

# Request for Proposal #2022-1-HCSD-WAN-ISP

## Multi-year Contract for E-rate Eligible Wide Area Network (WAN) and Internet Services

FCC FORM 470 # 210006141

### Q & A

12/18/2020

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**Question #1:** Page 10: Termination Without Cause – This Agreement may be terminated by the District upon giving thirty days advance written notice of an intention to terminate.

1. Can this Termination Clause be negotiated? As written, the District can terminate without reason putting the provider at a huge disadvantage, which can affect the way risk is assigned and subsequently quoted, thereby increasing overall price.

**Answer #1:** Per page 6 of the RFP:

*“BID NEGOTIATIONS – A bid response to any specific item of this bid with terms such as ‘negotiable’ ‘will negotiate’ or of similar intent, will be considered as nonresponse to the specific item.”*

Further, per page 7 of the RFP:

*“BID EXCEPTIONS – All exceptions which are taken in response to this bid must be stated clearly. The taking of bid exceptions or providing false, incomplete or unresponsive statements may result in the disqualification of the bid. Allowance of exceptions will be determined by the governing board whose decisions shall be final. Any bid exceptions or additional conditions requested after bid closure, which are not detailed within the bid response, may result in disqualification of the bid. No oral or telegraphic modification of any bid submitted will be considered and a confirmation of the telegram duly signed by the bidder was placed in the mail prior to the opening of the bids.”*

Bidders’ responses should reflect how they navigate this clause and that response will be weighed in the selection process.

**Question #2:** Page 26: Can you please provide clarity in regards to item 8 Forms of Agreement? Will the standard contractual language be open of negotiation? Can you please provide an example or sample.

**Answer #2:** This is a standard clause in construction agreements. While the District’s current and past WAN & ISP contracts are confidential and proprietary, HCSD has not incorporated additional provisions in past agreements of this nature.