

REQUEST FOR PROPOSALS
E-Rate Eligible Products and Services
Funding Year 2022: 7/1/2022 – 6/30/2023

PART 1 – GENERAL INFORMATION

This REQUEST FOR PROPOSALS consists of TWO (2) sections:

1. GENERAL INFORMATION, TERMS AND CONDITIONS
2. SPECIFIC INFORMATION, TERMS AND CONDITIONS

Together, the GENERAL and SPECIFIC sections constitute the full REQUEST FOR PROPOSALS.

PLEASE NOTE (per <https://www.usac.org/e-rate/applicant-process/competitive-bidding/>):
Requests for Proposal

The entity filing an FCC Form 470 can issue a request for proposal (RFP) in addition to the FCC Form 470. In general, an RFP is a formal bidding document that describes the project and requested services in sufficient detail so that potential bidders understand the scope, location, and any other requirements. However, we use “RFP” or “RFP document” generically to refer to any bidding document that describes your project and requested services in more detail than in the fields provided on the FCC Form 470.

Thus, a formal response to each paragraph of this RFP is neither required nor desired.

This GENERAL section instructs the respondent about general information, and general terms and conditions. The SPECIFIC INFORMATION, TERMS AND CONDITIONS section is uploaded to the Universal Service Administrative Company [USAC] E-Rate Productivity Center [EPC] for the associated Form 470, and is included with this GENERAL INFORMATION, TERMS AND CONDITIONS document by reference.

The SPECIFIC section provides:

- Applicant specific details (e.g., Name, Billed Entity Number [BEN], entity address(es), Form 470 number, background about current situation and desired solutions)
- Proposal submission details
- Description of Products and Services Sought
- Evaluation criteria
- Other specifics (if applicable)

If conflict exists between SPECIFIC and GENERAL sections of this REQUEST FOR PROPOSALS, the SPECIFIC section overrides the GENERAL document.

All critical dates (e.g., deadline for submission of questions, site walks (if any), deadline for submission of proposals) **are noted on the first page of the SPECIFIC document.**

GENERAL INFORMATION, TERMS AND CONDITIONS

1. Overview

1.1 E-Rate Program Background

This Request For Proposals [RFP] is posted in conjunction with the Schools and Libraries Division [SLD] Form 470, in partial fulfillment of the requirements for Federal Communications Commission [FCC] Universal Service Fund [E-Rate] discounts. E-Rate provides discounts for certain school or library technology products and services, including:

- Category 1:
 - Leased Lit Fiber
 - Internet Access and Transport Bundled (Non-Fiber)
 - Transport Only - No ISP Service Included (Non-Fiber)
 - Internet Access: ISP Service Only (No Transport Circuit Included)
 - Leased Dark Fiber and Leased Lit Fiber
 - Self-Provisioned Network and Services Provided Over Third-Party Networks
 - Other
- Category 2:
 - Internal Connections
 - Managed Internal Broadband Services
 - Basic Maintenance of Internal Connections

For more information about this Federal program, and before responding to this RFP, please refer to the SLD web site, <https://www.usac.org/e-rate/>, or call the SLD Help Line at 888-203-8100.

1.2 Communications

Learningtech.org [The Miller Institute for Learning with Technology, Consultant Registration Number 16043681], a **Consulting firm**, is **not** the E-Rate **Applicant**. Learningtech.org is the Applicant's **Consultant**, retained to handle competitive bidding interactions and other aspects of the E-Rate application. Therefore, please:

- Put the Applicant's name and contact information on any documents resulting from winning proposal(s)
- Do not contact school personnel either with general questions about E-Rate, or to offer ineligible services or services not requested on this RFP, or to request a meeting or offer trial equipment

All questions and contacts about this RFP should be submitted via electronic mail, addressed as indicated on the cover page of the SPECIFIC section. Learningtech.org staff will gather the necessary information to respond to legitimate questions and provide answers by posting addenda or amendments clarifying this RFP on the same system(s) as the original RFP. All such postings are considered formal elements of this RFP and should be considered incorporated by reference into any resulting agreements. Postings may occur from time to time during the bidding period; please be sure to check back periodically while preparing your proposal.

Telephone, facsimile, or U.S. mail inquiries are strongly discouraged. Proposal submissions by telephone or facsimile are not acceptable. Proposal submissions by U.S. mail are strongly

discouraged, except when sealed bids are required.

1.3 Scope

Applicant seeks proposals for E-Rate eligible products and services in the categories listed in **Service Requests** section of the Form 470 and further detailed in **PART 2 – SPECIFIC INFORMATION**, section **B. Products And Services Sought**.

Applicant intends to obtain cost-effective, technically sound, eligible products and services to improve and maintain telecommunications, Internet access services, and/or technology infrastructure, to enhance student achievement in its classrooms, or to enhance patron experience in its library. Applicant seeks only proposals that are fully compliant with all state and local procurement rules, codes and regulations, as well as being fully compliant with all rules and guidelines of the E-Rate program.

Per E-Rate rules, confidential bids are not acceptable.¹ By submitting a proposal, Vendor acknowledges that any reference to “Proprietary” or “Confidential” on any document or communication is waived.

Vendors may bid on the entire RFP or on any numbered group of **Products and Services Sought** in section B of PART 2 - SPECIFIC INFORMATION. Within each group, a complete solution is required. For example, if *B.1 WAPs and Switches* solicits for wireless access points and switches, Vendor A bidding on wireless access points may partner with Vendor B bidding on switches, provided that together Vendor A and Vendor B propose a complete solution for group B.1.

Vendors should submit proposals including detailed descriptions, with all costs associated with the delivery of the products and services (parts, labor, installation, testing, acceptance, configuration, turn-up, applicable taxes/fees, shipping, and so on). Any line items not 100% eligible for E-Rate discounts according to program rules should be isolated, with separate subtotals.² Items that are conditionally eligible should also be noted. Ineligible items should be eliminated when possible (or minimized where necessary but ineligible) and broken out as separate line items or separate proposals.

1.4 Proposal Elements

A responsive proposal will include the following elements:

- a) Applicant reference info:
 - Reference to the establishing Form 470 Number
 - Applicant name
 - Applicant Billed Entity Number [BEN]
 - Applicant address
 - Which requirements your proposal addresses (e.g., B.1, B.2 in PART 2 – SPECIFIC INFORMATION section)

¹ Per FCC Order 14-99, in general, the prices for products and services for which E-Rate discounts are requested can no longer be confidential.

² Please reference E-Rate Eligible Services List <https://www.usac.org/e-rate/applicant-process/before-you-begin/eligible-services-list/>.

- b) Vendor background
 - Name
 - Vendor Contact Information (email and phone)
 - Form of Organization
 - Names of Principals
 - Years in Business
 - Confirmation of the Vendor Qualifications as further described below
- c) E-Rate track record:
 - Vendor Service Provider Identification Number [SPIN]
 - References: three K-12 or library references for similar projects in the last 5 years
 - Evidence of routinely successful SLD funding approvals
 - Low frequency of high scrutiny applications
 - As appropriate for the products/services sought by Applicant:
 - Staff Industry Credentials: Certifications such as CCNA, HP AIS (or functional equivalent, summarized as the number of employees holding each type of certification)
 - Corporate Credentials: Applicable licenses, capabilities, and memberships such as General Contractor or Electrical licenses, bonding, BICSI membership
- d) Product/Service solution:
 - Succinct list of exceptions to any requirements, terms, or conditions of this RFP
 - Brief summary, in non-technical terms, of what the solution provides
 - The pre-discount price with subtotals for:
 - E-Rate eligible items including taxes, shipping, and installation (if applicable)
 - Items not eligible for E-Rate support including taxes, shipping, and installation (if applicable)
 - Other expenses as appropriate
 - Term of the contract
 - Estimated implementation schedule
 - Confirmation that the proposal is valid through the close of the application window and will be honored through completion of any associated documentation
 - Confirmation that no products or components from any “covered company,” as designated by the FCC, are included in the proposal
- e) The required Pricing Form
- f) Vendor’s proposed Terms and Conditions, including any early termination provisions
- g) For Category 2 proposals, signed “Additional Category 2 Provisions” pages
- h) For Category 2 proposals, commitment to promptly provide the USAC Bulk Upload Template³, upon applicant decision to award *and before the Form 471 deadline*
- i) In case of SEALED BIDS, a USB drive containing all documents
- j) Signature of Vendor’s authorized representative on cover letter and/or Proposal Signature Page of this RFP.

The preferred format for narrative portions of proposals is a single PDF file addressing these clearly identified topics.

³ Available at <https://www.usac.org/e-rate/applicant-process/applying-for-discounts/fcc-form-471-filing/>.

The completed written proposal form must be without erasures or alterations unless both parties initial each correction. Delivery of the proposals will be considered sufficient authorization from the Vendor to the Applicant to make a binding contract based on the scope, terms and conditions of the proposal, with this RFP and any amendments to it included intact or by reference. If Vendor's proposal is selected for award, Applicant will provide a written acceptance to establish the **legally binding agreement** required by E-Rate program rules. Nevertheless, either party may later require additional documents, such as detailed Customer Service Orders or Purchase Orders.

Vendors submitting questions and/or proposals can expect:

- RFP amendment clarifying due dates for questions and proposals
- RFP amendment(s) as needed
- Acknowledgement of receipt of proposals
- An “open and fair” competitive bidding process per E-Rate program rules
- No *private* calls, meetings, site walks, or demos
- Email notification of award or regret, *after* Applicant decisions are made, and typically *after* the Form 471 applications are submitted
- Winning Vendors will be expected to promptly provide any additional documentation needed
- E-Rate rules do not require Applicant to share other Vendors' proposals, unless required by state or local laws or regulations

1.5 Evaluation Methodology

Each responsive proposal meeting the minimum qualifications will be evaluated using weighted criteria including cost of the eligible products and/or services as the highest weighted factor. Secondary factors may also be considered. Detailed evaluation criteria and weights are described in PART 2 – SPECIFIC INFORMATION.

For any given solution, after elimination of proposals that are disqualified, the proposal that is deemed to most cost-effectively meet the stated Applicant requirements, and therefore in the best interest of the Applicant, will be selected, as required by the E-Rate program rules.

Applicant reserves the right but has no obligation to determine a short list for best and final offers, after the submission deadline, or to accept the winning proposal as submitted by the deadline date and execute without further discussion. Applicant has the right to make zero, one or multiple, exclusive or non-exclusive awards pursuant to this RFP, with or without best and final offers or additional negotiations.

1.6 Phased Implementation

Some Applicants may request a phased implementation strategy such that:

- Phase I: A reduced level of service/work approximately equal to Applicant's share of cost, starts July 1 (or earlier to extent allowed by program rules)
- Phase II: Balance of service/work, may not start until after favorable Funding Commitment Decision Letter [FCDL] and can be extended while awaiting funding commitment

For *example*:

- Category 1 Internet implementation of the least bandwidth in the contract starts on July 1 and the target first year bandwidth is implemented after favorable FCDL
- Category 2 WiFi implementation starts on April 1 to make 2 of 20 planned wireless access points functional and remaining access points are installed after favorable FCDL

Unless Vendor explicitly takes exception to a phased implementation option, Vendor proposal should take into consideration the possibility that a phased approach may be required to mitigate Applicant risk or cash flow.

2. Terms And Conditions

2.1 Submission Deadline

The deadline for submission of proposals is advertised on Page 1 of PART 2 - SPECIFIC INFORMATION section of this solicitation, and may be clarified via RFP amendment(s).

If no responsive bids are received by the deadline, (or in the case of sealed bids, the bid opening), the Applicant, at its sole discretion may:

- Accept late bids until 3pm Pacific time of the first business day on which at least one responsive (and cost-effective per E-Rate rules) bid has been received or until 48 hours prior to the close of the application window, whichever comes first
- Post an amendment extending the deadline
- Decline to make an award

In the event of conflict between this paragraph and a specific RFP amendment, the amendment shall prevail.

It is the sole responsibility of Vendors to ensure that responses arrive in a timely manner. The Applicant has the right but not the obligation to reject all late or incomplete submissions, as the Applicant determines to be in its own best interest, or to contact Vendors to seek corrections (such as missing signature page or technical difficulties opening attachments). Should a correction be requested of Vendor, the Vendor will have an opportunity to make the requested correction within a specified deadline. *Only the specific item may be corrected*; a revised proposal with substantive changes is not acceptable.

2.2 Submission Procedure

The procedure for submission of proposals is stated on Page 1 of PART 2 - SPECIFIC INFORMATION section of this solicitation. In general:

- For sealed bids, in addition to printed copies, an electronic copy should be provided on a USB drive included within the sealed package
- For bids requiring upload to an electronic procurement system, please refer to details in PART 2 – SPECIFIC INFORMATION
- Otherwise, proposals should be submitted by electronic mail only, to the address shown on Page 1 of PART 2 – SPECIFIC INFORMATION

Pricing information may be submitted in one of the following formats:

- Learningtech.org’s supplied Pricing Form
- Vendor provided form that is substantially similar to Learningtech.org’s form. NOTE: generic price lists, not reflecting the specific requirements of this RFP, may result in disqualification
- Recent invoice for month-to-month service, with reasonable assurance from Vendor that substantially similar pricing will continue to be honored throughout the funding year
- Pricing specifics from an eligible Consortium master agreement, Piggyback contract, or State Master Contract

If additional information is needed to clarify pricing, please include as part of your proposal narrative. Learningtech.org’s Pricing Form (which is available as an attachment to the associated Form 470, or via link provided in Form 470 and RFP, and is included by reference) is strongly preferred.

2.3 Costs Associated with Preparation of the Vendor’s Response

The Applicant will not be liable for any cost incurred by the respondents in preparing responses to this RFP or negotiations associated with award of a contract.

2.4 Subcontractors

All subcontractors working on Applicant’s projects must meet the same standards and qualifications applicable to Vendor’s regular employees, including all applicable drug-free, bonding and insurance requirements.

2.5 Interpretation, Additional Information, Corrections, and Amendments/Addenda

Questions or requests for clarification of this RFP must be sent to the email address by the question deadline shown. Answers to substantive questions submitted by email will be posted on the same system(s) as the original RFP and should be considered Amendments/Addenda integral to this RFP.

Any interpretation, correction, clarification or change of this RFP will be made by posting an Amendment/Addendum on the same system(s) as the original RFP. Interpretations, corrections or changes to the RFP made in any other manner, such as verbally during a *walk through* or *conference call*, will not be binding. Vendors should not rely upon such interpretations, corrections or changes unless so posted in writing. It is the sole responsibility of the Vendor to check for all posted Amendments/Addenda throughout the time from posting of the RFP through the deadline for submission of proposals.

USAC'S E-Rate Productivity Center [EPC] portal is the definitive place to find the Applicant's Form 470, RFP and any amendments to RFPs. It is the responsibility of the Vendor to check EPC for all related documents.

2.6 Omissions

Omissions in the proposal of any provision herein described shall not be construed as relieving the Vendor of any responsibility or obligation for complete and satisfactory delivery, operation, and support of all proposed products and services; nor shall such omission cause Applicant to waive any of the terms and conditions stated herein.

2.7 Implementation, Acceptance, and Payment

After written notification of contract award and before the start of work, the Vendor will receive purchase order(s) [POs], carrier service order(s) [CSOs] or similar written instructions to begin providing the products and services pursuant to the contract(s) awarded as a result of this RFP. Vendors must not deliver products or start work before advised in writing by the Applicant.

Applicant has the right to conduct acceptance procedures before payment. Applicant will strictly enforce contract quality provisions including applicable industry standards and/or manufacturer specifications.

Vendor invoices should clearly show the following: Vendor's SPIN, E-Rate funding year, E-Rate Funding Request Number, the full amount of the services, the discount amount of the services and the Applicant share. Invoices cannot be sent to E-Rate program before the allowable dates of the relevant funding year. For telecommunications services within California, SLD's Service Provider Invoicing [SPI] mode of invoicing is **required** for compliance with California Teleconnect Fund **stacking**. For all other services, unless specifically negotiated with Vendor, SPI is also selected.

2.8 Applicant Right to Await Favorable FCDL

Applicant reserves the right to determine, on a case by case basis, whether or not implementation shall be contingent on receipt of a favorable Funding Commitment Decision Letter [FCDL] for approximately the amounts anticipated. In the case of multi-year contracts, this right may be newly asserted for each successive year of the contract. In the event of funding at a substantially lower level than anticipated, Applicant reserves the right to reduce the scope of work accordingly or to cancel the project entirely, at its sole discretion. Applicant also reserves the right to:

- Start service immediately upon contract award, with the understanding that services before dates allowed by E-Rate program rules would not be eligible for E-Rate discounts
- Wait until dates allowed by E-Rate program rules preceding the funding year, or July 1 of the funding year, so as to ensure that all goods and services remain potentially eligible for E-Rate discounts
- Wait for FCDL, after July 1, for the strongest assurance of discounts

To the extent compliant with E-Rate, local, and state procurement rules, Applicant reserves the right to adjust or to cancel this entire project or any portion thereof, in the event of significant changes in circumstances beyond Applicant's control, such as reduced E-Rate funding, major state K-12 budget cuts or inability to obtain required permits. Applicant will notify Vendor

promptly in case of scope changes or if project must be cancelled and will file Form 500 or other applicable forms to notify the SLD in the case where scope reduction or cancellation occurs after a favorable FCDL.

In the event of significant delays, such as due to late FCDL, Vendor agrees to use best efforts as necessary to substitute equivalent or better parts or services at equivalent or better pricing, so as to enable compliant Service Substitutions where necessary (such as due to “product end of life” situations). Labor rates, where applicable, should not increase by more than is justifiable by the Consumer Price Index [CPI].

2.9 Warranties and/or Service Level Agreements

The Vendor shall fully warrant with the manufacturer’s warranty or better all items provided under this RFP against defects in material and workmanship. Warranty information should be on a per item basis on the RFP and detailed in the Bid Proposal. Warranty information and/or Service Level Agreement should be explicitly documented in the Vendor’s Proposal. Should any defects in workmanship or material, excepting ordinary wear and tear, appear during the warranty period, the manufacturer or its representative shall repair or replace such items promptly upon receipt of written notice from Applicant. If there is a Service Level Agreement [SLA], including but not limited to uptime guarantees, Vendor will promptly apply SLA credits.

2.10 Price Quotations

Price quotations should include the furnishing of all materials, equipment, maintenance, shipping cost, delivery, installation, licenses, testing, documentation, taxes, surcharges, and the provision of all labor and services necessary or proper for the completion of the work, except as otherwise expressly stated in the RFP. The Applicant shall not be liable for any costs beyond those proposed and awarded. Shipping costs should be FOB Applicant destination. Estimated taxes and fees should also be quoted (see Appendix: Example Detail of Taxes).

Service providers are required to offer E-Rate Applicants their products/services at the Lowest Corresponding Prices [LCP] charged to other similarly situated customers throughout their geographic service area. In the event of a price decrease for a service or a product, the price decrease shall be passed on to the Applicant and suitably documented.

In the case of Category 1 services, increasing bandwidth at a given site or adding additional sites will not arbitrarily extend the term of the contract. In the case of Category 2 services, when allowed by E-Rate rules, contracts should allow for extension of implementation schedule, with reasonable provisions for service substitutions.

2.11 Clarification of Responses

The Applicant may at its discretion and at no fee to the Applicant, invite any Vendor to appear for questioning (live or via telepresence) during response evaluation for the purpose of clarifying statements in the response or negotiating terms.

2.12 Right to Reject; Unit Pricing

The Applicant reserves the right to accept multiple proposals or reject all proposals when in the best interest of the Applicant. The Applicant further reserves the right to accept an “authorization to order” [ATO] form of contract but then never order any items against that contract.

Applicant reserves the right to award for some, all, or none of the products and services sought herein so long as the change is not “cardinal” per program rules. If your bid does not allow for selection of a subset of line items or minor variations in the quantities required, please clearly indicate these limitations. If unit pricing varies as a function of volume purchased, please clearly indicate pricing tiers in your proposal.

2.13 Acquisition Policies and Other Applicable Regulations

It is the express intent of this solicitation that competitive bidding be fair and open, in full compliance with all applicable guidelines, and that resulting contract awards comply with all applicable rules and regulations. Applicable regulations impose a number of duties and responsibilities on recipients of E-Rate funds and their Vendors.

Applicant obeys applicable local, state(s), and federal competitive bidding and contractual regulations including those of the Schools and Libraries Division of USAC, the Applicant’s State(s) and Applicant’s State(s) Department of Education regulations. Additional Applicant procurement information may be found in Section E, OTHER SPECIFICS of the PART 2 - SPECIFIC INFORMATION, or the following non-exhaustive examples:

- State specific regulations:
 - California's Public Contract and Education Codes (<https://leginfo.legislature.ca.gov/>)
 - State of Washington K-12 Laws and Regs (<http://www.k12.wa.us/RulesRegs.aspx>)
 - Arizona School District Procurement Rules (Arizona Administrative Code, R7-2-1001 through R7-2-1195) available at: <https://www.k12.wa.us/policy-funding/child-nutrition/procurement>
 - <http://spo.hawaii.gov/references/hrs/>
 - <http://dhhl.hawaii.gov/>
 - <http://dhhl.hawaii.gov/procurement/2014-2/ifb-14-hhl-001/>
 - <http://www.chartercommission.hawaii.gov>
- Applicant’s local Archdiocese, District, or County Office of Education
- City Purchasing Division
- The State Human Rights Act
- Equal Opportunity Act
- The Prevailing Wage Act
- The Fair Labor Standards Act
- The State Motor Vehicle Code
- The State Use Tax Act
- The Occupational Safety and Health Act
- The Public Construction Bond Act
- The Consumer Product Safety Act

Not all of the above are necessarily applicable, and additional regulations may also apply. Please refer to <https://www.usac.org/e-rate/> for additional information about E-Rate rules.

Without limitation, Vendors *may* be obligated to comply with additional regulations, such as:

- Local construction codes, in the case of cabling projects⁴
- The Drug-Free Workplace Act, 42 U.S.C. § 702 and implementing regulations published at 15 CFR Part 29
- Lobbying restrictions
- Federal Equal Employment Opportunity and Non-Discrimination rules
- The Copeland “Anti-Kickback” Act, 18 U.S.C. 874 and 40 U.S.C. 276c

Not all of the above are necessarily applicable, and additional codes or regulations may also apply. It is the responsibility of the Vendor to determine which codes and regulations are applicable to the services that it provides and to comply with all such regulations.

2.14 Form of Contract

Applicant will consider all allowable forms of agreement including month-to-month or tariffed services,⁵ annual contracts, multi-year contracts and contracts with voluntary renewals, including contracts with well-defined provisions to adjust pricing for inflation as part of the annual renewal process. Preferred contract terms per service may be noted in section **B. PRODUCTS AND SERVICES SOUGHT** of PART 2 - SPECIFIC INFORMATION. Where appropriate, such as for multi-year Internet contracts, Applicant’s preference is for an “Authorization to Order” type of contract, with pricing per service level, enabling Applicant to place orders from time to time pursuant to the contract. For Internet services, contract terms should include tiered pricing for bandwidth upgrades for the term of the contract. Pricing proposals that take into account cumulative volume over the life of the contract are helpful. Contracts with high termination fees are apt to be scored lower, other things being equal; contracts allowing for voluntary renewals will be considered more advantageous.

All documents associated with this solicitation and all addenda issued pursuant to this solicitation will be considered incorporated by reference into the final contract, unless otherwise stated. This solicitation and any resulting contract(s) are intended to be fully compliant with all applicable state and local laws and purchasing regulations, as well as with the rules of the E-Rate program. If any aspect of this solicitation or any resulting contract fails to comply in any manner with all applicable rules and regulations, it shall be amended to comply, if possible, or, if not possible, shall be considered null and void.

Unless otherwise stated, contract provisions include the following:

- The parties shall have the right to mutually agree to amend the original contract within the constraints of Applicant’s local procurement rules, Applicant’s State procurement regulations, and the E-Rate program rules

⁴ Per CDE, as of 3/1/2015, cabling (public works) vendors will have to register with the Department of Industrial Relations [DIR] for the purposes of labor compliance. Lookup: <https://cadir.secure.force.com/ContractorSearch>.

⁵ E-Rate does not require signed, written agreements for Month-to-Month or Tariffed services; however, such arrangements must be competitively bid anew for each funding year.

- Applicant right to:
 - (a) Not proceed with contracted products/services unless approved by Applicant Board, if required, or authorized official of Applicant, if Board approval is not required
 - (b) Not proceed with contracted products/services unless E-Rate funding is approved
 - (c) Not proceed with contracted products/services if E-Rate funding is substantially lower than requested
 - (d) Optionally proceed with a reduced scope of work consistent with the level of funding approved, if determined by the Applicant to be in its best interest
 - (e) Optionally proceed with equivalent functionality products as needed (service substitution)

Unless otherwise specified, Applicant prefers contract term:

- Start on July 1 and end on June 30 of each funding year for recurring services
- Start on July 1 (or earlier to extent allowed by program rules) and end on September 30 following the funding year for Internal Connections
- Allow for voluntary extensions, renewable at discretion of Applicant
- Allow extension of contract expiration date and/or service delivery date as needed for Applicant convenience and allowable by program rules
- Allow extension of contract on a month-to-month basis after Initial and any Renewal Terms expire for recurring services as needed for Applicant convenience and allowable by program rules

2.15 Shipping/Delivery

Where applicable, proposals should itemize costs for mileage charges, equipment rental charges, taxes and shipping. Shipping costs should be estimated FOB the physical address where products or services will be delivered. Documenting the rationale for any mileage-related charges (such as distance from Vendor's nearest Central Office [CO]) is helpful in case the service locations might change during the funding year.

2.16 Required Vendor Qualifications

Due to technical complexity, application risk and potential liability, and to protect the Applicant's and the SLD's shared investment in infrastructure and services, Applicant expects the following industry standard certifications or evidence of equivalent qualifications as appropriate to the products and services offered. Failure to meet the following required Vendor qualifications could justify disqualifying a proposal without further scoring:

- Per E-Rate program rules, Vendor hereby agrees to retain all documents relative to any Agreement resulting from this RFP for ten (10) years after the last date of service
- Vendor must document that it has, or is in the process of obtaining, a valid SLD Service Provider Identification Number [SPIN]
- Vendor must have, or document that they are in the process of obtaining, a valid FCC Registration Number
- Vendor organization and its key personnel must not have been suspended or debarred from participation the E-Rate program
- Vendor must be able to provide evidence of Green Light Status

- Vendors proposing telecommunications services must be eligible telecommunications providers (“common carriers” filing Form 499) as defined by SLD or must show that an *exception* applies to their offering
- Vendor must have a history of maintaining up-to-date Service Provider Annual Certification [SPAC] filings as required by the SLD
- Vendor should be a manufacturer-authorized provider or maintainer of any proposed equipment
- All technicians/installers working at Applicant location must be bonded, or Vendor must carry appropriate amounts and types of insurance. In any event, Applicant shall be held harmless for any claims occurring during performance of this work
- Additional qualifications may be specified in PART 2 – SPECIFIC INFORMATION

It is also highly recommended that Vendor retain the services of an E-Rate consultant or have a designated employee familiar with E-Rate program rules, forms and processes, who will conduct periodic reviews of the Vendor’s processes and forms and assist the Applicant with Beneficiary Audits and ensuring the Vendor remains fully compliant with SLD/USAC/FCC requirements.

2.17 Preferred Vendor Qualifications

During proposal evaluation, depending on the specific products and services sought and the scoring factors, Applicant may also take into consideration one or more of the following evidences of preferred Vendor qualifications. Qualifications listed below are illustrative of appropriate qualifications for common E-Rate K-12 technology projects; this list is not intended to be comprehensive, nor are all qualifications listed applicable to all projects:

- Proposal provides evidence, if available, of experience successfully implementing comparably sized, approved E-Rate projects (preferred) or comparable K-12 projects if E-Rate experience is not available
- Proposal provides evidence of successful performance in the installation and configuration of the proposed brands of switches, routers, caching solutions, and similar equipment within the K-12 marketplace during the last 3-5 years
- Project staffing includes RCDD / Low Voltage or equivalent certificated engineer(s) for data cabling projects
- Project staffing includes manufacturer-qualified engineers to field supervise all infrastructure installation work. (For example, Vendors of Cisco or equivalent functionality equipment provide a Cisco CCNP/CCNA/CCIE or comparably certified engineer. Cabling offerings provide an RCDD to field supervise any installation work on this project.)

2.18 Variations, Exceptions and Waivers of Qualifications

All variations from any of the above qualifications or other specifications of this RFP should be clearly noted and explained in the proposal. Nontrivial variations from the *required Vendor qualifications* listed above can result in bid disqualification. When not disqualifying, shortcomings in *preferred Vendor qualifications* could affect scoring on secondary factors. Applicant shall have the right but not the obligation to consider reasonable requests for minor waivers from these requirements, if Applicant in its sole discretion determines this to be in its own best interest. For example, a requirement might be waived where a certification is pending and no other fully compliant bid has been received by the deadline.

2.19 Disclaimer Regarding Brand Names -- Equivalent Functionality

In various parts of this RFP, including any attachments and amendments, references may have been made to particular brands of products and services, typically in the context of providing information about the Applicant's existing infrastructure. The Applicant strongly believes in open and fair competitive bidding, compliant with E-Rate rules as well as applicable state and local rules. There is neither any brand preference nor any intent to imply a bias toward any particular brand. Such references are purely intended to help convey functional or configuration information about the products and services in use. For each such reference, the phrase "compatible with" or the phrase "or equivalent functionality," if not explicitly stated, is hereby included by reference, as appropriate to the context. Applicant seeks the most cost-effective solutions consistent with the RFP requirements and E-Rate program rules.

2.20 Vendor Conference call

If a Vendor Conference Call will be held, details will be specified in accompanying documents, including whether mandatory or optional.

2.21 Vendor Walk Through

If a Vendor Walk Through will be held, details will be specified in accompanying documents, including whether mandatory or optional.

2.22 Insurance

For on-site projects, the Vendor further agrees to obtain and maintain in full force and effect a policy of public liability insurance (both bodily injury and property damage coverage), during the term of this contract and for 60 days following, naming the Applicant and its officials and employees as additional insureds on such policy and providing single limits coverage (for bodily injury and property damage) of not less than \$1,000,000 for such additional insureds under the policy. Such insurance shall afford coverage for any occurrence arising out of or connected in any way with the work performed or to be performed pursuant to this contract. It is further agreed that the Vendor will pay the Applicant the costs, expenses, and attorneys' fees incidental to the enforcement of this provision of this contract.

Vendor shall maintain, at all times during the term of the Agreement, Worker's Compensation Insurance, including Occupational Diseases, with Statutory Limits as provided by the laws of the State where work is done and Employer's Liability Insurance not less than \$500,000 per occurrence for all of its employees. Vendor shall be solely responsible for accounting for, reporting and paying all costs in connection therewith.

Evidence of such insurance coverage and all certificates in connection with this Agreement shall be furnished to Applicant prior to the start of work.

2.23 Representations

Vendor has represented with the submission of its bid, and hereby again represents to the Applicant, that the following facts and circumstances are true:

- Vendor has the necessary equipment and personnel or has documented financial ability and means to acquire the same sufficient to adequately and properly perform this Agreement in accordance with the Request for Proposals and applicable laws

- Vendor is not barred from bidding for or entering into a contract with the State of Applicant's facility(ies) and acknowledges that the school board may declare the contract void if the certification completed pursuant to this subsection is false. Vendor has not been convicted of bribery or attempting to bribe an officer or employee of the State of Applicant's facility(ies) or any other governmental or elected official, nor has Vendor made an admission of guilt of such conduct which is a matter of record, nor has an official, agent or employee of Vendor been so convicted nor made such an admission
- Pricing meets Lowest Corresponding Price requirement of the E-Rate Program
- No official, employee or agent of Applicant has been employed or retained to solicit or aid in the procuring of this Agreement, nor will they be employed or otherwise benefit from this Agreement without notification to Applicant
- All of Vendor's employees/subcontractors who will be present on school premises when students are present have successfully passed, pursuant to local school code, a criminal background and investigation check, and have tested negative for TB within the past three years
- Applicant has relied upon Vendor's representations and materials submitted with and after the Bid in entering into a Contract with Vendor

2.24 Sales Tax Exemption

If the Applicant is a local government entity and sales to the Applicant are exempt from Tax, Vendor will complete the paperwork required to enable the project to receive these tax exemptions. Vendor will note "tax-exempt" on proposal to clearly indicate that taxes are not required.

Appendix: Example Detail of Taxes⁶

The Applicant seeks the *total* cost. Where applicable, please provide details of relevant taxes, fees and surcharges, clearly noting E-Rate eligibility of each. The following California-specific taxes et cetera provides an example of the detail expected in the Vendor proposal.

The eligible California service taxes and fees include (see <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees>):

- CA Public Utility Commission Fee
- CA High Cost Fund B
- CA Advanced Service Fund Fee
- CA Relay Service and Communications Fund Fee aka DDTP
- Federal Universal Service Fund
- California Teleconnect Fund Surcharge
- Universal Lifeline Telephone Surcharge
- Emergency Telephone Users Surcharge Tax

In addition, some cities levy:

- *Communications Services Tax*

Some vendors charge:

- Regulatory Cost Recovery Fees
- Other Surcharges

In addition, some vendors collect the following state-mandated fees. These are small, fixed charges, which are not directly convertible into constant percentages:

- Carrier Line Charge
- Universal Connectivity Charge
- State Regulatory Fee

⁶ This is an example; vendors should provide similar details for Applicant local and state areas.