0 All fiber to be double lashed, storage loops accounted for separately (Item 200)
103	1	Aerial Placement of Fiber - Overlash	per foot			\$0
104	1	Attach Pole Hardware	per connection			\$0 All Poles are wood, All poles to be drilled
105	1	Lash Fiber to Strand	per foot of strand			\$0 All fiber to be double lashed
110	1	Install Self-Support (Figure Eight) Fiber	per foot			\$0
115	72	Install Slack Shoes	pair			\$0
120		Install Extension Arm	each			\$0
125	96	Install Down Guy and Guy Guard	each			\$0 Down guys shall be bonded to ground wires of the Utility poles
130	96	Install Screw Anchor	each			\$0 Guys may not be attached to existing utility anchors
135	1	Install Building Attachment	each			\$0
136	1	Install Overhead Guy	per guy			\$0 Includes Guy and hardware at poles on each end
145	2	Install Pole (40'-45' all classes)	each			\$0
150	2	Install Vertical Ground & Rod	each			\$0
170		Remove Pole	each			\$0
175	1	Bond Strand to Neutral/Pole Ground	each			\$0 Strand to be bonded to Utility's pole ground wire at each Pole that has a ground wire
195	1	Run Fiber/Drop Cable	per foot			\$0 Fiber may be attached on j-hooks between poles
200	7200	Install Slack/Storage Loops	per foot			\$0
201		Figure 8 Fiber	per foot			\$0
205	1	Tree Trimming	per hour			\$0 Please specify equipment/manpower included in unit price
215	10	Install Riser with Guard	per guard			\$0 Risers to be placed on the quarter faces of Pole, installed in non-metallic conduit with stand-off brackets



Item #	Estimated Quantity	Description	Unit of Measure	Unit Price	Labor Extended Price	Comment
Underground Construction						
220	1	Direct Bury/Plow One Fiber Cable	per foot		\$0	Cable to be buried at a depth of 36 inches
225	24,615	Direct Bury/Plow One (1) 1.25" HDPE Duct	per foot		\$0	All conduit 13.5 SDR and may contain pull tape and tracer wire
230	1	Direct Bury/Plow Two (2) 1.25" HDPE Ducts	per foot		\$0	All conduit 13.5 SDR and may contain pull tape and tracer wire
235	2680	Direct Bury/Plow One 2" HDPE Duct	per foot		\$0	All conduit 13.5 SDR and may contain pull tape and tracer wire
240	3909	Directional Bore One (1) 1.25" HDPE Duct	per foot		\$0	All conduit 13.5 SDR and may contain pull tape and tracer wire
246	1	Directional Bore Two (2) 1.25" HDPE Ducts	per foot		\$0	All conduit 13.5 SDR and may contain pull tape and tracer wire
250	773	Directional Bore One 2-1/2" HDPE Duct	per foot		\$0	All conduit 13.5 SDR and may contain pull tape and tracer wire
255	1	Directional Bore One (1) 4" HDPE Duct	per foot		\$0	All conduit 13.5 SDR and may contain pull tape and tracer wire
260	1	Trench Fiber - Conduit	per foot		\$0	
261	1	Trench Fiber - Direct Buried - 1st Fiber	per foot		\$0	
265	1	Install Fiber in Duct	per foot		\$0	May or may not be in Max-Cell
270	1	Install Fiber in Duct, Second Fiber	per foot		\$0	Second fiber if installed will be in Max-Cell
275	3453	Install Max-Cell in Duct	per foot		\$0	2 or 3 cell may be used
280	22	Install One (1) 13"x24"x18" Small Vault	each vault		\$0	Vault to be installed in accordance with manufacturer's instructions. If none specified, hole for vault should be excavated a minimum of six inches deeper than the depth of the enclosure and filled with gravel to the enclosure base. Gravel shall extend horizontally several inches beyond the sidewalls of the enclosure. Please see underground typical in the specifications Exhibit
285	28	Install One (1) 30"x48"x24" Large Vault	each vault		\$0	Vault to be installed in accordance with manufacturer's instructions. If none specified, hole for vault should be excavated a minimum of six inches deeper than the depth of the enclosure and filled with gravel to the enclosure base. Gravel shall extend horizontally several inches beyond the sidewalls of the enclosure.
288	2800	Install Fiber Storage	per foot		\$0	Storage in each large vault at 100ft
293	31,977	Install Metallic Trace Wire	per foot		\$0	
295	31,977	Proof duct after installation	per foot		\$0	
300	1	Install UG Marker post	each		\$0	
310	1	Directional Bore - with 2-1/2" Duct	per foot		\$0	
320	1	Pneumatic Missile bore 2-1/2" duct	per foot		\$0	
325	1	Install Tracer Tape	per foot		\$0	
330	1	Install Fiber and New Conduit UG using Hydraulic Missile	per foot		\$0	
335	1	Hand-Dig Conduit and Pull Fiber	per foot		\$0	
340	200	Install Conduit on Bridge	per foot		\$0	See details of installation with construction drawings
345	1	"HydroVac Truck" UG support	contractor define		\$0	If proposed by contractor, define usage and rate
350	1	Rock Adder Removal, Disposal and Restore	cu foot		\$0	Applicant to define what conditions require rock adder. What method is to be used to quantitate volume for the rock adder unit



Item #	Estimated Quantity	Description	Unit of Measure	Unit Price	Labor Extended Price	Comment
Splicing, Testing and Turn Up						
400	1	Fusion Splice 1-24 Fibers	each fiber		\$0	
405	1	Fusion Splice 25-95 Fibers	each fiber		\$0	
410	2736	Fusion Splice ≥ 96 Fibers	each fiber		\$0	
415	1	Pre-test Fiber on Reel	each fiber		\$0	
420	2736	Bi-Directional OTDR Test @ 1310nm & 1550nm	each fiber		\$0	
425	1	Ring Cut Preparation Charge	each		\$0	
430	19	Splice Closure Prep - Trunk Fiber	each		\$0	
435	1	Splice Closure Prep - Drop Fiber	each		\$0	
Premise Installation						
500	1	Install Fiber Drop - Business	each		\$0	Install fiber up to 300 feet, splice at both ends
505	1	Install Fiber Drop - Business - Underground	each		\$0	Install fiber up to 300 feet, splice at both ends
520	1	Business ONT Activation and Testing	each		\$0	
525	1	Mount, Activate, and Test ONT or NID	each		\$0	
Miscellaneous						
600	1	Cut and Restore concrete , up to 4 inch deep	sq ft		\$0	
605	1	Cut and Restore concrete , per inch thick over 4 inches deep	sq ft		\$0	
610	1	Cut and Restore asphalt	sq ft		\$0	
Additional Items From Applicant						
					\$0	Any units required but not listed
					\$0	
					\$0	
					\$0	
					\$0	
					\$0	
					\$0	
					\$0	
					\$0	
Total					\$0	

Applicant Descriptions

Item 205 Please specify equipment/manpower included in unit price :

Item 350 Applicant to define what conditions require rock adder. What method is to be used to quantitate volume for the rock adder unit :



EXHIBIT B

CONSTRUCTION SPECIFICATIONS

GENERAL:

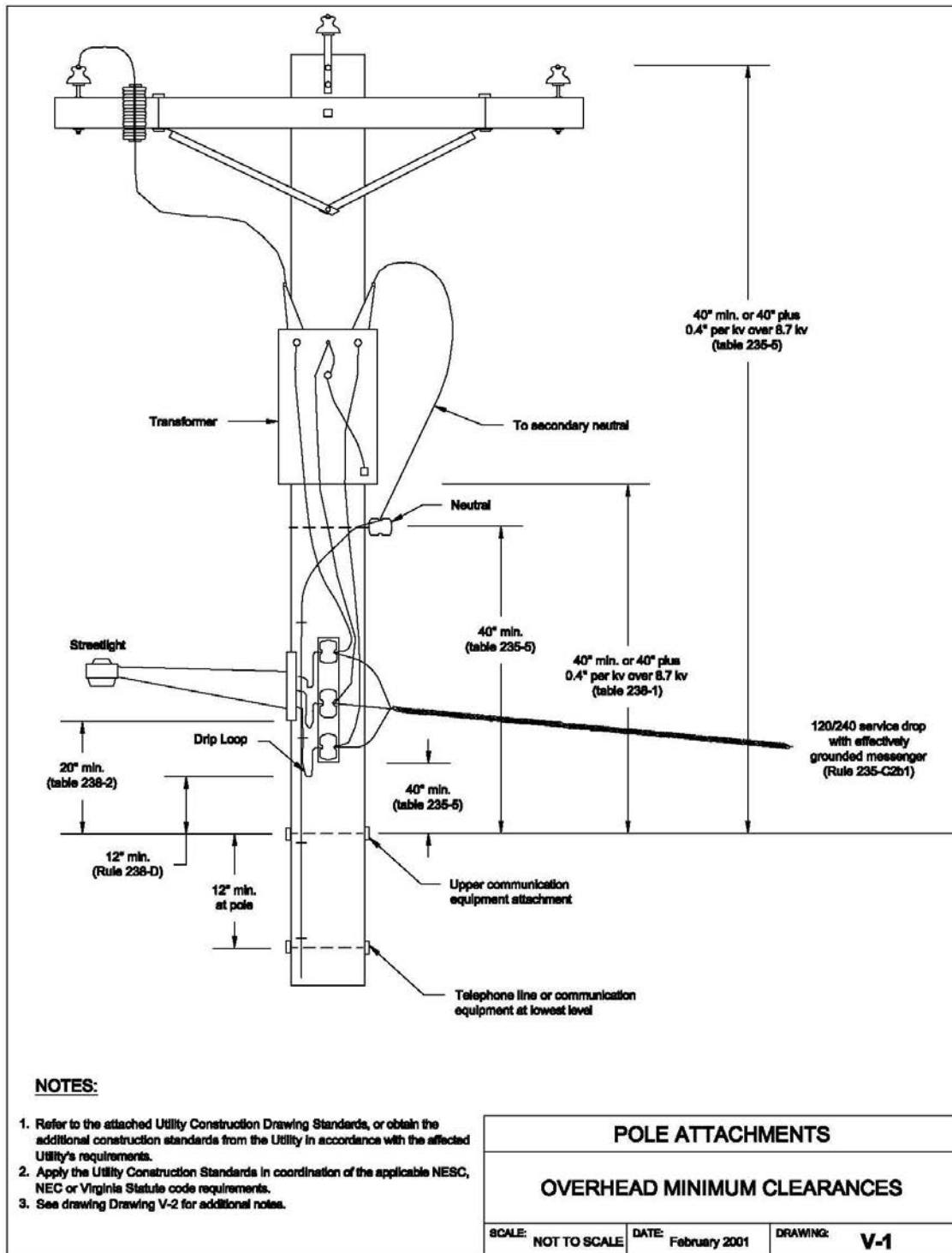
1. 29 miles of plant
2. Nelson County Anchor Customers 13
3. Labels for markers and vault covers
4. Maximum reel size 12,500 feet, Maximum Reel diameter 72 inches
5. Tower Site maintenance includes weed control and maintaining clear access
6. Work shall comply with the latest version of National Electric Safety Code (NESC), Occupational Health And Safety Administration (OSHA), and Central Virginia Electric Cooperative (CVEC) requirements for aerial plant.
7. Temporary Traffic Control during construction shall comply with the requirements of the Virginia Work Area Protection Manual (www.VirginiaDOT.org)

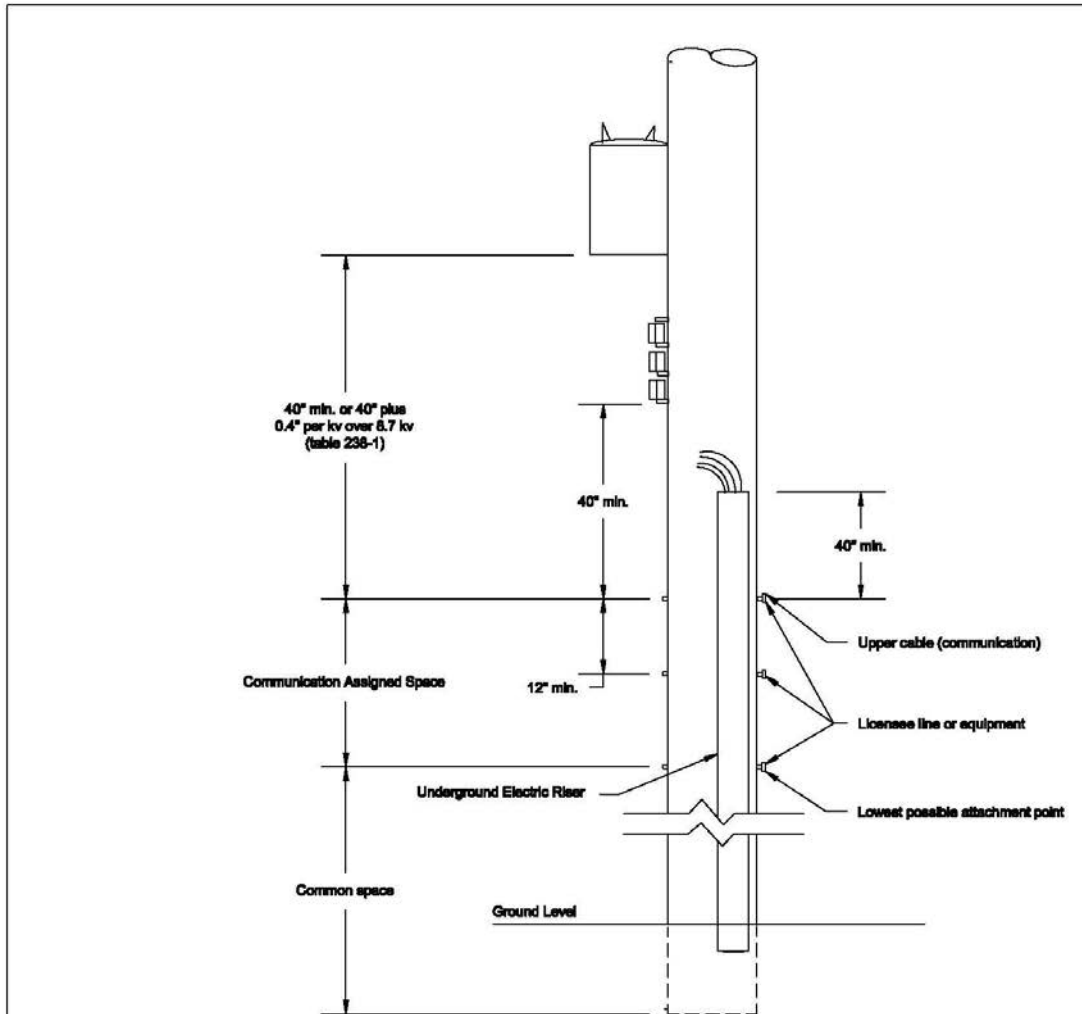
AERIAL CONSTRUCTION:

1. 23.7 miles of aerial construction including approximately 16% in storage loops
2. Fiber to be double lashed
3. Strand shall be tensioned at approximately 1% maintaining height requirements specific to terrain and maintaining separation to other utilities; contractor shall use break-away swivel or other agreed upon method to avoid overstressing strand
4. Poles—327 wooden poles
 - a. All wooden poles are to be drilled. No gas filled, concrete or steel poles are included in the project.
 - b. Risers shall be placed on stand off brackets
 - c. Anchors
 - d. Installing Guys—anchor cranker unless rock or bust anchors required then drill or dig. **Guys must be completed prior to any attachments being added.**
5. Splice Closures—attached to strand relatively close to the pole
6. In addition to NESC requirements, aerial construction shall conform to Central Virginia Electric Coop requirements, more stringent in some cases than NESC. See general schematics attached.

CVEC AERIAL TYPICAL EXAMPLES

Follow on the next three pages, the remainder of this page left blank intentionally





NOTES:

1. Separation between riser and any metal parts or through bolts of power or communication equipment shall be at least 2" in any direction. Bolts shall have less than 2" exposed thread.
2. No communication cable power supply shall be mounted on this pole except by permission of the Utility.
3. The above clearances may have to be increased to allow for code clearance requirement in mid span.
4. Licensee's Attachments on Utility Poles, including metal attachment clamps and bolts' metal cross arm supports, bolts and other equipment, must be attached so as to maintain the minimum separations specified in the National Electrical Safety Code (NESC) and in drawings and specifications.

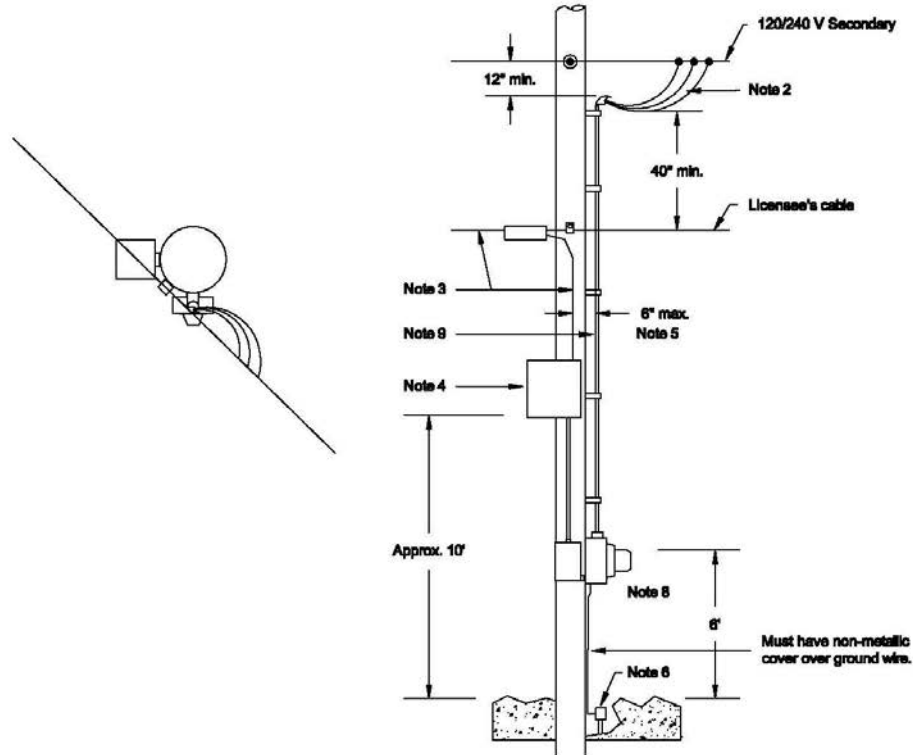
POLE ATTACHMENTS

OVERHEAD MINIMUM CLEARANCES

SCALE: NOT TO SCALE

DATE: February 2001

DRAWING: V-2



Notes:

1. This installation shall comply with all applicable electrical code and state, city, town, and Utility requirements.
2. Service entrance conductors shall extend 30" beyond weatherhead and have 600 volt rated insulation.
3. Communication cable.
4. Communication power supply and/or enclosure.
5. 6" maximum between service entrance conduit and communications cable, if possible.
6. Grounding shall be in accordance with National Electric Code article 250.
7. Location of all licensee equipment is to be approved by the utility company.
8. Proof of compliance shall be certified by the appropriate electrical inspector.
9. All risers on poles, including those for power feed for licensee's equipment enclosure, will be placed in non-metallic conduit on the quarter faces of the pole.
10. This service detail applies to all commercial users requiring power for pole mounted devices.

POLE ATTACHMENTS

POWER SERVICE

SCALE: NOT TO SCALE

DATE: February 2001

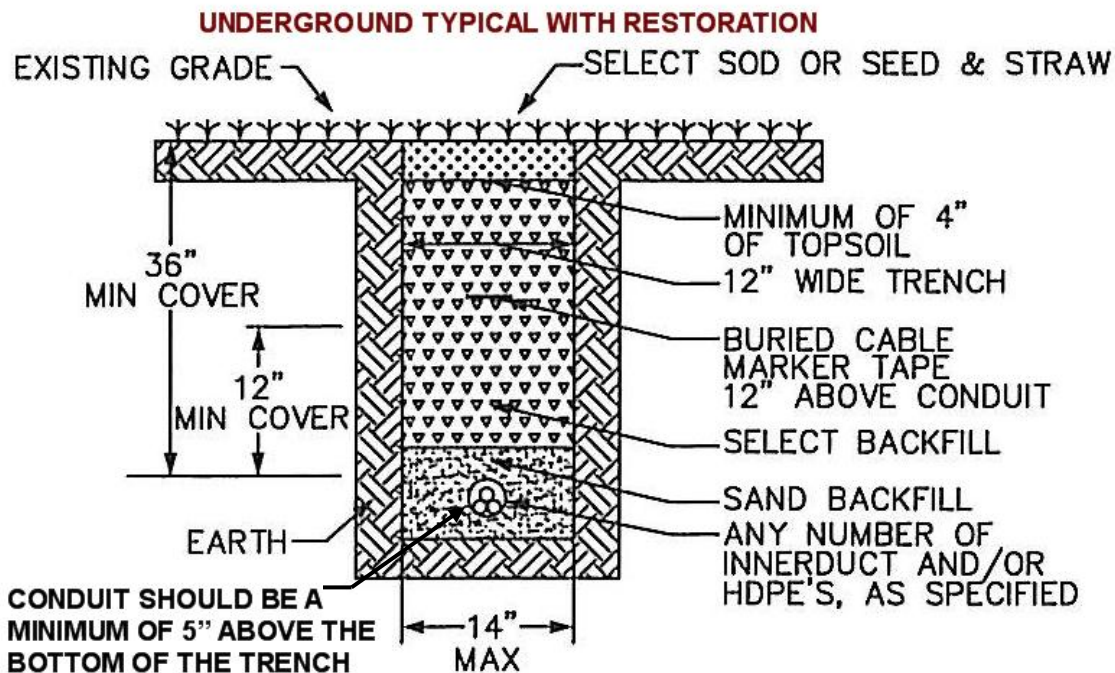
DRAWING: **V-3**



UNDERGROUND CONSTRUCTION:

1. 6.5 miles of underground construction including approximately 16% in storage loops
2. Depth will be 36" in all VDOT right of way, underground drop fiber 12" to 18" in depth.
3. Vaults—
 - a. 12"X24"X18" hand hold small vault—traffic and truck rated
 - b. 30"X48"X24" large vault for loops and splice enclosures—traffic and truck rated
 - c. Marker post at every vault
 - i. Locate to rear of right of way (ROW) behind vault located approximately 3 to 5 feet off Edge of Pavement (EOP)
4. Conduit
 - a. 1 1/2" roll conduit with tracer build in the wall.
 - b. or 2-1/2" roll conduit (Lovingston) with an external tracer wire
5. Innerduct: In some locations a 3 cell fabric innerduct material will be used in conduit
6. Locate existing underground utilities in accordance with "Miss Utility of Virginia" requirements. Underground utilities to be further located using "Pot holeing" techniques unless otherwise agreed to with successful responder.

UNDERGROUND TYPICAL EXAMPLE



SPLICING AND TESTING

1. An OTDR will be used to test splice loss and to conduct span analysis. OTDR's must be capable of saving traces in a format approved by NCBA for final sign-off. NCBA requires



all OTDR tests to be saved and submitted for sign-off (all traces will be bidirectional testing). All traces will include the use of a 200' minimal launch reel.

2. An Optical Power meter will be used to measure dB level on each completed Service and verify continuity between fibers (no transposed or "frogged" fibers).
3. Optical Time Domain Reflectometer (OTDR) traces revealing a splice loss of greater than 0.2 db shall be rejected and have to be repaired (ODTRs bidirectional at two frequencies (1310 and 1550 nm or at other agreed to frequencies).
4. Verification of Link Integrity. Additionally ODTRs shall be used as a basis to reject microbends or other discontinuities in excess of that allowable by the manufacturer's specification for the selected cable.

SERVICE DROPS

1. Service Drops will include aerial or underground drop to building and mounting the ONT only. No inside work will be required under this RFP pricing.
 - a. Total of approximately 1.0 mile of service drops
 - b. 13 customers



EXHIBIT C

FEDERAL REQUIREMENTS

The following referenced Federal Laws shall apply in the construction and enforcement of this Agreement, as applicable, with the same force and effect as if they were given in full text. Additional applicable Federal Laws may be contained in the following documents and are incorporated herein by reference: U.S. Department of Commerce Financial Assistance Standard Terms and Conditions, 15 CFR Part 14, Uniform Administrative Requirements for Grants and Agreements to States and Local Governments, OMB Circular A087, Cost Principles for State, Local, and Indian Tribal Governments, OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, 74 FR 33104 July 9, 2009, 74 FR 41676 August 18, 2009, 74 FR 42644 August 24, 2009. American Recovery and Reinvestment Act of 2009-DOC Standard Terms and Conditions.

1. Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)
2. Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). (All contracts and subgrants for construction or repair)
3. Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5).

Pursuant to Section 1606 of the Recovery Act, any project using Recovery Act funds requires the payment of not less than the prevailing wages "at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor," in accordance with 40 U.S.C. 3142(b), for "all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government." With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and Section 3145 of Title 40, United States Code.

4. Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)
5. Compliance with Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246, as amended). (Applicable to all contracts and subcontracts exceeding \$10,000.)
 - a. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.



- b. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Timetables	Goals for minority participation in each trade	Goals for female participation in each trade
<i>Nelson Construction Project (Less than one year)</i>	12%	06.9%

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and nonfederally involved construction.

The Contractor's compliance with the Executive Order 11246, as amended, and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

6. Compliance with U.S. Department of Commerce, National Telecommunications and Information Administration (NTIA) requirements and regulations pertaining to reporting.

Recovery Act sec. 1512(c), 123 Stat. at 287; 2 CFR part 176; OMB, Interim Final Guidance for Federal Financial Assistance, 74 FR 18449 (Apr. 23, 2009); Implementing Guidance for Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009 (OMB M-09-21 June 22, 2009), available at http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf.

7. Compliance with U.S. Department of Commerce, National Telecommunications and Information Administration (NTIA) requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.



The specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are described in more detail in 37 CFR Part 401 and in particular, in the standard patent rights clause in 37 CFR § 401.14, which is hereby incorporated by reference.

8. Compliance with U.S. Department of Commerce, National Telecommunications and Information Administration (NTIA) requirements and regulations pertaining to copyrights and rights in data.
 - a. Data, Databases, and Software.

The rights to any work produced or purchased under a DOC Federal financial assistance award are determined by 15 CFR § 24.34 and 15 CFR § 14.36. Such works may include data, databases or software. The recipient owns any work produced or purchased under a DOC Federal financial assistance award subject to DOC's right to obtain, reproduce, publish or otherwise use the work or authorize others to receive, reproduce, publish or otherwise use the data for Government purposes.
 - b. Copyright.

The recipient may copyright any work produced under a DOC Federal financial assistance award subject to DOC's royalty-free nonexclusive and irrevocable right to reproduce, publish or otherwise use the work or authorize others to do so for Government purposes. Works jointly authored by DOC and recipient employees may be copyrighted but only the part authored by the recipient is protected because, under 17 U.S.C. § 105, works produced by Government employees are not copyrightable in the United States. On occasion, DOC may ask the recipient to transfer to DOC its copyright in a particular work when DOC is undertaking the primary dissemination of the work. Ownership of copyright by the Government through assignment is permitted by 17 U.S.C. § 105.
9. Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
10. Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.
11. Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000).
12. Compliance with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871). [53 FR 8048, 8087, Mar. 11, 1988, as amended at 60 FR 19639, 19642, Apr. 19, 1995]



13. Compliance with the Whistleblower Protection requirements of the American Recovery and Reinvestment Act (Recovery Act), Section 553 of Division A, Title XV, Public Law 111-5.



EXHIBIT D

This project is being performed under the American Recovery and Reinvestment Act of 2009 (ARRA) and the following federal requirements must be included in the RFP and contract.

DAVIS BACON ACT

Federally funded projects are required to comply with the Davis-Bacon Act ("DBA"). The requirements of the DBA and related labor acts can be reviewed at <http://www.dol.gov/whd/contracts/dbra.htm>.

This attachment is intended to assist in the Respondent's investigation of their wage responsibilities, but shall not be construed as full and complete information or as advice, business, legal or otherwise. It is the Contractor's responsibility to be in full compliance with the DBA and must submit a proposal accordingly. Nelson County will be required to verify that the Contractor is in compliance with DBA.

The DBA requires Contractors and Subcontractors to submit certified weekly payrolls for contracts subject to the DBA. Employees must be paid on a weekly basis. The Wage and Hour Division of the Department of Labor ("DOL") has made available a form that contractors may use to submit their certified weekly payrolls. While it is not required that this form be used, this form has already been verified as meeting the required needs of DBA compliance and is recommended by the DOL and is the method preferred by Nelson County. The form and its instructions can be found at <http://www.dol.gov/whd/programs/dbra/wh347.htm>

The construction type for this Work is "Heavy Construction." The wage determinations on this schedule will indicate the minimum rates that can be paid for work performed on this project. For labor classifications not listed, it is the Contractor's responsibility to anticipate the minimum rate that will subsequently be established based on the rate information provided and submit a proposal accordingly.

The Heavy Construction wage determination for Nelson County can be reviewed at <http://www.wdol.gov/wdol/scafiles/davisbacon/VA148.dvb> and it is the responsibility of the Contractor to ensure the most recent wage determinations are utilized in developing their response. At the time of this document's release the following wage determination was applicable to this project (displayed verbatim):

General Decision Number: VA100148 09/24/2010 VA148

State: Virginia

Construction Types: Heavy (Heavy and Sewer and Water Line)

Counties: Fluvanna, Greene and Nelson Counties in Virginia.

HEAVY CONSTRUCTION PROJECTS (Including Sewer and Water Lines)

Modification Number	Publication Date
0	09/24/2010

SUVA2010-046 09/02/2010



	Rates	Fringes
CARPENTER, Includes Form Work....	\$ 12.31	0.41
CEMENT MASON/CONCRETE FINISHER...	\$ 19.00	3.83
ELECTRICIAN.....	\$ 22.08	6.30
IRONWORKER, REINFORCING.....	\$ 22.45	11.85
IRONWORKER, STRUCTURAL.....	\$ 20.55	8.25
LABORERS		
Common or General.....	\$ 9.22	0.48
Flagger.....	\$ 7.39	0.20
Landscape.....	\$ 10.00	
Pipelayer.....	\$ 12.93	2.84
POWER EQUIPMENT OPERATOR:		
Backhoe.....	\$ 15.43	1.18
Bobcat/Skid Loader.....	\$ 11.40	
Bulldozer.....	\$ 20.63	7.28
Crane, All Types.....	\$ 15.85	1.46
Excavator.....	\$ 12.50	0.54
Loader.....	\$ 11.71	2.11
Mechanic.....	\$ 26.78	6.32
Trackhoe.....	\$ 12.75	1.24
Tugboat.....	\$ 19.00	
TRUCK DRIVER: All Dump Trucks....	\$ 9.96	0.97

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

In the listing above, the "SU" designation means that rates listed under the identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling



On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7).

Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

END OF GENERAL DECISION