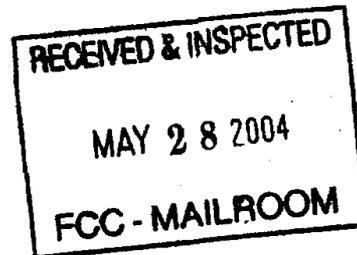


NATHANIEL HAWTHORNE
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Express Mail ER 789764261 US

Appeal, and request for Expedited Relief, to the Federal Communications Commission on behalf of Por Vida, Inc.

May 26, 2004

96-45, 97-21

Secretary
Office of the Secretary
Federal Communications Commission
445 - 12th Street, S.W., Room TW-204B
Washington, D. C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed. Please time stamp the extra copy and return it to me in the enclosed self addressed stamped envelope.

A handwritten signature in cursive script that reads "Nathaniel Hawthorne".

Nathaniel Hawthorne
Attorney for Por Vida, Inc.

No. of Copies rec'd 014
List ABCDE

Express Mail ER 789764261 US

RECEIVED & INSPECTED
MAY 28 2004
FCC - MAILROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of the)	File No. SLD -
)	
Appeal of the Decision of the)	
)	
Universal Service Administrator by)	
)	
Por Vida, Inc.)	
)	
)	CC Docket No. 96 - 45
Federal-State Joint Board on)	
Universal Service)	
Changes to the Board of Directors of)	
The National Exchange Carrier)	
Association, Inc.)	CC Docket No. 97 - 21

Appeal
and
Request for Expedited Relief
on behalf of
Por Vida, Inc.

May 26, 2004

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W. Suite TW-A325
Washington, D.C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed. Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

(1) **Funding Commitment Decision Letter Appealed**

Form 471 Application Number:	363866
Funding Year 2003:	07/01/2003-06/30/2004
Billed Entity Number:	233251
Date of Funding Denial Notice:	May 4, 2004
Date of Appeal:	May 26, 2004

(2) **SLD Contact Information**

Steven Langseth
1135 Mission Rd.
San Antonio TX 78210
Tel. (210) 533.5612

(3) **Funding Request Numbers Appealed**

FRNS -987505, 987481

(4) **SLD's Reason for Funding Denial**

The SLD stated that funding is denied because:

“30% or more of this FRN [987481] includes a request for non-basic maintenance/support services, which are ineligible services based on program rules.”, and 30% or more of this FRN [987505] includes a Power Strip, Remote Supervisor Adapters, Client Licenses Proof of Entitlement & Install. & Config., Maint., Design & Engineering and Project Mgmt assoc. w/BrightBlue Net Connect which are ineligible products/svcs based on program rules.”

(5) **The “30% rule” was incorrectly applied to the facts here and is unreasonable.**

- a) Por Vida, Inc., a school district, (Por Vida) prepared and timely filed a FCC Form 471 for telecommunications service with RGC and Associates as the vendor.
- b) Por Vida requested maintenance services pursuant to the Eligible Services list. The FCC stated on December 23, Third Report and Order, FCC 03-323, CC Docket 02-6, fn 43, that only basic maintenance would be funded, but that districts would be given an opportunity to amend contracts to comply with the Order.
- c) Por Vida complied with the Third Report and Order, by amending the contract between Por Vida and RGC. Exhibit A. The request, FRN 987481, should be funded.
- d) Regarding FRN 987505, Por Vida, with input from the vendor, responded to this issue during the PIA process. Exhibit B. The total requested under this FRN is: \$181,277.54
 - 1) Power strip: “a rack-mounted or cabinet-mounted power strip/surge protector may be included on an ancillary basis as a part of an eligible component such as an eligible equipment rack.”Year 7, *Eligible Services List*. Exhibit C, pg.23. Here, the power strip was part of a rack mounted server “inside IBM rack.” (Price \$70.80) Exhibit D.

- 2) Remote Supervisor Adaptor: The Remote Supervisor Adapter is a PCI card in the server that contains a serial port, an Ethernet port, and an RJ-11 modem attachment. Its purpose is to allow several modes by which a service technician can connect his laptop computer tool directly to the server, in order to provide problem diagnostics, determination, and resolution. Price \$499.00; server price; \$10,625.90. (The SLD did not ask the purpose of the “Remote Supervisor Adaptor.”) It is an accessory to the server. Exhibit B, pg.7
- 3) BrightBlue Net Connect: Year 7, *Eligible Services List*, provides that E-mail software is eligible. Exhibit E. Exhibit B is an attachment explaining BrightBlue Net Connect e-mail software. Por Vida is only using the software for e-mail purposes, nothing else. This product is fully eligible because: a) The package represents the most cost effective bid for the eligible product; 2) The consideration of cost effectiveness was made without considering ineligible features; 3) The e-mail software, BrightBlue Net Connect, is standard offering that includes all features as an intrinsic part, with no separated pricing available; 4) All added components are minimal and will not be used by Por Vida. No price was provided by Por Vida or the vendor since the SLD did not ask for one. Therefore, how did the SLD determine that this fell within the 30% rule?
- 4) Client Licenses Proof of Entitlement: Since BrightBlue Net Connect is fully eligible as e-mail, client licenses are also eligible.

5) Installation & Configuration, Maintenance, Design & Engineering and Project Management: Por Vida has established that the SLD was unreasonable in not funding this FRN. Since the SLD was unreasonable, all associated “Installation & Configuration, Maintenance, Design & Engineering and Project Management” must also be funded.

e) **Here, based on the Eligible Services List and the facts the SLD should not have denied funding.**

f) Based on the 30% rule and the attached exhibits, there is no factual basis for the denial.

Conclusion:

Por Vida, Inc is Requesting the Following Action by the FCC:

(a) **Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically FRNs –987505, 987481**

(b) **Set aside funds to totally fund Por Vida, Inc’s request.**

Respectfully submitted,



Nathaniel Hawthorne

District of Columbia Bar No. : 237693
27600 Chagrin Blvd., Ste. 265
Cleveland, OH 44122
tel.: 216/514.4798
e-mail: nhawthorne@earthlink.net

Attorney for
Por Vida, Inc

Cc: Por Vida, Inc

Exhibit A

**Amendment Version 1, March 3, 2004, to bring the
maintenance services agreement into compliance with
the Rule Change of December, 2003**

RGC and Associates, Inc. (RGC)

**Amendment Version 1 for the Statement of Work for
Basic Off-Site
Technical Support Services**

**Prepared for
Por Vida Academy Charter High School
(Por Vida, Inc.)**

Executive Summary

Your organization depends on system and network availability. Lost system time translates directly into higher operating costs and loss of responsiveness. Loss of service reflects directly on the Por Vida, Inc. RGC knows that efficient service is necessity. We continue our work of technically-superior service so that the district community can maintain productivity not only in the offices, but also in the classroom. RGC will provide basic off-site technical support to keep Por Vida, Inc. in peak performance mode with minimal down time. RGC and Associates, Inc. resources will support the functioning of local area network, wide area network, and connectivity among buildings including maintenance and repair of internal connections hardware and operational software systems. The maintenance resources will resolve user calls relating to internal connections maintenance of hardware (hubs, routers, switches, and servers), operational software maintenance, configuration and test for end to end connectivity, documentation for eligible equipment, servers, installation, and maintenance.

Statement of Work

This section defines the work to be accomplished. The tasks to be performed by RGC are defined and an estimated schedule is provided. In addition, the responsibilities of Por Vida, Inc. are listed.

Project Scope

The Scope of this project includes assistance with the following activities relating to the Por Vida, Inc. functions:

- Site and Connectivity Networking services support
- Network infrastructure support
- Local Area Network (LAN) maintenance, including network hardware
- Technical resources for network maintenance support

Key Assumptions

This proposal, including charges and schedule estimates, is based on the key assumptions documented within this section.

- Travel required to support this work is included and will not be charged separately.
- RGC staffing assumptions are based on this proposal. Por Vida, Inc. will make available appropriate Por Vida, Inc. resources for interaction, feedback, and advice so as to allow RGC ability to respond to scope requirements efficiently as the environment changes over the course of this proposal.

RGC Responsibilities

RGC will provide an overall technical support project coordinator who will provide assistance by telephone, service coordination of problem tickets, administrative tasks, and manage all levels of technical support provided for maintenance.

The RGC team will consist of personnel (with the necessary technical and administrative skills) to perform the duties outlined below.

Technical Support will:

- Interface with and coordinate problem determination and resolution with the district appropriate support personnel and third party services providers
- Perform periodic problem reviews for root cause analysis and, in conjunction with the district, establish appropriate measures to prevent recurring incidents
- Hold regularly scheduled internal status meetings on open problems
- Schedule technician activities
- Accept network support related calls
- Perform problem determination
- Call users to verify the district personnel are prepared for technicians arrival, for scheduled activities
- Work with the district to develop documentation related to proper networking operations.
- Create and distribute technical documentation for technicians
- Provide technical resources with a consistent level of support, including appropriate documentation, throughout project duration
- Attend process improvement meetings
- Provide a monthly activity report
- Changes in procedures and documentation
- Procedure development including client support/issue reporting.
- Dispatch process and procedures for the district users and RGC technical resources
- Project Communication. This includes: coordination with the district building maintenance personnel, communication of schedules, interaction with the district functional staff
- Coordinate and manage necessary resources to deliver maintenance services to the district, specifically related to the maintenance support requirements of the district; Prioritize problems calls and dispatch support
- Act as initial escalation point of contact for any issues raised as a result of delivery of support.
- Serve as a point of contact for support, maintenance and problem resolution
- Provide systems support for servers, switches, routers, and other network infrastructure components, Perform appropriate level of technical support
- Provide "ownership to resolution" of all network problem calls, report on the progress of problem resolution (through the monthly activity report), confirm resolution of the problem with the end user, and log final resolution.
- Assist in the resolution of in scope functions via telephone support or on-site network related support through problem resolution
- Document and track activities through network problem resolution

The technical support resources will be assigned tasks by the district that will include, but are not limited to: User calls relating to internal connections, technical support of hardware (hubs, routers, switches, and servers), operational software technical support,

configuration and test for end to end connectivity, documentation for the following eligible equipment within the School District.

Existing or New	Description	Quantity
New	DNS and DHCP Servers and Operational Software	4
New and Existing	Network Switches	10
New	Network Routers	2
Existing	Network Hubs	3
New and Existing	Cabling Drops	392
New and Existing	Network Ports	392
New	UPS Equipment	4
New	Server Racks	2
New and Existing	Network Equipment Racks	2
New	Video Codec Equipment	8

Por Vida, Inc. Responsibilities

Por Vida, Inc. agrees to be responsible for providing the following information and/or services as a part of this proposal:

- Por Vida, Inc. will provide RGC access and security to the Por Vida, Inc. systems as required.
- Por Vida, Inc. will provide a detailed address listing for all Por Vida, Inc. installation locations included in the scope of this proposal.
- Por Vida, Inc. will provide physical hardware location information within any given Por Vida, Inc. supported location.
- Por Vida, Inc. is responsible for the actual content of any data file, selection, and implementation of controls on its access and use, and security of the stored data.
- RGC requires Por Vida, Inc. to provide direction on current processes, desired processes, advise on current standards and desired standards, advise on current technical standards and environment, and provide access to the current systems.

Completion Criteria

RGC shall have fulfilled its obligations under this proposal when any of following first occurs:

- RGC accomplishes the RGC tasks described under "RGC Responsibilities".
- Project end date is reached

Estimated Schedule

The estimated schedule for this effort is 12 months from the date of project initiation.

Estimated Project Start Date:	July 1, 2003
Estimated Project End Date:	June 30, 2004

Work will begin on or about July 1, 2003, given that Por Vida, Inc. receives funding for the project.

Charges

The Services Charge stated here represents the maximum allowable charges for all services that may be provided under this proposal. RGC understands that the decision to implement this project is contingent upon award to Por Vida, Inc. of funding under the E-rate program. RGC will not begin work on this project without written notification from Por Vida, Inc. that funding has been approved and that work should begin. If such notification has not been received by February 28, 2004, at RGC's option, RGC may terminate this Statement of Work or implement an extension of this Statement of Work, as well as changes in pricing or other terms and conditions as may be required, via the Project Change Control Procedure outlined in Appendix A.

Or this SOW may be extended upon mutual agreement between Por Vida, Inc. and RGC as defined in the section titled Project Change Control Procedure. Should Por Vida, Inc. not receive the requested funding for E-rate 6, Por Vida, Inc. may terminate the SOW without further obligation. Should Por Vida, Inc. receive only partial funding, RGC will work with Por Vida, Inc. to incorporate those portions of this SOW that can be accomplished based upon available funding. It is specifically understood by RGC and Por Vida, Inc. that no E-rate 6 activity will occur prior to RGC's receipt from Por Vida, Inc. of written authorization to proceed. It is understood by Por Vida, Inc. and RGC that, should full or partial funding be received by Por Vida, Inc., and should Por Vida, Inc. decide to initiate work on the project, that Por Vida, Inc. will use this SOW and RGC as designated Solution Provider, to accomplish the agreed to scope of effort under the E-Rate program.

It is understood by Por Vida, Inc. and RGC that this SOW and its associated pricing is based upon RGC receiving written approval from Por Vida, Inc. to proceed with E-rate 6 no later than February 28, 2004. In the event this approval is not received by this date, RGC reserves the right to restructure the SOW, with Por Vida's concurrence, to incorporate on those tasks that can be successfully completed by RGC prior to June 30, 2004. This proposal will remain valid through February 28, 2004.

Por Vida, Inc. has 5 buildings. The total annual charge is \$256,000.00.

Appendix A: Change Control Procedure

Either party may request changes to the Statement of Work at any time. Since a change could affect the price, schedule or other terms of the *Agreement* for this Statement of Work, both the Por Vida, Inc. Contact person and the RGC and Associates Project Coordinator must approve each change before amending the Statement of Work and implementing the change. This procedure will be used by Por Vida, Inc. and RGC and Associates to control changes to the Statement of Work and changes to any previously approved deliverables.

All Project Change Requests (PCRs) will be submitted in writing. They will describe the change and include whatever rationale and/or estimated effect the change will have on the Statement of Work.

The Por Vida, Inc. and RGC and Associates company representatives, as appropriate, will review the proposed change. It is then accepted or rejected for submission to the other party. If rejected, the PCR is returned to the originator, along with the reason for the rejection.

Both parties will weigh the merits of the proposed change and approve it for investigation or reject it. Approval of a PCR for investigation by both parties constitutes authorization by Por Vida, Inc. of the Fixed Price amount proposed by RGC and Associates to investigate the PCR. Appropriate staff work will take place at this time. Effect on the price, estimated schedule or other terms of the *Agreement* for this Statement of Work will be determined. The change will then be approved/disapproved for implementation.

Approved changes will be incorporated into the Statement of Work through written change authorizations (change orders), as appropriate.

Appendix B: Signature Page

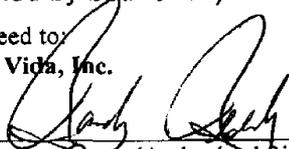
RGC (we) will provide, and Por Vida, inc. (you) agree to accept, RGC Services (Services) for "Statement of Work for Technical Support Services" under the terms and conditions of the RGC Customer Agreement and this Statement of Work. For Scope of Services, Completion Criteria, Charges and other applicable terms refer to the RGC Proposal for the provisions of Por Vida, Inc. "Statement of Work for Technical Support Services", dated January 31, 2003.

RGC is aware of the District's reliance on an outside source of funding (Universal Service Fund) to execute on the implementation tasks described in this SOW. Should Por Vida, Inc. not receive the requested funding for E-rate 6, Por Vida, Inc. may terminate the SOW without further obligation. Should Por Vida, Inc. receive only partial funding, RGC will work with Por vida, Inc. to incorporate those portions of this SOW that can be accomplished based upon available funding. It is specifically understood by RGC and Por Vida, Inc. that no E-rate 6 activity will occur prior to RGC's receipt from Por Vida, Inc. of written authorization to proceed. It is understood by Por Vida, Inc. and RGC that, should full or partial funding be received by Por Vida, Inc. and Por Vida, Inc. decide to initiate work on the project, that Por Vida, Inc. will use this SOW and RGC as designated Solution Provider, to accomplish the agreed to scope of effort under the E-Rate program.

It is understood by Por Vida, inc. and RGC that this SOW and its associated pricing is based upon RGC receiving written approval from Por Vida, Inc. to proceed with E-rate 6 work no later than February 28, 2004. In the event this approval is not received by this date, RGC reserves the right to restructure the SOW, with Por Vida's concurrence, to incorporate only those tasks that can be successfully completed by RGC prior to June 30, 2004. This proposal will remain valid through February 28, 2004.

Total Charges for technical support services is \$256,000.00, which includes travel and living expenses without estimated state and local taxes. Both of us agree that the complete agreement between us regarding these Services will consist of 1) this Statement of Work and 2) the RGC Customer Agreement (or any equivalent agreement signed by both of us).

Agreed to
Por Vida, Inc.

By 
 (Authorized Signature)

Name Randy Resendez
 Title Asst. Superintendent
 Date MARCH 03 2004
 Customer Number _____
 Customer Address _____
 Por Vida, Inc.
 1135 Mission Road
 San Antonio, Texas 78210
 Project name or identifier: Technical Support Services

Start Date: July 1, 2003

Agreed to
RGC and Associates, Inc.

By 
 (Authorized Signature)

Name Ron Clontz
 Title President
 Date MARCH 03, 2003
 RGC Customer Agreement No. _____

RGC and Associates, inc.
 115 East Travis St., Suite 1500
 San Antonio, Texas 78205
 Por Vida, Inc.--- Statement of Work for Technical Support Services
 End Date: June 30, 2004

Exhibit B

[Por Vida stationary]

January 15, 2004

Gene Delmonico
Schools and Libraries Division
Program Integrity Assurance

Dear Gene,

Per your request, the following is the response to your questions regarding FCC Form 471 Application # 363866.

SLD Question FRN 987481 for maintenance by RGC and Associates for \$256,151.20.

You have provided a detail of the equipment to be maintained. The requested dollars still seem high for amount of equipment. Could you provide the unit costs, and a description of the services to be performed under this contract. Please provide a breakout of the services, and the dollar value associated with each service. Please separate charges by existing equipment, and those purchased on this application.

The Form 470, referenced, indicates 15 buildings, and the Form 471 indicates 2. Please explain, and provide a spreadsheet by building and building use, with associated charges, that add to the requested amount.

The following table is a description of the services being provided and the dollar value associated with each service:

Technical Support will:	
• Interface with and coordinate problem determination and resolution with the district appropriate support personnel and third party services providers	\$2,561.51
• Perform periodic problem reviews for root cause analysis and, in conjunction with the district, establish appropriate measures to prevent recurring incidents	\$7,684.54
• Hold regularly scheduled internal status meetings on open problems	\$2,561.51
• Schedule technician activities	\$5,123.02
• Accept network support related calls	\$5,123.02
• Perform problem determination	\$61,476.29
• Call users to verify the district personnel are prepared for technicians arrival, for scheduled activities	\$2,561.51
• Work with the district to develop documentation related to proper networking operations.	\$5,123.02
• Create and distribute technical documentation for technicians	\$2,561.51

• Site security requirements	\$831.25
• Any unusual site conditions	\$831.25
10. Identify Equipment Room locations and requirements	
• Isolated electrical power circuit availability	\$831.25
• Heating and air-conditioning	\$831.25
• True earth ground availability	\$831.25
• Access security	\$831.25
• Fiber/Telephone circuit connection – DS3, T1, ISDN	\$831.25
SUBTOTAL	\$16,625.00

SLD Question FRN 987505 for servers for \$181,277.54.

Please provide a detail of the components, and the unit prices for each of the servers. For the Student E-mail/Web software, please provide the manufacturer and title, with a description of what the software provides. In addition, please provide a narrative of the services being provided for Installation & Configuration, Design & Engineering, Maintenance, and technical Support, and Project Management. Please include the charges associated with each service being provided.

1. Please see the table below for the breakdown of components that make up two of the IBM servers listed (priced at \$10,625.90 each) on the Item 21.

Accessories and Options Selected	Part No	Unit Price	Quantity	Extended Price
xSeries 225	86474AX	\$1,319.00	1	\$1,319.00
IBM Ultra320 Internal 24" LVD SCSI Cable Option	02R2068	\$29.00	1	\$29.00
Remote Supervisor Adapter	09N7585	\$499.00	1	\$499.00
Windows 2000 Advanced Server (1-8 CPU, 25 CAL), English OEM Preload	19K4445	\$3,295.00	1	\$3,295.00
xSeries 2.67 GHz 533 MHz 512KB L2 Cache Upgrade with Xeon Processor	24P7861	\$699.00	1	\$699.00
NetXtreme 1000 T Ethernet Adapter	31P6301	\$139.00	1	\$139.00
ServeRAID-6M Ultra320 SCSI Controller	32P0033	\$999.00	1	\$999.00
RAID 5 - Primary Array - minimum of 3 HDDs required	32P9660	\$0.00	1	\$0.00
IBM 36.4 GB 10K rpm Ultra320 SCSI Hot-Swap HDD	32P0726	\$275.00	5	\$1,375.00
NetBAY 2U Flat Panel Monitor Console Kit (w/o keyboard)	32P1703	\$1,266.90	1	\$1,266.90

Internal RAID - Cabled and Setup	32P9667	\$0.00	1	\$0.00
IBM 512 MB PC2100 CL2.5 ECC DDR SDRAM DIMM	33L5038	\$275.00	2	\$550.00
4U Extended Depth Tower to Rack Conversion Kit	59P4817	\$455.00	1	\$455.00
TOTAL				\$10,625.90

Please see the table below for the breakdown of components that make up the third IBM server listed (priced at \$16,761.90) on the Item 21.

Accessories and Options Selected	Part No	Unit Price	Quantity	Extended Price
xSeries 225	86476BX	\$1,819.00	1	\$1,819.00
ServeRAID-6M Ultra320 SCSI Controller	02R0988	\$1,249.00	1	\$1,249.00
RAID 5 - Primary Array - minimum of 4 HDDs required	32P9661	\$1,028.00	1	\$1,028.00
IBM 36.4 GB 10K rpm Ultra160 SCSI Hot-Swap HDD	06P5755	\$275.00	6	\$1,650.00
IBM Ultra320 Internal 24" LVD SCSI Cable Option	02R2068	\$29.00	1	\$29.00
Remote Supervisor Adapter	09N7585	\$499.00	1	\$499.00
Windows 2000 Advanced Server (1-8 CPU, 25 CAL), English OEM Preload	19K4445	\$3,295.00	1	\$3,295.00
xSeries 3.06 GHz 533 MHz 512KB L2 Cache Upgrade with Xeon Processor	24P8122	\$999.00	1	\$999.00
NetXtreme 1000 T Ethernet Adapter	31P6301	\$139.00	1	\$139.00
NetBAY 2U Flat Panel Monitor Console Kit	32P1702	\$1,499.90	1	\$1,499.90
Internal RAID - Cabled and Setup	32P9667	\$0.00	1	\$0.00
IBM 512 MB PC2100 CL2.5 ECC DDR SDRAM DIMM	33L5038	\$275.00	2	\$550.00
Warranty Service onsite repair 9x5x4 hour	96P2249	\$660.00	1	\$600.00
4U Extended Depth Tower to Rack Conversion Kit	59P4817	\$455.00	1	\$455.00
IBM Director 4.1 - 50 Additional Client Licenses Proof of Entitlement	71P616	\$2,950.00	1	\$2,950.00
TOTAL				\$16,761.90

The Student E-mail software is Bright Blue Net Connect with Microsoft Windows 2000. Please see the attached document from Bright Blue for a description of the software.

The following table is a description of the services being provided for Servers and the dollar value associated with each service:

Installation and Configuration Services:	
1. The objective of this task is to configure and install one (1) current model Intel P4 grade Server, running Windows 2000 Server. The Subtasks are:	\$ 1,865.33
· Provide Hardware and Operational Software as listed	
· Deliver each Server to its designated location.	
· Install district server hardware.	
· Perform power on system test.	
· Attach server to the existing Ethernet network and configure network.	
2. Install Windows 2000 Server and implement the Windows 2000 Server operational environment	\$ 1,271.81
3. The objective of this task is to configure and install one (1) current model Intel P4 grade Server running the IIS function of Windows 2000 server. The Subtasks are:	\$ 1,865.33
· Provide Hardware and Operational Software	
· Deliver each Server to its designated location.	
· Install district server hardware.	
· Perform power on system test.	
· Attach server to the existing Ethernet network and configure network.	
4. The objective of this task is to configure and install one (1) current model Intel P4 grade Server with Microsoft Windows 2000 and Student E-Mail/Web Software. The Subtasks are:	\$2,628.37
· Provide Hardware and Operational Software	
· Deliver each Server to its designated location.	
· Install Server hardware.	
· Perform power on system test.	
· Mirror the hard drives on the Servers	
· Attach server to the existing Ethernet network and configure network.	
5. The objective of this task is to install one (1) current rack, UPS, UPS power distribution bar, and a KVM switch in the designated location to support the installation of the above servers. The Subtasks are:	\$ 847.88
· Provide Hardware as listed in the "Equipment List" section.	
· Deliver the components to their designated location.	
· Install EPSOE rack hardware.	

· Install the UPS, power bar and KVM switch within the rack and connect the components.	
· Perform power on system test.	
· Attach UPS to a server or to the existing Ethernet for control information flow.	
1. Perform verification of network connection.	\$ 847.88
2. Test ability of Student E-Mail/Web Software to connect to the Server for mail access and Web connection.	\$ 847.88
3. Verify Student E-Mail/Web Software access to the Internet.	\$ 211.97
4. Send a test E-mail message to an Internet address.	\$ 211.97
5. Receive a test message from an Internet address.	\$ 211.97
6. Download a test file using FTP.	\$ 211.97
7. Access one web site in each of these domains: edu, gov, org, com, net.	\$ 211.97
8. Configure Server system administration	\$ 1,695.76
9. Implement DHCP and server caching for Internet communications	\$ 1,271.81
10. Install Windows 2000 Server and implement the Web server operational environment	\$ 1,907.72
11. Configure UPS with Windows 2000 Servers shutdown capabilities.	\$ 423.94
12. Configure KVM switch between 3 servers.	\$ 423.94
SUBTOTAL	\$ 16,957.50
Maintenance Services:	
1. Repair configurations of operating systems, DNS/DHCP, Web, IIS, NetConnect, or networking configurations of servers and switches.	\$9,800.00
2. Identify hardware faults and replace or repair as necessary the failing component.	\$4,200.00
SUBTOTAL	\$ 14,000.00
Design and Engineering Services:	
Review the network design so that an implementation schedule can be confirmed	\$ 2,534.00
Assist in revising the installation schedule prior to implementation	\$ 2,534.00
During installation advise the district of any impacts on changes or deviations from original designs and plans	\$ 4,054.40
Develop integration maintenance that will allow seamless operations during the installation of the new equipment	\$ 4,054.40
Provide methods to the operations staff supporting the day to day workload of operations	\$ 5,068.00
Work with the teams to create an overall framework of their systems and applications; develop from this framework specific application and system procedures for the operations staff	\$ 8,108.80

Create and distribute technical documentation for technicians	\$ 2,534.00
Provide technical resources with a consistent level of support, including appropriate documentation, throughout project duration	\$ 3,547.60
Evaluate and recommend changes in the process improvement meetings	\$ 2,534.00
Participate in project reviews and process improvements, on all projects	\$ 3,040.80
Suggest and follow changes in procedures and documentation	\$ 2,534.00
Design Campus-wide networks for hierarchical and multilayer services to include: Layer 3, Layer 2, and for Media Access Control (MAC)-layer broadcasts.	\$ 2,534.00
Design scalability options appropriate for building-size and campus networks.	\$ 2,534.00
Provide engineering constructs for Open Shortest Path First, Enhanced Interior Gateway Routing (EIGRP).	\$ 2,534.00
Define required LAN characteristics, WAN interfaces, and subnets as required.	\$ 2,534.00
SUBTOTAL	\$ 50,680.00
Project Management Services:	
RGC and Associates will provide project coordination for the tasks in this Statement of Work. RGC and Associates will appoint a Project Leader (Supervisor) who will have explicit responsibility for the administration and technical direction of RGC and Associates activities. Project leadership duties include:	
1. With the district Contact Person, review this Statement of Work, and the Change Control Procedure, discussing the responsibilities of all parties.	\$4,156.25
2. Schedule and evaluate project progress against established project work plans and timelines	\$4,156.25
3. Provide written weekly Progress Reports to the district's Contact person	\$3,325.00
4. Verify and correct site general information.	
5. Identify and document site's special considerations:	\$4,987.50
· Site's labor requirements and works restrictions (e.g. union vs. Non-union environments, works hours, access restrictions, special condition or limitations) that may affect the site's rollout.	
· Safety regulations - as may apply from municipalities	
· Site security requirements	
· Any unusual site conditions	
· Identify Equipment Room locations and requirements as it pertains to the equipment to be installed	
· Isolated electrical power circuit availability	
· Heating and air-conditioning	

· True earth ground availability	
· Access security	
· Fiber/Telephone circuit connection – DS3, T1, ISDN	
SUBTOTAL	\$ 16,625.00

Sincerely,

Randy Resendez
Assistant Superintendent
Por Vida

NetConnect

TLC NetConnect is IBM's Internet management tool for K-12 schools. Over the past 8 years it has been modified and upgraded to match the increasing opportunities offered by the Internet and the increasing requirements of the student and teacher in the classroom.

Around the world, IBM's TLC NetConnect is bringing a host of features to the modern classroom. These features benefit both the student and the school district.

One of the most important tools the internet offers is E-mail. E-mail is used around the world by people in all walks of life. It is one of the first skills taught to any computer user. TLC NetConnect makes E-mail easy by providing a unique address for every person in the school and a user friendly interface for even the youngest students.

The TLC NetConnect clients provide all of the essential E-mail features in an interface designed for school use. In addition, some features are uniquely suited to helping students function in today's world. Students with special needs or who are still learning how to read can have the E-mail read *out loud* to them. Users dealing with people from different countries are able to translate any message between **English, French, German, Italian and Spanish!** (Coming soon - Japanese, Korean, Chinese and Portuguese).

Management of TLC NetConnect is easy and powerful. Administrators can control the types of

IBM. K-12

attachments that are allowed, can control automatic deletion of most e-mail viruses. TLC NetConnect also provides for both content filtering of the e-mail messages and "Spam" filtering to reduce the amount of irrelevant mail reaching the users.

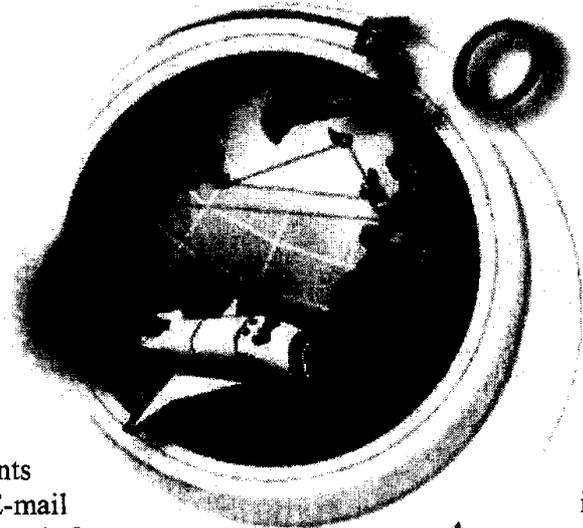
Beyond E-mail, TLC NetConnect also provides the schools with advanced Discussion Forum support. The Discussion Forums can be setup within one school or shared between many. Forums can be limited to just a select number of users, configured so that it is moderated or even set to "forced subscription" to help enforce participation.

The single most popular use of the Internet is the World Wide Web. This exciting area is heavily supported by TLC NetConnect. The most popular and robust web server in the world is built into the system. An industrial-strength "Caching Proxy" server is provided to improve performance. The Proxy also controls access to, and protects students from, inappropriate web sites. The school can easily configure where students can and *cannot* get to, on the web.

A uniquely simple method of creating and publishing web pages is provided. Students can easily build a web page and submit it to their teacher for approval. The teacher can then publish the web page by clicking on just one button.

IBM's TLC NetConnect is a solution that uniquely fits into today's K-12 schools.

IBM TLC NetConnect



K-12

TLC NetConnect is IBM's state-of-the-art Internet solution for K-12 schools. It provides Internet access for schools and gives you the tools to easily manage what data passes into and out of your network.

The TLC NetConnect Solution

Server Software

- Uses IBM's Industrial-strength components – DB/2 and WebSphere to provide Industrial-strength reliability and performance.
- E-Mail Server: Fully-featured e-mail service is provided using standard SMTP and POP3 protocols. Written in Java, the TLC NetConnect E-Mail system includes such advanced features as Spam and Content filtering of the messages.
- Discussion Forum Server: NNTP based discussion forums have been expanded to also provide the users with Private and Moderated discussion areas.
- School Based Web Server: Based on the Apache web server, the IBM HTTP Server allows you and your students to publish web pages easily.
- Proxy Server: Provides a safe environment for students by blocking access to undesirable web sites. Through IBM's web page caching technology you can reduce your communications costs while improving performance. It will also automatically pre-cache the most visited sites from the previous day. Use of the proxy server is logged and detailed reports are generated each morning. The reports show who went where on the web as well as showing which users were prevented from getting to the undesirable sites.
- Added Security: NetConnect uses ISS's BlackIce Protection engine to detect and block hundreds of different attacks on the system as well as providing fine control over who can access which services on the Server.
- Remote Support Tools: A variety of support tools are provided, including IBM Director. These programs help district technicians manage the technology from a central location.

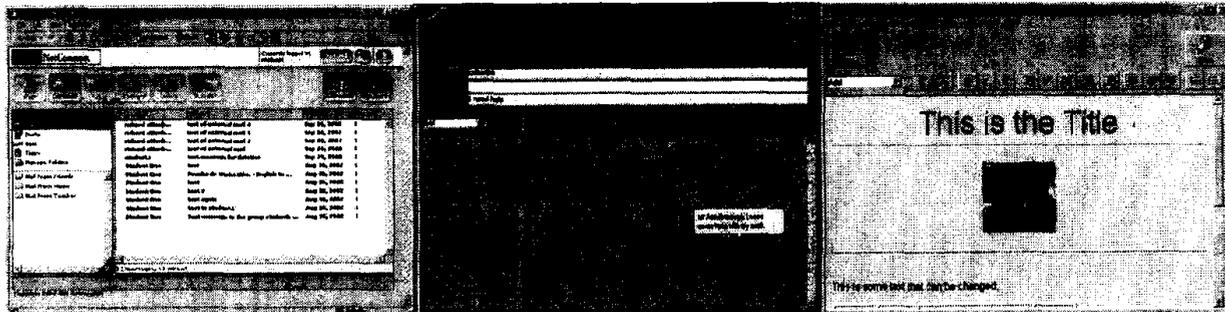
Client Software

- Web Browser: Access to the World Wide Web is provided through Netscape Navigator™, Internet Explorer™ or the open source browser, Mozilla.
- E-Mail: Two separate e-mail clients, each customized for the unique requirements of the school environment, allow students and teachers access to their personal e-mail. The WebMail client provides access from anywhere to all of the messages on the server, while the Windows client can be securely limited and controlled on the network file server. Both clients allow the sending and receiving of MIME compatible messages within the school and around the world. The Windows client also provides support for full HTML and font formatting of the messages. As well, the Windows client provides Text to Speech capabilities in both English and French so that messages can be read out loud to the user.
- Discussion forums: The Windows client provides advanced support for the expanded features of our Discussion forum server. Included is full, and automatic, support for the forum moderator to preview messages prior to allowing them to become visible to the other participants of the forum.

Included Services

Server build, on-site server Setup, Client software installation, testing and administrator training.

1 Year of Telephone Technical Support (TTS)



Webmail Client

Windows Email

Web Page Creation

Exhibit C

<p>Pager</p>	<p>A Pager (also known as a Beeper) is the receiving end of a paging service and is a small device worn on the belt, or carried in a handbag. Pagers provide text or voice messages, or both. The purchase, lease, or maintenance of pagers is not eligible for discount.</p> <p>A Paging Service may be eligible as a Telecommunications Service. See Paging Service in the Telecommunications Services section of this document.</p>	<p>Not Eligible</p>
<p>PC Attendant Console</p>	<p>The PC Attendant Console is an electronic PC (computer) based console used in support of, or in place of, a PBX system. The Console provides the capabilities and features of other attendant consoles, such as call transfers, answer button with queuing, emergency call priority, call waiting count, busy lamp field and many others.</p> <p>One Console qualifies for discount with each PBX, or in place of a PBX system, whether PC Attendant or another type.</p>	
<p>Personal Computer</p>	<p>Personal computers, or workstations, are computers designated, or designed for one person's use. They are distinguished from computers used in the routing of information to individual classrooms.</p>	<p>Not Eligible</p>
<p>Personal Digital Assistant</p>	<p>Personal Digital Assistant (PDA) is a handheld device that combines computing, telephone/fax, and networking features. A typical PDA can function as a cellular phone, fax sender, and personal organizer.</p> <p>PDA's are end user equipment that do not meet the definition of eligible Internal Connections, and therefore are ineligible for discount.</p>	<p>Not Eligible</p>
<p>Power Poles</p>	<p>Power poles are metal or plastic pipe or poles used to carry wire from the ceiling to the floor level. Power poles have the same eligibility conditions as given in the description for Conduit/Raceway in this section.</p>	
<p>Power Strips</p>	<p>Power strips provide multiple electrical commercial AC power outlets and can serve as an electrical extension cord. They may also protect equipment against voltage spikes and electrical disturbances (surge protections). Power strips are electrical devices ineligible for discount.</p> <p>However, a rack-mounted or cabinet-mounted power strip/surge protector may be included on an ancillary basis as a part of an eligible component such as an eligible equipment rack.</p>	<p>Not Eligible</p>
<p>Printer</p>	<p>A device that receives computer information and prints it on paper. Printers are not eligible for discount.</p>	<p>Not Eligible</p>

Exhibit D

[Por Vida Stationary]

April 13, 2004

Ms. Jane M, Giancamillo
Selective Reviewer
Schools and Library, Program Integrity Assurance
Telephone: (973) 884-8174
Fax: (973) 599-6515

Ms. Giancamillo:

Per your request, the following is the response to your questions regarding FCC Form 471 Application #363866.

SLD Question FRN 987492-\$361,334.77-RGC and Associates

Please provide a vendor quote listing all items being requesting and their unit cost.

The request includes a UPS. What equipment is the UPS going to be used to protect? If for servers, provide the make/model number as well as the functionality. For all other equipment provide the make/model#.

The request includes a rack classroom building. What equipment is the rack classroom going to house? If for servers, provide the make/model number as well as the functionality. For all other equipment provide the make/model #.

Provide a statement of work for installation, configuration, maintenance and project management.

Answer:

Please see the table below for the breakdown of components that make up the \$361,334.77.

Narrative description: RGC and Associates, Inc., will provide, install, maintain and test connectivity to the LAN Equipment listed below.				
Quantity	P/N	Product or Service Description	Non-Recurring Unit Cost	Extended Pre-discount Cost
7	Cisco 2950GE-SX	Switch	\$ 4,707.02	\$ 32,949.14
1	Cisco 3508G-XL	1000 Base XS Switch	\$ 7,670.00	\$ 7,670.00
7	Siemens	48 Port Patch panels	\$ 236.00	\$ 1,652.00
3	Alcoa	Fiber Interconnect	\$ 177.00	\$ 531.00
392	Hubbell	Faceplates	\$ 1.30	\$ 509.60
432	Hubbell	Jacks	\$ 3.54	\$ 1,529.28
392	Hubbell	Box Eliminators	\$ 1.18	\$ 462.56

375	Wiremold	Raceway	\$ 2.36	\$ 885.00
380	Belden	Patch cables 3 ft.	\$ 1.77	\$ 672.60
352	Belden	Patch cables 15 ft	\$ 3.54	\$ 1,246.08
15	Datacom	Wire Manager	\$ 35.40	\$ 531.00
600	Alcoa	Fiber Underground 12 Strand	\$ 3.54	\$ 2,124.00
3	Leviton	Shelf	\$ 129.80	\$ 389.40
410	Leviton	Interduct	\$ 1.77	\$ 725.70
60	Alcoa	Couplings	\$ 1.65	\$ 99.00
21	Belden	Cat5e	\$ 199.38	\$ 4,187.01
48	Alcoa	Fiber connections	\$ 4.90	\$ 235.20
4	Alcoa	3ft Fiber Patch	\$ 23.60	\$ 94.40
1	Datacom	Ties/Raps/Plates	\$ 2,655.00	\$ 2,655.00
1	IBM 37L-6861	UPS	\$ 4,484.00	\$ 4,484.00
1	Inside IBM Rack	Power Strip	\$ 70.80	\$ 70.80
1	Elite 525061-F	Rack Classroom Building	\$ 1,357.00	\$ 1,357.00
		Installation		\$ 166,250.00
		Configuration		\$ 64,400.00
		Maintenance		\$ 49,000.00
		Project Management		\$ 16,625.00
			TOTAL:	\$ 361,334.77

The UPS will be used to protect the Network Electronics equipment listed in the table above.

The rack classroom will house the Network Electronics equipment listed in the table above.

Please see attached Statement of Work.

SLD Question FRN 987505 - \$181,277.54 – RGC and Associates

Please provide a vendor quote listing all items being requested and their unit cost.

The request includes two servers in the amount of \$10,625.90 and one in the amount of \$16,761.90. Provide detailed specs for each of the servers indicating all items included in the request as well as the unit cost for each item.

The request includes a Web server. Is the Web server going to be used to provide information to users of the Internet? Is the Web server going to be used to provide substantial software applications, database functions or storage of end user files? If for both of these uses provide the percent breakout.

The request includes student E-mail/Web software. What is the type and version of the software?

Exhibit E

	(continued from previous page)	
	<p>In general, funding requests that provide only a single price for a product or service that contains both eligible and ineligible functionality are fully ineligible. However, cost allocation may be used to provide separated pricing for the eligible and ineligible components.</p> <p>In addition, in certain limited cases, an eligible product or service can include ineligible components on an ancillary basis. The full product may be eligible in this case if the following conditions apply:</p> <ul style="list-style-type: none"> • The package represents the most cost-effective bid for the eligible product or service. • The consideration of cost-effectiveness must be made without considering ineligible features. • The package is a standard product offering that includes the ineligible features as an intrinsic part, with no separated pricing available. • The applicant is not specifically seeking one or more of the ineligible components. • Any added content must be minimal. <p>For further information, see "<u>Cost Allocation Guidelines for Products and Services that Contain Eligible and Ineligible Components</u>," located in the Reference Area of the SLD Web site (http://www.sl.universalservice.org).</p>	
Caching Service	Caching service is a special high-speed storage mechanism at the border of a network and the Internet that holds frequently accessed Internet information, thereby reducing retrieval times for information often requested from the Internet. Caching service is not eligible. However, applicants may accept a caching service bundled with Internet Access if the limited conditions given in the listing for Bundled Access in this section are met.	Not Eligible
Domain Name Registration	<p>Domain Name is the portion of a symbolic name that corresponds to the network number in the IP address. In the symbolic name abc@xyz.org, the domain name is xyz.org.</p> <p>Domain Name Registration is the registering of the name and the charge associated with the registration process. Domain Name Registration is eligible for discount.</p>	
Electronic Library / On-Line Public Access Catalog System	Electronic Libraries or On-Line Public Access Catalog Systems that charge a fee for accessing library catalog systems, searching or using references as a part of Internet access are ineligible for discount. Any software associated with electronic library public access is also ineligible for discount.	Not Eligible
E-Mail Account Fees	E-Mail account fees are charges for individual user access to e-mail services. E-Mail account fees are eligible.	
E-Mail Service	E-Mail Service, which provides for the transmission of simple text messages and other embedded data, is eligible for discount.	

Automatic Route Selection (ARS)	Automatic Route Selection (ARS) is a PBX and Centrex service that allows for automatic selection of the most efficient and cost effective route. It may also be referred to as "least cost routing". By using the ARS feature, PBX and Centrex stations are routed to the most cost efficient service, or facilities, to make outgoing telephone calls. The cost of the equipment required to provide ARS is eligible for discount.	
Backup Equipment	"Backup equipment" used in the context of spare parts is not eligible for discount. "Backup equipment" used in the context of data protection, such as a tape backup system, is eligible when used as part of an eligible component such as an eligible server. See also "Tape Backup" in this section.	
Battery Backup	A battery backup includes a battery and associated electronics, and provides power to one or more components when the main AC power fails. The battery backup is eligible only if part of, or used with, an eligible component.	
Beeper	See the entry for Pager in this section.	Not Eligible
Broadband Amplifier	A Broadband Amplifier is a device utilized to amplify UHF, VHF, or FM radio signals greater than 3 kHz. If used in conjunction with eligible internal connections, the Broadband Amplifier is eligible. See also Broadband VHF & UHF Preampifiers.	
Broadband VHF & UHF Preampifiers	Broadband VHF & UHF Preampifiers are designed for use with broadcast radio and TV antennas. Preampifiers are electronic devices that boost an audio or video signal, prior to that signal being amplified for reproduction through a monitor or speaker. Preampifiers are used with broadcast receiving antennas and are not eligible for discount. See also Broadband Amplifier.	Not Eligible
Bundled Products	Some products or services may contain both eligible and ineligible components. In general, funding requests that provide only a single price for a product or service that contains both eligible and ineligible functionality are fully ineligible. However, cost allocation may be used to provide separated pricing for the eligible and ineligible components. In addition, in certain limited cases, an eligible product or service can include ineligible components on an ancillary basis. The full product may be eligible in this case if the following conditions apply: (continued on next page)	