

**E-RATE Funding Year 2023-2024
RFP 22/23-002P Internet Access
Temple City Unified School District**

**Deadline for submission of questions
Tuesday, December 13, 2022, at 2:00 PM**

**Internet Access
INVITATION TO BID
Proposals due Wednesday, December 21, 2022, at 1:00 p.m.**

TERMS AND CONDITIONS OF REQUEST FOR PROPOSAL (RFP)

Scope of Project:

Temple City Unified School District is requesting bid proposals under the E-Rate category of Category One for the following eligible services:

1. Provide Internet Access to the district. The District requests pricing for internet access at 6 Gbps, 8 Gbps and 10 Gbps. The Internet Access will be terminated at the Temple City District Office, 3rd Floor Data Center, 9700 Las Tunas Drive, Temple City, CA 91780

SERVICE LOCATION:

**Temple City Unified School District
District Office (Entity # 16043490)
9700 Las Tunas Drive
Temple City, CA 91780**

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, 2023.
- 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 2023 funding year (July 1, 2023). 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/>

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: _____

OTHER TERMS AND CONDITIONS

The Applicant reserves the right to deny any or all proposals associated with this RFP, even with SLD funding approval. The district reserves the right to accept the pricing proposal solely dependent upon SLD approval.

Vendor must provide one primary contact number for all billing inquiries.

This bid is made without any previous understanding or agreement with any other person, firm or corporation making a bid for the same purpose, and is in all respect fair and without collusion of fraud.

Selection Criteria:

Temple City Unified School District (The District) reserves the right to reject any or all proposals and select the bid that offers the best overall benefit to the school system. Along with price, special consideration will be given to proposal of components/services that we believe offer the highest quality and usability. In addition, special consideration will be given to vendors that are stable and have established themselves in the market and can provide connection to the K12 High Speed Network. Price is the primary consideration but not the only consideration per FCC rules for evaluating RFP's for E-Rate. Evaluations of offers will be based upon the vendor's responsiveness to the RFP and the total price quoted for all the items covered by the RFP. The following elements will be the primary considerations in evaluating all submitted proposals and in the selection of a Vendor:

- a. 40% - Price of ELIGIBLE products and services, including installation.
- b. 20% - Proposal preparation, thoroughness and responsiveness to this RFP.
- c. 15% - TCUSD's prior experience with service provider (if any)
- d. 15% - Client references and/or citations from prior installations where equal services have been provided for projects of similar size and scope.
- e. 10%- proximity to district, how close an office is located to the district

Submission Requirements:

In order to submit a proposal, the vendor

- a) Must have a minimum of three years of experience in the area of expertise of this RFP.
- b) Must have highly-qualified network engineers and technicians on staff, capable of diagnosing problems quickly and providing/recommending solutions.

1) Transition Plan

- a) As the cut-over date for any new carrier is required to be on July 1, 2023, 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.
- 2) Proposals submitted by the vendor must comply with the competitive bidding requirement of the SLD for Universal Service Fund services and support, along with, district, state and local bid laws.
 - 3) Vendors must be able to provide at least three references from customers with environments similar to Temple City Unified School District. Reference information must include company name/project, contact name, address and telephone number.
 - 4) The vendor must provide information regarding availability of technical support (on- site). Vendors must have a maximum travel time of 30 minutes to Temple City Unified School District and must be available upon request.
 - 5) The vendor must provide a history of the company, strengths and stability, including years in business, years in providing the type of proposed service, existing customer satisfaction, number of customers in California and areas covered in California.
 - 6) Vendor must provide one primary contract number with which all bills may be associated.
 - 7) Vendor must clearly identify eligible and ineligible charges, associated with monthly recurring costs and nonrecurring cost such as installation or one time fees.

Response Submission

Mailed Submission

Sealed responses to this RFP must be submitted and delivered to Temple City Unified School District no later the date specified on Page 1. The outside of the sealed envelope must be clearly marked with the vendor name, and E-rate SPIN number. It is the sole responsibility of the respondents to ensure that their responses arrive in a timely manner, before the deadline. Temple City Unified School District reserves the right to reject all late arrivals. Envelopes containing RFP's shall be so marked as to be easily identified as containing RFP proposals. The outside of the envelope shall be identified as follows:

Temple City Unified School District
E-RATE Funding Year 2023-2024 RFP Internet Access
Attn: Diana Vasquez, Director of Purchasing
5212 Encinita Ave.
Temple City CA, 91780

E-Mail Bids

E-mail bids will be acceptable and must be emailed to tcusd-erate@tcusd.net no later than the date specified on Page 1.

Other

Oral or telephone bids will not be considered, nor will modifications of proposals by such communication be considered. The completed proposal shall be without erasures or alterations. The District will not be liable for any cost incurred by the respondents in preparing responses to this RFP or anything associated with the award of a contract.

Question Submission

Questions must be emailed to tcusd-erate@tcusd.net no later than Tuesday, December 13, 2022, at 2:00 PM. The questions and answers will be posted at the URL below and on the EPC portal <https://www.tcusd.net/departments/purchasing/notice-to-bidders>

The Opening of Bids

The bids shall be opened via Zoom. The Zoom link is:
<https://tcusd-net.zoom.us/j/81915093649?pwd=cjJTMVc3cmNyWCtuTnBOWTVUT1BvUT09>
Bids will be read aloud on Wednesday, December 21, 2022, at 2:00 p.m.

Customer Requirements

- Internet Access: Please provide quotes for the following bandwidths. It is the district's intent to award a contract with the ability to scale the bandwidth upwards as the district's needs increase over the duration of the contract, at a predetermined price.
 - **6 Gbps**
 - **8 Gbps**
 - **10 Gbps**

- Please provide quotes for a 36-month term with two, 12-month optional renewals and a 60-month term.
- Any awarded agreement must include an Option for growth including, but not limited to, increases in bandwidth and/or changes of locations, throughout the life of the agreement
- Any awarded agreement must include an option 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.*
- **All equipment necessary to provide this connectivity shall be provided with no option of transfer of ownership to TCUSD. All vendor equipment installed shall be under repair maintenance at no cost to TCUSD for the life of the contract agreement.**

Information Requested

- **Proposed solution pricing**
 - Special construction costs (curb to MPOE) should be amortized over the initial contract term as part of the 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 and in the Data Center at the District Office shall be determined by TCUSD technical staff. All cost proposals must include all pricing to install services to the MPOE and Demarcation point.
- MRC for initial contract month term as well as MRC starting with contract renewal term.
- The Monthly Recurring Cost must remain the same price during the complete term of the contract, as well as any optional extensions. Price must be held firmly throughout the life of the agreement
- 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.

Pricing Sheet

Term- **36-month term with two, 12-month optional renewals.**

Entity Name	Bandwidth	One Time Cost/Installation	Recurring Monthly	Estimated Monthly Taxes and Surcharges	Monthly Total with Taxes and Surcharges
Temple City Unified District Office (Data Center)	6 Gbps				
	8 Gbps				
	10 Gbps				

Price to increase bandwidth by 1 Gbps \$_____

Term- **60-month term.**

Entity Name	Bandwidth	One Time Cost/Installation	Recurring Monthly	Estimated Monthly Taxes and Surcharges	Monthly Total with Taxes and Surcharges
Temple City Unified District Office (Data Center)	6 Gbps				
	8 Gbps				
	10 Gbps				

Price to increase bandwidth by 1 Gbps \$_____