MENLO PARK CITY ELEMENTARY SCHOOL DISTRICT

REQUEST FOR PROPOSAL
AND CONTRACT TERMS AND CONDITIONS
E-rate Funding Year 2022-2023
RFP # MPCSD 2022-1001 WAN E-RATE
470# 220005316

TECHNICAL SPECIFICATIONS FOR HIGH-SPEED DATA INFRASTRUCTURE PROJECT

WIDE AREA NETWORK

PROCUREMENT TIMELINE	
RFP ISSUED:	**12/10/2021**
OPTIONAL SITE WALK	**12/20/2021**
REQUESTS FOR INFORMATION DEADLINE	**12/28/2021 4:00 PM PST**
PROPOSALS DEADLINE:	**1/10/2022 2:00 PM PST**
PROJECT START DATE:	**PENDING FUNDING APPROVAL**
PROJECT END DATE:	**9-30-23 +USAC APPROVED EXTENSIONS**

Request for Proposals and Qualifications
For **Wide Area Network**

The Governing Board (the "Board") of the Menlo Park City School District (the "District") is seeking qualified providers of a Wide Area Network, that will replace its existing lit fiber point-to-point digital transmission service provider. The District hereby invites you to submit a response according to the terms and procedures defined herein.

1. General Information

Submission Instructions:

All offers must be submitted to the contact information below by the deadline indicated on Page 1.

Service Provider shall provide **one (1)** original Response Submitted via mail.

Contact Information:
Menlo Park City Elementary School District
ATTN: Jarrod Coombes
181 Encinal Avenue, Atherton, CA. 94025

Proposals must be **clearly labeled with the Title of the RFP "Menlo Park City ESD Wide Area Network" on the outside of the envelope.**

Alternative Submission via E-mail:
All offers may be submitted to the contact information below by the deadline indicated on Page 1.

Contact Information:
Jarrod Coombes
System Administrator
jcoombes@mpcsd.org

Offers must be received no later than the deadline noted above and clearly labeled in the subject line **"Menlo Park City ESD Wide Area Network"**

It is the sole responsibility of each respondent to ensure all submittals and attachments are received by the District before the deadline. The District assumes no responsibility for transmission failures.

Verification of receipt can be made by contacting Jarrod Coombes at jcoombes@mpcsd.org or (650) 321-7140 ext. 5372

Right to Reject Any and All Quotes:
The Board of Trustees of the Menlo Park City Elementary School District reserves the right to accept or reject any and all quotation submittals and to waive any informalities or irregularities in the proposals, to be sole judge as to the merit, quality and acceptability of materials proposed and their compliance to the specifications, if it be in the best interest of the District. The Service Provider's quotation submission is recognition of this right. In addition, the District reserves the right to fund, (proceed with project or purchase) or not to fund, regardless of E-Rate approval.

Requests for Information
All inquiries must be submitted via e-mail to Jarrod Coombes at jcoombes@mpcsd.org by the deadline on Page 1. Please reference **470 # 220005316** in the subject line.

All addendum(s), questions and answers will be posted to the district's website at https://district.mpcsd.org/Page/2409 in addition to the E-rate EPC website at https://portal.usac.org/suite/

Please "Follow" the Form 470 to receive all EPC updates pertaining to the Form 470.

Site Walks
Site walk will be Monday, December 20, 2021 starting at 11:00 AM at the Encinal Elementary School office at 185 Encinal Avenue, Atherton, CA 94027. No appointment is necessary. This site walk is not mandatory.

General Information
All responses shall conform to instructions provided in this Request for Proposal (RFP) document.

Installation Timeline
No billing can take place prior to July 1, 2022 though start up work can begin as early as January 1, 2022 in order to meet this deadline and maintain compliance with the E-Rate Program rules.

Deadline for Request for Proposal Submittal
Vendors must submit all required documents prior to the deadline indicated on Page 1. All proposals shall be complete and final with no additional information required after the close of the submittal date, unless specifically requested by the District. Responses received after the deadline will not be considered.

Request for Proposal Preparation Cost
Costs for preparing responses and any other related material is the responsibility of the Vendor, and shall not be chargeable in any manner to the District. The District will not be held liable for any cost incurred by Vendor in responding to the RFP.

Vendor Qualifications

Any individual firm submitting a proposal must be able to provide evidence that the individual or firm and its personnel carrying out the responsibilities have expertise and experiences in all areas identified in the Services Required section of this RFP. Provide general company data as it relates to the services requested in this RFP as well as qualifications table provided above. The vendor shall provide three (3) K-12 references consisting of similar work and scope.

Award of Contract

The District does not guarantee an award of a contract(s) and it reserves the right to select the firm(s) that it considers to be in the best interest of the District. Award of contract is/may be contingent upon the approval of funding from the Schools and Libraries Universal Service Administrative Company ("USAC").

The District reserves the right to award none, some, or all of the proposal. For instance, if a response exceeds the E-rate funding limits set by USAC, the district may choose to only award up to the E-rate funding limit, less or more.

The District reserves the right to accept or reject any or all proposals, to negotiate with any or all responsible submitters, and to waive any informality in the Proposal. Firms submitting proposals shall be responsible for any and all expenses that they may incur in preparing proposals.

DISTRICT reserves the right to require the vendor to submit evidence of qualifications, as it may deem appropriate. This evidence may be concerning financial, technical, and other qualifications as well as relevant experience and skills of the vendor.

Request for Proposal Submission Requirements

All submissions meeting the deadline requirement are the property of Menlo Park City Elementary School District and will not be returned. All information submitted in the proposals will be kept confidential and accessed only by those employees of the District reviewing the proposals.

All responses to this RFP should be submitted with the content and sequence of the proposal as follows:

1. Cover Letter/Letter of Interest
2. Table of Contents
3. Vendor Company Data
4. Experience and Client References
5. Technical Capabilities
6. Cost Proposal
8. Transition Plan

VENDORS MAY RESPOND TO OPTION 1, OPTION 2, OPTION 3 OR ANY COMBINATION OF THE THREE OPTIONS OF THIS RFP. IT IS NOT REQUIRED TO DO ALL THREE. DISTRICT WILL EVALUATE EACH SECTION INDIVIDUALLY. DISTRICT MAY AWARD SERVICES TO MORE THAN ONE VENDOR.

References

Before awarding any contract, the District reserves the right to require the vendor to submit evidence of qualifications, as it may deem appropriate. This evidence may be concerning financial, technical, and other qualifications as well as relevant experience and skills of the vendor.

Prospective Service Providers are required to submit the following:

1. Three (3) references describing Service Provider's portfolio experience with comparable projects within a K-12 customer market
2. Service Provider's SPIN number
3. Service Provider's FCC Registration Number (FRN)

Failure by Service Provider to supply these documents shall be considered grounds for disqualification.

2. PROJECT DESCRIPTION

The Menlo Park City School District has an on-going strategic plan which includes telecommunication services, connectivity, and support. Menlo Park City School District's technology infrastructure consists of a local area network installed at each campus with a wide area network connecting the campuses together. The District is seeking to leverage its investment in these areas to achieve maximum operating efficiencies and cost savings.

Existing Network Structure

MPCSD currently leverages a managed 2Gb/s ENS fiber network provided by Comcast to connect all of its campuses together, as well as a dedicated 2Gb/s EPL circuit, also provided by Comcast, to connect to its internet provider, Cogent, at a data center in Palo Alto.

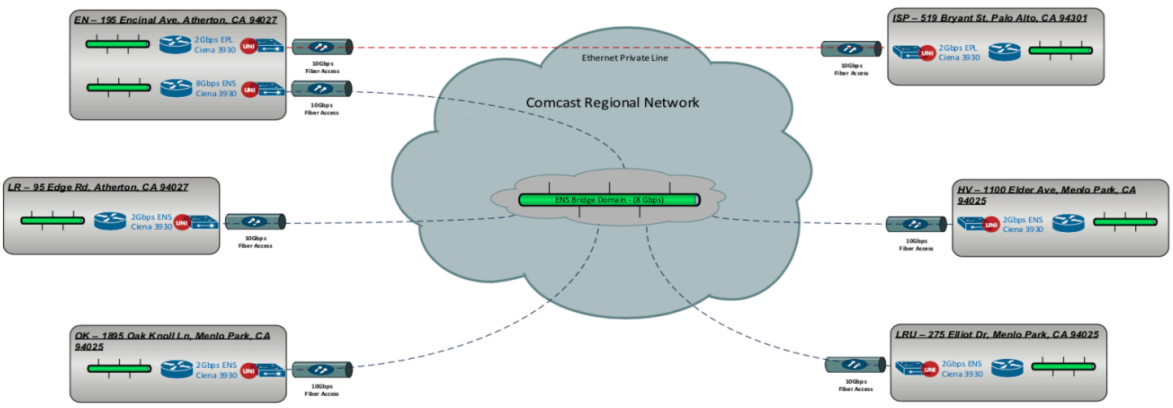


Figure 1 - Current WAN Configuration

PROJECT GOALS

Menlo Park City School District is seeking telecommunication providers that are able to meet its data telecommunication needs. The present system utilizes various levels and types of services at multiple locations. *This list presented is a summary. See specific requirements as outlined below.*

OPTION 1

Internet Service Provider (ISP)

The MPCSD is seeking an internet service provider to provide a 3-year contract with (2) 1-year extensions as well as a 5-year term contract option for an initial 4 Gb committed information rate (CIR), 10 Gb capable, Internet service to 195 Encinal Avenue, Atherton, CA 94027 (terminated into Encinal School's data center) and has a presence at the Equinix Internet Exchange (529 Bryant Street, Palo Alto CA) or can also bid on option 2 below in order to transport ISP services to/from their own data center.

OPTION 2

Internet Transport to ISP

The MPCSD is seeking a service provider to provide a 3-year contract with (2) 1-year extensions as well as a 5-year term contract option to install and manage an actively managed point-to-point circuit, 10 Gb hand-off to equipment on both sides, and an initial 4 Gb committed information rate (CIR), 10 Gb capable, from 185 Encinal Avenue, Atherton, CA 94027 (terminated into Encinal School's data center) and the Equinix Internet Exchange (529 Bryant Street, Palo Alto) or the their own data center should they choose to bid on option 1 above as well as this option. The carrier/provider shall amortize the cost of construction into the monthly rate. The bid should include any cross connect or related fees.

OPTION 3

Wide Area Network (WAN)

The MPCSD is seeking a carrier/ provider to provide a 3-year contract with (2) 1-year extensions as well as a 5-year term contract option to install and actively manage a dedicated fiber WAN connecting between our five school sites. Connection must provide an initial managed 4 Gb committed information rate (CIR), 10 Gb capable connection. The carrier/provider shall amortize the cost of construction into the monthly rate.

WAN shall connect between:

- Encinal Elementary School
  195 Encinal Avenue
  Atherton, CA 94027
  (terminated into Encinal Elementary School's data center)

- Laurel Elementary School Lower Campus
  95 Edge Road
  Atherton, CA 94027
  (terminated into Laurel Elementary School’s data center)

- Laurel Elementary School Upper Campus
  275 Elliott drive
  Menlo Park, CA 94025
  (terminated into Laurel Elementary School’s data center)

- Oak Knoll Elementary School

1895 Oak Knoll Lane
Menlo Park, CA 94025
(terminated into Oak Knoll School's data center)

- Hillview Middle School
  1100 Elder Avenue
  Menlo Park, CA 94025
  (terminated into Hillview School's data center)

VENDORS MAY RESPOND TO OPTION 1, OPTION 2, OPTION 3, OR ANY COMBINATION OF THE THREE OPTIONS OF THIS RFP. IT IS NOT REQUIRED TO DO ALL OPTIONS. DISTRICT WILL EVALUATE EACH SECTION INDIVIDUALLY. DISTRICT MAY AWARD SERVICES TO MORE THAN ONE VENDOR.

Timeline

No billing can take place prior to July 1, 2022 though start up work can begin as early as January 1, 2022 in order to meet this deadline and maintain compliance with the E-Rate Program rules. WAN links should be operational by July 02, 2022 to provide for a 2-week punch list to resolve any connectivity issues and be fully operational by July 16, 2022.

Customer Requirements

Vendors may respond to the ISP, WAN or Internet Transport portions of the RFP, or any combination of the three. If responding to Internet transport **and** WAN services, then please see diagram 3 below for the Districts desired configuration.

- ISP Services (OPTION 1):
  - Please provide quotes for following synchronous bandwidths
    - 4Gbps with 10Gbps surge capabilit**y**
    - 6Gbps with 10Gbps surge capability
    - 10Gbps
  - A contiguous block of usable public IPv4 IPs, in the same /26 subnet (62 IPs).
  - The bidder must have the ability to add an 802.1Q VLAN tag to internet traffic to and from the District.
- Internet Transport (OPTION 2):
  - Please provide quotes for the following bandwidths
    - 4 Gbps with 10Gbps surge capability
    - 6Gbps with 10Gbps surge capability
    - 10 Gbps
  - The bid should include any cross connect or related fees.
- Wide Area Network Digital Transmission Services (OPTION 3):
  - Please provide quotes for the following bandwidths.
    - 4 Gbps with 10Gbps surge capability
    - 6Gbps with 10Gbps surge capability
    - 10 Gbps

- Internal routing scheme and IP structure cannot be changed
- **WAN connections are Peer-to-Peer from each site (see the attached diagrams for two possible configurations of the WAN links)**
- Option for growth including, but not limited to, increases in bandwidth and/or additions of locations, as determined necessary by the District.
- Options for removal of sites due to closures or re-organization requirements as deemed necessary by the District. *The District will require that there be no early termination charges or other penalties assessed in such situation that is determined to be outside the control of the District*.
- **District is seeking proposals for a minimum 36-month term with options for annual 1-year contract renewals up to 2 additional years as well as a 5-year contract term option. Please quote both 36-month term with options for annual 1-year contract renewals and a 60-month contract term.**
- All vendor equipment installed shall be under repair maintenance at no cost to Menlo Park City Elementary School District for the life of the contract agreement.
- All equipment necessary to provide this connectivity shall be provided with no expectation of transfer of ownership to Menlo Park City Elementary School.

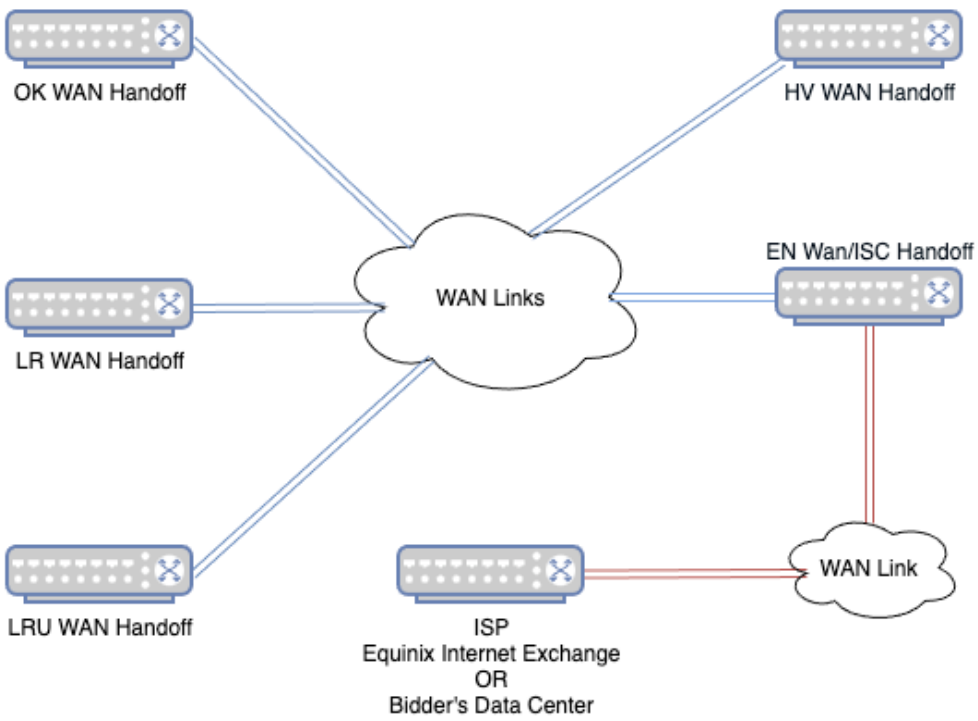


Figure 2: ISP transport separated from the WAN links – Use this configuration if you are not bidding on Internet Transport

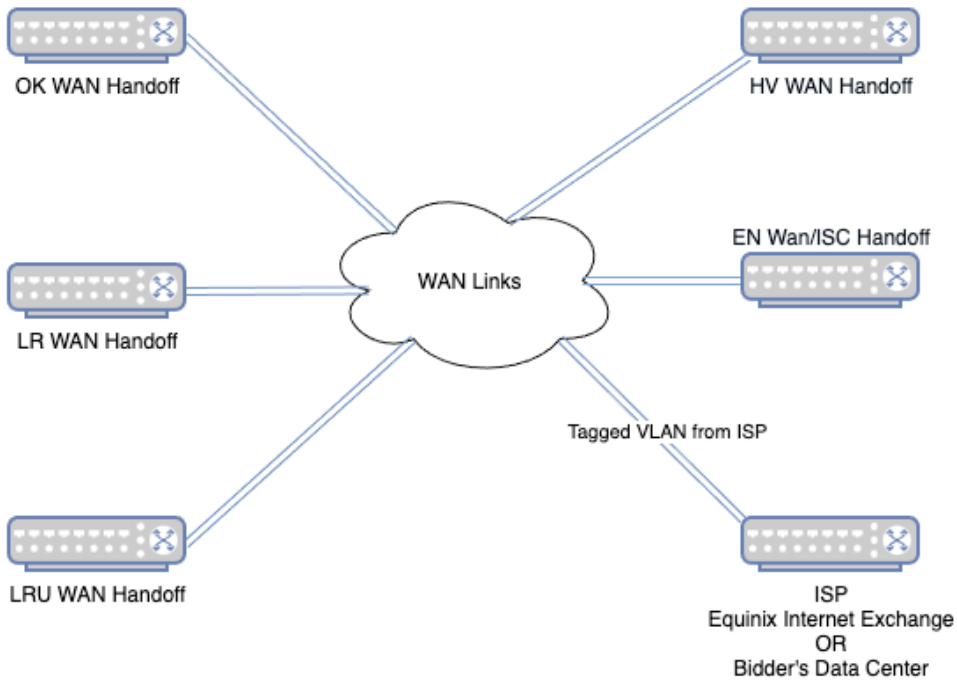


Figure 3: ISP transport is part of the WAN, use this configuration if you are bidding on WAN links (option 3) and the Internet Transport link (option 2).

Information Requested

- Proposed solution pricing
    - **Special construction costs (curb to MPOE) should be amortized over the initial contract term as part of the Monthly Recurring Charge (MRC). DISTRICT WILL NOT BE RESPONSIBLE FOR ANY EASEMENT/RIGHT OF WAY COSTS INCURRED BY THE PROPOSER WHILE IMPLEMENTING THE SOLUTION. The Minimum Point of Entry (MPOE) and Demarcation point at each site shall be determined by Menlo Park City School District's technical staff. All cost proposals must include pricing to install services to the MPOE and Demarcation point.**
- Include any one-time and recurring costs and explain any additional associated contractual obligations associated with growth option (as stated above).
- Support agreements including response times.

Confidentiality

Responses to this RFP becomes the exclusive property of the District upon receipt. All proposals received in response to this RFP become a matter of public record and shall be regarded as public records. A Proposer may designate elements in its proposal which are defined as business or trade secrets and plainly marked as "Confidential," "Trade Secret," or "Proprietary."

Although the California Public Records Act recognizes that certain confidential trade secret information

may be protected from disclosure, the District may not be in a position to establish that the information that a Proposer submits is a trade secret. If a request is made for information marked "Confidential," "Trade Secret," or "Proprietary," the District will provide the Proposer who submitted the information with reasonable notice to allow the Proposer to seek protection from disclosure by a court of competent jurisdiction.

PAYMENT AND FUNDING

The District intends to partially fund the services contemplated herein by leveraging the federal E-Rate program. Vendors should be familiar with and compliant with all applicable federal E-Rate policies. Bids from vendors that are not E-Rate eligible will not be considered for this RFP. Vendors must provide a response to this RFP that is compliant with E-Rate. Vendors must submit their E-Rate Service Provider Identification Number (SPIN) in the vendor response. Vendors must submit their E-Rate Federal Communications Commission Registration Number (FCCRN) in the vendor response along with proof of FCC Green Light Status. The successful bidder also must abide by the requirements for vendors under the E-rate program as set forth by the E-Rate program administrators. These requirements include, but are not limited to; filing of all Form 474 forms, extension of appropriate discounts to the participating eligible entities, careful record keeping for auditing purposes, and the provision of any information participating eligible entities must submit as part of their filing requirements. The bidder must identify and separate any costs that are associated with non E-Rate eligible entities and services as identified in the scope of work herein.

In addition, the Wide Area Network (WAN) high speed telecommunications services must also be eligible for, and receive, the applicable discounts funded through the California Teleconnect Fund (CTF) which is administered by the California Public Utilities Commission (CPUC). In accordance to CPUC resolution T-16763 all E-Rate program discounts must be posted via the Service Provider Invoice Form 474. The District will not file a Billed Entity Applicant Reimbursement Form 472 for applicable E-Rate discounts.

Failure of vendor to apply appropriate discounts will be basis for termination of contract without penalty.

TRANSITION PLAN

For billing purposes, the cut-over date and contract term for any new carrier begins on **July 1, 2022.** Menlo Park Elementary School District School District requires a transition plan to be provided with any proposal response. The plan is to include the resources to be dedicated to the transition, all costs associated with the transition, a timeline of actions with a completion

target date for the supplier and for the Menlo Park City Elementary District transition team. The transition plan is to outline the expectations the supplier team would have of Menlo Park City Elementary School District and the information or task Menlo Park City Elementary School District to provide the supplier and the date any information or task would be required.

Menlo Park City School District reserves the option to terminate service, without penalty and full expectation of refund of any and all proceeds paid prior to date of termination of contract or services for balance of services not rendered, if the district is dissatisfied with the service.

Service Provider warrants that such facilities and services will maintain the performance criteria stated above at all times during the continuation of this Agreement. Service Provider warrants that it had good title to all elements of the facilities and services and has the legal right to contract with Menlo Park City School District for the installation and use of such facilities and services. Service Provider shall indemnify Menlo Park City Elementary School District and its trustees and employees against any claims or threat of claims brought by any third-party alleging infringement of any proprietary rights.

QUALIFICATIONS

Please provide responses to the following questions as well as details to offer a comprehensive representation of your company and its services.

	Yes/No
1. The vendor must be able to guarantee network availability at least 99.5% of the time in a calendar month, and packet delivery of 99.5% or greater, except for outages caused by the customer's equipment, fiber cuts by third parties, acts of God, or other Force Majeure events.	**If you cannot provide this, please explain below.**
Please elaborate:	
2. Does your company monitor all telecommunication and/or Internet services 24 hours per day, seven days per week, 365 days per year?	
Please elaborate:	
3. Can your company ensure Menlo Park City Elementary School District 99.95% for all telecommunication and/or Internet service availability during each week of service provided with telecommunication and/or Internet service latency across your company's network, facilities and services not to exceed 30 milliseconds maximum?	
Please elaborate:	
4. Is your company able to provide, at no additional charge, immediate notification to Menlo Park City Elementary School District network department representative of any and all telecommunication and/or Internet service outages or anomalies which affect the use of the facilities, circuits, or network within Menlo Park City Elementary School District?	
Please elaborate:	

5. Please provide the process for Menlo Park City Elementary School District to report any problems with the facilities, circuits, network or telecommunication and/or Internet services including the minimum response time.	
Please elaborate:	
6. Provide details regarding your company's service center, including, but not limited to, staffing experience, process and priority service.	
Please elaborate:	
7. Your company will provide a non-performance policy with Menlo Park City Elementary School District which provides Menlo Park City Elementary School District a monthly credit equal to two times the monthly rate multiplied by the percentage of monthly outage to any site within Menlo Park City Elementary School District, when such faults, outages or anomalies are due to the oversight neglect or unreliability of your company's services.	
Please elaborate:	
8. Does your company maintain compliance with any and all legal requirements set forth under the California Public Utilities Commission and the Federal Communications Commission of the United States of America?	
Please elaborate:	
9. Does your company agree that Menlo Park City Elementary School District can reserve the option to terminate service, without penalty and full expectation of refund of any and all proceeds paid prior to date of termination of contract or services for balance of services not rendered?	
Please elaborate:	

EVALUATION AND SELECTION CRITERIA

The District, in compliance with Federal Communications Commission (FCC) rules, will award to the vendor(s) providing the most cost-effective service offering. Per the Sixth Report and Order, FCC 10-175, FCC rules dictate the following:

§ 54.503 *(c)(2)(vii) All bids submitted for eligible products and services will be carefully considered, with price being the primary factor, and the bid selected will be for the most cost-effective service offering consistent with § 54.511.*

§ 54.511 Ordering Services *(a) Selecting a provider of eligible services. In selecting a provider of eligible services, schools, libraries, library consortia, and consortia including any of those entities shall carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered.*

Therefore, the District may consider factors other than price alone in the consideration of bids; price for E-rate eligible goods and services will be the primary factor considered.

SELECTION CRITERIA:

No.	Factor	Total Points Available
1	Cost of E-Rate eligible goods and services	25
2	Cost of E-Rate ineligible goods and services	10
3	Vendor quote meets district's minimum specifications	20
4	Experience with district	5
5	Ability to deliver service at the proposed timeline	15
6	Ability to deliver service throughout district geographic region	15
7	Financial stability	10
	Total Points	**100**

PAYMENT AND FUNDING

The District intends to partially fund the services contemplated herein by leveraging the federal E-Rate program. Vendors should be familiar with and compliant with all applicable federal E-Rate policies. Bids from vendors that are not E-Rate eligible will not be considered for this RFP. Vendors must provide a response to this RFP that is compliant with E-Rate. Vendors must submit their E-Rate Service Provider Identification Number (SPIN) in the vendor response. Vendors must submit their E-Rate Federal Communications Commission Registration Number (FCCRN) in the vendor response along with proof of FCC Green Light Status. The successful bidder also must abide by the requirements for vendors under the E-rate program as set forth by the E-Rate program administrators. These requirements include, but are not limited to; filing of all Form 474 forms, extension of appropriate discounts to the participating eligible entities, careful record keeping for auditing purposes, and the provision of any information participating eligible entities must submit as part of their filing requirements. The bidder must identify and separate any costs that are associated with non-E-Rate eligible entities and services as identified in the scope of work herein.

In addition, the Wide Area Network (WAN) high speed telecommunications services must also be eligible for, and receive, the applicable discounts funded through the California Teleconnect Fund (CTF) which is administered by the California Public Utilities Commission (CPUC). In accordance to CPUC resolution T-16763 all E-Rate program discounts must be posted via the Service Provider Invoice Form 474. The District will not file a Billed Entity Applicant Reimbursement Form 472 for applicable E-Rate discounts.

Failure of vendor to apply appropriate discounts will be basis for termination of contract without penalty.

E-RATE SUPPLEMENTAL TERMS AND CONDITIONS

Signed copy to be returned with bid response.

The Telecommunications Act of 1996 established a fund by which Schools and Libraries across the Country could access discounts on eligible telecommunications products and services. The program is commonly known as the E-rate Program. The eligibility for discounts on internet access, telecommunications products and services, internal connection products, services and maintenance is determined by the Federal Communications Commission (FCC). Funding is made available upon application approval by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC), which was established by the Act. The amount of discount is based on the numbers of students receiving free and reduced price meals.

1) **E-RATE CONTINGENCY**
   The project herein may be contingent upon the approval of funding from the Universal Service Fund's Schools and Libraries Program, otherwise known as E-rate. Even after award of contract(s) and/or E-rate funding approval is obtained, the District may or may not proceed with the project, in whole or in part. Execution of the project, in whole or in part, is solely at the discretion of the District.

2) **SERVICE PROVIDER REQUIREMENTS**
   The District expects Service Providers to make themselves thoroughly familiar with any rules or regulations regarding the E-rate program.

   a. Service Providers are required to be in full compliance with all current requirements and future requirements issued by the SLD throughout the contractual period of any contract entered into as a result of this RFP.

   b. Service Providers are responsible for providing a valid SPIN (Service Provider Identification Number). More information about obtaining a SPIN may be found at this website: https://www.usac.org/e-rate/service-providers/step-1-obtain-a-spin/

   c. Service Providers are responsible for providing a valid Federal Communications Commission (FCC) Registration Number (FRN) at the time the bid is submitted. More information about obtaining an FRN may be found at this website: https://fjallfoss.fcc.gov/coresWeb/publicHome.do

   d. Service Providers are responsible for providing evidence of FCC Green Light Status at the time the bid is submitted. Any potential bidder found to be in Red Light Status must provide an explanation of the steps it is undertaking to be removed to Red Light Status and the expected timeframe for resolution. A Service Provider's sustained Red Light Status may be grounds for contract termination as it could prohibit the Service Provider from providing E-rate

discounts in a timely manner which would cause harm to the Applicant. More information about FCC Red and Green Light Status may be found at this website: http://www.fcc.gov/debt_collection/welcome.html

e. Products and services must be delivered before billing can commence. At no time may the Service Provider invoice before July 1, 2022.

f. Prices must be held firm for the duration of the associated E-rate Funding Year(s) or until all work associated with the project is complete (including any contract and USAC approved extensions).

g. Goods and services provided shall be clearly designated as "E-rate Eligible". Non-eligible goods and services shall be clearly called out as 100% non-eligible or shall be "cost allocated" to show the percentage of eligible costs per SLD guidelines.

h. Within one (1) week of award, the awarded Service Provider must provide the District a bill of materials using a completed USAC "Item 21 Template". Subsequent schedules of values and invoices for each site must match Item 21 Attachment or subsequent service substitutions. A summary sheet must also be provided to provide the cumulative amount for all sites.

i. In the event of questions during an E-rate pre-commitment review, post-commitment review and/or audit inquiry, the awarded Service Provider is expected to reply within 3 days to questions associated with its proposal.

j. The awarded Service Provider is required to send copies of all forms and invoices to the District prior to invoicing USAC for pre-approval. Failure to comply with this requirement may result in the District placing the vendor on an "Invoice Check" with the USAC https://www.usac.org/e-rate/applicant-process/invoicing/invoice-check/

k. Services providers must comply with the FCC rules for Lowest Corresponding Price ("LCP"). Further details on LCP may be obtained at USAC's website: https://www.usac.org/e-rate/service-providers/step-2-responding-to-bids/lowest-corresponding-price/

3) SERVICE PROVIDER ACKNOWLEDGEMENTS

a. The Service Provider acknowledges that no change in the products and/or services specified in this document will be allowed without prior written

approval from the district and a USAC service substitution approval with the exception of a Global Service Substitutions.

b. The Service Provider acknowledges that all pricing and technology infrastructure information in its bid shall be considered as public and non-confidential pursuant to §54.504 (2)(i)(ii).

c. The Service Provider acknowledges that its offer is considered to be the lowest corresponding price pursuant to § 54.511(b). Further details on LCP may be obtained at USAC's website: https://www.usac.org/e-rate/service-providers/step-2-responding-to-bids/lowest-corresponding-price/. Should it not be the lowest corresponding price, the service provider must disclose the conditions leading to the applicant being charged in excess of lowest corresponding price.

d. BIDDERS are required to comply with the FCC's Lowest Corresponding Price ("LCP") Requirement for all equipment and Services. BIDDER acknowledges that BIDDER is solely responsible to comply with LCP requirements. To the extent that USAC finds an LCP violation and reduces the E-rate Funding, BIDDER agrees that it will not hold the DISTRICT liable for any shortfall in E-rate funding and will be responsible for any ensuing appeals, COMADS and/or RIDFS.

e. The Service Provider attests that its offer does not violate the FCC's Supply Chain certifications included in the FCC Form 473. Supply Chain requirements and certifications can be viewed at USAC's Website: https://www.usac.org/about/reports-orders/supply-chain/.

f. This offer is in full compliance with USAC's Free Services Advisory https://www.usac.org/e-rate/applicant-process/competitive-bidding/free-services-advisory/. There are no free services offered that would predicate an artificial discount and preclude the applicant from paying its proportionate non-discounted share of costs. The service provider agrees to provide substantiating documentation to support this assertion should the applicant, USAC, or the FCC request it.

4) STARTING SERVICES/ADVANCE INSTALLATION – Category 1 Services

The annual E-rate Funding Year begins on July 1 and expires on June 30 of each calendar year. Regardless of the contract "effective date", E-rate eligible goods and/or services requested in this RFP shall be delivered no earlier than the start of the 2022 funding year (July 1, 2022). If Category 1 services (Telecommunication Services and Internet access) will begin on or shortly after July 1 of a funding year, the service provider, in some cases, may need to undertake some construction and installation work prior to the beginning of that funding year. Within the limitations indicated below, the infrastructure costs of a service provider can be deemed to be

delivered at the same time that the associated Category 1 services begin. That is, if services begin on July 1, then the delivery of service provider infrastructure necessary for those services can be considered as also delivered on July 1. However, NO INVOICING can take place prior to July 1 of the associated Funding Year.

EARLY FUNDING CONDITIONS

Category 1
There are four conditions that must be met in order for USAC to provide support in a funding year for Category 1 infrastructure costs incurred prior to that funding year.

- *Initiation of installation cannot take place before selection of the service provider pursuant to a posted Form 470 and in any event no earlier than six months prior to July 1 of the funding year.*
- *The Category 1 service must depend on the installation of the infrastructure.*
- *The underlying Category 1 service cannot have a service start date prior to July 1 of the funding year.*
- *No invoices can be submitted to USAC for reimbursement prior to July 1 of the funding year.*

For more information, please refer to the FCC Order involving the Nassau County Board of Cooperative Educational Services (DA 02-3365, released December 6, 2002). This FCC decision only applies to Priority 1 services (telecommunications services and Internet access).

The complete text can be found at the following URL:
https://www.usac.org/e-rate/applicant-process/starting-services/advance-installation/

Category 2
There is one condition that allows USAC to provide support in a funding year for Category 2 installation costs incurred prior to that funding year.

- *We also amend our rules for category two non-recurring services to permit applicants to seek support for category two eligible services purchased on or after April 1, three months prior to the start of funding year on July 1. This will provide schools with the flexibility to purchase equipment in preparation for the summer recess and provide the maximum amount of time during the summer to install these critical networks.*

For more information, please refer to the FCC Report and Order and Further Notice of Proposed Rulemaking (FCC 14-99, released July 23, 2014). This FCC decision only applies to Category 2 services (Internal Connections).

However, NO INVOICING can take place prior to July 1 of the funding year.

5) INVOICING

a. The Service Provider agrees to bill and receive a portion of the payment for the provisions of goods and services described herein directly from USAC via the Form 474 Service Provider Invoice (SPI). The District will only be responsible for paying its non-discounted share of costs and does not intend to use the BEAR process (Form 472). The maximum percentage the District will be liable for is the pre-discount amount minus the funded amount as shown on the FCC Form 471 Block 5 and any identified ineligible costs. Upon the successful receipt or posting of a Funding Commitment Decision Letter from the SLD and submission, certification and USAC approval of Form 486, the District shall pay only the discounted amount beginning with the billing cycle immediately following said approval. Alternatively, should the District decide that it is in the best interest of the District to file a Form 472, the District will inform the Service Provider of its intent.

b. All Service Provider invoicing to USAC must be completed within 120 days from the last day of service. Should the Service Provider fail to invoice USAC in a timely manner, the District will only be responsible for paying its non-discounted share.

6) FCC/SLD AUDITABILITY

The E-rate program requires that all records be retained for at least ten (10) years from the last date of service provided on a particular funding request. Respondent hereby agrees to retain all books, records, and other documents relative to any Agreement resulting from this RFP for ten (10) years after final payment. The District, its authorized agents, and/or auditors reserves the right to perform or have performed an audit of the records of the Respondent and therefore shall have full access to and the right to examine any of said materials within a reasonable period of time during said period.

7) PROCUREMENT OF ADDITIONAL GOODS AND/OR SERVICES/COTERMINOUS EXPIRATION

During the term of any Agreement resulting from this RFP, the District may elect to procure additional or like goods and/or services offered by the Respondent. Such services shall be negotiated and obtained via an official amendment to this Agreement and approval by the District's Governing Board. All terms, conditions, warranties, obligations, maintenance and support of said goods or services shall have a coterminous expiration date with the original date of this Agreement. The District shall not enter into a separate Agreement for said goods or services. Respondents must state in their proposal that they acknowledge, accept and are in agreement with coterminous expiration conditions.

I, the undersigned, as an authorized agent of _____ (Service Provider Name), hereby certify that I have read the E-rate Supplemental Terms and Conditions,

am fully compliant and intend to cooperate with the E-rate process as outlined above.

Signature: _____ **Title**: _____

Phone Number: _____ **Email**: _____

Service Provider Name: _____

APPENDIX A

Locations

1. Encinal Elementary School
   195 Encinal Avenue
   Atherton, CA 94027

2. Laurel Elementary School Lower Campus
   95 Edge Road
   Atherton, CA 94027

3. Laurel Elementary School Upper Campus
   275 Elliott Drive
   Menlo Park, CA 94025

4. Oak Knoll Elementary School
   1895 Oak Knoll Lane
   Menlo Park, CA 94025

5. Hillview Middle School
   1100 Elder Avenue
   Menlo Park, CA 94025

6. Equinix Internet Exchange
   529 Bryant Street
   Palo Alto, CA 94301