

INTRODUCTION

The Marlin Independent School District (Marlin ISD) is soliciting digitally-delivered written proposals from qualified Contractors to design, furnish and install an interconnecting WAN between school buildings as e-rate funds permit. Contractors may submit a proposal for one or any or all of the components. Each component will be evaluated separately and this RFP could be awarded to multiple vendors.

SCHEDULE

The anticipated project schedule is as follows:

Release Date

60 Day proposal submission period

Site Walkthrough Date

Final deadline for proposals

Selection date 2 weeks after deadline

Notification of selected bidder

Approval at school board meeting

Ideal project completion date June 30, 2017

RFP Cardinal Changes occurring more than 28 days earlier than the final deadline proposals will have no effect on the final deadline for proposals. RFP Cardinal Changes occurring 28 days or less from the final deadline for proposals will extend the deadline to meet the 28 day bid submission window requirement set by USAC.

SCOPE OF SERVICES

Marlin ISD wishes to compare Transport (No ISP Service Included), and self-provisioned fiber construction for delivery of Wide Area Network Services (WAN) to the district. The Transport option includes consideration for leased lit fiber, leased dark fiber, IRU and any other type of point-to-point broadband service delivered over a service provider or other third party owned network. The current WAN services are provided by Complete Networking Solutions, but enhanced fiber services are now required to support rapidly growing bandwidth needs and to meet the State Education Technology Directors Association standard recognized in the FCC Second E-rate Modernization order as the benchmark standard for bandwidth for school districts.

- Service is expected to be delivered to the district hub, Marlin Junior Academy, at 657 Success Lane, Marlin, TX, 76661
- Service is expected to be delivered to the eligible service locations from the district hub at the following locations, all in Marlin, TX, 76661:
 - Marlin Primary Academy at 602 Donohoo St.
 - Marlin High School at 1400 Capps St.
 - the Marlin ISD Bus Barn at 227 Clay St.
 - the Marlin ISD Administration Building at 130 Coleman St.
 - Legion Field, at 775 FM 2958

In each building, respondent must run infrastructure or service to an existing network closet designated by Marlin ISD, identified by "Location on campus" field on the "Addresses" worksheet of attached pricing spreadsheet or by site walk-through.

The new service is being planned to begin on July 1, 2017 which represents the expiration of the current leased WAN service.

Marlin ISD is seeking five options for bids. Respondents may bid one, two, three, four, or all five options.

1. The first option is a fully managed, leased lit fiber transport service from the hub to the specified eligible applicant sites. One-time special construction can be bid separately from the vendors proposed monthly recurring cost for the fully managed leased lit service.
2. The second option is for a leased dark fiber solution that includes special construction, the monthly lease fee, maintenance, and operations. One-time special construction costs should be bid separately from the monthly lease fee. Maintenance and operations fees can be included in the monthly lease fee.
3. The third option is for a leased dark fiber (IRU) solution that includes special construction, the IRU fee, fiber maintenance, and operations. One-time special construction costs should be bid separately from the IRU fee. Maintenance and operations monthly fees should be bid separately from the IRU fee.
4. The fourth option is any type of other service delivered over a service provider or other third party owned network that delivers bandwidth speeds outlined in the leased lit fiber option. The service must also meet the uptime, latency and jitter specifications of the leased lit fiber service.
5. The fifth option is for district owned (self-provisioned) fiber to the designated locations and includes all eligible special construction charges. Maintenance and operations monthly fees should be bid separately from the special construction charges for the self-provisioned fiber.

In E-rate terminology, **Special construction** refers to the upfront, non-recurring costs associated with the installation of new fiber to or between eligible entities. Applicants may seek funding for special construction charges in connection with leased lit fiber, leased dark fiber, and self-provisioning. Special construction charges eligible for Category One support consist of three components:

1. construction of network facilities;
2. design and engineering; and
3. project management.

Note: The term "special construction" does not include Network Equipment necessary to light fiber, nor the services necessary to maintain the fiber. Charges for Network Equipment and fiber maintenance are eligible for Category One support as separate services, but not as special construction.

All options can include special construction or one-time E-rate eligible non-recurring costs as well as E-rate eligible recurring circuit costs. Based on the bids and both a short term and long term cost effectiveness analysis, Marlin ISD will determine which, if any, of the lit service, leased dark fiber, IRU, self-provisioned fiber construction or some combination of solutions is acceptable. The specifications related to each solution option are as follows.

Lit Service:

Marlin ISD must have dedicated Lit Transport Bandwidth throughput (upload and download) of 1 Gbps with Service Level Agreement (SLA) guarantees between the designated endpoints. The solution must be scalable to 10 Gbps. **All respondents must be capable of providing telecommunication services under the Universal Service Support Mechanism.**

Marlin ISD will accept wireless proposals for Legion Field.

Lit Service Price Proposal

The "Lit Pricing Sheet" worksheet in the attached spreadsheet includes columns for respondents to provide 1G to 10G pricing between the hub and the various endpoints. Price quotes are requested for 36 month and 60 month terms of service. Prices should be all-inclusive. All-inclusive in this case means, including all **special construction or non-recurring costs (NRC)** (see description in later section) required by the vendor to commence service and all **monthly recurring costs (MRC)** should be included in the requisite columns of the pricing sheets. No increased pricing will be allowed during the term of the quoted special construction/NRC and MRC rate in each pricing cell of the spreadsheet.

Additional Description

Each lit service response must also include description of proposal, SLA, timeline, network diagram, demarcation, references, and Connect America Fund status as described in later sections.

Leased Dark Fiber

As an alternative, respondents can quote a leased dark fiber network solution from the specified hub to the eligible service locations. The price quote should be for a lease of 2 or 4 (preferred) strands of fiber from the hub to each eligible entity location.

Lease Price Proposal

Each respondent is required to complete the pricing matrix appended as the "Leased Dark Fiber" worksheet in the spreadsheet accompanying this RFP. Respondents are encouraged to separate special construction charges as defined by E-rate eligibility rules. Preference will be given to proposals that offer pricing with the majority of the costs being paid up-front and minimal MRC and annual maintenance costs.

Additional Description

Each leased dark fiber response must also include description of proposal, description of maintenance, SLA, timeline, network diagram, demarcation, references, and Connect America Fund status as described in later sections. Operations can be bid "bundled" with a leased dark fiber bid, or as a stand-alone bid and must be described as such.

IRU of Fiber (Leased Dark Fiber (IRU))

As an alternative, respondents can quote a 10 or 20 indefeasible right to use (IRU) price for two or four (2 or 4, 4 preferred) strands of fiber between the specified hub and each eligible entity location.

Leased Dark Fiber (IRU) Price Proposal

Marlin ISD is interested in IRU-type pricing with a one-time capital cost payment for the 10 or 20 Year IRU combined with "all-in" recurring payments for maintenance costs for the entire length of the IRU.

Each respondent is required to complete the pricing matrix appended as the "IRU" worksheet in the spreadsheet accompanying to this RFP. Respondents are encouraged to separate special construction charges as defined by E-rate eligibility rules. Proposals that offer pricing with the

majority of the costs being paid up-front and minimal annual maintenance costs will be viewed favorably, when comparing proposals.

If special construction charges are requested by the vendor for the fiber proposed to be IRU'd, Marlin ISD expects significant reductions from prevailing market rates for the IRU fee and annual maintenance charges.

Each IRU response must also include description of proposal, maintenance, SLA, timeline, network diagram, demarcation, references, and Connect America Fund status as described in later sections. Operations can be bid "bundled" with a leased dark fiber bid, or as a stand-alone service and must be described as such.

Self-Provisioned Fiber Construction

As a fourth alternative, Marlin ISD requests that respondents propose design and pricing for a self-provisioned new build of fiber between the hub and each eligible entity location. Twelve (12) strands (6 pair) or Twenty-four (24) strands (12 pair for redundancy/failover) of single-mode new build fiber are requested.

Respondents are requested to provide a proposal for a Marlin ISD owned self-provisioned fiber network based on a special construction project. New eligible fiber special construction charges as defined by the order include construction, design, engineering and project management. Project management should include all necessary paperwork and permits including but not limited to rights of way, easements, and pole attachments. Marlin ISD desires a fully "turn-key" project so respondents should provide explanation for the Marlin ISD's involvement in the process including ownership and sourcing of permits, etc.

Self-Provisioned Fiber Construction Price Proposal

Each respondent is required to complete the pricing matrix appended as the "Self-Provisioned" worksheet in the spreadsheet accompanying to this RFP. Preference will be given to proposals that offer pricing with the majority of the costs being paid up-front and minimal annual maintenance costs. The solution should include all costs related to the deployment of the proposed circuit, such that there are no additional costs that are expected to be incurred by the district.

Self-Provisioned Fiber Construction Specifications

Marlin ISD's specifications for a newly constructed fiber infrastructure are contained in Appendix A: OSP INSTALLATION SPECIFICATIONS.

Self-Provisioned Fiber Project Management:

- Selected respondent and its subcontractors will provide all project management to accomplish the installation of all project work as outlined in Appendix A.
- The respondent will provide engineer(s), certified on selected fiber system specifications and procedures to manage all phases of project as outlined in this proposal. This includes ordering and managing the bill of materials as outlined in Appendix A, directing and managing cable placement and restoration, directing and managing splicing crews and providing detailed documentation at the end of the project.
- Selected respondent and its subcontractors will develop a project management plan, which will include a milestone chart. The milestone chart will outline any critical path

events and then track these with the appropriate agency/organization whether; selected respondent, subcontractor or the district.

Each self-provisioned fiber build response must also include description of proposal, timeline, network diagram, demarcation, references, and Connect America Fund status as described in later sections. Maintenance and/or operations can be bid "bundled" with a self-provisioned fiber construction bid, or bid as a stand-alone service and must be described as such.

General Terms for Leased Dark Fiber, IRU or Self-Provisioned Fiber Projects

The following are general terms that apply to leased dark fiber, IRU, or self-provisioned fiber builds. Respondents may offer maintenance services, equipment purchase, installation, and management either themselves or through 3rd party subcontractors. In the case that respondents use external 3rd party service providers or contractors to deliver some or part of the solution, these should be clearly indicated in the response.

Fiber Specification

- All dark or self-provisioned fiber solutions must comprise of single mode fiber end to end.

Maintenance

Marlin ISD requires on-going maintenance of the fiber on all Leased Dark Fiber, Leased Dark Fiber (IRU), or self-provisioned fiber solutions. Maintenance responses are required as follows:

- All dark fiber responses require maintenance as part of the response, even if maintenance is subcontracted out to a third party. In the case of the third party maintenance, the respondent must hold and manage the subcontract and is ultimately responsible for the SLA. For a leased dark fiber solution, it is possible that the Fiber Network is part of a more comprehensive fiber infrastructure of the service provider. The respondent will include only the portion of maintenance that is required to support Marlin ISD's fiber segments versus overall network maintenance. If the fiber serves multiple customers, the cost of maintenance should be shared among all the recipients.
- Self-provisioned fiber construction responses and IRU responses are not required to include a maintenance response. Maintenance on self-provisioned fiber or IRU solutions may be bid as a stand-alone service by anyone, even if they are not bidding on any fiber service. Please note that respondents submitting an IRU or self-provisioned fiber proposal may also bid on maintenance services provided they bid it separately and do not bundle maintenance with their fiber response. Responses for maintenance on self-provisioned fiber must include scheduled routine maintenance as a monthly cost as well as unscheduled break/fix maintenance as an annual time and material cost estimate. Explanation of how the annual scheduled and unscheduled maintenance was estimated should be included.
- If maintenance cannot be quoted for entire time span of the IRU, please include alternate time span quote as well as explanation for the shorter time span.
- As part of the maintenance contract for an IRU describe the process for relocates including assumption of costs.
- As part of the maintenance contract for an IRU, the fiber owner (not the district) must claim responsibility for repairs in the event of a catastrophic cut or relocate.

Respondent shall maintain the applicable fiber seven days per week, twenty-four hours per day. Upon notification from the district of a malfunction relating to the applicable fiber, respondent shall respond to such malfunction within two (2) hours and thereafter proceed to correct the malfunction with reasonable diligence.

When pricing maintenance, the respondent should include an overview of fiber maintenance practices including:

- Routine maintenance and inspection,
- Scheduled maintenance windows and scheduling practices for planned outages,
- Marker and hand hole inspection and repair,
- Handling of unscheduled outages and customer problem reports
- What service level agreement is included, and what alternative service levels may be available at additional cost,
- What agreements are in place with applicable utilities and utility contractors for emergency restoration,
- Repair of fiber breaks,
- Mean time to repair,
- Replacement of damaged fiber,
- Post-repair testing,
- Replacement of fiber which no longer meets specifications,
- Policies for customer notification regarding maintenance,
- Process for changing procedures, including customer notification practices,
- Process for moves, adds, and changes,
- Process for responding to locate requests.

Equipment, Installation, and Operations

Marlin ISD requests that the respondent provide a quote for an annual operations cost to oversee the technical support of the WAN once the leased dark fiber, leased dark fiber (IRU), or self-provisioned fiber is available for service. Include price details in the "Operations" worksheet of the spreadsheet attached for equipment necessary to place the circuits into service at different bandwidth levels, installation and configuration of equipment, and annual cost to operate the equipment/circuits. Operations on leased dark fiber, leased dark fiber (IRU), or self-provisioned fiber may be bid as a stand-alone service, however, "bundled" holistic solutions are preferred, as outlined in the evaluation criteria.

The annual operations cost should include provision of:

- Procurement of necessary hardware to light the fiber path(s)
- Installation and configuration of equipment to put circuits into service
- Creation and communication of service tickets to Marlin ISD/ escalation list
- Incident response with timing standards that are in accordance to a Respondent provided service level agreement that meets general industry standards
- Other industry standard provisions of broadband service technical support
- Re-provisioning of equipment necessary to put circuits back into service after an outage

Description of Proposal

Respondent will provide a description of their proposal for all services and solutions. Description will include an overview of the proposal, any deviations from the requested architecture, design or requirements, assumptions made, other detail Marlin ISD may find useful or necessary (or could differentiate the solution from a competing proposal).

Service Level Agreement

Respondent will provide a description of the proposed services and service levels provided with the lit fiber, dark fiber, and operations responses. The respondent will provide a proposed Service Level Agreement (SLA) with the RFP response. The proposal must include a description of the following services and how these services will be measured.

- Fiber Network Availability: the provider will make all reasonable efforts to ensure 99.99% network availability of each circuit.
- Lit and Operations proposals only: Frame/packet loss Commitment
- Lit and Operations proposals only: Network Latency Commitment
- Lit and Operations proposals only: Network Jitter Commitment
- There is no right of provider to limit or throttle the capacity of the circuit at any time for any reason

In addition to the required services, the proposal may include but is not to be limited to the following services:

- Network Operations Center: Solution will provide customer support functions including problem tracking, resolution and escalation support management on a 24x7x365 basis. Customer has the right and is encouraged to call concerning any problems that may arise relative to its connection with Vendor provided services.
- Network monitoring on a 24x7x365 basis
- Trouble Reporting and Response: Upon interruption, degradation or loss of service, Customer may contact Vendor by defined method with a response based on trouble level. Upon contact from the Customer, the Vendor support team will initiate an immediate response to resolve any Customer issue. Customer will receive rapid feedback on trouble resolution, including potential resolution time.
- Escalation: In the event that service has not been restored in a timely manner, or the Customer does not feel that adequate attention has been allocated, the Customer can escalate the trouble resolution by request. A list of escalation contacts will be provided when implementation schedule is completed.
- Resolution: The Customer will be notified immediately once the problem is resolved and will be asked for verbal closure of the incident.
- Trouble Reporting, Escalation and Resolution: A detail trouble reporting, escalation and resolution plan will be provided to the district.
- Measurement: Vendor stated commitment is to respond to any outage within two (2) hours and a four (4) hour restoration of service. Time starts from the time the Customer contacts Vendor and identifies the problem. Credits for Outages of shortage will be identified.
- Reports: Upon request, an incident report will be made available to the Customer within five (5) working days of resolution of the trouble.
- Link Performance per segment: The service will maintain the proposed Link Performance throughout the term of the contract.
- Historical uptime: Provide aggregate uptime statistics for your proposed service in the geographic area encompassing Marlin ISD, if available.

Timeline

For each response, respondents must include a construction roadmap timeline for all sites. For lit and dark fiber responses, preference is given to responses with a service start for all sites on July 1, 2017. For self-provisioned fiber construction responses, use April 1, 2017 as the construction start date and base the roadmap timeline off of that date. Include how the timeline changes per

site given an earlier or later start date. Actual start date on a self-provisioned fiber construction project is dependent on the timing of the E-rate funding commitment decision letter.

Demarcation

All solutions whether lit fiber, leased dark fiber, leased dark fiber (IRU) or self-provisioned fiber construction must terminate service or infrastructure to an existing network closet inside of the designated demarc address specified in the "Addresses" worksheet of the included spreadsheet. Solutions bringing service to the property line but not inside of the demarc address are not acceptable.

Respondent must specify your expected demarc setup included in base fees, e.g. wall mounted CPE and Cat6a handoff.

Network Diagram

For each response, respondents must include a network diagram displaying the paths to be used to serve each endpoint. For self-provisioned fiber responses, respondents must include identification of aerial vs. buried fiber segments, detailed drawings showing fiber and equipment locations, and any other pertinent details.

References

For each response, respondent must provide 3 references from current or recent customers (preferably K-12) with projects equivalent to the size of Marlin ISD. If respondent responds to more than one option (e.g. lit fiber service as well as leased dark fiber), provide 3 references for each.

Connect America Fund Consideration

For each school site, the respondent must note whether the address is included in a region where the respondent has already received (or is pending receipt of) funding via the Connect America Fund. In these cases, mention how the NRC or special construction charges have been adjusted considering the other source of funding.

Special Construction and Non-recurring Cost

Respondents providing lit fiber proposals which require an upfront payment may include a special construction cost or non-recurring cost. This upfront payment is considered **special construction** if any new fiber is being installed. If new fiber installation is not necessary, the payment is considered a **non-recurring cost** and must be entered into the pricing sheet accordingly.

New fiber special construction charges for lit service, leased dark fiber, leased dark fiber (IRU), or self-provisioned fiber projects as defined by the order include construction, design, engineering and project management. The applicant requests that the respondents consider allowing Marlin ISD to pay the non-discount share (share of special construction costs that are the responsibility of the applicant) to be paid in equal annual installments over the four years from Funding Year 2017 to Funding Year 2020 inclusive. Responses must include agreement or non-agreement of this request.

All E-rate applications including special construction are subject to review and detailed questioning. Respondents should provide or be prepared to promptly provide the following information:

- A map file of the proposed fiber route in kmz or json format

- The cost per foot of fiber
- The cost per foot of fiber installation (splicing, pulling through conduit, hanging on poles)
- The cost per foot of outside plant materials (conduit, handholes, markers, aerial make ready materials)
- The cost per foot of outside plant installation (trenching, handhole and marker installation, installation of aerial make ready materials)

The amount of special construction capital requested will be reviewed based on the cost of historical fiber builds in the region. Respondents should consider other business that may be generated by building fiber into the region and request only the special construction capital allocatable to Marlin ISD's service.

Required Notice to Proceed and Funding Availability

Marlin ISD will follow the purchasing policies of the Marlin ISD Board and requirements and procedures of the FCC's E-rate program as administered by the Universal Service Administrative Company to be eligible for all available funding. The implementation of any associated contracts resulting from this competitive bid process will be dependent on the district's issuance of a written Notice to Proceed. E-rate funding notification alone will not signify Notice to Proceed. The district will have the right to allow the contract to expire without implementation if appropriate funding does not come available.

All responding vendors must be a registered vendor with USAC and have a USAC issued Service Provider Identification Number-SPIN. Responding vendors who do not have a USAC issue SPIN must demonstrate reasonable efforts to obtain a SPIN before the service start date.

E-rate Modernization Order Note

Special construction and service eligibility for reimbursement have changed starting funding year 2016. See the Federal Communications Commission E-rate modernization order 2 (WC Docket No. 13-184) (<https://www.fcc.gov/document/fcc-releases-order-modernizing-e-rate-21st-century-connectivity>) for more information.

RFP Scoring Rubrics

Leased lit fiber and Transport options (Also used for final comparison)

% Weight	Criteria
35%*	E-rate eligible recurring and one-time circuit costs ¹
10%	Timing: adherence to district preferred rollout timeframe ²
10%	Ability to support requirements as laid out in the RFP ³
10%	Proposed contract terms and conditions ⁴
10%	Service Reliability
15%	Provider references ⁸
10%	Risk for district ⁹

*this element must always be the highest weighted

Leased Dark Fiber, IRU, and Self-Provisioned

% Weight	Criteria
20%*	E-rate eligible recurring and one-time costs ¹
10%	Timing: adherence to district preferred rollout timeframe ²
10%	Ability to support requirements as laid out in the RFP ³
10%	Proposed contract terms and conditions and insurance ⁴
10%	Maintenance SLA
10%	Ability to offer turn-key solution (limited effort on behalf of district) ⁶
10%	Single vendor for service, maintenance, and operations.
15%	Provider references ⁸
5%	Risk for district ⁹

*this element must always be the highest weighted

Equipment, Installation, and Operations

% Weight	Criteria
35%*	E-rate eligible recurring and one-time Operations costs including equipment and installation costs
25%	Ability to support requirements as laid out in the RFP ³
15%	Proposed contract terms and conditions ⁴
10%	Service Reliability
15%	Provider references ⁸

*this element must always be the highest weighted

Notes:

1: **E-rate eligible circuit cost** is the total cost of ownership that includes special construction and NRC in addition to MRC and includes any and all services that will be applied on a monthly recurring basis. E.g. for self-provisioned fiber, recurring circuit costs will include operate, maintain, and any other monthly service fees. E-rate special construction costs should be clearly indicated and separated from any other E-rate eligible NRC cost. All services offered must be eligible for E-rate Category 1 discounts.

2: **Timing of build:** all bidders are advised to commit to an initial roadmap for rollout of their solution per circuit, based on the E-rate and District timeline. The roadmap should include all steps towards deployment and “go live” of all circuits within this RFP. Any risks or contingencies on the timing should be clearly highlighted in the response.

3: **Requirements:** preference will be given to bidders who can provide the highest level of compliance to all requirements laid out in this document.

4: **Terms, conditions, and insurance:** preference will be given to bidders that provide the most favorable conditions and insurance for implementation and ongoing service. These elements include (but are not restricted to): length of contracts, ability to scale bandwidth within the contract period, flexibility in timing of up-front payments, etc.

5: **Service Reliability:** preference will be given to bidders that provide a favorable SLA for the district, and have a robust network architecture and documented history of service reliability.

6: **Turn-key solution:** the district has a clear preference for providers who can offer a "bundled" holistic, all-in-one solution and effort required by the district before, during, and after installation is minimal. Therefore preference will be given to bidders who either offer all services independently or via 3rd party subcontractors as a complete package including fiber construction, terminating equipment, fiber installation and operations, and scheduled and unscheduled maintenance.

7: **Fiber optic solutions:** preference will be given to solutions based on fiber optic technologies, as the district believes that this will provide maximum future scalability. Bidders are encouraged to outline how fiber optic solutions could be scaled into the future, including potential pricing increments for additional bandwidth that may be likely during the contract period.

8: **References:** preference will be given to bidders who are able to demonstrate a track record of successfully working with K-12 school districts or similarly sized customers within the state to provide high-quality, affordable solutions and exemplary ongoing service. Bidders should be able to provide access to up to 3 references as part of the evaluation process, as and when requested by the District.

9: **Risk for district:** District seeks to minimize any potential risks related to construction and ownership of fiber infrastructure. When evaluating solutions, the district will award more points to lower risk solutions and fewer points to high risk solutions according to SLAs, maintenance, and construction proposals.

10: **Ethics:** The proposer shall not offer gifts or anything of value nor enter into any business arrangement with any employee, official or agent of the District.

*****THIS DISTRICT HAS IMPLEMENTED A "NO CONTACT" PROCEDURE DURING THE BIDDING PROCESS. THIS MEANS THAT FROM THE DATE THE BID IS ISSUED UNTIL THE DATE THE BID IS APPROVED BY THE BOARD, THERE SHALL BE NO CONTACT BY ANY VENDOR TO ANY DISTRICT EMPLOYEE (EXCLUDING THE TECHNOLOGY DIRECTOR VIA THE REGION 12 BID SUBMISSION SITE) OR BOARD MEMBER IN RELATION TO THIS BID, UNLESS AUTHORIZED BY THE TECHNOLOGY DIRECTOR.

Prospective vendors are responsible for complying with rules and regulations related to procurement of goods and services by governmental entities, including but not limited to Section 44.034 Subsection (a) of the Texas Education Code and Section 2252.908, Texas Government Code- Disclosure of Interested Parties.

ADDITIONAL REQUIREMENTS/MATTERS

1. By execution and submission of this -proposalbid, the proposer bidder hereby represents and warrants to the district as follows: "The bidder-proposer has read and understands the bid documents and the contract documents and this bid is made in accordance with the documents."

1. This Bid Proposal does not obligate the Marlin ISD to award a contract or to pay costs incurred in the preparation or submittal of any offer. The District shall have the right to accept or reject any or all Bids Proposals, or any part thereof, and to waive any technicalities in the best interest of the District.

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2. By submitting a proposal, each proposer agrees to waive any claim it has against the Marlin Independent School District, and its respective Trustees and employees arising out of or in connection with the administration, evaluation, or recommendation of any proposal; waiver of any requirements under the proposal documents, or the contract documents, acceptance or rejection of any proposal; and award of the contract.

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~~Prospective vendors are responsible for complying with rules and regulations related to procurement of goods and services by government offices, including but not limited to Section 44.034 Subsection (a) of the Texas Education Code and House Bill 1295 Section 2252.008, Disclosure of Interested Parties.~~

3. ~~11:~~ **Late Proposals:** The Marlin ISD is not responsible for late proposals submitted either electronically through the online bidding system. The online bidding system will automatically reject any proposals submitted after the bid deadline. Questions regarding the operation of the Region 12 Electronic Bid system may be addressed to: krimplinger@esc12.net

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~~12: The Marlin ISD reserves the right to reject any and all proposals.~~

4. ~~13:5:~~ The Marlin ISD reserves the right to conduct contract negotiations on details beyond what is specified in the RFP

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5. ~~14:6:~~ The Marlin ISD reserves the right to move to the next highest evaluated bidder proposer if contract negotiations are not concluded to district's satisfaction

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6. ~~15:7:~~ The Marlin ISD reserves the right to adjust timeline and/or ask additional questions of bidders proposers based on initial responses

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