

NORTH HILLS SCHOOL DISTRICT

INVITATION TO BID

E-RATE WIRELESS ACCESS POINTS UPGRADE AND LICENSING

Bid Submission Deadline: Wednesday, February 27, 2019 AT 11:00 A.M. E.S.T

1.0 INTRODUCTION

1.1 NORTH HILLS SCHOOL DISTRICT (the "District") issues this Invitation to Bid for E-rate Wireless Access Points Upgrade and Licensing. The District intends to apply for discounts on the equipment/services listed in this Bid through the federal E-rate program. Several criteria and restrictions pertinent to the E-rate program are included herein and must be met by the successful bidder in order for the bid to be considered a qualified bid.

1.2 Issuing Officer and Technical Contact For Questions and Information

Dave Charles
Director of Information Technology
charlesd@nhsd.net

Prospective Bidders must direct and confine all inquiries and communications concerning this procurement to the Issuing Officer and Technical Contact and correspondence must be made via e-mail only. The District encourages Prospective Bidders to submit any questions they may have as soon as possible but by no later than February 15, 2019. Questions should include "E-rate Wireless AP Upgrade" in the subject line to ensure that the Issuing Officer and Technical Contact identifies the email as relating to this procurement. Bidders are responsible for periodically monitoring the North Hills School District website, nhsd.net/InvitationtoBidorRFP.aspx, and USAC EPC system for any updates/addenda relating to this Bid.

1.3 One complete hard copy of the Bid must be delivered in a sealed envelope clearly marked "E-Rate Bid" to the North Hills School District Administration Building to "Attn. Pam LaBrasca" at 135 Sixth Avenue, Pittsburgh PA 15229, on or before 11:00 A.M. E.S.T. on February 27, 2019. Any Bid received after that time and date will be returned to the bidder unopened. All bids received on time as indicated above will be opened publicly and read aloud at the time and place stated above. All required Bidder information, certifications and attachments must be included with the Bid. District intends to select the successful Bidder and have the Bid Award Proposal presented to the School Board no later than its March 14, 2019 meeting.

1.4 The District will review the Bids for compliance with the procedural requirements set forth in Section 5 and may reject any Bid that materially fails to comply.

1.5 The successful bidder 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 approval by the District School Board and subsequent issuance of a purchase order by the District. Unsuccessful bidders also will be notified via email.

1.6 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, and Act 114 Child Abuse History Clearance.

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.

1.7 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 bids specifically include all applicable taxes, fees and surcharges from which the District is not exempt or that is imposed or assessed by Vendor, as required in Appendix A.

1.8 **Reasons for Disqualification of Bids**

If any of the following conditions occur, Vendor's Bid is automatically disqualified from being evaluated.

1.8.1 Vendor's bid is submitted after bids have been opened and reviewed by the District.

1.8.2 Vendor is on Red Light Status with the FCC or is delinquent on a debt to a state or federal governmental agency or entity.

1.8.3 Vendor is not authorized to do business in Pennsylvania.

1.8.4 Vendor has not been in business for at least 5 years performing services or furnishing equipment required in the bid.

1.8.5 Vendor does not have an E-rate SPIN number.

1.8.6 Vendor cannot provide all equipment and services listed in Appendix A.

1.8.7 Vendor does not agree to provide discounted billing to the District.

2.0 SCOPE OF SERVICES REQUESTED IN THIS INVITATION TO BID

Equipment Purchase and Equipment Warranties

- 2.1 Included in this Invitation to Bid is Appendix A which itemizes the quantity, model number and description of each component in this procurement. Bids must include Appendix A, completed in the exact format as Appendix A with all required information, showing per unit prices and percentage of E-rate eligibility for each component.
- 2.2 An equipment manufacturer and product number may be listed in Appendix A, but the District will consider bids for equipment manufactured by other companies that is equivalent to the quality and functionality of the Appendix A list and is compatible, as well as interoperable, with the District's existing network equipment. Should a Vendor wish to include equipment manufactured by a different company, they should add three new columns to Appendix A to the right of the original equipment name, showing alternative equipment name, manufacturer and part number. Vendors that bid other manufacturer's products are required to submit project specifications and documentation to show that the equipment is compatible and interoperable with the District's existing equipment. The District's approval or disapproval of a proposed substitution shall be final.
- 2.3 Turn-key proposals are required, setting forth a comprehensive solution that addresses all requirements set forth in Appendix A.
- 2.4 Subcontractors must be identified in the bid. If the successful bidder would like to use additional subcontractors that were not identified in the bid, specific approval must be granted in writing by the District.
- 2.5 Prices quoted must include the cost for all normal operating and reference manuals and all connecting cables required for installation of the equipment. Power cords shall be included in the cost of the equipment.
- 2.6 Equipment must be dropped shipped from manufacturer distribution warehouse to:
North Hills School District
125 Sixth Avenue
Pittsburgh PA 15229

Alternatively, at the District's discretion as defined in the Purchase Order, equipment may be requested to be shipped directly to the sites identified in Appendix A.

3.0 E-RATE REQUIREMENTS

Vendors submitting bids 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 Vendor must agree to submit to the SLD a completed Form 473 prior to April 1 of each calendar year. Vendor and/or District invoices cannot be submitted for payment until the Form 473 has been submitted by the Vendor annually.

- 3.2 Discounted Bills: Should the District so choose, 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 using the Form 474 SPI form 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.
- 3.3 Vendor must separately itemize the cost of E-rate eligible and ineligible products and/or services on all invoices. To determine what items are eligible, vendor must contact the equipment manufacturer or contact USAC at 888-203-8100.
- 3.4 If Vendor learns of any federal, state or local investigation conducted by any regulatory authority or law enforcement authority that could have an adverse impact on the District’s ability to continue to receive the benefit of E-rate funding, Vendor must notify the District within 30 calendar days of learning of such investigation. The District reserves the right to cancel the agreement without penalty if the investigation impedes the District’s ability in any way to receive the benefit of E-rate funding, subject to any investigation of wrongdoing.
- 3.5 Vendor shall maintain all bids, quotes, records, correspondence, receipts, maintenance logs, vouchers, delivery information, memoranda and other data relating to Vendor’s services and any subcontractors to the District. All such records shall be retained for 10 years following completion of services and/or installation of equipment, and shall be subject to inspection and audit by the District.
- 3.6 In addition to the foregoing, Vendor must maintain and enforce an internal E-rate audit process that ensures that Vendor complies with all E-rate program rules and regulations. This process must include the following:
- Where labor is involved, maintaining detailed, signed individual timesheets
 - Ensuring that ineligible charges are not submitted to USAC
 - Invoicing to USAC that is consistent with the contract and the District’s Form 471
 - Ensuring that services or products are not provided to the District without District’s express written permission or official purchase authorization
 - Ensuring that District-approved substitute services or products are prominently noted on invoices submitted to USAC and the District
 - When E-rate eligible services or equipment are allocated or installed in multiple buildings, support for the allocation consistent with the amount and buildings identified in the Form 471
 - Documenting that E-rate funded services were provided within the allowable contract period and program year
 - Charging proper FRN(s)
 - Ensuring that invoices and USAC forms are submitted to the District in a timely manner
 - Ensuring that USAC forms are filled out completely, accurately and on time
 - Ensuring that Forms 472 are signed/dated by vendor’s representative in a timely manner
 - Maintaining fixed asset list of E-rate-supported equipment provided to the District with detailed information for each item (model number, serial number, product description) and made available to the District in electronic format upon project completion.

4.0 CONDITIONS, CONTRACT and BILLING

4.1 The District reserves the right to:

- Amend, modify, or cancel this Invitation to Bid or not award any contract;
- Increase or decrease the quantities of equipment at the same price listed in the successful contract; or entirely omit an item or group of items to be purchased to reflect actual District needs at the time that orders are placed. Such additional quantities will be purchased at the price indicated on the contract. Such modifications are expressly anticipated and included within the scope of this Bid.
- District intends to award a single contract for all equipment/services in Appendix A; however the District reserves the right to award a contract for any or all parts of the Bid to one or more service providers.

4.2 **Timeline for Purchase of Equipment**

The purchase of equipment will be contingent upon E-rate approval and a Notice to Proceed or Purchase Order by the District after E-rate approval has been received. It is the District's intent to issue a purchase order for the winning bid no later than June 1, 2019. Delivery cannot be accepted prior to July 1, 2019. However, equipment must be received no later than July 8, 2019.

4.3 **Equipment Substitution**

If the model specified in the contract is discontinued by the manufacturer after the award of this contract, the only acceptable substitute will be the manufacturer's standard replacement in a configuration that meets or exceeds the specifications and operating capabilities of the "as specified" unit. Further, the substituted equipment must be able to meet the FCC's Service Substitution Criteria. The Proposer must agree to cooperate with the District to provide the information necessary to obtain SLD's approval of a service substitution request.

4.4 **Lowest Corresponding Price**

Per FCC rules, vendors must offer the Lowest Corresponding Price when submitting bids. 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.

4.5 The District reserves 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 and/or USAC.

4.6 Vendor shall itemize, price, and invoice separately any materials or services that are ineligible for E-rate funding. Vendor must include the following information on all invoices to the District for E-rate eligible equipment and/or services:

- Date of invoice
- Date(s) of service
- Funding Request Number (“FRN”)
- Vendor SPIN
- Detailed description of services performed and materials supplied that matches District’s contract specifications and Form 471 descriptions of same
- Clear, concise breakdown of amount(s) to be billed to USAC (discounted portion of eligible charges) and amount(s) to be billed to the District (non-discounted amount of eligible charges)
- Invoice on Vendor’s letterhead or on a Vendor-generated form
- Proper E-rate discount percentage as set forth by the applicable FRN and USAC funding commitment decision letter (“FCDL”)

5.0 INFORMATION TO BE INCLUDED IN BID

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

- 5.1 Provide proof that the Vendor and all subcontractors are authorized to do business in Pennsylvania.
- 5.2 Provide a description of the firm’s experience with the federal E-rate program.
- 5.3 Provide federal Tax ID Number, E-rate SPIN Number, and FCC Registration Number (FCCRN).
- 5.4 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 offer.
- 5.5 Provide contact name and contact information where questions related to the bid can be directed with statement certifying that this person (or his/her authorized representative) will be available in March 2018 – April 2018 in order to assist with the completion of the District’s E-rate applications, as requested.
- 5.6 **Pennsylvania Right-to-Know Law**

District intends to comply with the Pennsylvania Right to Know law concerning requests for release of documents regarding this procurement, including the release of responses after bid opening. Per E-rate regulations, price of winning bid is not confidential information.

6.0 EVALUATION

In accordance with applicable state law, 24 P.S. Section 8-807.1, the District is required to select the response of the “lowest responsible bidder” in the event that the District decides to award a contract.

In order for a bidder to be eligible to be considered a “responsible” bidder, the bidder must comply with the following:

- 6.1 Submit a timely bid and not be disqualified under Section 1.8.
- 6.2 The bid must include all of the required information in Section 5.
- 6.3 Information submitted in response to Section 5.5 must confirm the bidder is familiar with and experienced with the federal E-rate program.
- 6.4 Bidder must indicate their willingness to be bound by the terms of the Bid.
- 6.5 A bidder that opts to submit a bid for an alternative manufacturer has submitted required documentation that satisfies the requirements of Section 2.2.

7.0 REQUIRED BONDS

Each bid shall be accompanied by either a certified check or surety bid bond drawn in favor of the North Hills School District in an amount not less than (10%) of the total amount as a bid guarantee. The premium on such bond will be borne by the bidder and the bond will be drawn in favor of the North Hills School District. The bond shall be issued by a company legally authorized to conduct business in the Commonwealth of Pennsylvania.

8.0 LEGAL REQUIREMENTS, INSURANCE, WORKERS’ COMPENSATION, LIABILITY

With respect to any and all labor performed on the premises of the District, the successful vendor agrees to be governed by the following:

- All relevant provisions of the Act of Assembly enacted March 10, 1949, commonly known as the Public School Code of 1949, together with its amendments and supplements and particularly to be bound by and comply with Sections 752, 753, 754, and 755 the provisions of which by reference hereto are made a part of this agreement. The successful bidder further agrees to be governed by all the relevant provisions of Act 222, commonly known as the Pennsylvania Human Relations Act, **and Act 442, commonly known as the Pennsylvania Prevailing Wage Act, for all contracts in excess of \$25,000.**
- The successful vendor shall accept all responsibility for workers’ compensation liabilities related to the contract. The successful bidder shall at all times indemnify and hold harmless the District of and from all claims of Workmen’s Compensation which may be made by any of the employees of the contractor or subcontractors employed on the project, and the successful bidder shall appear for and defend the District against any and all such claims.
- The successful bidder shall provide the District with proper evidence of carriage of all insurances required hereunder.

The Contractor shall take out and maintain, during the life of the contract, such Public Liability and Property Damage Insurance as shall protect the Owner, the Contractor, and any subcontractors performing work covered by this contract, from claims for damages or personal injury, including wrongful death, as well as from claims for property damages, which may arise from the operation under this contract, whether such operations be by himself or by any Subcontractors, or anyone directly or indirectly employed on the project.

E-RATE WIRELESS ACCESS POINT UPGRADES & LICENSING BID – TOTAL COST AND SIGNATURE PAGE

TOTAL COST OF ALL EQUIPMENT AND LICENSING AS DESCRIBED IN DETAIL IN APPENDIX A:

\$ _____

Company _____

Signature _____

Title _____

Direct telephone _____ email address _____

Date _____

INSTRUCTIONS FOR NON-COLLUSION AFFIDAVIT

1. This Non-Collusion Affidavit is material to any contract awarded pursuant to this bid. According to the Pennsylvania Anti-Bid Rigging Act, 73 P.S. § 1611 et. seq., governmental agencies may require Non-Collusion Affidavits to be submitted together with bids.
2. This Non-Collusion Affidavit must be executed by the member, officer or employee of the bidder who makes the final decision on prices and the amount quoted in the bid.
3. Bid rigging and other efforts to restrain competition, and the making of false sworn statements in connection with the submission of bids are unlawful and may be subject to criminal prosecution. The person who signs the Affidavit should examine it carefully before signing and assure himself or herself that each statement is true and accurate, making diligent inquiry, as necessary, of all other persons employed by or associated with the bidder with responsibilities for the preparation, approval or submission of the bid.
4. In the case of a bid submitted by a joint venture, each party to the venture must be identified in the bid documents, and an Affidavit must be submitted separately on behalf of each party.
5. The term “complementary bid” as used in the Affidavit has the meaning commonly associated with that term in the bidding process, and includes the knowing submission of the bids higher than the bid of another firm, any intentionally high or noncompetitive bid, and any other form of bid submitted for the purpose of giving a false appearance of competition.
6. Failure to file an Affidavit in compliance with these instructions will result in disqualification of the bid.

NON-COLLUSION AFFIDAVIT

E-rate Wireless Access Points Upgrade and Licensing

State of _____
County of _____

I state that I am _____ of _____
(Title/Position) (Name of my firm)

and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the price (s) and the amount of this bid.

I state that:

- (1) The price(s) and amount of this bid have been arrived at independently and without consultation, communication or agreement with any other contractor, bidder or potential bidder.
- (2) Neither the price(s) nor the amount of this bid, and neither the approximate price(s) nor approximate amount of this bid, have been disclosed to any other firm or person who is a bidder or potential bidder, and they will not disclosed before bid opening.
- (3) No attempt has been made or will be made to induce any firm or person to refrain from bidding on this contract, or to submit a bid higher than this bid, or to submit any intentionally high or non-competitive bid or other form of complementary bid.
- (4) The bid of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other non-competitive bid.
- (5) _____, its affiliates, subsidiaries, officers, directors and employees are not currently under investigation by any governmental agency and have not in the last four years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as follows:

I state that _____ understands and acknowledges that the above representations are material and important, and will be relied on by the NORTH HILLS SCHOOL DISTRICT in awarding the contract(s) for which this bid is submitted. I understand and my firm understands that any misstatement in this Affidavit is and shall be treated as fraudulent concealment from the NORTH HILLS SCHOOL DISTRICT of the true facts relating to the submission of bids for this contract.

(Name)

(Title/Position)

SWORN TO AND SUBSCRIBED
BEFORE ME THIS _____, DAY
OF _____, 20____

Notary Public

APPENDIX A

LIST OF E-RATE WIRELESS ACCESS POINTS UPGRADE AND LICENSING

All applicable taxes, fees, shipping and surcharges from which the District is not exempt or that is imposed or assessed by Vendor must be shown below or they will not be paid by the District.

Preferred Manufacturer for all Equipment Listed Below is Alcatel-Lucent.

Compatibility: Although functionally equivalent may be submitted for consideration, the equipment listed below must be interoperable and compatible with the District’s existing equipment and protocols.

DATA PROVIDED BY DISTRICT			DATA PROVIDED BY VENDOR		
Equipment Description	Model # (Part #)	Estimated Quantity	Unit Cost	Extended Cost	% E-Rate Eligible
Location: North Hills Middle School					
OmniAccess AP345 Wireless Access Point, 802, 11n/ac,4x4:4, dual radio, integrated antennas	OAW-AP345	93			
OmniAccess feature license to enable Policy Enforcement Firewall per AP. Order multiple license SKUs to exactly match AP capacity license enabled per controller or network of controllers with centralized licensing enabled.	OAW-AP-PEFNG	93			