

## REQUEST FOR PROPOSAL FOR E-RATE LEGAL SERVICES

INQUIRIES AND PROPOSALS SHOULD BE DIRECTED TO:

Ms. Donna Davis Norris, Executive Director, SWOCA  
[donna@swoca.net](mailto:donna@swoca.net)

Southwest Ohio Computer Association/COG  
3611 Hamilton Middletown Rd.  
Hamilton, OH 45011

And

Mr. Geoff Andrews, Chief Executive Officer, MCOECN  
[geoffrey.andrews@managementcouncil.org](mailto:geoffrey.andrews@managementcouncil.org)

Management Council of the Ohio Education Computer Network  
8050 North High Street  
Suite 150  
Columbus OH 43235



## I. GENERAL INFORMATION.

- A. **Purpose.** This request for proposal (RFP) is to contract for E-Rate specific legal services to be provided to the Ohio Education Computer Network (OECN). The OECN, a regional council of governments, consists of eighteen (18) individual State of Ohio Information Technology Centers ("ITCs"). Pursuant to Ohio law, only ITCs (currently 18 entities) may be members of the OECN. The ITCs are also regional councils of governments, comprised primarily of public education entities. These entities work together, by way of these consortiums, to most efficiently seek information necessary for maximizing the benefits of the Universal Services Funding program (E-rate).

Legal services may include advice and legal research, including, when necessary, contacting the Federal Communications Commission (FCC) and/or the Schools and Libraries Division of the Universal Service Administrative Company (SLD), so as best to **1)** advise the OECN members on how to apply for funds for various funding years; **2)** provide guidance to OECN members regarding limitations and restrictions imposed by E-rate; **3)** provide services to Group members for each funding year; and **4)** to represent the views and positions of the OECN group before the FCC, the SLD, and, if requested, the Congress of the United States.

Legal services may also include instruction on becoming and maintaining certification as a service provider. Legal advice will include answers to very specific Federal law questions posed by the OECN members concerning Forms 470 and 471, as well as any subsequent designed form for the next Funding year, issued by the FCC or SLD. The Legal provider shall also make reasonable efforts to answer each and every question of service providers for the service/E-rate funding year, raised by any member of the group.

Legal services will also include, at minimum, an annual meeting/seminar, at an Ohio location to be determined by the group/OECN for instruction on the appropriate forms for applicants and service providers and other program information.

- B. **Who May Respond.** Attorneys with E-Rate expertise and who are currently licensed to practice law in Washington, DC, may respond to this RFP.

### C. Instructions on Proposal Submission.

1. **Closing Submission Date.** Proposals must be submitted no later than 4:00 p.m. EDT on May 30, 2019.
2. **Inquiries.** Inquiries concerning this RFP should be mailed or emailed to:

Ms. Donna Davis Norris, Executive Director, SWOCA  
[donna@swoca.net](mailto:donna@swoca.net)

Southwest Ohio Computer Association/COG  
3611 Hamilton Middletown Rd.  
Hamilton, OH 45011

And

Mr. Geoff Andrews, Chief Executive Officer, MCOECN  
[geoffrey.andrews@managementcouncil.org](mailto:geoffrey.andrews@managementcouncil.org)

Management Council of the Ohio Education Computer Network  
8050 North High Street  
Suite 150  
Columbus, OH 43235

3. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the proposer and will not be reimbursed by the Ohio Education Computer Network (hereinafter referred to as the OECN).
4. **Instructions to Prospective Contractors seeking to participate in a Pre-Bid Meeting.** Please indicate your interest in a pre-bid meeting for this RFP by sending an email to the two contacts listed in item #2 on or before May 8, 2019, at 4:00 p.m. EDT. Firms submitting such an email will be invited to a pre-bid videoconference on May 10, 2019 at 10:00 a.m. EDT.

5. **Final Proposal.** Your proposal should be addressed as follows:

Ms. Donna Davis Norris, Executive Director, SWOCA  
Southwest Ohio Computer Association/COG  
3611 Hamilton Middletown Rd.  
Hamilton, OH 45011

And

Mr. Geoff Andrews, Chief Executive Officer, MCEOCN  
Management Council of the Ohio Education Computer Network  
8050 North High Street  
Suite 150  
Columbus, OH 43235

Proposals may be submitted via email to [donna@swoca.net](mailto:donna@swoca.net) and [geoffrey.andrews@managementcouncil.org](mailto:geoffrey.andrews@managementcouncil.org). Proposals may also be sent via US Postal service with the envelope clearly marked in the lower left-hand corner with the following information:

Request for Proposal

**4:00 p.m. EDT, May 30, 2019**

PROPOSAL for E-rate Legal Services

It is the responsibility of the Proposer to ensure that the proposal is received by the appointed OEEN representatives by the date, time, and in the manner specified above. Late proposals will not be considered.

6. **Right to Reject.** The OEEN reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.
7. **Notification of Award.** It is expected that a decision selecting the successful proposal will be made within four (4) weeks of the closing date. Upon conclusion of final negotiations regarding the successful proposal, all other proposers will be informed, in writing, of the name of the successful proposer. It is expected that the contract shall be a one-year contract.

D. **Description of Entity.** The OECN is a regional council of governments established as The Ohio Education Computer Network, created in 1979 by the Ohio Legislature under ORC 3301.075. As a creature of statute, the OECN's authority and powers are governed primarily by ORC Chapter 167. The OECN's members are comprised of Information Technology Centers ("ITCs") which are also regional councils of governments organized under Ohio law pursuant to ORC Chapter 167 and ORC 3313.92. The ITCs are comprised primarily of public education entities.

The OECN is known for high-quality technology services and support to the K-12 entities of Ohio. At a minimum, the OECN is required by OAC 3301-3-06, to provide the following to the K-12 entities of Ohio:

- Promote a cooperative and integrated system of information technology for its user entities as well as among other information technology centers;
- Promote and administer the efficient and cost-effective implementation of information technology that supports information technology strategies of the department and all user entities;
- Coordinate innovative uses of information technology that support the goals of the Department of Education, information technology center, and all user entities;
- Provide for electronic networking capabilities between and among user entities and the information technology center, support connectivity to the Department of Education or its designee, and maintain a system of electronic contact information as specified by the department;
- Ensure that all data acquired on behalf of user entities are held in trust for those entities. Any transfer or release of any user entity's data shall require prior authorization from that specific entity. Upon receipt of district authorization, an information technology center will transfer or return district data without delay or impediment; and
- Offer core services to all user entities and provide districts with the opportunity to obtain services on an individual-service basis and not

inhibit districts from obtaining services from one or more information technology centers of their choosing.

Additional information on the OECN is available and may be found at the MCOECN web site [www.managementcouncil.org](http://www.managementcouncil.org).

**II. SCOPE OF SERVICES.** The Proposer shall be readily available to perform the following legal services, as requested by the members of the OECN:

- i. Review drafts of contracts and leases.
- ii. Advise on legal issues related to E-rate.
- iii. Legal research, including, when necessary, contacting the Federal Communications Commission (FCC) and/or the Schools and Libraries Division of the Universal Service Administrative Company (SLD).
- iv. Advise OECN on how to apply for ACT funds for the 2020 funding year.
- v. Represent the views and positions of the OECN before the FCC, The SLD, and, if requested, the Congress of the United States.
- vi. Represent OECN and/or its members in litigation related to E-rate as necessary.
- vii. Monitor activities at the FCC and SLD and provide information to the OECN members.
- viii. Provide instruction to ITCs on how to become a certified service provider under the program and ways in which certification may be maintained.

It is preferable for an attorney or firm to submit a proposal covering all of the above areas. The terms of the proposal shall be one year, commencing on July 1, 2019 and shall close on June 30, 2020.

**III. PROPOSAL CONTENTS.** The Proposer, shall, as a minimum, include the following in the proposal:

A. **Legal Experience.** The proposer should describe its experience related to the areas outlined in the scope of services above.

B. **Organization, Size, Structure, and Areas of Practice.** The proposer should describe its organization in terms of the following:

- size
- structure
- areas of practice/expertise
- office location(s)

C. **Attorney Qualifications.** The Proposer should separately attach a description of the qualifications of attorneys to be assigned to the representation.

Descriptions should include:

1. Professional and educational background of each attorney.
2. Prior experience of the individual attorneys with respect to the required experience/expertise listed above. Include resumes only of attorneys likely to be assigned to the representation (education, position in firm, years and types of experience, and continuing education will be considered).

D. **Price.** The OECN is interested in receiving proposals for retainer fee agreements and/or hourly fee agreements. Regardless of the proposed fee agreement, proposals should include a projected annual cost – barring any litigation or other abnormal need – for the services described herein. Proposals should also include information on the hourly billing rate of each attorney or other legal staff who is expected to work on this representation.

#### **IV. PROPOSAL EVALUATION.**

A. **Submission of Proposals.** All proposals shall include one (1) original and three (3) copies.

B. **Evaluation Procedure and Criteria.** OECN's representatives and other

appropriate staff will review proposals and make recommendations to the OECN Directors for final approval. The OECN Directors may request a meeting with some of the qualified Proposers prior to final selection.

Proposals will be reviewed in accordance with the following criteria:

1. Proposed approach to scope of work
2. Level of experience of the individual(s) identified to work on this matter
3. The Proposer's experience with similar clients and legal matters
4. Cost
5. Interviews, if conducted

C. **Required Format for Proposals.** All proposals must follow the required format. Failure to follow the required format may result in disqualification of a proposal:

1. Page Limit: 15, including cover page
2. Attorney Qualifications section should be attached and is not included in the page limit
3. Page Size: 8 ½ x 11; portrait
4. Font Size: 12
5. Double-spaced
6. Margins: 1" minimum on the top, bottom, and sides of all pages
7. All pages must be numbered; double-sided printing is acceptable
8. Do not use material in proposals dependent on color distinctions, animated electronics, etc.



9. Do not place proposals in notebooks or binders. Metal clips may be used to bind pages together.
10. Do not include attachments other than those requested or required by this RFP.

**V. PROPOSAL TIMELINE.** During the period from your organization's receipt of this Request for Proposals and until a contract is awarded, your organization shall not contact any employee of the OECN for additional information except in writing directed to Donna Davis Norris at [donna@swoca.net](mailto:donna@swoca.net) and Geoff Andrews at [geoffrey.andrews@managementcouncil.org](mailto:geoffrey.andrews@managementcouncil.org).

**VI. QUESTIONS.** Questions for the purpose of clarifying the RFP must be submitted **in writing via email** and must be received no later than **4:00 p.m. EDT on May 15, 2019**. Questions must be emailed to Donna Davis Norris at [donna@swoca.net](mailto:donna@swoca.net) and Geoff Andrews at [geoffrey.andrews@managementcouncil.org](mailto:geoffrey.andrews@managementcouncil.org). Questions and responses will be posted as an "Addendum to the OECN RFP for E-rate Legal Services" on the MCOECN website at [www.managementcouncil.org](http://www.managementcouncil.org) by **4:00 p.m. EDT on May 20, 2019**. Please note that submissions of questions for response do not in any way enhance or guarantee the chances of receiving a contract through this proposal.

**VII. GENERAL INFORMATION.**

- A. **Contract Award.** The OECN reserves the right to award the contract in a manner deemed to be in the best interests of the OECN.
- B. **Stability of Proposed Prices.** Any price offerings from proposers must be valid for a period of 90 days from the due date of the proposals.
- C. **Amendment or Cancellation of the RFP.** The OECN reserves the right to cancel, amend, modify, or otherwise change this RFP at any time if it deems it to be in the best interest of the OECN.
- D. **Proposal Modifications.** No additions or changes to any proposal will be allowed after the proposal due date, unless such modification is specifically requested by the OECN members. The OECN, at its option, may seek proposer retraction and clarification of any discrepancy or contradiction

found during its review of proposals.

- E. **Proposer Presentation of Supporting Evidence.** Proposers must be prepared to provide any evidence of experience, performance, expertise and ability that the OECN deems necessary or appropriate to fully establish the performance capabilities represented in their proposals.
- F. **Proposer Demonstration of Proposed Services.** Proposers must be able to confirm their expertise and ability to provide all proposed services.
- G. **Erroneous Awards.** The OECN reserves the right to correct inaccurate awards. This includes revoking the awarding of a contract to a proposer and subsequently awarding the contract to a different proposer.

Such action shall not constitute a breach of contract on the part of the OECN because the contract with the initial proposer will be deemed voided as if no contract were ever in place.

- H. **Ownership of Proposals.** All proposals shall become the property of the OECN and will not be returned.
- I. **Ownership of Subsequent Products.** Any product, whether acceptable or unacceptable, developed under a contract awarded as a result of this RFP shall be the sole property of the OECN unless otherwise stated in the contract.
- J. **Oral Agreement or Arrangements.** Any alleged oral agreements or arrangements made by proposers with the OECN will be disregarded in any proposal evaluation or associated award.
- K. **Not a Contract.** This RFP is not a contract and, alone, shall not be interpreted as such. Rather, this RFP serves only as the instrument through which proposals are solicited. The OECN will pursue negotiations with the highest scoring proposal. If, for some reason, the OECN and the initial Proposer fail to reach consensus on the issues relative to a contract, then the OECN may commence contract negotiations with other proposers. The OECN may decide at any time to start the RFP process again.

The selected proposer will be required to sign a formal contract.

- L. **Subcontractors.** The OECN must approve any and all subcontractors utilized by the successful proposer prior to any such subcontractor commencing any work. Proposers acknowledge by the act of submitting a proposal that any work provided under the contract is work conducted on behalf of the OECN and that the OECN representative or designee may communicate directly with any subcontractor as the OECN deems necessary or appropriate.

It is also understood that the successful proposer shall be responsible for all payment of fees charged by the subcontractor(s). A performance evaluation of any subcontractor shall be provided promptly by the successful Proposer to OECN upon request. The successful Proposer must provide the majority of legal services described in the specifications.