



Morgan Hill Unified School District  
15600 Concord Circle  
Morgan Hill, CA 95037

Lit Fiber Transport to Internet Service Provider (ISP)  
REQUEST FOR PROPOSAL 2024 LF100

**E-rate Funding Year 2024**

Proposal Response Due: December 6, 2023, 10:00 AM, Pacific Time Zone

## SCOPE OF WORK

Morgan Hill Unified School District (hereinafter referred to as “MHUSD” or “District”) is seeking leased lit fiber transport (Lit fiber transport) service for contract term pricing. The service being sought is for E-Rate eligible leased lit fiber connection (transport only) between Santa Clara County Office of Education (SCCOE), 1290 Ridder Street, San Jose, CA 95131 and Britton Middle School, 80 W. Central, Morgan Hill 95037. Lit fiber services connecting all sites in the district are **not** being sought as part of this RFP. District does NOT intend to change nor are they seeking proposals to change District’s current Internet Service Provider (SCCOE).

Respondents should offer support for **a minimum of 10 Gbps bandwidth**. Respondents should include optional pricing **for growth to support 20 Gbps and 30 Gbps**.

Respondents should also include in their response 3-year contract term pricing and should offer **two (2)** one-year voluntary contract extensions for services. **Optional increased bandwidth support and contract extensions must be identified & listed within awarded contract and must be as specified for requested number of years and duration**. Contracts with automatic or evergreen contract extension terms will not be considered. Prices to remain firm through SLD approval, execution, and duration of proposed contract.

RFP responders shall complete and submit pricing as shown on 1) Appendix A (a spreadsheet formatted same as Appendix A is acceptable) and 2) signed E-rate Supplemental Terms & Conditions. All quantities listed on Form 470 are estimates, as solutions proposed by Service Providers to meet minimum specifications required and may necessitate differing quantities to be bid. Applicant may consider contracts with flexible terms to allow for growth/reduction in services to accommodate an increase/decrease in number of sites, users, and/or bandwidth.

All equipment included in Lit Fiber proposals will be owned and maintained by awarded service provider with no option for transfer of ownership to the lessee.

All questions must be submitted in writing to [bagron7@gmail.com](mailto:bagron7@gmail.com) with subject “Leased Lit Fiber 2024 LF100 MHUSD Question”. Questions and responses as well as any clarifications will be posted on E-rate EPC portal site via an Addendum. It is prospective Respondent’s responsibility to check USAC website for Form 470 updates and/or any Addenda or Proposer Questions and Answers. The District will not respond to phone inquiries.

Proposals **must be emailed to Beverly Agron, [bagron7@gmail.com](mailto:bagron7@gmail.com) with the following narrative in email subject line: “MHUSD RFP response 2024 LF100”** for date and timestamping **at or before 10:00 AM, Pacific Time Zone, December 6, 2023. Faxed or paper RFP responses sent via USPS, FedEx, or UPS will not be accepted.** If no proposals are received by RFP

**response** deadline, District will extend the response deadline by seven (7) days and seek out proposals from multiple Service Providers. A new Form 470 and bidding process is not required.

All RFP responses must be received by above due date and time. Any RFP response received at after due date and time will be rejected and will not be opened. No exceptions will be allowed.

RFPs will be opened shortly after due date and before FY2024-2025 Form 471 submission deadline. Results to be posted on District website:

<https://www.mhusd.org/departments/business-services/technology-support>.

RFP responses must be in 8 ½ x 11-inch format and total RFP response materials, including sample contract, **should not exceed 30 pages in total. Each page of proposal must be numbered, sequentially.**

The services being sought via this RFP is because the existing contract term ends in the middle of the upcoming E-Rate funding year. The District does not currently contemplate changes to existing bandwidth needs. If, as a result of this open and fair competitive bidding process, District selects the incumbent provider's proposal as the most cost-effective, it is District's requirement there will be no interruption or change in service when migrating from existing contract to a new contract. This requirement should not by any measure be construed as a preference to the incumbent provider(s); rather, it is to outline the District's expectations for contract renewals should the incumbent provider(s) be selected as a result of the fair and open competitive bidding process.

As the cut-over date for the new service needs to be on or before 3/22/2025, MHUSD requires a detailed transition plan be provided with any proposal response. The plan should identify resources to be dedicated to the transition, all costs associated with the transition, a timeline of actions with a completion target date for service provider and for the MHUSD transition team. The transition plan must specify expectations service provider requires of MHUSD staff, including information, tasks, and deadlines required by service provider.

The district expects the circuits described in this RFP to be eligible for Federal E-rate and State California Teleconnect Fund (CTF) discounts.

This RFP and associated E-rate Form 470 will be posted on District website at <https://www.mhusd.org/departments/business-services/technology-support> and will be posted on USAC E-rate system portal and viewed via USAC website: <https://www.usac.org/e-rate/>. Any additions or corrections and questions and answers will be addressed in the form of RFP Addenda posted to these websites.

It is prospective proposer's responsibility to check said websites for any RFP updates, Q & A, or RFP Addenda. Go to <https://www.usac.org/e-rate/> for instructions on viewing Form 470s and related documents.

District may proceed before E-rate funding is approved by E-rate program administration, USAC, and within a timeline agreed to by winning Service Provider and District.

Service Provider acknowledges all pricing and technology infrastructure information in its contract shall be considered as public and non-confidential, pursuant to CFR Part 54 Section 504 (2)(i)(ii).

Service Providers submitting proposals in response to this FCC Form 470 must be in compliance with rules and orders governed by Federal Communications Commission. Failure to be in compliance and remain in compliance may result in denial of discount funding, and/or cancellation of funding commitments, and/or could result in civil or criminal prosecution by law enforcement authorities. Service Providers submitting proposals must be in full compliance with E-rate program Free Services Advisory [www.usac.org/sl](http://www.usac.org/sl). Any offering of free services must be clearly identified in service providers bids. Service Provider invoicing to USAC must be completed within 120 days from last day of service. Should Service Provider fail to invoice USAC timely, Applicant will only be responsible for paying its non-discounted share.

**COVID-19 Vaccine Verification:** MHUSD will follow all Federal, State, County, and local guidelines for COVID-19 vaccination requirements, including those provided by Cal/OSHA and CDC.

## E-RATE SUPPLEMENTAL TERMS AND CONDITIONS

### **Signed copy to be returned with proposal response.**

#### 1) E-RATE CONTINGENCY CLAUSE

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

#### 2) SERVICE PROVIDER REQUIREMENTS

District expects Service Providers to make themselves thoroughly familiar with all rules and/or regulations regarding the E-rate program. For more information E-rate program rules or subjects discussed in this document, go to USAC website at <https://www.usac.org/e-rate/> for more details.

- a. Service Providers are responsible for providing a valid Service Provider Identification Number (SPIN) at time proposal response is submitted.
- b. Service Providers are responsible for providing a valid Federal Communications Commission (FCC) Registration Number (FRN) at time proposal response is submitted. More information about obtaining an FRN may be found at: <https://www.fcc.gov/>.
- c. Service Providers are responsible for providing evidence of FCC Green Light Status at time proposal response is submitted. Any potential respondent found to be in Red Light Status will be disqualified from participation in competitive bidding process and will be considered non-responsive. More information about FCC Red and Green Light Status may be found at: <https://www.fcc.gov/>.
- d. Products and services must be delivered before billing can commence. At no time may Service Provider invoice before July 1, 2024.
- e. Prices must be held firm for the duration of the associated E-rate Funding Year(s) or until all work associated with project is complete (including any contract and USAC approved extensions).
- f. Goods and services provided shall be clearly designated as "E-rate Eligible". Non-eligible goods and services shall be clearly called out as 100% ineligible or shall be "cost allocated" to show percentage of eligible costs per SLD guidelines.
- g. Within one (1) week of award, awarded Service Provider may be required to provide District a bill of materials using appropriate USAC "Bulk Upload Line Item and Recipient of Service (ROS)" template for applicable type of service. Templates can be found at SLD website at <https://www.usac.org/e-rate/>. **Subsequent schedules of values and invoices for each site must match each individual Bulk Upload Line Item and Recipient of Service (ROS) or**

**subsequent service substitutions. As applicable, a supplemental cost summary sheet should also be provided to show cumulative amounts for all sites.**

- h. In the event of questions during an E-rate pre-commitment review, post-commitment review and/or audit inquiry, awarded Service Provider is expected to reply within 3 days to questions associated with its proposal.
- i. The awarded Service Provider is required to send copies of all forms and invoices to District prior to invoicing USAC for pre-approval. Failure to comply with this requirement may result in District placing Service Provider on an “invoice Check” with USAC.
- j. Services providers must comply with FCC rules for Lowest Corresponding Price (“LCP”), pursuant to § 54.511(b). Service Provider acknowledges its offer is considered to be LCP. Should it not be the LCP, Service Provider must disclose the conditions leading to applicant being charged more than lowest corresponding price.
- k. Service Provider attests that its offer does not violate the FCC’s Supply Chain certifications included in FCC Form 473. Supply Chain requirements and certifications can be viewed at USAC’s Website: <https://www.usac.org/about/reports-orders/supply-chain/>. The current list of prohibited equipment and services is listed here: <https://www.fcc.gov/supplychain/coveredlist>.
- l. Service Provider acknowledges that Service Provider is solely responsible to complying with the FCC’s ban on prohibited equipment and services posing a threat to National Security. To the extent the FCC and/or USAC finds a violation of these requirements and reduces the E-Rate Funding, Service Provider agrees that it will not hold District liable for any shortfall in E-Rate funding and will be responsible for any ensuing appeals, Commitment Adjustments (“COMADS”) and/or Recovery of Improperly Disbursed Funds (“RIDFS”).

### 3) SERVICE PROVIDER ACKNOWLEDGEMENTS

- a. Service Provider acknowledges no changes in products and/or services specified in this document will be allowed without prior written approval from District and a USAC service substitution approval, except for Global Service Substitutions.
- b. 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. This offer is in full compliance with USAC’s Free Services Advisory. There are no free services offered that would predicate an artificial discount and preclude applicant from paying its proportionate non-discounted share of costs. Service Provider agrees to provide substantiating documentation to support this assertion should applicant, USAC, or FCC request it.

- d. Service Provider attests that its offer does not violate the FCC’s Supply Chain certifications included in FCC Form 473. Requirements and certifications are available on USAC’s website [here](#) and also at FCC website [here](#).
- e. Service Provider acknowledges that Service Provider is solely responsible for compliance with FCC’s ban on prohibited equipment and services posing a threat to National Security. To the extent the FCC and/or USAC finds a violation of these requirements and reduces E-Rate Funding, Service Provider agrees it will not hold District liable for any shortfall in E-Rate funding and Service Provider will be responsible for any ensuing appeals, Commitment Adjustments (“COMADS”), and/or Recovery of Improperly Disbursed Funds (“RIDFS”).

#### **4) STARTING SERVICES/ADVANCE INSTALLATION**

The annual E-rate Funding Year begins on July 1 and expires on June 30 of each calendar year. Regardless of contract “effective date”, E-rate eligible goods and/or services requested in this RFP shall be delivered no earlier than the start of Funding Year 2024-25 (July 1, 2024). If Category 1 services (Telecommunication Services & Internet access) will begin on or shortly after July 1 of a funding year, Service Provider, in some cases, may need to undertake some construction and installation work prior to the beginning of that funding year. Within limitations indicated below, infrastructure costs of Service Provider can be deemed to be delivered at the same time associated Category 1 services begin. That is, if services begin on July 1, then delivery of Service Provider infrastructure necessary for those services can be considered as also delivered on July 1.

#### **EARLY FUNDING CONDITIONS**

##### **Category 1**

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

- *Construction begins after selection of a service provider pursuant to a valid competitive bidding process;*
- *A Category 1 service depends on installation of the infrastructure;*
- *The underlying Category 1 service start date is on or after July 1 of the funding year; and.*
- *No invoices can be dated or submitted to USAC for reimbursement prior to July 1 of the funding year.*

#### **5) INVOICING**

- a. 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 maximum percentage District will be liable for is the pre-discount amount minus funded amount, as shown on FCC Form 471 Block 5 and any identified ineligible costs. Upon successful receipt or posting of a Funding Commitment Decision Letter from the SLD and submission and certification of Form 486, District shall pay only discounted amount beginning with the billing cycle immediately following said approval. Alternatively, should District decide that it is in the best interest of District to file a Form 472, District will inform 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 Service Provider fail to invoice USAC in a timely manner, District will only be responsible for paying its non-discounted share.

6) FCC/SLD AUDITABILITY

The E-rate program requires 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. 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 agree 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 E-rate and other processes, as described above.

**Signature:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_



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

**SPIN #:** \_\_\_\_\_

**Proposer confirmation they are currently participating in CTF (Yes/No):** \_\_\_\_

**Service Provider Representative Name:** \_\_\_\_\_

**Service Provider Representative Title:** \_\_\_\_\_

**Service Provider Representative Email:** \_\_\_\_\_

**Service Provider Representative Phone:** \_\_\_\_\_

**Appendix A**

Pricing Table for <u>10, 20 &amp; 30 Gbps</u> Transport Service from Britton Middle School (no ISP) to Santa Clara County Office of Education								
No.	Location 'A'	Location 'Z'	MRC for 10 Gbps	Install costs for 10 Gbps	MRC for 20 Gbps	Install costs to upgrade to 20 Gbps	MRC for 30 Gbps	Install costs to upgrade to 30 Gbps
1	Britton Middle School, 80 W. Central, Morgan Hill, CA	Santa Clara County Office of Education, 1290 Ridder Street, San Jose, CA						
<b>Total Ineligible Costs</b>								
<b>Total Installation Costs</b>								
<b>Total Monthly Recurring Costs</b>								
<b>Estimated Taxes &amp; Surcharges</b>								
<b>Total including estimated taxes &amp; surcharges</b>								

The undersigned has carefully checked all the above and understands that the Governing Board of **Morgan Hill Unified School District** will not be responsible for any errors or omissions on the part of the undersigned in responding to this RFP.

The undersigned acknowledges that the **Governing Board of Morgan Hill Unified School District** reserves the right to reject any and all RFPs and/or waive any irregularities or informalities in the RFP.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_