POTTSVILLE AREA SCHOOL DISTRICT

REQUEST FOR PROPOSALS - INTERNET SERVICES

Issue Date: January 2, 2023

Response Deadline: JANUARY 30, 2023 AT NOON E.S.T.

1.0 INTRODUCTION

1.1 Background

The POTTSVILLE AREA SCHOOL DISTRICT ("District") issues this Request for Proposals ("RFP") for Bulk Internet Services bundled with fiber transport. The District is seeking 1-year, 2-year and 3-year pricing, all with up to 24-month optional extensions, for symmetrical Internet capacity of 2 Gbps, 3 Gbps, 5 Gbps and 10 Gbps.

The District intends to apply for discounts on the services listed in this RFP through the federal Universal Service Support Mechanism for School and Libraries, commonly known as "E-rate." Several criteria and restrictions pertinent to the E-rate program are included herein and must be met by the successful vendor in order for the proposal to be considered a Qualified Proposal.

1.2 Issuing Officer and Technical Contact

The Issuing Officer and Technical Contact for questions related to this RFP is:

ANDREW DIEHL
DIRECTOR OF TECHNOLOGY
POTTSVILLE AREA SCHOOL DISTRICT
ADIEHL@POTTSVILLE.K12.PA.US
570-621-2982

Prospective Vendors must direct and confine all inquiries and communications concerning this procurement to the Issuing Officer and correspondence should be made via e-mail. Although there is no due date for questions, the District encourages prospective Vendors to submit any questions they may have as soon as possible. Questions should include "E-rate Internet RFP" in the subject line to ensure that the issuing officer identifies the email as relating to this procurement.

The RFP is available on the USAC website at:
https://data.usac.org/publicreports/Forms/Form470Rfp/Index. Vendors are responsible for periodically monitoring the USAC web site for any updates relating to this RFP.

1.3 Deadline for Proposals

The deadline for proposals to be submitted to the Issuing Officer is January 30, 2023 at Noon EST.

One complete copy of all files comprising the related proposal must be delivered via e-mail on or before Noon E.S.T. on January 30, 2023 to adiehl@pottsville.k12.pa.us.

Proposals must be labeled “E-rate Internet Proposal.” All required Vendor information, certifications and attachments must be included with the proposal.

- The Vendor’s name is required to be included on all documents.
- All required Vendor information, certifications and attachments must be included with the proposal.
- The electronic versions of the price proposals must be in Excel format, with no password or other restrictions on the files in the original format as attached to this RFP.

1.4 **Format of Proposal**

The RFP is very specific about the requirements of these procurements. If a Service Provider does not agree to any of the terms listed in this RFP, they must provide the specific item number and the specific, detailed reason they cannot agree to that term in their Proposal. Service Providers’ compliance with the specifications of this RFP will be taken into account as part of the evaluation process. The District also specifically requests that all replies to this RFP be succinct and not contain extraneous information that is not requested in this RFP. Attachments should be completed in the provided format with Vendors only modifying the areas which are blank for Vendor responses.

1.5 **Vendor Presentations**

District reserves the right to ask clarifying questions of Service Providers and to request in person or remote presentations upon review of proposals. The District reserves the right to accept revised proposals following these presentations.

1.6 **Modification or Withdrawal of Proposals**

Proposals may be modified or withdrawn by the Service Provider prior to the established due date and time.

1.7 **Rejection or Acceptance of Responses**

District will review the proposals for compliance with the procedural requirements set forth in this RFP and may reject any proposal that materially fails to comply. Any deviation from the performance requirements or other terms of the RFP, informalities or defects, if in substantial compliance with the terms and intent of the RFP, may be accepted or rejected by District at its discretion.

1.8 **Notification of Successful Bidder(s)**

The successful bidder(s) will be advised of selection by the Issuing Officer through the issuance of a notification of intention to recommend award via email. Any notification of the selection of the successful bidder shall have no legal effect unless and until the parties negotiate a mutually acceptable agreement that is approved by the school board. Unsuccessful bidders also will be notified via email after a contract has been signed with the successful vendor.

1.9 **Security and Pennsylvania Act 34 Clearance/Act 151/Act 114 Clearances**

All personnel (contractors and subcontractors) that will be working on this project in the schools must observe all security and safety procedures of each school facility and must secure all record checks required by Pennsylvania law which include Act 34 Criminal Record Check, Act 151

Fingerprints, Act 114 Child Abuse History Clearance. While working in schools, all personnel must wear identifying clothing and/or badges identifying their name and company.

On-site work at the school sites cannot commence until the provider has obtained all relevant certifications, licenses, permits and/or required qualifications for its workers and has presented required documentation for the personnel to work in the District's locations.

1.10 **Tax Exempt Status**

The District is exempt from Pennsylvania Sales and Use Tax and has other federal and state tax exemptions afforded to public school entities and/or similar political subdivisions. This notice shall serve to satisfy any notification required by the provider as to these tax exemptions. Vendors must ensure that their cost proposals specifically include all applicable taxes, fees and surcharges from which the District is not exempt or that is imposed or assessed by Vendor.

1.11 **Additional Information for Service Providers**

District reserves the right to:

- Amend, modify, cancel this RFP or not award any contract;
- Modify or add to the requirements contained in this RFP at any time after the issuance of this RFP via RFP amendment;
- Award a contract for any or all parts of the RFP to one or more service providers and negotiate terms and conditions to meet requirements consistent with this RFP;
- Utilize any and all ideas submitted in the RFP proposals received;
- Request providers to clarify their RFP proposals;
- Purchase the most cost-effective proposal(s) and not necessarily the lowest-priced proposal(s) in accordance with E-Rate rules where price of E-rate eligible services is the factor given the most points in the evaluation among all of the various factors considered in the evaluation.

1.12 **Reasons for Disqualification of Proposals**

If any of the following conditions occur, Service Provider's proposal may be disqualified from being evaluated.

1.12.1 Service Provider's proposal is submitted after the deadline and proposals have been opened by the District.

1.12.2 Service Provider is on Red Light Status with the FCC or is delinquent on a debt to a state or federal governmental agency or entity.

1.12.3 Service Provider is not authorized to do business in Pennsylvania or is not authorized to provide services requested in this proposal to all buildings within the District.

1.12.4 Service Provider has not been in business for at least 5 years performing services or furnishing equipment required in the bid.

1.12.5 Service Provider does not have a Service Provider Identification Number ("SPIN").

1.12.6 Services are not all provided under a single E-rate SPIN number. Separate SPIN numbers are permitted for each separate procurement.

1.12.7 Service Provider cannot provide all equipment and/or services to all locations listed in Attachment A.

1.12.8 Service provider cannot provide all services by July 1, 2023 to all locations listed in Attachment A.

1.12.9 Service Provider has not disclosed whether any of the services are being leased or resold from other vendors and if so, has not disclosed exactly what services are being resold.

1.12.10 Service Provider has not disclosed all taxes, fees, surcharges, etc. and their amounts or percentages in their proposal.

1.12.11 District reserves the right to disqualify a Vendor for the use of subcontractors that do not meet the requirements of this RFP or other legitimate business concerns.

1.12.12 Vendor is not deemed a "qualified" bidder as a result of reference checks and other research conducted by the district.

1.12.13 If a Service Provider becomes subject to any FCC or USAC investigation they must notify the District within 15 days. The District reserves the right to disqualify any Service Providers under investigation.

1.13 **Timeline for Procurement/Contract Signing**

The District intends to review all proposals immediately following the submission deadline and, if required, conduct interviews with qualified bidders. A tentative award will be made in February 2023 with the contract being signed by March 2023. The service must be operational on July 1, 2023 without exception.

2.0 SCOPE OF SERVICES REQUESTED IN THIS REQUEST FOR PROPOSAL

2.1 **Network Configuration and Technical Requirements**

Pottsville Area School District is requesting proposals for Internet service delivered to the district. Vendors must propose 1-year, 2-year and 3-year pricing, all with up to 24-month optional extensions, for symmetrical Internet capacity of 2 Gbps, 3 Gbps, 5 Gbps and 10 Gbps.

Below are the technical requirements for the requested Internet services:

2.1.1 Vendor must supply all routing equipment needed between the circuit handoff equipment and the district equipment.

2.1.2 Circuit handoff equipment (CPE) must support supplied routing equipment and/or District equipment.

2.1.3 Circuit handoff equipment (CPE) must be rack mountable (preferably a 1U device) with redundant power supplies.

2.1.4 All cable to support the services installed within buildings must be plenum rated and installed to code. This includes supporting the cable in the ceiling with J-hooks or other required supports.

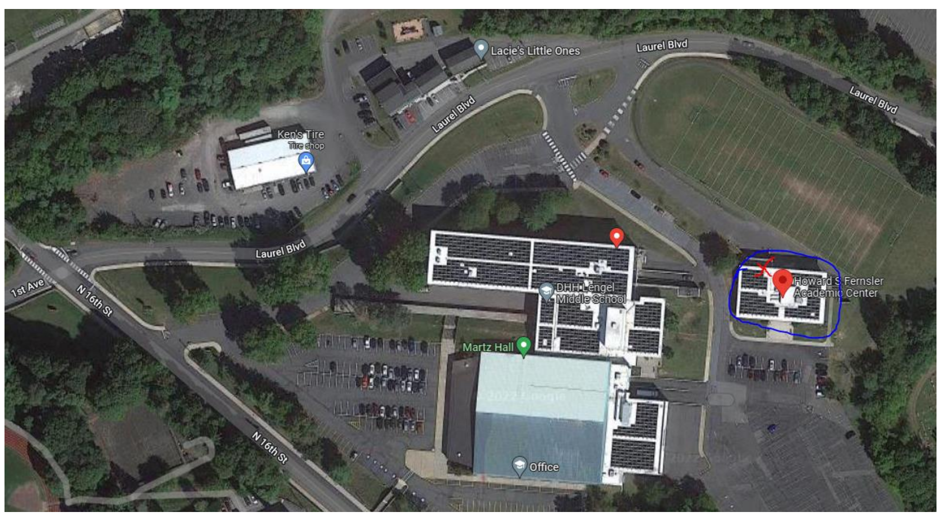
2.1.5 Vendor must identify all subcontractors and any partners used to deliver services in their proposal. This includes leased fiber, fiber maintenance, fiber installation, site surveys, etc. As noted in section 1.12, District may disqualify a Vendor if they do not identify all subcontractors/partners in proposals.

2.1.6 The Vendor must supply a dedicated circuit solely used for the Internet services. The handoff cannot be shared with a handoff used to provide WAN or other services.

2.1.7 Vendor must have at least two direct peering relationships with Tier 1 backbone providers. Backbone providers must be identified in Vendor's proposals.

2.1.8 Vendor must provide physical & logical network diagrams depicting connectivity from District to Vendor including details on network core speeds and capacities. Google Earth compatible KMZ files are acceptable for physical diagrams.

2.1.9 Acceptable fiber entrance locations are marked with red in the below images of the hub sites. The approximate locations of each demarc are highlighted in blue. Site surveys are encouraged prior to proposal submission to ensure Vendor has an adequate understanding of building size and complexity for fiber installation. Site surveys can be scheduled with the issuing officer via email to adiehl@pottsville.k12.pa.us.



2.2 Support Metrics & Network Performance

Vendors shall describe their problem resolution procedures. Vendors shall provide:

2.2.1 Dedicated point of contact for problem resolution

2.2.2 A description of Vendor's emergency capabilities

2.2.3 The location of the nearest support depot and service personnel

2.2.4 30-minute or better proactive monitoring notifications

2.2.5 Mean time to repair (MTTR) of 4-hours or better for equipment failure and 6-hours or better for fiber failure

2.2.6 30-minute or better response to outage/trouble notifications from District

2.2.7 24/7/365 support for all circuits and services with a 24/7/365 staffed NOC

2.2.8 1-week Advanced Notification of all planned outages that affect District services

2.2.9 99.9% or greater availability

2.2.10 90% or greater sustained throughput on each circuit

2.2.11 Network/Transit delay that shall not exceed an average of 60ms over a 5-minute period where the circumstances are under the Vendor's control.

2.2.12 Packet loss across interconnection point(s) that shall not exceed an average of 0.1% over a 5-minute period where the circumstances are under the Vendor's control.

2.2.13 Unfiltered and uninhibited Internet traffic flow to/from the District's location(s) unless otherwise requested or approved by the District, and exclusive of specific filtering and security mitigations as specifically outlined elsewhere in this RFP; the selected Vendor(s) shall be prohibited from implementing service port or protocol-based blocking, throttling or proxying (i.e. rate limiting) of IP traffic beyond what the District has subscribed for, without the expressed written consent of the District.

2.2.14 Copy of SLA with proposal, including a minimum of 10% credit (based on full MRC) per hour (beginning after 5 minutes outage), rounded up to full hours. The SLA should apply 24/7 with automatic account credits. The specific terms of the SLA will be negotiated between the District and Vendor.

2.3 Billing Support

Monthly consolidated billing that is easy to reconcile is required, along with available live customer support. Proposers shall submit examples of billing documents, and shall describe the available customer support including online billing and administrative access to District's account information. Clarity of content, readability and document appearance of the Vendor's billing information will be reviewed. District requires online access to all billing information, ordering information and billing statements.

Discounted billing is required by the District (commonly referred to as Service Provider Invoice – SPI).

2.4 Pricing Format

Proposal must identify all taxes, fees and surcharges, including any fees, taxes or surcharges, paper statement fees, special taxes, PA gross receipts tax, Universal Service Fees, Universal Service Administrative Fees, regulatory recovery fees, property taxes, etc. Proposals must itemize all costs for which the District will be invoiced.

The District will not pay any such fees or charges over the course of the agreement that are in addition to the single postal-rate price provided in the contract. This is done for budgeting purposes, but also so an apples-to-apples comparison can be done of Vendor proposals. Any proposal that does not meet this requirement will have points deducted in the bid evaluation and will be required to submit a revised proposal with this information included.
Vendor must propose pricing that does not include any up-front, non-recurring charges (NRC). All charges must be rolled into the monthly recurring charges (MRC).

The District must be able to increase its Internet capacity over the course of the contract, without resetting or renewing the contract, in the increments specified in Attachment A. These optional increases must be made within 30-days of the District's request to increase bandwidth and will adjust the District's MRC according to the Vendor's proposed pricing per Attachment A.

2.5 **Timeline for Installation of Services & Delivery Service Level Agreement (DSLA)**

Installation shall not begin until after a contract between the parties has been executed.

Vendor shall provide a project manager to assist with conversion of services and must identify that individual in their proposal. There may be a need for some of the installation to occur after hours. The rate for after-hours installation shall be the same as the installation costs during business hours.

The latest service acceptance date of July 1, 2023 is non-negotiable. Services must be operational by this date.

Services which are not completed and accepted by the District as of July 1, 2023 will be considered late and result in the invocation of a Delivery Service Level Agreement (DSLA). The specific terms of the DSLA will be negotiated between the District and Vendor. At a minimum, the DSLA will provide the District with bill credits equal to 5/30th of the MRC per day that the service is not operational.

Weekly status meetings must be held between the Project Manager and District for the duration of the project.

2.6 **Contract Term**

The District requests proposals for the following initial contract terms: 1-year, 2-years and 3-years. Each of these terms should include month-to-month (MTM) extensions up to 24-months in total.

3.0 E-RATE REQUIREMENTS

Vendors submitting proposals under this RFP must agree to meet the following conditions relating to the E-rate program and be willing to include such requirements in the Vendor's contract:

3.1 **SPIN**

Vendor must obtain a valid E-rate SPIN number (Vendor Identification Number), and must provide that SPIN in the Proposal submitted in response to this bid opportunity. All services included in this RFP must be submitted under a single SPIN.

3.2 **Form 473, Service Provider Annual Certification Form**

Vendor must agree to timely submission to the SLD a completed Form 473. This form is available on the SLD's website at http://www.usac.org/sl in the Forms section.

3.3 Discounted Bills

If requested by the District, Vendor must agree to provide discounted bills to District which reflect the net charges due to the District after E-rate discounts have been reflected (also known as the "non-discount" amount). The Vendor will then invoice USAC for the E-rate discount amount. Vendor shall be solely responsible for timely filing invoices with USAC. Accordingly, Vendor understands and agrees that District will NOT be liable to Vendor and Vendor shall have no recourse against the District for any discounted amount that Vendor submits late to USAC for payment, if USAC refuses to pay the invoice due to late filing. Further, Vendor understands and agrees that District shall not be liable to Vendor and Vendor shall have no recourse against the District for any discounted amount that Vendor submits to USAC for payment if Vendor is at fault for USAC's refusal to pay. If the District's actions or failure to act are responsible for the non-payment of the Vendor's invoice with USAC, the District shall not be liable to Vendor and Vendor shall have no recourse against the District for the amount at issue until both the District and the Vendor have exhausted their administrative remedies of appeal to USAC and/or the FCC.

3.4 Separate Invoices for Ineligible Entities

Vendor must ensure that E-rate discounts are provided only to eligible entities for eligible services. For this reason, a separate invoice for ineligible entities must be provided to the District each month. This will ensure that only eligible entities are receiving discounted bills.

3.5 Document Retention

Vendor must retain copies of all invoices and record of District payments for a period of eleven years and be willing to provide this information to the District upon request. Such retention may be done electronically.

3.6 Subcontracting

Any and all subcontractors must be identified in Vendor's proposals. Subcontractor's must abide by the same rules and standards as set forth in this RFP as the proposing Vendors.

4.0 CONDITIONS AND CONTRACTS

4.1 Right Not to Award

District reserves the right to reject all proposals and not award a contract under this RFP, to narrow the scope of this project prior to contract signing, and/or to accept or reject any one or more proposals in part and thus award all or part of this project to one or more vendors.

4.2 Good Faith Negotiation of Contract

The District will sign a separate, mutually-agreeable vendor contract as long as the conditions included in this bid will supersede all vendor contractual language. Vendor is expected to negotiate a written agreement with District. District is not obligated to accept Vendor's standard terms and conditions. If a contract acceptable to District is not agreed upon in a timely manner, District may award the services to the next highest scoring Vendor to avoid delays in meeting E-rate deadlines or to avoid service disruption. Vendor shall provide a proposed contract with all terms and conditions including any applicable Addenda, as part of their proposal.

4.3 **Lowest Corresponding Price**

Per FCC rules, Vendors must offer the Lowest Corresponding Price when submitting proposals. Lowest Corresponding Price (LCP) is defined as the lowest price that a service provider charges to nonresidential customers who are similarly situated to a particular E-rate applicant (school, library or consortium) for similar services. See 47 CFR, Part 54, Section 54.500(f). Service providers cannot charge E-rate applicants a price above the LCP for E-rate services. See 47 CFR Section 54.511(b). There is a rebuttable presumption that rates offered within the previous 3 years are still compensatory.

5.0 INFORMATION TO BE INCLUDED IN PROPOSAL

In addition to the other information required to be provided, Vendor also will include with their proposal responses to the following questions:

5.1 Provide a complete description of whether the services requested in this RFP will be provided using all of the vendor's own facilities or whether certain services or lines will be leased or resold from another company; or a combination of the above. Please be specific in your response. If services are being resold or leased, bids must indicate what services/lines are being resold or leased and must indicate the vendor's ability to monitor and maintain the required service level throughout the network.

5.2 Provide a description of the nature and scope of your firm's business endeavors, including history of company.

5.3 Provide a description of your firm's previous and ongoing relationship, if any, with the District.

5.4 Provide the names and contact information of at least 3 current K-12 clients of approximately the same size as the Pottsville Area School District that are using the same or similar goods and/or services as requested in this RFP. If such clients do not exist, provide non-K12 customers' contact information.

5.5 Provide contact name and contact information for person authorized to negotiate terms and conditions

5.6 Provide proof that the Vendor and all subcontractors are authorized to do business in Pennsylvania.

5.7 Provide a description of the firm's experience with the federal E-rate program.

5.8 Provide federal Tax ID Number, E-rate SPIN Number, and FCC Registration Number (FCCRN).

5.9 Provide certification that the Vendor currently is not subject to the Red Light Rule and will notify the District if they are placed on Red Light Status with the FCC. Further, provide a certification that the Vendor's principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation, by any Federal department or agency, from transactions involving the use of Federal funds. Where Vendor is unable to certify to any of the Statements in this certification, Vendor shall attach an explanation to their proposal.

5.10 Provide contact name and contact information where questions related to the proposal can be directed with statement certifying that this person (or his/her authorized representative) will be available in order to assist with the completion of the District's E-rate applications, as requested.

5.11 Provide copy of terms and conditions for proposed contract.

5.12 **Pennsylvania Right-to-Know Law**

Vendor is required to clearly identify any specific information that they deem as proprietary and request to be withheld from public view. Vendor must provide one copy of its redacted proposal with all proprietary information omitted. District intends to comply with the Pennsylvania Right to Know law concerning requests for release of documents regarding this procurement, including the release of proposals after bid opening. Per E-rate regulations, price of winning bid is not confidential information.

6.0 EVALUATION

Proposals will be evaluated by a committee appointed by the Issuing Officer. Any Proposal that does not meet the minimum requirements in this Bid may be excluded from evaluation. In accordance with E-Rate regulations, the price of E-Rate eligible services will be the most heavily-weighted factor for all decisions.

ATTACHMENT A

See separate Excel attachment – Internet PASD Vendor Sheet