

**FALLBROOK UNION ELEMENTARY SCHOOL DISTRICT
RFP 380-19-20**

Terms & Conditions

1. All contracts and agreements are with Fallbrook Union Elementary School District, (hereinafter "FUESD" or "District").
2. Proposals must be submitted in accordance with the terms and conditions contained in this Request for Proposal (hereinafter "RFP").
3. All RFP's submitted are subject to the District's purchasing policies and the terms and conditions listed herein, which are made a part of this RFP by reference. This RFP, any purchase order or contract, and all related payments will be governed by the laws of California and the District's policies and procedures.
4. Inquiries for information regarding procurement procedures, proposal submission requirements, or other fiscal/administrative concerns shall be in writing; directed to:

Melissa Lawrence
Accounting Specialist

321 N Iowa St
Fallbrook, CA 92028
Email – mlawrence@fuesd.org
Phone: 760-731-5434

Technical questions regarding this RFP shall be sent to: erate@fuesd.org.

All technical questions must be submitted no later than 4:00 PM, December 12th.

These guidelines for communication have been established to ensure a fair and equitable process for all respondents.

5. Pre-Proposal Meeting

A Pre-proposal conference is scheduled for November 18th at 9 am in the IT Department at 321 North Iowa St, Fallbrook, CA. All interested parties are urged to participate in the pre-proposal conference to address any questions and to better understand the requirements and needs of the District

6. Preparation of RFP:

- a. It is the bidder's responsibility to examine the bid to include, but not limited to:
- b. General Terms and Conditions, General Information, Services Required, Amendments, Meetings, etc.
- c. Bidder shall return, sign, and notarize (if applicable) all required forms listed in RFP.
- d. RFP shall be typewritten or written in ink. Pencil bids will not be accepted. Erasures or changes shall be initialed by the authorized individual signing the RFP.

7. RFP Submission

RFP shall be placed in a sealed envelope bearing the proposal name, proposal number, date & time of opening, and bidder's name and address. RFP's must be received in hard copy, no facsimile, telephone, and/or e-mailed RFP's will be accepted. RFP's received after the stated RFP opening date and time shall not be accepted and shall be returned unopened to the vendor. FUESD is not responsible for delays in a delivery of mail by the U.S. Postal Service, private couriers, or any other means of delivery. All RFP's meeting the deadline requirement become the property of FUESD and will not be returned. All RFP's shall be delivered to the FUESD's Purchasing Department, Attention: Melissa Lawrence, at 321 N Iowa St, Fallbrook, CA 92028 no later than 10:00am, January 8th.

By submitting this RFP, vendor acknowledges and approved the terms and conditions established by the District in this RFP. These terms and conditions may not be altered by the vendor, either by the terms of the proposal or by any acknowledgement or attachment.

8. 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.

9. Amendments

By submitting this RFP, vendor acknowledges receipt of amendment(s) to the RFP by signing and returning the amendment(s). Amendment acknowledgement(s) must be submitted with the RFP reply on the due date and time.

10. Preparation Costs

Costs for preparing responses and any other related material is the responsibility of the vendor and shall not be charged in any manner to the District. The District will not be held liable for any cost incurred by vendors in responding to the RFP.

11. All or None

Contracts resulting for this RFP may be awarded on an "All or None" basis or by individual item or grouped items, whichever is deemed to be in the best interest of FUESD. Before awarding any contract, the District reserves the right to require the vendor to submit evidence of qualifications, as it may deem appropriate. The evidence may be concerning financial, technical, or other qualifications as well as relevant experience and skills of the vendor.

12. Right of Rejection

The District reserves the right to accept or reject any or all responses to this RFP if it is in the best interest of the District.

13. Tie Bids

In the instance where one or more vendors are judged to submit identical quotations for the same item, it shall be the administrative responsibility of the Director of Technology to select that vendor. The contract will be awarded based upon consideration in the following area's in the following order; price, technical merit of proposed solution, installation timeline and requirements, support agreements; including response time and references.

14. Solicitation Results

Upon evaluation of solicitation results, and unless all responses are rejected, the District will recommend to the Governing Board for approval at their public meeting. The District does not routinely notify unsuccessful vendors or mail bid tabulations. RFP results are available upon request in writing.

15. Award Questions/Protests

Any bidder may question the award or decision to award a contract by submitting concerns in writing to the Purchasing Agent no later than ten (10) days after the recommendation of award is made. The Purchasing Agent will review and reply, as well as initiate any appropriate action.

16. Evaluation Factors for Award.

Any award to be made pursuant to this RFP will be based upon the proposal with appropriate consideration given to operational, technical, cost and management requirements. Evaluations of offers will be based upon the Proposer'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 consideration in evaluating all submitted proposals and in the selection of a Proposer:

- 35% - Price of ELIGIBLE products and services, including unit prices, labor rates, travel/trip charges (if applicable), etc.
- 20% - Proposal preparation, thoroughness and responsiveness to this request for proposal.
- 15% - Proposer's experience, FUESD's prior experience with Proposer (if any), overall installation and integration capabilities based upon performance record and availability of sufficient high quality personnel with the required skills and experience for the specific approach.
- 10% - Client references and/or citations from prior installations where equal services have been provided for projects of similar size and scope.
- 20% - The extent to which the Proposer's solution fulfills FUESD's stated requirements as set out in this RFP.

General Information for Vendors

The District is seeking proposals from service providers for high-speed telecommunication services. Potential service providers must have demonstrated the experience and expertise necessary, in the sole judgment of Fallbrook UESD (District), to capably: supply, install, configure, test, start-up, service, and maintain the proposed Wide Area Network (WAN) high speed communications services as requested in this RFP.

Fallbrook Union Elementary School District invites vendors to submit proposals in accordance with the terms and conditions of this Request for Proposal (RFP). This RFP provides the services sought requirements and evaluative criteria for one company to provide Fallbrook UESD with a WAN solution as described in this RFP. Fallbrook UESD requests a response from all prospective vendors, including pricing and service descriptions.

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. The successful vendor 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 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.

Services Required

The services requested will include upgrades to our existing WAN CIR's. Service must be capable of delivering symmetrical dedicated bandwidth configurable from 1Gbps to 10Gbps. The District is looking for a provider to supply high-speed data transmission services, terminated at the school system's data center currently located at 321 N. Iowa Street, Fallbrook, California.

The vendor must be able to guarantee network availability of 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.

The Service Provider shall deliver the requested CIR at full bandwidth at each school directly to the District Data Center on a full availability basis, 24/7.

FUESD desires the ability to vary bandwidth in the future to meet demand. Proposals may include rates for higher bandwidth connections and should describe the Service Provider's ability to scale the proposed solution to meet greater bandwidth demands.

The vendor must provide a mechanism for trouble ticket reporting by the customer and offer a telephone response time of no greater than one (1) hour and, if necessary, initiate a physical response within four (4) hours.

Vendor must also provide and/or support:

Dedicated Interconnectivity between District and Ten Facilities

District Office to San Diego County Office of Education

- **District Office –**
- **SDCOE – 6401 Linda Vista Rd, San Diego**

District Office to nine school sites

- Fallbrook Street Elementary – 405 West Fallbrook Street, Fallbrook
- Iowa Street School – 400 West Elder Street, Fallbrook
- La Paloma School – 300 Heald Lane, Fallbrook
- Live Oak School – 1978 Reche Road, Fallbrook
- Potter Junior High – 1743 Reche Road, Fallbrook
- William H Frazier – 1835 Gumtree Lane, Fallbrook
- Transportation – 825 WinterHaven Rd, Fallbrook
- San Onofre School – 200 Pate Rd, San Clemente CA
- Mary Fay Pendleton School – 110 Marine Drive, Oceanside

Customer Requirements

- Minimum 3Gbps between sites
- Minimum 3Gbps between District and SDCOE
- Capability to grow to 10Gbps between sites
- Capability to grow to 10 Gbps between District and SDCOE

Point-to-point connection from each site back to district office or Private Transparent LAN between sites

FALLBROOK UNION ELEMENTARY SCHOOL DISTRICT

RFP 380-1920

Information Requested & Content of Proposal

Information Requested

- Proposed Solution
- Any one-time Construction costs based on three and five year contract options
 - The bidder must also identify any non-recurring costs if applicable with the ability to amortize over the initial term of the contract if the district so desires.
- Monthly service charges based on three and five year solutions
- Support agreements including response times
- A list of at least three school districts in California with similar solutions implemented by the vendor with at least one district in San Diego County

Content of Proposal

The content and sequence of the proposal will be 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 (3 year and 5 year and any additional one-time costs)
7. Financial Statements

Installation Timeline

In order to maintain compliance with e-rate rules, construction cannot begin before July 1, 2020 and the network must be installed, tested, and operational no later than January 2nd, 2021

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: <http://www.usac.org/sl/service-providers/step01/default.aspx>
- 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 will be disqualified from participation in the bidding process and will be considered non-

responsive. 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, 2020
- 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 <http://www.usac.org/sl/applicants/step07/invoice-check.aspx>
- 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: <http://www.usac.org/sl/service-providers/step02/lowest-corresponding-price.aspx>

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). 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. This offer is in full compliance with USAC's Free Services Advisory <http://www.usac.org/sl/applicants/step02/free-services-advisory.aspx>. 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


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 2020 funding year (July 1, 2020). 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.

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:

<http://www.usac.org/sl/applicants/step05/installation.aspx>

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).

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 and certification 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: _____