

**RFP of**  
**WIDE AREA NETWORK CONNECTIONS**  
For  
**Laguna Beach Unified School District**

**RFP NO.:** 7700-23-1  
**DUE DATE:** November 28, 2023 BY  
**TIME:** 1:00 pm PST

In conformity with the FCC Schools and Library Division (SLD), "Universal Service Fund" (a.k.a. "E-Rate funding") application process, Laguna Beach Unified School District, hereafter referred to as "Owner", is seeking responses from qualified providers of **Wide Area Network (WAN) Connections**.

**Any and all updated project information, and forms, including addenda, will be distributed through the project website, located at <https://portal.usac.org/suite/> and <https://www.lbusd.org/departments/technology> All of these documents shall be made part of and material to the contract for services.**

**Scope of Work**

The Owner is seeking proposals for Wide Area Network Connections and will accept responses from Service Providers for Lit Fiber solutions. The Bidder will include in their proposal, all costs necessary to provide, construct, install, maintain, and monitor the services requested below. All maintenance cost associated with any on-site premise equipment, provided as an integral part of the Bidder's proposed service, shall be their sole responsibility. Per the requirement of the E-Rate program, the services requested below shall at no point, now or in the future, become the property of the Owner. The successful bidder will include in their bid price, at a minimum, the following:

1. The requested service is a Point-to-Point Ethernet service between the User Network Interface (UNI) at the Owner's "Collector Site" to the UNI(s) located at each of the sites as listed in *Attachment "A" Site Schedule*.  
Note- The owner is not requesting bids for internet access.

The district requests pricing for links with the following speeds **2000Mbps, 5000Mbps, 8000Mbps, 10000Mbps, 15000Mbps, 25000Mbps** Unless otherwise noted in *Attachement A site Schedule*

2. Please provide a separate price for all "**One-Time**" **special construction** and/or build-out costs, including but not limited to; conduit/trenching, interior pathways, cabling, terminations, construction of network facilities, route assessments, ROW access and/or easement assessments, traffic control and permits, surveys, testing, design and engineering and project management to provide the requested service connection the Owner's designated demarcation point and also a separate proposal to amortize the cost of construction into the monthly contract cost.
  - a. If the Service Provider has the ability to offer financing up to three (3) years on the Applicant's nondiscounted share of the special construction charges, please list this in your bid response. Include (a) the total amount financed, (b) the term of the agreement, and (c) the annual interest rate. The installment payment option is available for the applicant's non-discount share of special construction charges only, not the total cost of a special construction project.

The cost of all one-time connection and/or installation fees as necessary by the bidder to provide their proposed service. In E-Rate terminology, special construction refers to the upfront, non-recurring costs associated with the installation of new fiber to or between eligible entities. If no new fiber is being installed, then any installation costs are considered standard non-recurring costs (NRC). Applicants may seek funding for special construction charges relating to leased lit fiber, leased dark fiber, and self-provisioning. Special construction charges eligible for Category One support consist of three components: a. Construction of network facilities b. Design and engineering

- c. Project management

*Note:* The term “special construction” does not include network equipment necessary to light fiber, nor the services necessary to maintain the fiber. Charges for network equipment and fiber maintenance are eligible for Category One support as separate services, but not as special construction.

All options can include special construction or one-time E-Rate eligible non-recurring costs as well as E-Rate eligible recurring circuit costs. All bid responses for solutions requiring special construction must only include the capacity and special construction necessary to deliver service to Owner. To the extent that the winning bidder installs additional strands of fiber for future business ventures, the winning bidder assumes full responsibility to ensure those costs are allocated out of the special construction charges to the Owner in accordance with FCC rules and orders. If, after the issuance of the FCDL, USAC or the FCC determines that the winning bidder did not cost allocate those charges associated with the additional strands, the Owner will not be responsible for reimbursing the winning bidder and the winning bidder will assume all responsibilities deemed ineligible by USAC.

Based on the bids and both a short-term and long-term cost-effectiveness analysis, the Owner will determine which of the solutions is acceptable.

4. RFP response shall include any/all costs associated with switching services from our present supplier. The bidder’s presentation of a bid response is an acknowledgment of this requirement.
5. Customer Premise Equipment (CPE), to provide the requested service.
  - a. Handoff shall be as stated on the Attachment “A” schedule.
  - b. The bidder will provide and maintain all premise equipment necessary to provide the Owner with the specified handoff and type of service requested.
  - c. All solutions must terminate service or infrastructure in the demarcation point at the site addresses and MDF locations specified in this RFP. Solutions bringing service to the property line but not to the demarcation point are not acceptable. Respondent must specify specific demarcation setup included in base fees, e.g. wall mounted CPE and CAT6a handoff.
6. The requested service shall provide for both physical and logical separation of the Owner’s traffic through the public switched network. The bidder shall, as determined by the scope of their proposed service, provide all necessary equipment, software, and/or professional services, including but not limited to Ethernet Virtual Connections (EVC), to accomplish this requirement.
7. Full Duplex operation (connection shall be bi-directional).
8. The requested service shall allow the following Network Protocols:
  - a. TCP/IP protocols
  - b. 802.1d and 802.1q QoS service on the entire circuit.
  - c. All Layer 1 and Layer 2 protocols, minimum Layer 3 protocols (EIGRP, IGMP, IPsec, OSPF, & RIP). d. Multicasting (IGMP with PIM, SM or DM).
9. The Service provider shall supply an industry standard Service Level Agreement (SLA), to ensure the following Objectives are maintained:
  - a. No other bidder’s customers will have any physical or logical access to the Owner’s traffic/VLAN.
  - b. Network Availability – 99.99%
  - c. Packet Delivery Rate – 99.99%
  - d. Network Latency: 10ms, one way.
  - e. Mean Time to Repair 4 Hours, end-to-end, including local loop.
  - f. The service provider shall provide 24/7 monitoring of the circuits
  - g. There is no right of the provider to limit or throttle the capacity of the circuit at any time for any reason

10.

Transition Plan" language in the event that a new provider is awarded the contract: "As the cut-over date for any new carrier is required to be on July 1, 2024, the DISTRICT requires a transition plan to be provided with any proposal response from responsible suppliers that are not the current carrier. 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 DISTRICT transition team. The transition plan is to outline the expectations the supplier team would have of the DISTRICT and the information or task the DISTRICT is to provide the supplier and the date any information or task would be required.

No bid will be accepted from or a contract awarded to a bidder:

- 1) Who is not licensed in accordance with the law
- 2) Who does not hold a license qualifying them to perform work under this contract in the state of California
- 3) Who does not hold a valid Service Provider Identification Number (SPIN) and is in good standing with the FCC/USAC
- 4) Who has not successfully performed on projects of similar character and scope to the proposed work

**Site Conditions**

It will be the responsibility of the bidder to become informed of all conditions under which work is to be done before submitting proposals. No additional costs will be incurred by the Owner or considerations given to any claims by the bidder based on a lack of knowledge of existing conditions. The submission of a bid from the bidder is an acknowledgment and agreement to this stipulation.

**E-Rate Requirements**

The services requested in this RFP are dependent on funding from the E-Rate program. The Owner expects that each prospective bidder will make themselves thoroughly familiar with all applicable rules and regulations regarding the ERate program. For further information regarding the E-Rate Program please reference the Universal Service Administrative Company’s (USAC) Schools and Library Division (SLD) website: <http://www.universalservice.org/sl/>

All contracts entered into as a result of this Request for Proposal and the associated Form 470 will be contingent upon:

1. Funding approval by the SLD.
2. Approved funded amount equal to the funding amount as requested on Form 471.
3. A valid Service Provider Identification Number (SPIN) consistent with the type of service requested in this RFP.
4. A certified Form 486 and/or a written “Notice to Proceed” from the Owner to initiate service. \*Service Provider must contact Owner prior to any work proceeding.

Per the requirement of the E-Rate Program, no billing and/or service may begin for this contract until July 1, 2024. Per E-Rate rules, multi-year contracts will be filed each year for funding renewal.

The Owner’s percentage rate, as determined on Form 471, will be the maximum that the Owner is liable for. The bidder will be responsible to invoice USAC for the balance, using the Service Provider Invoicing method (SPI Form 474). Prior to invoicing USAC for services rendered on this project, the bidder agrees to provide the Owner a copy of their USAC invoice to verify that the material has been delivered and accepted by the Owner before the bidder bills USAC.

The Owner reserves the right to terminate any contract and/or agreement with the successful bidder, regardless of USAC’s approval or denial of any funding that is requested as a result of this RFP, prior to any work starting.

All E-rate applications including special construction are subject to detailed questioning during PIA review where the cost of proposed special construction will be reviewed based on the cost of historical fiber builds in the region. Additionally, certain information on necessary special construction is needed to accurately fill out Form 471. Respondents are required to fill out the table in Appendix A. Additionally, respondents are encouraged (but not required) to submit the additional information described in Appendix A that will likely be requested during PIA review. If respondents do not submit this additional information with their bid, and their solution is chosen, they must be prepared to promptly provide that information and any additional information not described in this RFP when requested. Please note that vendors may assist applicants with preparing funding requests or responding to PIA questions and may speak directly with PIA reviewers.

Appendix A: Special Construction Pricing

**Required with all bid submissions that include special construction**

Location	Strand Count	Segment Mileage	Total Segment Cost	Eligible Cost	Ineligible Cost
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Total project mileage and costs					

Information that can be included now, but will be requested at a later date for chosen solution:

- Special construction cost breakout worksheet
- Route map of all build segments in kmz format
- Explanation of alternative routes that were explored and why the chosen route is the most cost-effective

**Bid Package Requirements**

It is mandatory that all prospective bidders wishing to provide a proposal for this project must submit **a hard copy** of their bid to: **Laguna Beach Unified School District at 550 Blumont Street, Laguna Beach CA, 92651** to be received no later than **November 28, 2023 at 1:00 pm PST**. Electronic copy of the bidder’s proposal must also be delivered electronically via **Email: RHertzing@lbusd.org**. Both electronic and hard copy are required. It shall be the prospective bidder’s sole responsibility to ensure the delivery and acceptance of any bid submission arising from this RFP.

All bid packages, hard or electronic copy, will bear the name of the bidder, the Owner name and RFP number on the cover or “subject” line.

All inquiries regarding this RFP will be directed to Ryan Hertzing at RHertzing@LBUSD.org The deadline for all questions regarding this RFP will be on **November 1, 2023 at 1:00 PM**

To receive consideration by the Owner, each bidder will provide, at a minimum, the following in their RFP response:

1) **Proposal Narrative** - The bidder will include with their proposal a written narrative, detailing the means, methods, and transport mediums, of the proposed service offering. The Proposal Narrative shall **not exceed 10** pages (page limit excludes RFP Forms and/or copies of the bidder’s contracts and service level agreements). The proposal narrative shall include at a minimum:

- a. A brief description of the bidder, their history in the market place and with the E-Rate Program.
- b. A single-line drawing depicting the proposed service.
- c. An implementation plan, including a project schedule, for the successful delivery to the proposed service offering to the Owner include installation dates for each circuit and the date each circuit will be turned over to the Applicant. For the purposes of this RFP, a contract will be signed prior to filing Form 471 and construction will begin immediately after Form 471 is filed the first circuits will be turned over to the Applicant on July 1, 2024.
- d. A description of the bidder’s billing process, including those related to the E-Rate program.
- e. A description, if applicable, of the “Owner Supplied” equipment and/or facilities, required by the bidder for the successful implementation of their proposed service offering, i.e. Power, Environmental Control, Facilities upgrades, and/or Equipment Mounting Space requirements.
- f. A statement, if applicable, that clearly addresses any conflict or inability on the part of the bidder to meet the specified service and/or terms and conditions specified in this document.

2) **Price Evaluation Form** - The bidder shall provide their price on the provided “Price Evaluation Form”. If the bidder wishes to propose “Alternate” pricing and/or product options, they may do so only in addition to supplying a “Price Evaluation Form” for the requested service. Any/all “alternate” pricing and/or product options will be provided on the “Alternate Price Evaluation Form” provided. \* Each additional service offering in which you provide MUST be placed on a separate Price Evaluation Form\*

3) **Detailed Cost Breakout** – Bidder will itemize their bid price as shown on the on the provided “Detailed Cost Breakout” sheet. Pricing shown on the “Detailed Cost Breakout” sheet will conform to the pricing shown on the “Price Evaluation Form”. Per the RFP, the cost of Special Construction, Network Electronics

shall be broken out separately in the Service Provider's proposal response. \* Each additional service offering in which you provide MUST be placed on a separate Detailed Breakout sheet form\*

- 4) **Qualifications Form** – The bidder shall complete and submit the attached “Qualifications Form” as a part of their proposal. Bidder shall also include a minimum of three (3) references that demonstrate their ability to provide the services requested in this RFP. References will include Contact Name, Organization Name, Telephone and email information for Contact. References must be from projects within the last three calendar years.
- 5) **Service Agreement** – The bidder will include a signed and dated copy of their multi-year Service Agreement (contract and service level agreement) with their bid proposal. Once all proposals have been received, and evaluated, the Owner will sign, date, and return the successful bidder's agreement(s). See “Contract Requirements” section below for a detailed description of the requested Service Agreement.

\*If the incumbent vendor does not respond with a quote, we will use the incumbent vendors current pricing. \*

### **Contract Requirements**

The Owner intends to use the bidder's supplied Service Agreement to formalize any contractual relationship that results from this Request for Proposal. However, the following provisions **must** be specifically included in the bidder supplied agreement in order for the bidder's proposal to be considered responsive. Failure to include any one or all of these provisions shall result in a Non-Responsive determination and no further evaluation of the bidder's proposal will be considered.

- 1) **Terms and Conditions** – The Owner requests proposals that are based upon a 3 years year contract term with 2 years optional one-year extensions. The initial 3 years year contract term shall start: July 1, 2024, and end: June 30, 2027. The Owner reserves the option to extend this contract until June 30, 2029, not to exceed a total of 5 contract years. An extension option must be mutually acceptable to both parties. Any request for and acceptance of an extension shall be in written form and shall include any requests and justifications for adjustment in compensation. If bidders can provide “better” rates by extending the length of contract, please provide this option as part of your RFP
- 2) **Service “Growth Clause”** – Growth Services may or may not be requested by the Owner during the contract term. The bidder shall include a “growth clause” with maximum charges per month. The “growth clause” shall not require a change in contract terms. The “growth clause” shall include a price for all existing service types plus any additional services of the same type /speed and bandwidths of 2Gbps, 5Gbps, 8Gbps, 10Gbps, 15Gbps, and 25Gbps.

### **Bid Evaluation Criteria**

The Owner will evaluate and select the winning bid based on the following criteria and weighted in the order listed in its relative importance:

- 1) **Price** – The price of eligible goods and services will be the highest weighted factor. The Owner will be evaluating price based ONLY on the eligible monthly and eligible “one-time” costs. E-Rate ineligible items must be provided on a separate rate sheet that will not be a part of the evaluation.
- 2) **Experience** – The Owner will evaluate the prospective bidder's experience based on, but not limited to, the bidder's ability to successfully provide the requested service, and prior history with the Owner. This may generate a positive or negative result. A neutral finding will provide all bidders with the same score.
- 3) **Accuracy of Bid Response** – The Owner will evaluate the prospective bidder's bid response for, but not limited to, completeness of the bid package, Service Agreement, amendments, and/or exceptions to the requested Service.
- 4) **Qualifications** – The Owner will evaluate the prospective bidder's qualifications based on, but not limited to, technical expertise and service coverage and the number of projects successfully completed by the bidder providing the same type and scope of the requested services. This will be also based on whether or not the Bidder provides CTF.
- 5) **Service Level Agreement**- The bidder will include a signed and dated copy of their multi-year Service Agreement (contract and service level agreement) with their bid proposal. Once all proposals have been received, and evaluated, the Owner will sign, date, and return the successful bidder's agreement(s).

**Protests**

In order to be considered, written protests containing the proposal number must be submitted within five (5) days of either the board approval or the filing of the Form 471, whichever is sooner. Protests must be on the following grounds to be considered:

- Owner failed to follow the selection procedures and adhere to the requirements specified in this RFP or any amendments hereto; or
- A conflict of interest as provided in Cal. Government Code section 87100, et seq. exists; or
- State or federal law has been violated.

Owner will provide a written response to the protesting bidder within six (6) calendar days.

**Bidder Selection/Contract Award**

The Owner reserves the right to make the award to the bidder who submits the proposal, which meets the requirements, set forth herein and best meets the needs of the Owner after taking into consideration all of the aforementioned factors. The Owner also reserves the right to select portions of a proposal, or to reject any and all proposals. Failure to provide service, the selected vendor will agree to financial compensation to the Owner to move to the next qualified bidder.

**Right to Reject Any and All Quotes**

The governing board of the Owner reserves the right to accept or reject any or all RFP's in whole or in part/or waive any irregularity in any proposal received. The Owner shall be the sole judge of the competency and responsibility of the bidder. The submission of a bid by the bidder is an acknowledgement of this right.

**Disqualification**

Contact between a proposing firm or a sub-consultant's firm and any member of the District staff or Board of Education regarding this project or proposal may result in disqualification of the subject firm from selection. An exception will be contact with Ryan Hertzog, for questions and clarifications.

## PRICE EVALUATION FORM

\* Each additional service offering in which you provide **MUST** be placed on a separate Price Evaluation Form\*

OWNER NAME: Laguna Beach Unified School District

The Owner shall use the price(s) shown below to determine the bidder's evaluation score for all "Cost" related evaluation criteria.

**INSTRUCTIONS**

1. Bidders shall provide a line item price for the "Recurring Price", and if applicable the "One-Time Price" for each of the site(s) listed on Attachment "A".
2. Bidder shall provide a description and line item price for any "Additional" price elements that are not included in the "Recurring Price" and "One-Time Price" totals that are included in the bidder's bid.
3. Multiple price sheets may be submitted to show pricing for the speeds show in the scope of work

**Recurring Price**

Service	Speed	Monthly Recurring Price	Contract Term (Months)			"Recurring Price" Total
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$
<b>"Recurring Price" Sub-Total</b>						<b>\$</b>

**One-Time Price**

Service	Description	"One-Time Price" Total
		\$
		\$
		\$
		\$
		\$
		\$
		\$

		\$
		\$
<b>“One-Time Price” Sub-Total</b>		<b>\$</b>

**Additional**

Service	Description	Total
		\$
		\$
		\$
<b>“Additional” Price Sub-Total</b>		<b>\$</b>

**BIDDER'S NAME** \_\_\_\_\_  
**SIGNATURE** \_\_\_\_\_ **Date** \_\_\_\_\_  
**PRINT NAME** \_\_\_\_\_  
**TITLE** \_\_\_\_\_

**ALTERNATE PRICE EVALUATION FORM**

\* Each additional service offering in which you provide **MUST** be placed on a separate Price Evaluation Form\*

**OWNER NAME:** \_\_\_\_\_  
 Laguna Beach \_\_\_\_\_  
 Unified School \_\_\_\_\_

**District PROJECT NAME:** WAN Connections

**BID PACKAGE NO.:**  
**ALTERNATE PRICE DESCRIPTION:**

\_\_\_\_\_

**Recurring Price**

Service	Speed	Monthly Recurring Price	Contract Term (Months)			“Recurring Price” Total
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$



		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$
		\$	X		=	\$

**“Recurring Price” Sub-Total**

**\$**

**One-Time Price**

Service	Description	“One-Time Price” Total
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$

**“One-Time Price” Sub-Total**

**\$**

**Additional**

Service	Description	Total
		\$
		\$
		\$

**“Additional” Price Sub-Total**

**\$**

**BIDDER'S NAME** \_\_\_\_\_  
**SIGNATURE** \_\_\_\_\_ **Date** \_\_\_\_\_  
**PRINT NAME** \_\_\_\_\_  
**TITLE** \_\_\_\_\_

## DETAILED COST BREAKOUT

\* Each additional service offering in which you provide MUST be placed on a separate Detailed Breakout sheet form\*

### Form 471 - Detailed Cost Breakout

Customer Name: \_\_\_\_\_

Service Provider Name: \_\_\_\_\_

Term of Service: \_\_\_\_\_

Proposal Date: \_\_\_\_\_

FRN Number: _____	_____
Billed Entity Number: _____	_____

For use the District's use ONLY . Service Provider will leave BLANK .

(Estimated) E-Rate Funding Level : 0%

Initial Term of Service			One-Time Cost		Annual Recurring Cost		E-Rate Reimbursement	Net Annual Cost after E-Rate, before CTF	Net Annual Cost after E-Rate & CTF Discount
			Eligible One-Time Cost	Ineligible One-Time Cost	Eligible Annual Cost	Ineligible Annual Cost			
Service	Speed	Qty							
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Sub-Total</b>			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			(Estimated) Taxes/Surcharges		\$ -	\$ -	\$ -	\$ -	\$ -
			<b>Annual Recurring Total</b>		\$ -	\$ -	\$ -	\$ -	\$ -
			<b>One-Time Cost Total AFTER Erate Discount</b>						\$ -
Optional One (1) Year Extension #1			One-Time Cost		Annual Recurring Cost		E-Rate Reimbursement	Net Annual Cost after E-Rate, before CTF	Net Annual Cost after E-Rate & CTF Discount
			Eligible One-Time Cost	Ineligible One-Time Cost	Eligible Annual Cost	Ineligible Annual Cost			

Service	Speed	Qty							
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sub-Total			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			(Estimated) Taxes/Surcharges		\$ -	\$ -	\$ -	\$ -	\$ -
			Annual Recurring Total		\$ -	\$ -	\$ -	\$ -	\$ -
			One-Time Cost Total AFTER Erate Discount						\$ -

Optional One (1) Year Extension #2			One-Time Cost		Annual Recurring Cost		E-Rate Reimbursement	Net Annual Cost after E-Rate, before CTF	Net Annual Cost after E-Rate & CTF Discount
			Eligible One-Time Cost	Ineligible One-Time Cost	Eligible Annual Cost	Ineligible Annual Cost			
Service	Speed	Qty							
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Sub-Total</b>			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
(Estimated) Taxes/Surcharges					\$ -	\$ -	\$ -	\$ -	\$ -
<b>Annual Recurring Total</b>					\$ -	\$ -	\$ -	\$ -	\$ -
<b>One-Time Cost Total AFTER Erate Discount</b>									\$ -

## QUALIFICATION FORM

**Owner Name: Laguna Beach Unified School District**  
**Project Name: WAN Connections**  
**Bid Package: 7700-23-1**

The prospective bidder shall furnish all the following information accurately and completely. Failure to fully and completely comply with this requirement may result in rejection of any bid submitted. Additional sheets may be attached if necessary. "You" or "your" as used in this questionnaire refers to the bidder's firm and any of its owners, officers, directors, shareholders, parties, or principals. Owner has discretion to request additional information depending on the project.

**—WARNING—**

Certain information may lead to a determination of non-responsibility and rejection of the bid.

1. **Firm name and address:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Telephone

(\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Fax

2. **Type of firm:** (check one) Individual  Partnership  Corp.

3. **Names and titles of all principals of the firm:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. **How many years has your firm been providing the services you are proposing?** Include only years as this type of bidder and only the years with the current entity in its current form:

\_\_\_\_\_

A. Provide the total number of customers that you have provided the same type of proposed services (not using subcontractors) in the last 3 years. (Bidders will be responsible to provide a complete list of reference to confirm this number if asked)

\_\_\_\_\_

B. Provide the number of customers that you have provided the same type of proposed services (not using subcontractors) in the Education Market in the last 3 years. (Bidders will be responsible to provide a complete list of reference to confirm this number if asked)

\_\_\_\_\_

5. **Is your firm licensed in the State of California to provide the service you are proposing?** If this question is not applicable to the scope of the services proposed, please answer "NA" below.

If yes, Please provide the following additional information:

- A. Provide the License Name Holder, Number and Expiration Date of the license associated to the service you are proposing.

Name Holder: \_\_\_\_\_

License No.: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

If no, Please provide the following additional information:

- A. Provide the License Name Holder, Number and Expiration Date of the Sub-Contractor(s) who is licensed to perform the service you are proposing. Attach additional pages as necessary. Name Holder: \_\_\_\_\_

Name Holder: \_\_\_\_\_

License No.: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

- 6. **In the last five years have you or any of your principals been in litigation or arbitration or a dispute of any kind on a question or questions relating to a public funded project?** Response must include information pertaining to principals' association outside of the firm bidding this Project. If yes, provide name of public agency and details of the dispute. Attach additional pages as necessary.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 7. **In the last five years have you or any of your principals ever failed to complete a project?** Response must include information pertaining to principals' association outside of the firm bidding this Project. If yes, provide owner's name and details. Attach additional pages as necessary.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 8. **Does your firm currently have a Service Provider Identification Number (SPIN)?**

If yes, Please provide the following additional information:

- A. Provide the SPIN associated to the service you are proposing.

\_\_\_\_\_

- B. Provide the Date that your last Form 473 Service Provider Annual Certification (SPAC) was approved.

\_\_\_\_\_

- 9. **In the last five years have you or any of your principals ever been placed under a "Red Light" restriction by the Federal Communications Commission (FCC) and/or the Universal Services Administrative Company (USAC)?** Response must

include information pertaining to principals' association outside of the firm bidding this Project. If yes, provide owner's name and details. Attach additional pages as necessary.

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**10. Is your firm approved by the CPUC to participate in the California Teleconnect Fund (CTF) Program?**

\_\_\_\_\_

If yes, please provide the following additional information: A. Provide your CPUC registration number.

\_\_\_\_\_

B. Will you be seeking reimbursement from the CPUC for the eligible CTF portion(s) of the service you are proposing? \_\_\_\_\_

**11. List of References:** Provide information on the three (3) E-rate projects your company has completed in the last three years that comes closest to matching the scope of this RFP. If the bidder has not completed an E-rate project provide three (3) "Educational Market" projects your company has completed in the last three years. Bidder may include additional documentation.

**Project #1**

Project Name: \_\_\_\_\_

**Contact Information:**

Address:

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Phone: \_\_\_\_\_

Contact Person:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone #: \_\_\_\_\_

Description of Project: \_\_\_\_\_

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\_\_\_\_\_

Project Start Date: \_\_\_\_\_

Project Completion Date: \_\_\_\_\_

**Project #2**

Project Name: \_\_\_\_\_

Contact Information:

Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone:

Contact

\_\_\_\_\_

Person:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone #: \_\_\_\_\_

Description of Project: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project Start Date: \_\_\_\_\_

Project Completion  
Date \_\_\_\_\_

**Project #3**

Project Name: \_\_\_\_\_

Contact Information:

Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone

Number:

\_\_\_\_\_

Contact

Person:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone #: \_\_\_\_\_

Description of Project: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project Start Date: \_\_\_\_\_

Project Completion \_\_\_\_\_

Date:

**Attachment "A" Site Schedule**

Collector Site	Remote Site	Collector Site Handoff	Remote Site Handoff	Current Speed	Notes
LBUSD District Office 550 Blumont Street Laguna Beach, CA 92651	LBUSD Warehouse 2003 Laguna Canyon Road Laguna Beach, CA 92651	Cat6 Ethernet	Cat6 Ethernet	300Mbps	This link may be quoted at 300Mbps. Faster speeds are not requested.
LBUSD District Office 550 Blumont Street Laguna Beach, CA 92651	Family Resouce Center 733 Saint Ann's Drive Laguna Beach, CA 92651	MM Fiber	Cat6 Ethernet	1000Mbps	The owner requests pricing for the following speeds 2000Mbps, 5000Mbps, 8000Mbps, 10000Mbps, 15000Mbps, 25000Mbps

LBUSD District Office 550 Blumont Street Laguna Beach, CA 92651	Laguna Beach High School 625 Park Avenue Laguna Beach, CA 92651	MM Fiber	MM Fiber	2000Mbps	The owner requests pricing for the following speeds 2000Mbps, 5000Mbps, 8000Mbps, 10000Mbps, 15000Mbps, 25000Mbps
LBUSD District Office 550 Blumont Street Laguna Beach, CA 92651	Thurston Middle School 2100 Park Avenue Laguna Beach, CA 92651	MM Fiber	MM Fiber	2000Mbps	The owner requests pricing for the following speeds 2000Mbps, 5000Mbps, 8000Mbps, 10000Mbps, 15000Mbps, 25000Mbps
LBUSD District Office 550 Blumont Street Laguna Beach, CA 92651	El Morro School 8681 North Coast Highway Laguna Beach, CA 92651	MM Fiber	MM Fiber	2000Mbps	The owner requests pricing for the following speeds 2000Mbps, 5000Mbps, 8000Mbps, 10000Mbps, 15000Mbps, 25000Mbps
LBUSD District Office 550 Blumont Street Laguna Beach, CA 92651	Top of the World Elementary 21601 Treetop Lane Laguna Beach, CA 92651	MM Fiber	MM Fiber	2000Mbps	The owner requests pricing for the following speeds 2000Mbps, 5000Mbps, 8000Mbps, 10000Mbps, 15000Mbps, 25000Mbps
LBUSD District Office 550 Blumont Street Laguna Beach, CA 92651	District Office Annex 811 Manzanita Drive Laguna Beach, CA 92651	MM Fiber	SM Fiber	1000Mbps	The owner requests pricing for the following speeds 2000Mbps, 5000Mbps, 8000Mbps, 10000Mbps, 15000Mbps, 25000Mbps
LBUSD District Office 550 Blumont Street Laguna	Orange County Dept. of Education 200 Kalmus Drive Costa Mesa, CA 92626	MM Fiber	MM Fiber	100Mbps	The owner requests pricing for the following speeds 2000Mbps, 5000Mbps, 8000Mbps, 10000Mbps, 15000Mbps, 25000Mbps

## E-RATE SUPPLEMENTAL TERMS AND CONDITIONS

Signed copy to be returned with proposal and/or bid response ("Proposal") in response to this Solicitation ("RFP/RFB/RFQ").

The Telecommunications Act of 1996 established a fund by which Schools and Libraries ("Applicant" or "Applicants") 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 Universal Service Administrative Company ("USAC"), which was established by the Act. The amount of discount is based on the numbers of students eligible to receive free and reduced price meals.

### **1) E-RATE CONTINGENCY**

The project herein **is 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 Agreement(s) and/or E-rate funding approval is approved, the Applicant 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 Applicant .

### **2) SERVICE PROVIDER REQUIREMENTS**

The Applicant 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 rules and requirements and future rules and requirements issued by the FCC and USAC throughout the agreement period of any Agreement entered into as a result of this RFP/RFB/RFQ.
- b. Service Providers are responsible for providing a valid Service Provider Identification Number ("SPIN"). 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 Registration Number ("FRN") at the time the Proposal 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 Proposal is submitted. Any potential Service Provider 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 termination of the Agreement 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](http://www.fcc.gov/debt_collection/welcome.html)

e. Products and services must be delivered before billing and E-rate discounting can commence. At no time may the Service Provider invoice before July 1, 2024.

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 Agreement 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 USAC guidelines.

**h. For Category 2 services, within one (1) week of notification of award, the awarded Service Provider must provide the Applicant a bill of materials using a completed and most current and appropriate version of USACs "Bulk Upload Template" (formerly known as the Item 21 attachment) located at <https://www.usac.org/e-rate/applicant-process/applying-for-discounts/fcc-form-471-filing/>. Subsequent schedules of values and invoices must match the Bulk Upload Template and approved Funding Request Line Items or subsequent approved service substitutions. If the service provider's proposal consisted of pricing per eligible location, a summary sheet and summary Bulk Upload Template must be provided to describe 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 Applicant prior to invoicing USAC for pre-approval. Failure to comply with this requirement may result in the Applicant placing the vendor on an "Invoice Check" with the USAC:

<https://www.usac.org/e-rate/applicant-process/invoicing/invoice-check/>.

k. Service 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/>.

l. Service providers must not propose any equipment or services produced or provided by companies, their parents, affiliates, and subsidiaries, found to pose a national security threat to the integrity of communications networks or the communications supply chain as required by FCC rules. See <https://www.usac.org/about/reports-orders/supply-chain/>. Any proposed solution including Covered Equipment or Services as defined by the FCC will be disqualified. If, after award of the project it is found Covered Equipment or Services are included, the award and/or Agreement will be considered to be null and void. See <https://www.fcc.gov/supplychain> for further information on FCC requirements.

m. SPAM and/or robotic responses will not be considered valid Proposals and will be disqualified from consideration.

n. Any Service Provider proposals identifying contingency fees such as allocations for change orders, tariffs, or other speculative fees not specifically called out for in the scope and/or terms of the RFP/RFB/RFQ will automatically be included in the Proposal price and subject to evaluation unless otherwise specified in the RFP/RFB/RFQ. Contingency fees not pre-approved by the Applicant will not be allowed.

### **3) SERVICE PROVIDER ACKNOWLEDGEMENTS**

a. The Service Provider acknowledges that no change in the products and/or services specified in its proposal will be allowed without prior written approval from the Applicant and a USAC service substitution approval with the exception of a Global Service Substitutions. See <https://www.usac.org/e-rate/applicant-process/before-youre-done/service-substitution/s/>.

b. The Service Provider acknowledges that all pricing and technology infrastructure information in its Proposal 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). Service Providers found not to be providing Lowest Corresponding Price (LCP) may be required to repay any identified overcharges to USAC. The Service Provider acknowledges that LCP is solely the service provider's responsibility and it will not hold the Applicant liable, or seek reimbursement from any applicant, for any appeals, commitment adjustments or funding recoveries.

d. 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/>.

e. 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 Agreement's "effective date," E-rate eligible goods and/or services requested in this RFP/RFB/RFQ shall be delivered no earlier than the start of the 2024 funding year (July 1, 2024). 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/ Category 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 are two conditions that allow USAC to provide support in a funding year for Category 2 Internal Connections (equipment and services) incurred prior to that funding year.

- *Applicants may seek support for Category 2 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.*
- *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 Report and Order and Further Notice of Proposed Rulemaking ([FCC 14-99](#) , released July 23, 2014).

It is important to note NO FCC FORM 474 INVOICING can take place before the Funding Commitment Decision Letter is issued, the FCC Form 486 is approved, and/or 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 FCC Form 474 Service Provider Invoice (SPI). The Applicant will only be responsible for paying its non-discounted share of costs and does not intend to use the BEAR process (FCC Form 472). The maximum percentage the Applicant will be liable for is the pre-discount amount minus the funded amount as shown on the FCC Form 471 Funding Request Number ("FRN") and associated FRN Line Items and any identified ineligible costs. Upon the successful receipt or posting of a Funding Commitment Decision Letter from USAC and submission, certification and USAC approval of FCC Form 486, the Applicant shall pay only the discounted amount beginning with the billing cycle immediately following said approval. Alternatively, should the Applicant decide that it is in the best interest of the Applicant to file an FCC Form 472, the Applicant will inform the Service Provider of its intent.



b. The Service Provider agrees that it will not invoice USAC for equipment or services that have not been delivered to and accepted by the Applicant and installed. If equipment is being drop-shipped to the Applicant and the Applicant is responsible for installing the equipment, the Service Provider may not invoice USAC until equipment is received and accepted by the Applicant.

c. 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 Applicant will only be responsible for paying its non-discounted share.

**6) FCC/USAC AUDITS**

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. The Service Provider hereby agrees to retain all books, records, and other documents relative to any Agreement resulting from this RFP/RFB/RFQ for ten (10) years after final payment. The Applicant, its authorized agents, and/or auditors reserves the right to perform or have performed an audit of the records of the Service Provider 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 AND AGREEMENT TERM**

During the term of any Agreement resulting from this RFP/RFB/RFQ, the Applicant may elect to procure additional or like goods and/or services offered by the Service Provider t. Such services shall be negotiated and obtained via an official amendment to this Agreement and approval by the Applicant'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 Applicant shall not enter into a separate Agreement for said goods or services. Service Providers 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:** \_\_\_\_\_

**Service Provider FCC Registration Number:** \_\_\_\_\_

**Service Provider Identification Number:** \_\_\_\_\_