

## **NOTICE TO SERVICE PROVIDERS (VENDORS) BIDDING FOR 2021-22 E-RATE REQUESTS FOR PROPOSAL**

Kellogg & Sovereign<sup>®</sup> Consulting, LLC ("KSLLC") utilizes a secure online e-procurement system for E-Rate. The online program allows schools and libraries ("applicants") to post their Requests for Proposal ("RFPs") in one location. Service providers ("bidders") may then post bids in the proper format online in response to the posted RFPs. There are no fees charged to service providers for use of the online e-procurement system. Service providers must register for access to the site.

### **A. BIDDING REQUIREMENTS**

**1. Service Provider Identification Number (SPIN).**

All service providers must have a SPIN assigned by the Schools & Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC").

**2. FCC Registration Number.**

All service providers must have a FCC registration number assigned by the Federal Communications Commission. The service provider must be in green light status.

**3. OUSF-Oklahoma Service Providers.** Service providers who are bidding for OUSF eligible services must be in good standing with the Oklahoma Corporation Commission and its annual reporting requirements. The vendor must be eligible for the service area where the applicant is located. The awarded bidder must file for OUSF support within 90 days of the start of the OUSF-eligible service.

**4. Bid Submission requirements.**

4a. Submit bid online. Unless otherwise instructed by the individual applicant's RFP, service providers must submit bids through the e-procurement site, <https://kelloggllc.bonfirehub.com>.

4b. Submit bid responses EARLY – allow time for technical issues. Bidders should begin the bid submission process well ahead of the bid due date and time. Bidders are solely responsible for completing, signing, uploading and SUBMITTING the required response documentation PRIOR to bid close. The online system will automatically close at the bid due date and time. **LATE BIDS WILL NOT BE ACCEPTED.**

4c. Follow bid submission requirements as stated on each individual RFP. Bidders MUST follow all submission requirements as listed on the applicant's RFP **INCLUDING AUTHORIZED SIGNATURES.** The bid submission instructions as listed on each RFP must be met to be in full compliance with the applicant's bidding requirements.

4d. Item 21 Templates must be provided within 5 days upon request. The Item 21 templates will be required for most Category 2 bids that include over 10 line items. Templates are available on the USAC web site: <https://www.usac.org/E-Rate/applicant-process/applying-for-discounts/fcc-form-471-filing/>

## **Notice to E-Rate Service Providers**

### **All documents submitted MUST include the following:**

- service provider name and service provider contact person
- AUTHORIZED SIGNATURE
- address, city, state, zip
- phone and fax numbers
- email address
- service provider identification number (SPIN)
- applicant name
- location for installation of equipment, if applicable

### **5. BID DETAIL REQUIREMENTS**

#### **5a. Vendor Qualifications**

- Vendor shall submit current certifications and qualifications demonstrating technical ability to install, test and maintain the proposed system and subsystems.
- Vendor must be able to offer local support for the term of the contract.
- Vendor will provide local references.
- Vendor will identify all subcontractors to be used on the project.

#### **5b. Bids MUST include pricing detail by line item including:**

Quantity	Description	Manufacturer
Model Number	Part Number or SKU	Location
Unit Price	Extended Price	% Eligible

**5c. Eligible %** - Be sure to clearly indicate the % eligibility of all items bid. The eligible % is NOT the E-Rate discount amount. The eligibility of a product is determined based on the components that are eligible for discount per the [FCC Eligible Services List](#). Contact the manufacturer if you are uncertain of the product eligibility. **The Service Provider is responsible for reporting the Eligible %.**

#### **CLEARLY MARK INELIGIBLE ITEMS AS 0% ELIGIBLE**

**5d. Associated Charges** - The following charges associated with eligible products and services must be listed as separate line items on the same bid with the associated product or service:

- Basic Maintenance (Bundled Warranty)
- Installation
- Configuration
- Shipping & Delivery
- Training
- Travel & Per Diem Charges

**5e. Training Costs** - Bids that include training costs must clearly define eligible training costs. On-site training is eligible as a part of installation services but only if it is basic instruction on the use of eligible equipment directly associated with equipment installation and is part of the contract or agreement for the equipment. Training must occur coincidentally or within a reasonable time after installation.

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**5f. Basic Maintenance** - Bids for basic maintenance must list:

- Quantity
- Manufacturer
- Model number or product number
- Part Number or SKU
- Location of each piece of equipment to be maintained
- Scope of Work (SOW)

For Maintenance services, service providers are encouraged to use the List of Equipment for Maintenance schedules included on the RFP. The applicant-provided maintenance list can then be used by the bidder to assign prices, quantities, cost allocation, location, quantity, and description.

**5g. Managed Internal Broadband Services (MIBS)** - Bids for Managed Internal Broadband Services must include:

- complete list of equipment to be installed and/or managed including quantity, manufacturer, model number or product number, site location,
- whether or not equipment is owned by the applicant or the provider, and
- Scope of Work (SOW)

**5h. Uninterruptible Power Supplies (UPS)** - Bids for UPS equipment must include list of equipment that will be supported by the UPS, including make, model and part number.

**5i. Ineligible Items.** List ALL items for the complete project in your bid INCLUDING ineligible items. Ineligible items should be listed on a separate line as 0% eligible.

**5j. PRICE LISTS PROHIBITED. DO NOT submit price lists online.** You may list only one solution per bid. You may provide separate pricing schedules clearly marked “optional” to be considered by applicants for other options you have available.

**5k. Broadband Connections and Internet Access.** E-Rate support is available for leased lit fiber, dark fiber, and self-provisioned broadband networks as described in the Second E-Rate Modernization Order (FCC 14-189). Bids for broadband services must include as applicable:

- Eligible monthly charges,
- Special construction, installation and activation charges,
- Modulating electronics and other equipment necessary to make a Category One broadband service functional (“Network Equipment”), and
- Maintenance and operation charges.

Network Equipment and maintenance and operation costs for existing networks are eligible. All equipment and services, including maintenance and operation, must be competitively bid. Applicants that seek bids for special construction of dark fiber must also seek bids for lit fiber service; if self-provisioned network is sought applicants must also consider bids for third party networks, and fully consider all responsive bids.

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Applicants may seek special construction funding for the upfront, non-recurring costs for the deployment of new or upgraded facilities. The eligible components of special construction are construction of network facilities, design and engineering, and project management.

**Staff salaries and labor costs for personnel of the applicant or underlying beneficiary are not E-Rate eligible.**

Service providers whose bids include special construction charges MUST provide the following:

- A .jpg or .ksm file of the route;
- Details of alternate routes considered including costs compared;
- Cost detail of the proposed solution including bill of materials;
- Cost per foot for aerial fiber, buried fiber and buried fiber in conduit;
- And full details of fiber strands installed and deployed.

Additional information may be required to meet E-Rate program, state and local requirements.

**5l. Applicant non-discount portion of construction charges** may be paid out up to four years with an installment plan between the applicant and the service provider. Service Providers who are bidding on services that have special construction charges should provide details on available installment plans with your bid response.

### **6. CONTRACTS**

**6a. Contracts must be submitted with bid.** Bidders for all services and products (except for tariffed telecommunications services or month-to-month services which do not have a related contract) must submit a contract for products or services.

**6b. Conditional upon funding and subsequent governing board approval.** Unless otherwise noted in the applicant's individual RFP, all proposals shall be subject to E-Rate funding and SUBSEQUENT governing board approval.

**6c. Extension to make contract term coincide with an E-Rate Program Year or E-Rate Extension.** Unless otherwise noted in the applicant's individual RFP, the applicant will reserve the right to extend or abbreviate the contract period if such extension or abbreviation is necessary to make the Contract term coincide with an E-Rate "program year" or an extended service end date for an E-Rate program year pursuant to a "service delivery deadline extension," as those terms are defined by the Federal Communications Commission ("FCC") and/or the Universal Service Administrative Company ("USAC").

### **B. DOCUMENT RETENTION REQUIREMENTS – TEN YEARS**

All service providers participating in the E-Rate filing process for KSLLC client schools and libraries agree to retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the applicant's applications for receipt of and delivery of services receiving schools and libraries discounts. Furthermore, if the applicant is audited pursuant to the services and products provided by the service provider, the service provider will make such records available to the Administrator. Records must be retained for a period of **ten years** after the last date of service.

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### **C. DISCLAIMER**

The service provider and/or applicant is solely responsible for verifying the accuracy of information submitted to Kellogg & Sovereign® Consulting, LLC (KSLLC). KSLLC disclaims and makes no warranty, express or implied, nor assumes any legal liability or responsibility for the validity, accuracy, correctness, or completeness of any information that is provided by the service provider or applicant to KSLLC.

By submitting bids for KSLLC client schools & libraries, the service provider agrees and understands that KSLLC will forward the information to USAC and that the service provider is responsible for verifying the accuracy of information submitted to KSLLC. Kellogg & Sovereign® Consulting, LLC shall not be liable for any direct, indirect, incidental, consequential or exemplary damages, including but not limited to, damages for loss of profits, data or other intangible losses (even if KSLLC has been advised of the possibility of such damages), resulting from the service provider's non-response or incomplete response and/or the service provider's inaccurate, invalid, incorrect, or incomplete provision of information.

### **D. ONLINE BIDDING INSTRUCTIONS**

**ONLINE BIDDING ACCESS** –Service providers will need to login to access the bidding site, <https://kelloggllc.bonfirehub.com>. New users will need to register for a login ID and password.

**NO LATE BIDS WILL BE ACCEPTED**

### **E. APPLICANT-SPECIFIC RFPs**

Applicants may direct service providers to RFPs hosted separately by the applicant on their web site. An Applicant's RFP instructions override any instructions provided on KSLLC's bidding site and online RFPs. For example, if the applicant has directed service providers to the RFPs posted on their site and they require delivery of three copies of the bids to the applicant's site by a certain date and time, the service providers MUST follow the applicant's instructions or their bids will be disqualified.

**Failure to comply with instructions posted on RFPs may result in disqualification.**

### **F. RFP CHANGES**

RFP Changes are posted as addenda to the KSLLC bidding site and on the USAC Erate Productivity Center (EPC) as an additional document on the FCC Form 470.

### **SCHEDULED BIDDERS CONFERENCES & ON-SITE "WALK THROUGHS"**

Bidders conferences or walk throughs are posted on the online bidding site. Review the dates and locations and whether or not attendance is mandatory.

**Failure to attend a mandatory conference or walk-through may result in disqualification.**

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### **G. BID PACKET – PROVIDED TO APPLICANT**

After the bidding period closes for the respective school or library, the school or library (applicant) will access all bids, pricing, and documents submitted online. The applicant will evaluate the bids per E-Rate program rules.

### **H. BID EVALUATION**

**Applicants will select the most cost-effective bids with price of the E-Rate eligible products and services being the primary factor (most heavily weighted).** Each applicant may use different criteria which will be listed in the individual RFP for each applicant.

#### **Partial Bids Accepted**

Unless otherwise specified on the applicant's RFP, Bidders may submit bids for portions of the requested services or equipment. For example, a service provider may submit a bid for network cabling but not for network switches as requested on the RFP. Another example is a service provider may submit a bid for wireless access points but not for caching servers as requested on the RFP.

Unless otherwise specified on the RFP, the applicant reserves the right to accept, some, all or none of the products and services proposed.

#### **Category 2 Budget Requirements**

Applicants who request bids for Category 2 products and services will conduct a competitive bidding period for the products and services they need on a site by site basis. After the bidding period is closed, the applicant will evaluate the bids based on the responses submitted by the due date. The applicant will then select the winning bidder based on the original bid responses.

Once a bidder is selected for Category 2 products and services, the applicant will then have to review the awarded bid and make changes to the quantities and items selected in order to stay within their [Category 2 budgets](#). The applicant may contact the awarded bidder to adjust quantities by site in order to meet the Category 2 budget.

The selected service provider is expected to respond timely with revised proposals and contracts for the applicant to ensure that the selected products and services are at or below the Category 2 budget and that the service provider has provided all information necessary regarding reduction in quantities and associated installation, configuration, shipping and handling charges.

### **I. BID AWARD NOTIFICATION**

For RFPs posted on the KSLLC bidding site, registered bidders may review closed bids for notification of bid awards. For RFPs posted on individual applicant web sites, each applicant will use their own method

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for notifying service providers regarding the award of E-Rate bids. USAC will send notification in the form of a Receipt Acknowledgement Letter (RAL) on the USAC EPC Portal to all service providers whose bids are listed on a Form 471 once the Form 471 is submitted.

**The Form 471 Receipt Acknowledgement Letter (RAL) issued in the online portal by USAC to the service provider is NOT A FUNDING LETTER.** Funding commitment decision notices are posted online after the application has been reviewed and sufficient funds have been approved by the FCC.

Item 21 detail is included as an integral part of the FCC Form 471 and can be displayed on the USAC web site, [www.usac.org/e-rate](http://www.usac.org/e-rate).

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### **MANAGED INTERNAL BROADBAND SERVICES (MIBS)**

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Bids submitted for MIBS must provide all details necessary to fully explain the services offered. Detailed listing of all equipment to be managed (make, model, part number, serial number, and owned by provider or applicant) and full description of services offered.

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### **BASIC MAINTENANCE OF INTERNAL CONNECTIONS (BMIC)**

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Basic maintenance services are subject to each school or library's overall budget on E-Rate eligible category two services. Support will only be available for E-Rate eligible products and services as listed on the current year Eligible Services List.

The FCC's Sixth Report and Order stated that basic maintenance is only eligible if it is conducted on a break/fix basis or other actions required to prevent network failure. This means that service providers will need to provide incident reports for each visit to an applicant's site to perform necessary maintenance. E-Rate will not provide funding for maintenance up-front ("unbundled warranty").

Funding will only be issued for the actual cost of labor and repair costs conducted after the provider has identified that an item is damaged, is malfunctioning in some way, or fails, and the service provider repairs or replaces the piece of equipment that failed.

The following is a list of the information that should be reported for each incident where the provider is called to the applicant site to perform maintenance:

#### **Service Incident Report:**

Prepare a Service Incident Report immediately upon the completion of each maintenance service operation. Sign the report and obtain the signature of the person who requested the maintenance service to indicate that the work was completed satisfactorily. Provide a copy of the report with the person who requested the maintenance service.

Each Service Incident Report should contain the following information:

- Date and time the service request was received,
- Date and time of contractor's arrival at the service site,
- Location of the equipment serviced,

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- Manufacturer, type, model and serial number(s) of each piece of equipment that was serviced or replaced,
- Time spent performing the service,
- Description of the cause of the malfunction,
- Description of any repairs performed on parts or components that were not replaced,
- Description of the cause of the malfunction, and
- Date and time that service was successfully completed.
- Description of any part(s) or components that were replaced,
  - Provide the following information regarding the replacement action
    - Make, model and part number of the new equipment or cabling
    - Make, model and part number of equipment being replace
    - Method of disposition of damaged equipment or cabling

### **Invoicing and Payment**

Once the work is complete, the service provider should submit an invoice for payment

1. If SPI, an invoice for the applicant's non-discount share
2. If BEAR, an invoice for the full amount for that incident

The applicant is expected to issue payment to the service provider for services rendered based on the reimbursement method used.

### **Record Keeping**

Both the service provider and the applicant are required to maintain all records related to repairs accomplished including purchase orders, cancelled checks/warrants, and all documents created as a part of the service agreement for a **period of 10 years following last date of service.**

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## **MANUFACTURER MAINTENANCE SUPPORT SERVICES (MSS)**

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Manufacturer Maintenance Support Services (MSS) are classified as BMIC under Category Two.

- Maintenance Support Services which can include bug fixes, software upgrades, and security/software patches are eligible for a pro-rated amount that covers the current funding year.
- Example: The cost of 3-year MSS would need to be pro-rated so that only one third of the cost are requested in the applicable funding year.
- MSS may be requested as a one time cost (non-recurring charge) even though it is categorized as basic maintenance service

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## **LICENSES are Category Two Internal Connections**

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Operating licenses are classified as Internal Connections under Category Two.

- Licenses that are right-to-use (necessary for the functionality of the eligible internal connection device) are fully eligible in the requested Funding Year.
- Example: The cost of a 3-year RTU license for an eligible switch could be requested fully as a one-time charge.