



COMPOSITION OF FACILITIES CONTRACT DECISIONS

ISSUED 22 Jan 2003

Rev 2

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A. Electrical Issues:

1. POWER FOR INDIVIDUAL DISTRIBUTION FRAMES (IDF), MEDIUM DISTRIBUTION FRAMES (MDF), (AKA INTERMEDIATE CROSS-CONNECTS (IC) & MAIN CROSS-CONNECTS (MC), RESPECTIVELY), AND POINTS OF PRESENCE (POP):

Issue: Determine the responsibility to upgrade the power if it insufficient

Discussion: The Contractor will be installing equipment in almost all the affected buildings serviced by NMCI. This equipment will generally draw about 5 to 100 amps for each installation of equipment.

Decision: The Government is responsible to provide electric power to the buildings containing IDFs, MDFs and POPs in the quantity determined to be required and appropriate for the use intended. The Government must supply the power to the main power panel in the building. The Contractor must run any electrical cable from the building main electrical panel to their facilities such as communication closets (including IDFs and MDFs), POPs and related server equipment being installed by the Contractor. Any electrical panels or other equipment required at the communication closet or for other NMCI equipment is the responsibility of the Contractor. (Contracting Officer's position 20 Dec 01.)

2. LIGHTNING PROTECTION:

Issue: Determine responsibility for installing lightning protection on server farm buildings

Discussion: A number of Government-provided facilities in lightning prone areas do not have lightning protection. On at least one Base, the Government is coincidentally in the process of adding lightning protection to the building, which will be installed prior to the NMCI fit-up completion. The Contractor has requested on a number of occasions that the Government provide for the lightning protection in lightning prone areas. However, at the New Orleans server farm site, the Contractor has added the lightning protection to the building to protect the NMCI assets as part of the build-out costs.

Decision: The Government is not responsible for providing lightning protection for server farms and NOCs as part of the GFF requirements. The Government uses a risk-based analysis to determine whether to add lightning protection to buildings and facilities where there is a high risk of lightning strikes. If the Contractor adds the NMCI build-out to a building, to the point where it would be recommended to add lightning protection, then this is considered a part of the NMCI build-out and is the Contractor's responsibility. (Contracting Officer's position 20 Dec 01.)

3. ELECTRICAL TRANSFORMERS FOR REDUNDANT POWER:

Issue: Determine responsibility to provide transformers for redundant power

Discussion: There was a series of E-mails, concerning several electrical power issues at a facility.

A. The first issue involved a Contractor request for a second source of power; additional to the primary power needed to run the NOC. The Government informed the Contractor that it would not supply a second (redundant) source of power, because the Contractor's UPS and emergency backup generators, installed as part of the build-out, provides secondary power in the event that the first source failed.

B. The Contractor determined that it needed an additional 2500 amps of power, over the 2500 amps that were serving the partially built-out NOC, server farm, and help desk. In this case, since new switchgear and a new transformer are required to provide the extra 2500 amps, the question arose as to whether the Government or Contractor had the responsibility to provide this new equipment.

Decision:

A. In accordance with paragraph 5.6.1 of the NMCI contract, the Government is not responsible for providing a redundant primary power feed into the facility. The Government is only responsible for providing primary power to the building. (Contracting Officer's position 20 Dec 01)

B. Power provided by the Government under NMCI must be suitable for its intended use. Accordingly, the Government will provide and install transformers that are required to provide suitable power to the buildings that the Contractor is building out for server farms and NOCs. The point of connection for the Contractor is either the transformer with appropriate tie-in or switchgear, and the point of connection must be no more than 10 feet from the building being built-out. Additionally, the transformer must have a cutoff switch on the 208 or 480V secondary side of the transformer. All equipment between the transformer and the building is the responsibility of Contractor.

The exception to this is if the Government intends to have the transformer serve other users. In this situation the Government must provide the switchgear to allow the Contractor to tie in at one point and other users to tie in at another. (Contracting Officer's position 20 Dec 01.)

4. TEMPORARY POWER FOR NMCI FACILITIES:

Issue: Determine whether a temporary transformer is an appropriate source of power for the Contractor (especially during commissioning and testing) while the Government's permanent transformer is on order

Discussion: The Navy Region in Pearl Harbor could not provide a permanent electrical transformer timely for the build-out of the phased NOC in Hawaii. It proposed the use of a Mobile Utility Support Equipment (MUSE) transformer to provide power to the facility during build-out,

commissioning and testing. The permanent transformer would be installed, and transformer cutover would occur in one day, after NOC completion.

Although the Contractor has stated that the plan was not satisfactory because part of the commissioning and testing would need to be done later or done over, the Government did not agree. The NOC will be connected to a transformer at a Government-provided cutout switch near or on the transformer. All Contractor equipment is "downstream" of the cutout switchgear, and both the temporary and permanent transformers will meet Contractor power requirements. Consequently, whether there is a temporary or permanent transformer on the Government side of the demark line, that fact will be transparent to the Contractor's equipment. At one point during commissioning and testing, the Contractor normally requests that main power to the facility be cut so they can test the automatic start up of the UPS and their emergency generator. The Government can accomplish the outage at the cutout switch with either a temporary or permanent transformer. It is expected that the cutover from the temporary transformer to the permanent one will occur after NOC commissioning and testing. Prior to this occurring, a short outage will be planned for commissioning and testing, to meet the Contractor's requirement to test their equipment. A second outage will be subsequently scheduled for the transformer cutover, during which the NOC would be required to operate on its' emergency generator power for approximately 8 hours, well within the generator's capability. This event will provide the Contractor a second opportunity to test the automatic equipment.

Decision: Temporary power, as outlined above, fulfills the Government's responsibility for providing electricity under the terms of the NMCI contract. The power provided with the MUSE transformer is suitable for the Contractor's intended use, thus there is no need for the Contractor to restart/redo the commissioning and testing process after cutover to the permanent transformer. Therefore, there is no contractual reason that a temporary transformer cannot be used on an interim basis. (Contracting Officer's position 7 Mar 02.)

5. ENERGY REQUIREMENTS:

Issue: Determine whether the Contractor must comply with Regional energy standards

Discussion: The Southwest Region has a regional energy policy enforced by the Regional Commander and his staff in San Diego. During the recent review of the NAVSTA Server Farm design, the station/Region insisted that the Contractor install an electric meter with monitoring capability to tie back into a central system.

Decision: The contract does not include any provisions for the Contractor to comply with local energy policies. If any equipment is required by the Government to monitor energy use, then it is the Government's responsibility to provide that equipment. The equipment could be procured by the Government, or be added by contract modification. (Contracting Officer's position 20 Feb 02.)

6. CONTRACTOR USE OF HALF-SIZE AND TANDEM CIRCUIT BREAKERS

Issue: Determine whether the Contractor can utilize half-size and tandem-type circuit breakers in existing panelboards having no spare spaces for additional full-size circuit breakers.

Discussion: Some of the Government facilities used by the Contractor have existing panelboards that use plug-in type circuit breakers. Some of these panelboards do not have any space for additional full-size circuit breakers to be installed. Half-size and tandem-type circuit breakers can be used to gain the additional space requirement, but are only available as plug-in type and therefore can only be used in panelboards having plug-in devices (many of the older facilities still have plug-in breakers).

Decision:

1. The Government will permit the Contractor to utilize half-size and tandem circuit breakers in existing panels that have plug-in type circuit breakers. The Contractor must insure that the circuit breakers have sufficient ampere interrupting capability. This includes evaluating and completing calculations to insure that the existing panelboards used are adequately rated. The ampere interrupting capability of the panelboards is not to be reduced by installing a lower rated device.
2. If the electrical panel does not have plug-in breakers (and the panel is full) or the panel capacity has already been exceeded, then the Contractor is required to provide a new panelboard and the new panel shall be either bolt-on or plug-in type circuit breakers (at the Contractor's discretion) in accordance with best commercial construction standards. The installation must comply with all applicable codes such as NFPA 70, Article 408.15, which allows no more than 42 overcurrent devices installed in any one cabinet. All equipment provided must be listed and labeled suitable for the specified purpose, environment, and application and installed in accordance with manufacturer's recommendations. (Contracting Officer's position reached 9 January 03).

B. Emergency Generators:

1. FUEL FOR GENERATORS:

Issue: Determine responsibility for procurement of fuel for emergency generators

Discussion: The Contractor generally installs new or upgraded generators at all server farm sites, either by 1) installing a stand-alone generator, or 2) replacing a Government-owned generator with a new generator. Generally, the fuel tank installed by the Contractor for the generator is dedicated for the Contractor use. However, the Contractor may install a tank for joint use by the Contractor and the Government.

Decision: 1) In cases where the fuel tank provides fuel to a Contractor-installed generator, the Contractor must pay for all fueling costs. 2) In cases where a Government-owned generator is

available to a facility (joint use), each party should pay a prorated share of fueling costs based upon the proportion of space they occupy within the facility. 3) In cases where the Contractor's fuel tank supplies fuel to generators owned by the two parties, each party should pay a prorated share of fueling costs based on hours of usage and maximum power produced by their generators. (Contracting Officer's position 20 Dec 01.)

2. AIR POLLUTION CONTROL CREDITS

Issue: Determine responsibility for procurement of air pollution control credits for Contractor installed emergency generators

Discussion: Diesel-fueled emergency generators produce air pollution. Some Bases are in air quality non-attainment areas, requiring procurement of air pollution "credits" prior to installation or operation of emergency generators.

Decision: The Contractor will procure the required air pollution "credits" for the emergency generator that it installs. (Contracting Officer's position 20 Dec 01.)

3. PERMITS FOR GENERATORS

Issue: Determine responsibility for obtaining permits for installation and operation of Contractor owned and operated generators.

Discussion: Most Air Quality Control Boards require permits for installation and operation of stationary air pollution emission sources, including generators. Paragraph 5.6.1 of the contract states, in part; "Backup power shall be part of the fit-up of facilities provided by the Contractor in cases where it does not exist or does not meet the Contractor's specifications..." Permits to operate generators require permit holders to perform maintenance and remain within definitive limits on air emissions. The Contractor will continue to own, operate, and maintain the generators. The Contractor has previously provided completed permit application forms and fees to the local site for the station to submit to the appropriate regulatory authority. This creates a situation where the local station would be responsible for the maintenance and regulatory compliance, but lacks authority to ensure the maintenance is completed and equipment remain in compliance. Some states, however, require that the station apply for the permits.

Interaction of various permits to operate generators can be complex in air quality non-attainment areas. A permit issued for the NMCI generators could inadvertently modify or negate existing station permits.

Decision: Where allowed by the state and acceptable to the station/activity, the Contractor will submit all permit applications directly to the appropriate regulatory authority, with support from the local station/activity such as providing names and addresses of the regulatory authority and reviewing permit applications. Where the state requires that permits

be submitted by the station/activity and where expedient for the station/activity, the Contractor will submit permit applications and payment of fees to the station for signature and transmittal to the local regulatory authority. (Contracting Officer's position 9 October 02.)

C. HAZARDOUS MATERIALS:

1. RESPONSIBILITY FOR ABATEMENT:

Issue: Determine responsibility for abatement of hazardous materials

Discussion: Most of the buildings in the DoN inventory contain lead-based paint and/or asbestos, and a few contain other hazardous materials, that may be disturbed during NMCI construction.

Decision: There are two separate phases of NMCI installation during which hazardous materials could be encountered. The procedures for remediation are dependent on the phase of construction engendering potential contact with the hazardous materials. The procedures are:

A. Server Farm, permanent administrative spaces, and permanent warehouse spaces:

1. Asbestos Containing Materials

a. For projects involving drilling or other disturbance to building walls, ceilings, floors, etc., the Government will provide to the Contractor any available ACM and LBP survey reports that detail the location of the material in given buildings.

b. The Contractor is encouraged to perform an initial site visit to the location(s) specified in the delivery order to inspect the site(s) where services are to be performed.

c. In the event the inspection reveals a site condition which may include ACM that would be encountered during contract performance, the Contractor shall advise the Public Works Officer or Facilities Manager immediately and provide detailed plans indicating areas of ACM or suspected ACM that may be disturbed 30 days prior to start of construction. The Government will either remediate the entire area, or remediate specific areas of ACM or suspected ACM, at its option, to provide a safe working environment for the Contractor.

2. Lead-Based Paint

The Contractor shall conduct testing where suspected LBP surfaces may be disturbed, if the existing surveys are not adequate. The Contractor will conduct an exposure assessment of the work by a Certified Industrial Hygienist (CIH). The Contractor will perform all National Institute of Building Sciences (NIBS) Procedure Level 1 or 2 for LBP work for a given space. If a wall needs to be removed and the lead-containing paint is firmly adhered to the

wall, then the Contractor will remove the wall by sections and safely transport them to a landfill at no additional cost to the Government. For all other LBP abatement work, the Government will either remediate the entire area, or remediate specific areas of LBP, at its option, to provide a safe working environment for the Contractor. The Contractor shall provide detailed plans indicating areas of LBP that required Government remediation at least 30 days prior to start of construction.

3. Other Hazardous Materials

If, during contract performance, the Contractor unexpectedly encounters a material, other than ACM and LBP, which is hazardous or suspected to be hazardous, the Contractor shall advise the Public Works Officer or Facilities Manager immediately. The Contractor shall cease performance immediately on the affected portion of the work and shall take measures to cover the exposed area, post warning signs, and cover any debris. If the work cannot be re-routed or re-designed to avoid the hazard, the Government will remediate the hazard as necessary to facilitate the Contractor's work. The Contractor shall wait for further instruction from the Government before re-commencing work in the affected area. At all times, the Contractor shall comply with all applicable federal, state, and local laws, regulations, and guidance.

B. BAN/LAN spaces

Pending final resolution of asbestos abatement responsibilities between the Government and ISF, the following interim procedures have been established, with the support of the NMCI Contracting Officer, for addressing ACM or Hazmat encountered during ISF's BAN/LAN construction efforts:

1. ISF will provide the Base/Station/or Region with detailed plans indicating where it intends to install cables and equipment cabinets.
2. The Base/Station/Region will provide, or conduct if not already available, ACM/Hazmat assessments/surveys along the proposed cable route, or where necessary for the installation of equipment cabinets (i.e., walls, floors, overheads and crawl spaces).
3. ISF will work with the Base/Station/Region to select alternative cable routes, or equipment cabinet locations, to avoid contaminated areas if the proposed locations or cable routes would traverse areas with friable asbestos or other ACM or Hazmat that would present an unsafe working environment.
4. The Base/Station/Region will spot abate appropriate ACM and Hazmat in cases where the hazardous material is in crawl spaces and overheads, if avoiding the hazard is not feasible.
5. The Base/Station/Region will spot abate ACM or Hazmat when walls, floors and similar facility components containing ACM or Hazmat must be penetrated. ISF will be responsible to mark those areas where the penetrations are needed if the spots are suspected of containing ACM or Hazmat. In lieu of conducting some spot removals, the Base/Station/Region may have the Hazmat Team do the penetrations or drilling for ISF.

6. When ACM or Hazmat abatement is done by the Government Hazmat Team, either in-house forces or by contract, the Team will provide ISF with written notification that the spots or areas are completed and that the work can safely be continued. Copies of those notifications must be sent to the PMO Facilities Team at Southwest Division, Naval Facilities Engineering Command. The Facilities Team prefers that PDF files be sent to nelsondp@efds.w.navy.mil in lieu of mailing.

D. Other Issues:

1. CONTRACTOR REJECTION OF SPACE OFFERED BY THE GOVERNMENT

Issue: Determine the procedure to be followed if the Contractor rejects space offered by the Government.

Discussion: The Contractor evaluates space offered by the Government against criteria it has developed and established in a draft Contractor NMCI Facilities Field Handbook (this guidance has not been concurred with by the Government). Occasionally the Contractor will find space offered by the Government to be unacceptable and will reject the space offer.

Decision: The Government will provide space required in accordance with the NMCI contract, and will endeavor to ensure it meets the Contractor's criteria. However, the Government is ultimately responsible for determining whether the space is in a condition suitable for its intended use. When the Contractor finds the space offer to be unacceptable, the Contractor must reject the space in writing to the PCO, after informing the PMO and Southwest Division. The rejection must provide a detailed explanation as to why the space is being rejected. The Government will review the rejection and decide how to proceed on a case-by-case basis. (Contracting Officer's position 20 Dec 01.)

2. FLOOR LOADING CAPACITY:

Issue: Determine whether the Government is required to provide a facility with a minimum floor loading capacity of 450 pounds per square foot as stated in the Contractor's facility criteria.

Discussion: The contract requires that the Government provide the Contractor with Government furnished facilities (GFF) for server farms, network operations centers and for base level support (facilities for admin space and warehouse space). The requirements for these facilities were not specified in the original contract. The Contractor has developed a requirement that the Government provide a portion of the server farms with a floor loading capacity of 450 pounds per square foot. However, this is greater than most floor loading capacities for spaces that do not have a slab on grade. This requirement is for the mechanical area of the server farm that will include the uninterruptible power supply (UPS) and battery storage area. Some of these facilities are on the second floor of a building and, in many cases, it is impractical to reinforce the floor support system to accommodate this requirement.

Decision: The minimum floor loading capacity for Points of Presence, server farms, and NOCs shall be 150 pounds per square foot. The minimum loading capacity for all other permanent spaces shall be 75 pounds per square foot. If available, power room shall be located on existing slab-on-grade construction providing the 450 pounds per square foot. If the Government cannot obtain a GFF space that has this unique requirement, the Contractor can either build this requirement into the space provided, or build a new exterior building that has this floor loading capacity at no additional cost to the Government. (Contracting Officer's position 20 Dec 01.)

3. FURNITURE:

Issue: Determine the minimum standards for furniture to be provided to the Contractor.

Discussion: The Government is required by the contract to provide "basic office furniture" for all NMCI facilities. The Government's position is that modular systems furniture or other furniture similar to that used by Government personnel in the area constitutes "basic office furniture".

Decision: The Government has a responsibility to obtain good quality furniture, whether modular, systems or other furniture similar to that used by Government personnel in the general area. If there are no sources of good excess furniture, then the Government will purchase new furniture. For furniture procurement, Southwest Division Interior Design group can help decide what constitutes "basic office furniture" as required by the contract and they can procure the furniture if funded. Use of the 3rd party will provide some consistency and will assist local commanders in preventing the Contractor from being excessive in furniture quantity or quality. (Contracting Officer's position 20 Feb 02.)

4. GOVERNMENT LIABILITY:

Issue: Determine responsibility for Contractor-owned equipment damaged in Government-owned buildings.

Discussion: The Government is responsible for providing a facility that is weather-resistant and safe from HAZMAT.

Decision: The Government is responsible for providing adequate facilities to house the NMCI build-out that the Contractor is accomplishing. This issue will be decided on a case-by-case basis taking into account the specific facts of each situation. (Contracting Officer's position 20 Feb 02.)

5. TURNOVER OF CONDUIT INFRASTRUCTURE TO THE CONTRACTOR:

Issue: Determine which underground conduits and conveyors of fiber-optic IT transmission lines are to be turned over to the Contractor.

Discussion: Government-owned IT infrastructure is to be turned over to the Contractor at AOR per the contract. Some stations installed spare conduit as part of their on-going construction efforts.

Decision: If conduit is not part of the existing IT infrastructure, the Government is not required to transfer the conduit under the Exchange Sale Authority. The following guidance is provided:

A. If conduit is empty, the Government is not required to transfer the conduit under the Exchange Sale Authority. If empty conduits are not required for Government use, then the Government can allow the Contractor to use the conduits for the purpose of pulling in new cables.

B. If conduit contains some IT cables, and the cables are part of the existing IT infrastructure to be provided by the Government to the Contractor, the Contractor must decide whether it will use the existing IT cables or install new. If the Contractor does use the existing cables, the Government may decide to pull new cables into the conduit, provided that the cable function is compatible with existing IT cables and the new cables will not overload the conduit or jeopardize the existing cables. The Government and Contractor will share proportionately in the maintenance cost of the conduit. (Contracting Officer's position 20 Feb 02.)

6. DRAWING REPRODUCTION:

Issue: Determine whether the Government is required to provide hard copies of drawings to the Contractor at no cost to the Contractor.

Discussion: The contract requires the Government to provide "Information on: Blueprints (as available)." During 1st Increment server farm and NOC construction, the Government provided drawings to the Contractor at no cost. However, the policy does not specifically address the BAN/LAN phase of the work. Installation of the BAN/LAN will require Contractor to work in nearly all Government buildings and will require drawings to support their effort.

Decision: The Government is responsible for providing copies of as-built drawings to the Contractor if required for build-out of the server farms (incl. NOCs, etc), supporting facilities, and the BAN/LAN IT infrastructure. (Contracting Officer's position 20 Feb 02.)

7. FUNDING OF NMCI RELATED COSTS INCURRED BY NAVY PUBLIC WORKS CENTERS (PWC)

Issue: Determine funding of the PWC for its services.

Discussion: The PWCs are fee-for-service (Navy Working Capital Fund) activities. Their business procedure is to charge their services to the project or activity that they are supporting. Under NMCI, the PWCs are performing numerous services, such as review of the Contractor's construction plans, consultations with fire safety specialists, providing inspection of construction progress and help with various permits. It appears that this has been handled differently depending upon the location. In some instances the Government has funded all costs. In other instances, such as at the San Diego NOC, the costs were shared by the Contractor and the Government.

Decision: The Government is responsible for funding NMCI-related costs incurred by the PWCs through the cutover phase, unless the Contractor requests PWC to perform extra-contractual requirements, such as fit-up or build-out support. (Contracting Officer's position 7 Mar 02.)

8. UNIFORM FEDERAL ACCESSIBILITY STANDARDS (UFAS):

Issue: Determine responsibility for funding UFAS accessibility upgrades to buildings in which the Contractor will install NMCI infrastructure.

Discussion: The UFAS is an Executive Branch standard to make federal facilities accessible, and it is roughly equivalent to the Americans with Disabilities Act (ADA). Facilities that do not meet current UFAS requirements must be upgraded to compliance as part of major facilities improvements or repairs. Several instances of UFAS upgrade requirements have been experienced during Contractor build-out of Government facilities. One instance involves UFAS/ADA upgrades to provide access into a building, such as the installation of a wheelchair ramp. Another instance involves upgrades to existing spaces, such as restrooms.

Decision: If the build-out is considered to be a major renovation, and the facility is to be used jointly by the Government and the Contractor, the Government will provide appropriate building access and joint use rooms (i. e., restrooms used by both parties) improvements necessary for compliance with Uniform Federal Accessibility Standards, excluding equipment closets. The Contractor is responsible for UFAS improvements required in spaces used solely by the Contractor. The equipment closets are excluded from UFAS. (Contracting Officer's position 13 Jun 02.)

9. NEW CABLE EXEMPTION:

Issue: Determine whether the Government can exempt the Contractor from installing new cable in buildings identified for demolition and determine whether there should be changes to the service level agreements for those buildings since the cable may not meet the Contractor's standards.

Discussion: At Crane, the Contractor encountered a significant amount of asbestos in the BAN/LAN cable installation in a number of buildings. Crane proposed that the Contractor use the existing cable in a few buildings slated for demolition in the next several years. The cable is not up to Contractor standards since it is not Cat 5(E) cable. It is apparently Cat 3 Cable, but it is currently providing adequate service to the desktops in those buildings.

Decision: The Government will not give the Contractor any waiver or exemption from installing the appropriate cable in NMCI-serviced buildings. The Contractor can use existing infrastructure if they desire, or upgrade to their standards, as they deem necessary to provide services being procured by the Government in order to meet their contract Service Level Agreements (SLAs). (Contracting Officer's position 20 Feb 02.)

10. CONSTRUCTION EASEMENTS

Issue: Determine responsibility for obtaining any easements for construction across another entity's property.

Discussion: The Contractor may have to install communication cables across property not belonging to the Navy or Marine Corps.

Decision: The Contractor is responsible for procuring legal documents necessary for installation of their equipment. (Contracting Officer's position 2 May 02.)

11. CUSTODIAL SUPPORT

Issue: Determine responsibility for providing custodial support to the Contractor at Government facilities.

Discussion: The Contractor has asked that the Government provide custodial services in space provided to them under the contract. During FY02, Navy claimants were funded to provide this support, however beginning in FY03 that funding will no longer be provided.

Decision: The Government will not provide the Contractor custodial services at no cost. The Government will provide trash disposal as defined below.

- 1) Trash disposal services/salvage.
 - a) Cardboard Boxes and Other Shipping Materials Disposal:
 - i) The Contractor will provide a one week notice to the Government for anticipated large volumes of boxes/materials requiring disposal
 - ii) The Contractor will place packing materials from boxes in Government designated dumpsters
 - iii) The Contractor will break down all cardboard boxes and deposit them in recycling dumpsters
 - iv) The Government will provide dumpsters, reasonably close to the building generating the materials, for trash and recycling of cardboard and paper
 - v) The Government will empty the dumpsters as necessary
 - b) Trash Disposal (Dumpsters only):
 - i) Dumpster removal frequency will be determined at each site, between the Contractor and the Government.
 - ii) At sites that use individual workstation recycling containers, the Contractor will use the containers and the Government will empty the containers.
 - iii) The Contractor is responsible for disposal of all construction debris/waste.
- 2) Custodial Services (including emptying individual waste receptacles):
 - a) If Government custodial services are provided at no cost to the Contractor, they will only be provided to common spaces, such as restrooms, shared by the Government and the Contractor. Services will be provided at the same frequency performed in similar Government controlled spaces and may be subject to reduction based on funding availability.

The Contractor may negotiate with the Government to arrange for the provision of custodial services for Contractor facilities on a reimbursable basis. (Contracting Officer's position reached 9 January 03).

12. DEWATERING (PUMPING OUT) OF MANHOLES:

Issue: Determine responsibility for dewatering manholes.

Discussion: The Contractor will be pulling new communications cables through existing conduits and manholes to the maximum extent possible. Manholes are often flooded and the water must be pumped out before they can be accessed. Additionally, the groundwater in the manholes is sometimes contaminated with hazardous waste.

Decision: The Contractor is responsible for pumping and disposing of uncontaminated water in accordance with state and Federal regulations. The Government is responsible for dewatering manholes flooded with contaminated water and disposing of the hazardous waste. The protocol for detection of HAZMAT in the water will be as follows:

- Aboard Government facilities with hazmat “suspect” areas, such as North Island where there are areas designated where all the ground water is assumed to be contaminated, the Government will test the water for hazmat before a determination of dewatering responsibility is made. As stated above: if the water is found to be contaminated then the Government is responsible; if not contaminated then the Contractor is responsible.
- Aboard Government facilities where contaminated water is not expected to be a problem, the Contractor will perform a simple “sight and smell” test of the water to detect contamination. If HAZMAT is detected, the Contractor will notify local Government officials who will then test the water. Dewatering responsibility will be based upon the test results.
- Local Government officials will provide the Contractor guidance regarding dewatering responsibilities at preconstruction conferences.

(Contracting Officer's position 13 June 02).

13. PROTECTED DISTRIBUTION SYSTEM (PDS):

Issue: Determine the installation requirements related to Protected Distribution Systems (PDS).

Discussion: The installation of PDS conduit at Naval Air Station, Lemoore prompted a question concerning exposed conduits installed below the drop ceiling and not above the ceiling where they would be concealed from view. NAVSO P-5239-22, PROTECTED DISTRIBUTION SYSTEM (PDS) INSTALLATION GUIDANCE provides the criteria for installing a Protected Distribution System. “... PDS lines should not be installed concealed (e.g. behind walls and above ceilings) from the view of personnel responsible for conducting the required route inspections and continuous surveillance”. However, in some cases it may be desirable to have the conduits installed above the drop ceiling (with see through ceiling panels) to maintain the aesthetics of the space in which the conduits are to be installed.

Decision: PDS conduits will generally be installed below the ceiling tiles unless an exception is requested by the activity. When the conduits are approved to be installed above the drop ceiling, clear panels will be provided by the Government in order to view the conduits. The clear panels must meet fire protection flame spread rating for the space affected. If the panels are not available in time for Contractor installation, then the Government will install the tiles. (Contracting Officer's position 13 June 02).

14. PHYSICAL SECURITY REQUIREMENTS FOR CLASSIFIED SEATS

Issue: Determine responsibility for providing a secure enclave for classified NMCI seats.

Discussion: The Contractor is installing classified seats in various buildings around the country. Some of the sites currently do not have secure networks. In some cases, the spaces identified to install classified seats are not secure areas, and do not meet secure facility requirements.

Paragraph 5.6 of the contract states, in part, “the Government will provide...Physical security for Government space (door locks, for example): This does not include new protected distribution system (PDS) or other physical security measures required to provide classified seats.”

Decision: A secure enclave used by Government personnel for access to classified materials is considered a Government space. The Government is therefore required to provide physical security for this space. Physical security requirements are defined in the document entitled “PDS Design Template for Classified Processing Environments” for located on the following web site: www.efds.w.navy.mil/NMCI05/05I/nmci.htm. The information technology infrastructure installed by the Contractor is, however, required to comply with NAVSO P-5239-22, Protected Distribution Guidebook. The Government is not required to provide new protected distribution system (PDS) or other IT-related physical security measures required for new classified seats. (Contracting Officer's position reached 11 November 02).

15. BASE LEVEL SUPPORT (BLS) SPACE REQUIREMENTS AT NON-SERVER FARM SITES:

Issue: Determine whether additional administrative space must be provided to the Contractor in areas located near a NOC or server farm or other Contractor-occupied NMCI space.

Discussion: In the Oahu Region of Hawaii, the Contractor has requested BLS space at locations around the island for permanent admin space. Some of the locations are fairly close to the NOC on Ford Island and it appears that the space at the NOC should accommodate the needs of the Contractor for the local vicinity. The contract did not specify what elements are included in a NOC, other than a total of 40,000 SF. Section 5.6 of the contract discusses space as follows:

- “The Government will furnish the Contractor storage space, working space...for the use of the Contractor’s personnel... Type and size of space to be provided will be based on availability and will vary at each site.”
- Additionally, the Government will provide the following:
 - 1) Floor space adjacent to users necessary for support of the Contractor’s installed equipment and personnel who will be providing move, add, change, and on-site maintenance.”

Decision: The contract specifies that space be provided adjacent to the users; however, a reasonable commuting distance meets the intent of the contract. The contracting officer has determined that a reasonable distance is defined as one that is less than 5 miles or 10 minutes from another space occupied by the NMCI Contractor. Any distance or time above this will require additional administrative space to be close to the users. (Contracting Officer's position 13 June 02).

16. NMCI SERVICE TO TEMPORARY FACILITIES

Issue: Determine whether the Contractor is required to provide NMCI services to temporary facilities.

Discussion: The Navy has an extensive inventory of commercial pre-manufactured facilities installed at installations around the country. Although these facilities are classified as “temporary”, they are often used as permanent, stationary facilities. The Contractor has informed some sites that it is not required to provide services to temporary facilities such as trailers under the basic contract and that the sites must request seats in such facilities under CLIN 0029.

Decision: The Contractor is required by the contract to provide service to all CONUS DoN facilities, without distinction as to whether the site is permanent or temporary. If the seats in the temporary facility eventually move to another location, then the MAC rules will apply. (Contracting Officer's position reached 9 October 02).

17. CONTRACTOR USE OF NON-LEGACY INFRASTRUCTURE

Issue: Determine whether the Government is required to transfer non-legacy infrastructure as part of the exchange sale authority.

Discussion: The Navy has a significant amount of infrastructure that is not part of existing legacy networks and will not be converted to NMCI. The Navy often installs more infrastructure than current needs dictate to anticipate future requirements, or for redundancy. Examples include: spare conduit runs, spare fiber, and computer equipment. The Contractor has informed various Government sites that the contract gives it all existing infrastructure.

Decision: The exchange/sale authority (contract clause 6.23) granted to the Navy for use under the NMCI contract, pertains only to the IT infrastructure that will be replaced in the process of providing NMCI services. Only that equipment which is part of the existing IT infrastructure is part of that authority. Spare equipment and equipment used for other

purposes is not to be exchanged. Spare infrastructure, and infrastructure not part of existing legacy networks, is not included under the Government-furnished equipment provisions of the contract and is not required to be provided to the Contractor. The sites will decide on a case-by-case basis when spare ducts and other infrastructure, not specific to NMCI, may be provided for the Contractor's use during the period of the contract. The Government approval for Contractor use of this type of infrastructure will be documented with a DD Form 1149.

(Contracting Officer's position reached 9 October 02).

18. SHARED INFRASTRUCTURE

Issue: Determine ownership and maintenance responsibility for IT infrastructure jointly used by the Government and the Contractor.

Discussion: Per the NMCI contract, ownership and responsibility of the existing IT infrastructure transfers to the Contractor at AOR. However, situations exist where infrastructure may be shared by the Contractor to support NMCI and the Government to support non-NMCI programs. Existing infrastructure, such as a bundled cable, could have fiber strands used in the "as-is" IT infrastructure, and strands used by the Government for other programs. The existing cable would be "shared infrastructure" since both the Contractor and Government would share its use. The Contractor and Government may decide to share the build-out costs for some IT infrastructure for the benefit of both parties.

Decision: The Government will retain ownership for shared infrastructure, whether existing or newly installed during NMCI build-out, and will document approval for the Contractor use with a DD Form 1149. However, the Contractor and the Government will share costs incurred to maintain that infrastructure. Costs shared will be proportional to the use each party receives from the infrastructure and could be as simple as a ratio of the number of fibers each has divided by the total number of fibers. (Contracting Officer's position reached 11 November 02).

19. PAINTING OF CONTRACTOR INSTALLED CONDUITS

Issue: Determine whether the Contractor is required to paint installed conduits.

Discussion: The Contractor is installing exposed unpainted conduit on numerous buildings throughout the Navy inventory. This installation is acceptable on buildings that have existing exposed unpainted conduits. This installation, however, is not acceptable where existing exposed conduits are painted.

Decision: The Contractor shall paint exposed conduit to match the color of the surface on which the conduit is mounted in accordance with best commercial practices in areas where the existing exposed conduits are painted.

(Contracting Officer's position reached 9 October 02).

20. REGAINING CONTROL OF IMPROPERLY OCCUPIED SPACES

Issue: Determine whether the Contractor is entitled to retain improperly occupied Government spaces.

Discussion: Responsibility for the real estate at regionalized Bases has been transferred to the Regional Commander for Navy facilities, and resides with the station commander for Marine Corps Bases and Stations. The current procedure for Navy facilities is that the Contractor requests all space through SOUTHWESTNAVFACENGCOCOM, who forwards a validated request to the Regional Commander. For Marine Corps facilities, the Contractor should request space directly from the USMC GFF coordinator. In some cases, these procedures have not been followed and the Contractor has requested space directly from a tenant or unit commander. Tenant and unit commanders are not always informed of upcoming facility requirements and may have erroneously assigned spaces to the Contractor that were anticipated to be assigned to another tenant.

Decision: The Navy Regional Commander's staff or Marine Corps Base/Station commander shall allow the Contractor to continue using spaces they currently occupy whenever possible. The Navy Regional Commander or Marine Corps Base/Station commander is to notify the Contractor in writing that they are to vacate improperly occupied spaces in cases where the space is needed for other station requirements. (Contracting Officer's position reached 9 October 02).

21. OUTSIDE FIBER OPTIC CABLE INSTALLATION

Issue: Determine whether the Contractor is responsible for installing detectable tape or tracer wire when installing fiber optic cable

Discussion: The Contractor will be installing fiber optic cable throughout each activity in a number of different ways. Cable may be directly buried, pulled or blown through newly installed conduit or through existing conduit provided by the activity. In all cases, in order to maintain the reliability of the NMCI system, the fiber optic cable must be detectable.

Commercial Standard

BICSI Telecommunications Distribution Methods Manual (TDMM) an industry standard, lists under section titled Direct-Buried and Underground Pathways, "Warning Tape Requirements" paragraph, "with the advent of optical fiber cable, detectable tape (plastic tape manufactured with integral wires or foil backing, foil backing being preferred) is recommended".

Navy Standards

Direct Burial: MIL-HDBK-1012/3 and NAVFAC UNIFIED FACILITIES GUIDE SPECIFICATIONS agree in that direct burial of fiber optic cable should be armored and be installed with orange colored plastic detectable identification (warning) tape below grade approximately 16 inches above the cable along the trenched route. Conduit that is directly buried or installed in backfilled trenches for the sole purpose of containing fiber optic cable only must be installed with the orange colored plastic detectable identification (warning) tape

below grade approximately 16 inches above the conduit along the conduit route. Fiber optic cable pulled or blown through these conduits is not required to have the armored sheathing. Existing Conduit/Underground Duct System: MIL-HDBK-1012/3 does not require the fiber optic cable to have armored sheathing. The NAVFAC UNIFIED FACILITIES GUIDE SPECIFICATIONS require detectable tape above non-metallic communication conduits.

Decision:

Direct Burial: Direct burial fiber optic cable is to be armored and have detectable warning tape installed approximately 16 inches above the buried cable.

Direct Buried Conduit: Direct burial conduit (e.g. HDPE) is to be installed with detectable warning tape approximately 16 inches above the buried conduit. The fiber optic cable being installed in the conduit is not required to be armored.

Buried Conduit: New conduit in backfilled trenches shall contain the detectable warning tape approximately 16 inches above the conduits. The fiber optic cable being installed in the conduit is not required to be armored.

Existing Conduit: Fiber optic cable that is installed in existing conduit/conduit banks, where there is no other detectable cable in the conduits, must be pulled with tracer wire or be armored cable without the tracer wire. Where the existing conduit/conduits have other detectable wire installed, then the tracer wire is not required.

Directional Drilling Conduit: The fiber optic cable being installed, if not armored, will require tracer wire to be pulled with it.

(Contracting Officer's position reached 9 October 02).

22. HARDENING OF CLASSIFIED EQUIPMENT CLOSETS

Issue: Determine responsibility for “hardening” closets containing classified equipment.

Discussion: As the Contractor builds out BAN/LAN infrastructure to support classified seats, MDF/IDF (AKA IC/MC) communications closets that support those seats will contain classified COMSEC equipment. Those closets must be appropriately “hardened” to secure the equipment, in accordance with current security regulations.

Decision: The Contractor has the responsibility to harden a new NMCI space (that will receive classified COMSEC equipment for NMCI use) to meet existing security regulations. However, if the Contractor is taking over an existing closet already containing Government classified equipment, then it is the Government’s responsibility to harden the closet since it should have met security requirements before the Contractor added their equipment and/or took over the existing equipment. (Contracting Officer's position reached 18 July 02.)

23. BASIC FACILITY REQUIREMENTS FOR TEMPORARY SPACE (TEMP WAREHOUSE, TEMP ADMIN, IMAGING SPACE, ETC.):

Issue: Determine services (such as air conditioning, ventilation, heating, basic office furniture, light, outlets, trash disposal services, and electric power) the Government is required to provide the Contractor within temporary facilities assigned for Contractor use.

Discussion: Some activities/stations have provided space for temporary NMCI use to support the rollout and construction efforts. Temporary space used by the Contractor for administrative activities, warehousing, and imaging computers for placement on the desktops, are examples. The Contractor has stated that some of the spaces are “substandard” and requested that they be moved to better space, or the space be provided with additional service (i.e., air conditioning, heating, and power).

Decision: Temporary space is provided on a case-by-case, not-to-interfere, as-available basis, and is not covered under the contract GFF provisions. The activity/station shall provide the most appropriate, currently available space to support rollout of the NMCI. While the activity/station is not required to provide services such as air conditioning, it can be provided as a courtesy. (Contracting Officer's position reached 11 November 02).

24. FIRE SUPPRESSION WATER RISER AND ADEQUATE WATER PRESSURE TO BUILDINGS HOUSING NMCI EQUIPMENT:

Issue: Determine responsibility for providing water risers for fire suppression systems and ensuring sufficient pressure in fire suppression water laterals to the buildings housing NMCI facilities and equipment.

Discussion:

A large number of facilities in the Navy and Marine Corps inventories were built for occupancy that did not require installation of fire suppression systems. Fire code changes over the years have expanded the list of occupancies that require fire suppression systems. Additionally, several buildings have undergone modifications, including changes of occupancy that triggered fire suppression requirements. Fire suppression systems have been installed only as required by codes and local practices, leaving a large number of facilities unprotected.

Paragraph 5.6 states, in part, “The Government will furnish the Contractor with storage space, working space, basic office furniture, heat, light, ventilation, electric current, and outlets for the use of the Contractor’s personnel.” Water, both potable and fire suppression, are not included in the list of services to be provided.

Paragraph 5.6 continues, “These facilities shall be provided at no charge to the Contractor; however, fit-up of the facilities to Contractor specifications will not be provided by the Government.”

The Contractor has previously requested fire suppression water risers in all server farm facilities. The Government has previously complied with this request and has provided water risers in some of the buildings housing NMCI facilities.

Decision: The contract does not obligate the Government to install fire suppression water piping, or to provide equipment to increase water pressure, for the Contractor. Connection to

the base fire suppression distribution system and insuring sufficient water pressure to the NMCI fire suppression system are included in “fit-up of the facilities to Contractor specifications”, and are therefore expenses to be covered by the Contractor. (Contracting Officer's position reached 9 January 03).

25. UTILITY MARK-OUT SERVICES FOR NMCI OUTSIDE CABLE PLANT

Issue: Determine whether the Contractor should provide a service to locate the NMCI underground infrastructure when there is another contractor trenching in the vicinity.

Discussion: Most utility service providers on Navy and Marine Corps installations provide a standby utility locator service to mark-out the exact location of their underground utilities when a contractor is excavating in the vicinity of the utility. Not providing this mark-out service could lead to cables being cut, service being lost, and a dispute over who should pay for the repair. It is in everyone's best interest and is a best commercial practice that these mark-out services are provided by the Contractor.

Decision: The Contractor will provide utility locator service to mark-out their cables prior to other contractors digging or trenching in the vicinity. (Contracting Officer's position reached 9 January 03).