

ATTACHMENT 1 – E-RATE SUPPLEMENTAL TERMS AND CONDITIONS

A signed copy of this section must be returned with the proposal response. The Telecommunications Act of 1996 established a fund through which schools and libraries may access discounts on eligible telecommunications products and services, commonly known as the E-Rate Program. Eligibility for discounts is determined by the Federal Communications Commission (FCC). Funding is made available upon application approval by the Universal Service Administrative Company (USAC). The amount of the discount is based on the number of students eligible for free and reduced price meals.

1. E-Rate Contingency

The project described herein may be contingent upon the approval of funding from the Universal Service Fund's Schools and Libraries Program. Even after award of a contract and after E-Rate funding approval is obtained, 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

- Service Providers are required to be in full compliance with all current and future requirements issued by USAC throughout the contractual period of any contract entered into as a result of this RFP.
- Service Providers are responsible for providing a valid Service Provider Identification Number (SPIN) at the time the proposal is submitted.
- Service Providers are responsible for providing a valid FCC Registration Number (FRN) at the time the proposal is submitted.
- Service Providers are responsible for providing evidence of FCC Green Light status at the time the proposal is submitted. Any bidder found to be in Red Light status must provide an explanation of the steps it is taking to be removed from Red Light status and the expected timeframe for resolution. 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 and thereby harm the Applicant.
- Products and services must be delivered before billing may commence. At no time may the Service Provider invoice before July 1, 2027.
- Prices must be held firm for the duration of the associated E-Rate funding year or years, or until all work associated with the project is complete, including any contract extension and any USAC-approved extension.
- Goods and services provided shall be clearly designated as "E-Rate Eligible." Non-eligible goods and services shall be clearly identified as one hundred percent (100%) non-eligible, or shall be cost-allocated to show the percentage of eligible costs in accordance with USAC guidelines.
- Within one (1) week of award, the awarded Service Provider must provide the Applicant with a bill of materials using a completed USAC Item 21 template. Subsequent schedules of values and invoices for each site must match the Item 21

attachment or any subsequent approved service substitution. A summary sheet showing the cumulative amount for all sites must also be provided.

- In the event of questions during an E-Rate pre-commitment review, post-commitment review, or audit inquiry, the awarded Service Provider is expected to reply within three (3) business days to questions associated with its proposal.
- The awarded Service Provider is required to send copies of all forms and invoices to the Applicant for pre-approval prior to invoicing USAC. Failure to comply may result in the Applicant placing the Service Provider on Invoice Check with USAC.
- Service Providers must comply with the FCC rules governing Lowest Corresponding Price (LCP) under 47 C.F.R. § 54.511.

3. Service Provider Acknowledgements

- The Service Provider acknowledges that no change in the products or services specified in this document will be allowed without the prior written approval of the Applicant and a USAC service substitution approval, with the exception of a global service substitution.
- The Service Provider acknowledges that all pricing and technology infrastructure information in its proposal shall be considered public and non-confidential pursuant to 47 C.F.R. § 54.504.
- The Service Provider acknowledges that its offer is the lowest corresponding price pursuant to 47 C.F.R. § 54.511(b). If it is not the lowest corresponding price, the Service Provider must disclose the conditions leading to the Applicant being charged in excess of the lowest corresponding price.
- Bidders are required to comply with the FCC's Lowest Corresponding Price requirement for all equipment and services. The bidder acknowledges that it is solely responsible for LCP compliance. To the extent USAC finds an LCP violation and reduces E-Rate funding, the bidder agrees that it will not hold the Applicant liable for any shortfall in E-Rate funding and will be responsible for any ensuing appeals, COMADs, or RIDFs.
- The Service Provider attests that its offer does not violate the FCC's Report and Order, Further Notice of Proposed Rulemaking, and Order in the matter of Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs (FCC 19-121, adopted November 22, 2019), or any subsequent order related to that proceeding, and that no proposed equipment or service appears on the FCC's Covered List.
- This offer is in full compliance with USAC's Free Services Advisory. No free services are offered that would create 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 and Advance Installation

The annual E-Rate funding year begins on July 1 and ends on June 30. Regardless of the contract effective date, E-Rate eligible goods and services requested in this RFP shall be

delivered no earlier than the start of the 2027 funding year (July 1, 2027). If Category One services will begin on or shortly after July 1 of a funding year, the Service Provider may in some cases need to undertake construction and installation work prior to the beginning of that funding year. Within the limitations stated in this RFP, the infrastructure costs of a Service Provider may be deemed to be delivered at the same time that the associated Category One services begin. However, NO INVOICING may take place prior to July 1 of the associated funding year.

The four conditions that must be met for USAC to provide support in a funding year for Category One infrastructure costs incurred prior to that funding year are stated in the Special Construction section of this RFP and are incorporated here by reference.

5. Invoicing

- The Applicant reserves the sole right to select the invoicing method. If the Service Provider Invoice (SPI) method is selected, the Service Provider agrees to bill and receive a portion of the payment for the goods and services described herein directly from USAC via FCC Form 474. The maximum percentage for which the Applicant will be liable is the pre-discount amount minus the funded amount shown on FCC Form 471 Block 5, plus any identified ineligible costs. Upon receipt or posting of a Funding Commitment Decision Letter, the Applicant shall pay only the non-discounted amount beginning with the billing cycle immediately following that approval.
- If the Applicant determines that it is in its best interest to file FCC Form 472 (BEAR), the Applicant will inform the Service Provider of that intent, and the Service Provider shall invoice the Applicant for the full cost of the eligible products and services.
- All Service Provider invoicing to USAC must be completed no later than one hundred twenty (120) days after the latest of (i) the last date to receive service, (ii) the date of any revised Funding Commitment Decision Letter approving a post-commitment request or successful appeal. Should the Service Provider fail to invoice USAC in a timely manner, the Applicant will only be responsible for paying its non-discounted share.
- All costs identified as E-Rate ineligible, including all costs attributable to Southlyn, shall be invoiced separately to the Applicant and shall never be submitted to USAC.

6. FCC and USAC 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. The Service Provider 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 Applicant, its authorized agents, and its auditors reserve the right to perform or have performed an audit of the records of the Service Provider and shall have full access to and the right to examine any such materials within a reasonable period of time during that period.

7. Procurement of Additional Goods or Services / Coterminous Expiration

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

8. Certification

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: _____ SPIN: _____ FRN: _____
