

September 9, 2011

Received & Inspected

SEP 14 2011

FCC Mail Room

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

**Re: In the Matter of Request For Review By Relcomm, Inc.
Of Decision of Universal Service Administrator
471# 754277**

**FRN#s: 2038860, 2038839, 2038406, 2038415, 2038515, 2038579,
2038617, 2038803, 2038826, 2038746, 2038761, 2038773, 2038783,
2038699, 2038652, 2038724, 2038527, 2038851, 2038632, 2038588,
2038602, 2038454, 2038538, 2038429**

CC Docket No. 02-6

Billed Entity: Aspira Pennsylvania ("Aspira")

Billed Entity No.: 16051037

Dear Sir/Madam:

This office represents Relcomm, Inc. Relcomm is in the business of designing, installing and maintaining computer networks, including both hardware and software for, among others, public entities, including various school boards. Relcomm is an aggrieved party in connection with the above-referenced bid. Relcomm sought to respond to the RFP for the 2009-2010 funding year, but was denied the ability to do so in violation of the SLD rules and regulations.

I. Question Presented for Review.

Whether Aspira's violation of SLD regulations warrants a reversal of the SLD's Decision to fund the above-references applications.

II. Analysis.

The FCC regulations require a fair and open competitive bidding process and strict adherence to state bidding law. 47 C.F.R. §54.503. The FCC defines a "fair" binding process as one where "all bidders are treated the same." See <http://www.universalservice.org/si/applicants/step03/run-open-fair-competition.aspx>. In violation of the FCC regulations, the RFP listed as part of the requirements:

9. A qualified potential BIDDER must be one where the BIDDER and/or any of its representatives, has never engaged the District/School and/or its E-rate consultant, or E-rate representatives in Litigation.

On September 11, 2009, counsel for Relcomm sent Aspira a letter objecting to the objectionable language in RFP. See Exhibit B. Aspira ignored this letter.

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List ABCDE _____

Aspira then published a new RFP in which Section 9 provided as follows:

9. A qualified potential BIDDER must be one where the BIDDER and/or any of its representatives, is not currently engaged in a dispute, including, but not limited to, current litigation or adverse filings with the Universal Service Administrative Company ("USAC"), the Federal Communications Commission ("FCC"), or any state or federal agency, against the District/School.

See Exhibit C.

On December 24, 2009, counsel for Relcomm sent Aspira a letter objecting to the new language of Section 9. See Exhibit D. Aspira also ignored this letter.

Vendors cannot be excluded on the basis of the language contained in either Section 9. As for the first, RelComm has engaged in litigation against and including the E-rate consulting firm of Alemar Consulting, its owner Martin Friedman, and his employee/representative, John Holt. That litigation was specifically related to E-rate activities and was settled favorably to Relcomm, making the item 9 requirements especially egregious.

Alemar Consulting is the E-Rate consultant for Aspira. The identical RFP documents listing the requirements were also used by other schools connected to Martin Friedman.

The second Section 9 language also singles out Relcomm for exclusion from the bid process.

The bid specifications violate FCC rules in creating an unfair and closed bid process, the real goal of which is to steer contracts to specific companies through the guidance of these consultants.

A review of Aspira's previous E-Rate history shows that the same companies have received awards through Alemar Consulting consecutively for years. Further, the grading criteria from the previous years shows that bids are skewed to favor specific vendors despite the significantly lesser price offered by other vendors.

III. Conclusion.

For the above reasons, Relcomm requests a review of the SLD's decision to fund Aspira's E-Rate application.

Respectfully submitted,



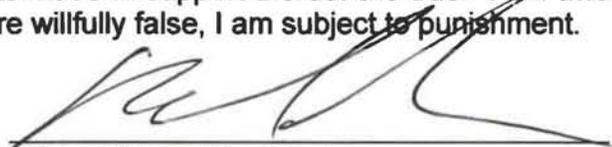
E. ALLAN MACK

EAM/klp

c: Aspira Charter High School
Martin Friedman

VERIFICATION OF REQUEST FOR REVIEW

I, Michael Shea, am the president of Relcomm, Inc., the aggrieved party that has filed the attached Request for Review. I certify that I have read the Request for Review and that the foregoing factual statements made in support thereof are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

A handwritten signature in black ink, appearing to read 'Michael Shea', is written over a horizontal line.

Michael Shea, President
Relcomm, Inc.

LEVINE STALLER attorneys at law

Levine, Staller, Sklar, Chan, Brown & Donnelly, P.A.

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E. ALLAN MACK
LL.M. (Taxation)
Member NJ & PA Bars
amack@levinestaller.com
Fax: 609-347-1166

September 11, 2009

Aspira Pennsylvania
4101 N. American Street
Philadelphia, PA 19140

Attn: Evelyn Lebron

**Re: Relcomm, Inc.
470 #207480000716767**

Dear Ms. Lebron:

This office represents Relcomm, Inc. Relcomm is an aggrieved party in connection with the above-referenced bid. Relcomm sought to respond to your RFP for the 2009-2010 funding year, but was denied the ability to do so in violation of the SLD rules and regulations.

As you know, the FCC rules require a fair and competitive bidding process and strict adherence to state bidding law.

In violation of both FCC rules and state law, the RFP listed as part of the requirements:

9. A qualified potential BIDDER must be one where the BIDDER and/or any of its representatives, has never engaged the District/School and/or its E-rate consultant, or E-rate representatives in Litigation.

Vendors cannot be excluded on this basis. RelComm was engaged in litigation against/ and including the E-rate consulting firm of Alemar Consulting, its owner Martin Friedman, and his employee/representative, John Holt, also owner of Informed Resources. That litigation was specifically related to E-rate activities, making the item 9 requirements especially egregious.



Martin Friedman is and has been utilized as a consultant by your school. The identical RFP documents listing the requirements were also used by other schools connected to Martin Friedman. John Holt also provides consulting to your school on E-rate related activities through his company Informed Resources

The bid specifications violate FCC rules in creating an unfair and closed bid process, the real goal of which is to steer contracts to specific companies through the guidance of these consultants.

A review of your previous eRate history shows that the same companies have received awards through Alemar consulting consecutively for years. Further, your grading criteria shows that bids are skewed to favor specific vendors despite the significantly lesser price offered by other vendors.

Your E-rate history also shows that in certain instances, Alemar/Informed Resources have recommended the specific equipment to be bid, developed the specifications, solicited specific bidders, ranked the bidders themselves, chose the winning bidder for the school, and then oversaw the 486 invoicing from those vendors and even awarded their own employees E-rate contracts, all in violation of FCC rules.

Relcomm intends to file an appeal with the FCC as an aggrieved party regarding the above. As you know, the awards will not be funded while the appeal is pending. Moreover, we believe that our appeal will be successful, which will find violations of the bid process resulting in the denial funding for your 2009-2010 requests and we will pursue further actions in response to those violations.

If you would like to resolve this matter short of an FCC appeal, please call me.

Very truly yours,



E. ALLAN MACK

EAM/klp

ASPIRA PENNSYLVANIA

Antonia Pantoja Charter School

Pequenos Pasos Charter School

December 1, 2009

eRate Bid Information

470# 687430000788361

BIDDER REQUIREMENTS

FEDERAL E-RATE FUNDING PROGRAM

1. USF Knowledge: BIDDER shall have, at a minimum, a working knowledge of the Universal Service Fund ("USF") program for schools and libraries, commonly referred to as the "E-rate Program."
2. USF Registration: BIDDER shall submit with its proposal a Service Provider Identification Number ("SPIN").
3. USF Participation and Cooperation: BIDDER shall agree to participate in the E-rate Program and to cooperate fully and in all respects with the District/School, its representatives, and any agency or organization administering the E-rate Program to ensure that the District/School receives all of the E-rate funding for which it has applied and to which it is entitled in connection with BIDDER's services and/or products.
4. USF Information and Documentation: BIDDER shall provide to School staff and/or the District/School's E-rate consultant within a commercially reasonable period of time all of the information and documentation that the BIDDER has or that BIDDER reasonably can acquire that the District/School may need to prepare its E-rate applications and/or to document transactions eligible for E-rate support.
5. USF Discounted Invoicing and Reimbursement Processes: BIDDER shall invoice the District/School *only* for the non-discounted amounts due on E-rate-approved transactions and simultaneously invoice the Universal Service Administrative Company ("USAC") for the balance [Discounted Invoice Process]. The District/School may elect to receive full invoicing and submit to USAC for reimbursement, in which case the BIDDER shall remit to the District/School within twenty days of receipt the reimbursement payments it receives from USAC or any other third-party pay or for the discounted portions of E-rate approved transactions involving the District/School. [Reimbursement or "BEAR" Process].
 - a. Discounted Invoice Process:
 - i. Timely Filing: BIDDER shall be solely responsible for timely filing invoices with USAC and understands and agrees that District/School will NOT be liable to BIDDER *under any circumstances* for any approved, discounted amount that BIDDER is required to submit to USAC for payment under this paragraph.
 - ii. District/School Approval: BIDDER shall submit to the District/School for its review and approval *before* submitting it to USAC for payment, a copy of every invoice that BIDDER intends to submit for services that it has provided or, in appropriate circumstances, will be providing to the District/School. The District/School shall not unreasonably delay or withhold approval of BIDDER's USAC invoices. As BIDDER is solely responsible for timely filing invoices with USAC, it understands that it must submit invoices to the District/School sufficiently in advance of any USAC filing deadline to ensure that there will be adequate time remaining for it to meet the USAC filing deadline *after* the District/School has had a reasonable opportunity to review and approve them.
 - b. Reimbursement Process:
 - i. Twenty Days: BIDDER understands that E-rate Program rules require it to remit a reimbursement payment to the District/School within twenty (20) days of receiving it from USAC.
6. Non-USF Invoicing: BIDDER shall list, price, and invoice separately any services that are ineligible for eRate funding.
7. Red Light Rule Notification: BIDDER must certify that it is not subject to the Red Light Rule nor will it be subject to the Red Light Rule while under contract. The contract must include the language from item 3b in the next section.
8. No subcontracts without District/School's prior approval in writing. Do not bid an item for which you must subcontract without written permission from the Office of the CEO.
9. A qualified potential BIDDER must be one where the BIDDER, and/or any of its representatives, is not currently engaged in a dispute, including, but not limited to, current litigation or adverse filings with the Universal Service Administrative Company ("USAC"), the Federal Communications Commission ("FCC"), or any state or federal agency, against the District/School.



ASPIRA PENNSYLVANIA

Antonia Pantoja Charter School

Pequenos Pasos Charter School

December 1, 2009

eRate Bid Information

470# 687430000788361

PROPOSALS MUST INCLUDE:

1. **A detailed quote for** services and/or goods requested for **each numbered project** below that:
 - a. Clearly identifies eRate eligible items from non-eligible items and listing these costs and totals separately
 - b. Identifies of the SLD Form 470 number for which you are replying
 - c. SPIN (proposals will not be processed absent the USAC Service Provider Identification Number)

NOTE: BIDS NOT ORGANIZED BY PROJECT WILL NOT BE CONSIDERED. YOU MUST PROVIDE A SEPARATE QUOTE FOR **EACH** NUMBERED PROJECT. DO NOT COMBINE DIFFERENT PROJECT ITEMS INTO A SINGLE QUOTE. (e.g. a quote for a cabling project must include all components listed in the project number. Do not the include routers/switches, etc. from another project listing.)
2. **Five (5) references**, with contact information of the individuals who can confirm the reference, for similar services performed for similar clients (e.g. Schools) including three (3) indicating satisfactory work completed within the past 12 months
3. A **signed and dated contract** along with the proposal that can be accepted if bidder is successful, as a legally binding agreement, preliminary to the drafting of formal contract.
 - a. **In addition to the contract terms, the contract must include the following addendums:**
 - i. **“This contract is contingent upon District/School Board approval and the District/School receiving a favorable Funding Commitment Decision Letter (FCDL) from the Universal Service Administrative Company (USAC) for the requested amount. The school/district has the option of reducing the scope of the contract. If, for any reason, funding is denied, this agreement would be null and void.**
 - ii. **“The <Name of Company> certifies that we are not the subject of the FCC’s Red Light Rule. Furthermore, we acknowledge that, should the company become the subject of the Red Light Rule, the contract would be null and void and the <Name of Company> would not hold the District/School liable for any costs over their USAC discounted share.”**
 - iii. **We will abide by the conditions set forth in the bidder requirement section of this RFP (pages 1-3).**
 - b. The **submitted contract will serve as a legally binding agreement**, which is preliminary to any formal contract with the District/School and therefore may be subject to changes in terms and conditions. Please certify that you understand this.

NOTE: PROPOSALS NOT CONTAINING A SIGNED AND/OR DATED CONTRACT, AS ABOVE, WILL NOT BE CONSIDERED.
4. **Red Light Rule Documentation:** Submit a copy of Red Light status for your company from the FCC Red Light Display System (<http://www.fcc.gov/redlight>)
5. **For any work or service to be performed: Documentation of appropriate industry-recognized certificates** required in order to perform the proposed work (A+, MCSE, Cisco, Lucent, etc.) and the **qualifications of personnel** who will perform the work. Please submit copies of the certificates.
6. **For any equipment bid: Documentation that the BIDDER is an authorized, qualified reseller** of any goods or services quoted and that the BIDDER maintains an active service/repair shop that is authorized by the manufacturer to perform service on its equipment. Please submit copies of these authorizations as issued by the equipment manufacturer.

The District/School retains the right to waive any requirement for a particular project but will do so for all bidders of that project.

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eRate Bid Information

470# **687430000788361**

PROPOSAL CHECKLIST

- ❑ Using the form provided, submit a detailed quote for each numbered project with SPIN clearly indicated
- ❑ A signed and dated contract including addendums for contingencies of Board approval, USAC funding, and “Red Light Rule” financial statement. (Attachment 1)
- ❑ A copy of your company Red Light status from the FCC Red Light Display System (<http://www.fcc.gov/redlight>) (Attachment 2)
- ❑ Five (5) references with contact information, from like entities such as schools and/or districts, including three (3) indicating satisfactory work completed within the past year (Attachment 3)
- ❑ For any work or services to be performed: documentation of industry recognized certifications (copies of the certificates) (Attachment 4)
- ❑ For any equipment bid: documentation of authorization of qualified reseller of all goods or services quoted and that the BIDDER maintains an active service/repair shop that is authorized by the manufacturer to perform service on its equipment (copies of these authorizations as issued by the equipment manufacturer) (Attachment 5)

Complete proposals, submitted by qualified BIDDERS, will be assessed according to the following criteria: lowest price, good reputation, qualifications, and meeting project requirements (understanding of needs). Additional points will be awarded to minority owned companies.

Please make sure that you have completed all forms and submitted all the required documentation. Failure to do so will constitute an incomplete proposal that will not be evaluated.

PROPOSAL SUBMISSION

Bid proposals must be sealed, properly addressed, and delivered by 12:00 pm. January 5, 2009 to:

ERATE PROPOSAL
Aspira Pennsylvania
c/o Evelyn Lebron
4101 N. American Street
Philadelphia, PA 19140

We cannot not assume responsibility for bids forwarded through the mail or if lost in transit at any time before the bid opening. **FAXED OR EMAILED BIDS WILL NOT BE ACCEPTED.**

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470# 687430000788361

I – TELECOMMUNICATIONS: SERVICES REQUESTED (Priority 1)

1. **Local and Long Distance Telephone Service** – 3-year contract sought with option for annual renewal for up to two years. Point-to-Point delivery sought over a T1 (or better) for each location below. The remaining channels to be used for Internet service.
 - a. **APCS** - 6 channels dedicated to voice
 - b. **PPCS** - 6 channels dedicated to voice
2. **Internet Circuit & Service (Port)** – As below. Multi-year contract desirable with annual option to renew.
 - a. **APCS** - 3+ T1 (or better) managed service
 - b. **PPCS** - 1+ T1 (or better) managed service
3. **Digital Transmission Service** – Point-to-Point T1 service between two buildings. Multi-year contract sought with option for annual renewal.
4. **Cellular Voice Service - 105+** phone accounts. Nationwide, shared 1500 minutes/month service to include free, unlimited, “in system” calling (direct connect and all page features) and voicemail. Must have **proven, reliable service** – within the school and its adjacent areas. 3-year contract sought with option for annual renewal for up to two years.
 - a. **80+** regular cellular phone accounts with push to talk
 - b. **25+** smart phone (blackberry) cellular phone accounts
5. **Cellular Service (Wireless Broadband Internet)** – **25+** - unlimited data plan for above, item 4.b., smart phone accounts.
6. **Cellular Data Service** – Broadband wireless Internet services for **20+** air card accounts. Must have **proven, reliable service** – within the school and its adjacent areas. 3-year contract sought with option for annual renewal for up to two years.
7. **Web Hosting** – for classroom and/or school system communication - unlimited number of sites & users. Quote total price of web hosting and services, list cost eRate eligible portion, list percentage of USAC eligibility for proposed eligible service. 3-year contract sought with option for annual renewal for up to two years.

Quote eligible services (1 – provision of website traffic – bandwidth; 2 – provision of disk space for storing applicant provided content; 3 – provision of File Transfer Protocol (FTP) transfer or a Web interface to upload files; 4 – basic web hosting).

Quote costs of ineligible services separately (1 – software applications; 2 – end-user file storage and content editing features; 3 – charges for the creation or display of information; 4 – creation or modification of information, such as a website creation fee or content maintenance fee; 5 – software, services, or systems used to create or edit content; 6 – password-protected pages; 7 – hosting of web-based applications).
8. **Email Hosting** – student “safe” email, spam-free, easy to use interface, receive/send attachments, folder management, group messaging, student-oriented message formatting options, for classroom/school/home/community communication – 1200+ users. 3-year contract sought with option for annual renewal for up to two years.

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II – INTERNAL CONNECTIONS: GOOD/SERVICES REQUESTED - (Priority 2)

9. Internal Cabling – As below.

- a. **APCS** - Estimated 270+ drops plus tie back to main closet - All wiring will be EIA/TIA Standard with certification & Warranty. CAT 6e to the desktop, Multi-mode fiber (6-strand) between 2 distribution closets. All passive electronics to complete build-out of LAN including (3) secure, lockable, cabinets/racks w/ventilation, patch panels, all patch cables, raceway, conduit, ties, etc. Managed cabling system, industry certification with 25-year guarantee, testing results to be provided both digitally and in hard copy. D/E. Final LAN diagram to be provided both electronically and in hard copy. Penalization (5% per month) for not completing job within agreed time frame.
- b. **PPCS** - Estimated 120+ drops plus tie back to main closet (MDF) - All wiring will be EIA/TIA Standard with certification & Warranty. CAT 6e to the desktop. All passive electronics to complete build-out of LAN including (2) secure, lockable, cabinets/racks w/ventilation, patch panels, all patch cables, raceway, conduit, ties, etc. Managed cabling system, industry certification with 25-year guarantee, testing results to be provided both digitally and in hard copy. D/E. Final LAN diagram to be provided both electronically and in hard copy. Penalization (5% per month) for not completing job within agreed time frame.

10. Network Electronics – As below.

- a. **APCS** - (6+) Cisco Catalyst 3750G-48PS-E Stackable Gigabit Ethernet Switch, Cisco 1000Base-SX Gigabit Ethernet SFP, Cisco 8x5xNBD Hardware Replacement SmartNet Contract for Catalyst 3750-48PS-E Switches, (3) Rack Mount APC Smart UPS RT 3000VA RM 120V equivalent or better, (1) Cisco 2821 equivalent or better, (1) rack mount 8-port KVM switch, lcd monitor, components, etc. D/E, warranties, install, & configure. All network electronics to be fully compatible and interoperable with existing systems (Cisco) and monitoring software. Certifications and authorizations required.
- b. **PPCS** - (2+) Cisco Catalyst 3750G-48PS-E Stackable Gigabit Ethernet Switch, Cisco 1000Base-SX Gigabit Ethernet SFP, Cisco 8x5xNBD Hardware Replacement SmartNet Contract for Catalyst 3750-48PS-E Switches, (2) Rack Mount APC Smart UPS RT 3000VA RM 120V equivalent or better, (1) Cisco 2821 equivalent or better, (1) rack mount 8-port KVM switch, lcd monitor, components, etc. D/E, warranties, install, & configure. All network electronics to be fully compatible and interoperable with existing systems (Cisco) and monitoring software. Certifications and authorizations required.

11. Servers

- a. **Web Server** – (2) DELL 2950 Quad Core Intel® Xeon® E5405 processors or better, 8 GB RAM, raid 6: 4-SCSI drives with 450GB of disk space, hot swappable power supplies, 2x gigabit Ethernet, DVD RW, - MS Server 2008 64-bit, 400 CALs per server - equivalent or better, warranty, installation and configuration.
- b. **eMail Server** – (2) DELL 2950 Quad Core Intel® Xeon® E5405 processors or better, 16 GB RAM, Raid 6: 4-SCSI drives with 450GB of disk space, hot swappable power supplies, 2x gigabit Ethernet, DVD RW, - MS Server 2008 64-bit, MS Exchange 2010 Enterprise plus (if released by delivery, otherwise Exchange 2007 Enterprise plus), Incl Hyper-V™, 400 CALs per server, equivalent or better, warranty, installation and configuration.

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- c. **DNS Server** – (2) DELL 2950 Quad Core Intel® Xeon® E5405 processors or better, 8 GB RAM, raid 6: 4-SCSI drives with 450GB of disk space, hot swappable power supplies, 2x gigabit Ethernet, DVD RW, - MS Server 2008 64-bit, 400 CALs per server - equivalent or better, warranty, installation and configuration.
- d. **DHCP Server** – (2) DELL 2950 Quad Core Intel® Xeon® E5405 processors or better, 8 GB RAM, raid 6: 4-SCSI drives with 450GB of disk space, hot swappable power supplies, 2x gigabit Ethernet, DVD RW, - MS Server 2008 64-bit, 400 CALs per server - equivalent or better, warranty, installation and configuration.
12. **Tape back up** – (2) HP StorageWorks Tape Array 5300 (Field Rack) 3U, external tape drive, equivalent or better, w/backup software, 1 yr 24x7 maintenance, warranty, installation and configuration.
13. **Optical back up** – (2) Barricuda model 890 (3T) optical drive, equivalent or better, w/backup software, 1 yr 24x7 maintenance, warranty, installation and configuration.
14. **Firewall router** – (2) WatchGuard Firebox 1050e UTM Bundle + sw, equivalent or better, (one each location) install, config, warranty
15. **Distance Learning Equipment** – see below.
 - a. **APCS** - (2) - CODECs plus cabinet (ip) SONY PCS-1 equivalent or better (H.221, H.225, H.239, H.245, H.261, H.263, H.263+, H.263++, H.264, H.281, H.320, H.321, H.323, MPEG-4@L3.) Portable & easy to use. Disassemble non-eligible items (microphone, camera, etc.) from unit and show pricing separately. List percentage eligibility for all eligible components.
 - b. **PPCS** - (2) - CODECs plus cabinet (ip) SONY PCS-1 equivalent or better (H.221, H.225, H.239, H.245, H.261, H.263, H.263+, H.263++, H.264, H.281, H.320, H.321, H.323, MPEG-4@L3.) Portable & easy to use. Disassemble non-eligible items (microphone, camera, etc.) from unit and show pricing separately. List percentage eligibility for all eligible components.
16. **Video Equipment** – Multipoint Control Unit (8 channel) for above equipment at APCS location.
17. **Video Distribution System** – (2) (video components necessary to transport information to individual classrooms – one system for each location) – Digital video distribution system that is managed to send video to computers over the existing data network. Basic system has ability to stream 2 live channels and scale up to several more. User authentication. Must provide 3rd party certification that system is TEACH Act compliant, ISO-9001 certified, and compliant with federal laws (e.g. section 508). System to include a CODEC (VBrick WM encoder equivalent or better), VOD server (VBrick VOD-WM-125MULTI equivalent or better), Portal server (VBrick EthermeTV Portal server equivalent or better), D/E, Project Management, installation, configuration, one year warranty. Please list eligibility and/or percentage of eligibility on proposal, List ineligible items (monitors, cameras, microphones, etc.) necessary to complete the project separately.
18. **PBX** – (2) NEC **Elite** equivalent or better. Install, D/E, project management, configure, warranty: parts replacement and labor for service calls 24 x7 including holidays; any moves, adds or changes, after hours support, remote assistance, remote changes, carrier orders, network services review, priority scheduling on service calls, advanced product replacement, and factory provided software uploads. List costs for coverage of any ineligible items separately. Multi-year contract desirable with annual option to renew.

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19. **Wireless LAN** – As below.

- a. **APCS** – (40) Cisco AiroNet 1250AG series with POE equivalent or better, plus install, configuration, D/E. Certifications required.
- b. **PPCS** - (40) Cisco AiroNet 1250AG series with POE equivalent or better, plus install, configuration, D/E. Certifications required.

III – INTERNAL CONNECTIONS: BASIC MAINTENANCE SERVICES REQUESTED - (Priority 2)

20. **LAN Maintenance Agreement** – 250+ hrs to cover existing eligible equipment across campuses. Must be able to provide 2 – 4-hr response time and run an active service center. No exceptions! Must have proven knowledge and experience of all products and have an active service center. Multi-year contract desirable.

a. **APCS**

15	Cisco AiroNet 1200
6	Cisco 2960G 48-port
2	HP/Compaq Servers- -Proliant ML 530
2	HP/Compaq Servers- -Proliant ML 350
2	APC SmartUPS 2000 VA

b. **PPCS**

10	Cisco AiroNet 1200
1	Cisco 2960G 48-port
2	HP/Compaq Servers- -Proliant ML 530
2	APC SmartUPS 2000 VA

Basic Maintenance to include:

- Update IOS
- Reconfigure Network Address Translation in the router
- Change Port mapping in the router
- Install Service Packs
- Perform mail Database maintenance on Exchange Servers
- Install Exchange related Service Packs
- Reconfigure or update DNS and DHCP settings
- Resolve any hardware problems on the covered equipment
- Resolve any MS Windows related problems on Servers
- Help maintain proper backup operations and resolve issues relating to that software and hardware
- Review system, console, backup and service logs for any problems and troubleshoot any problems.
- Rotate log files and make sure periodic maintenance scripts are used.
- Installing minor Server OS and security updates, testing for compatibility
- Installing major Server OS updates, testing for compatibility
- Updating Backup software.
- Adding or removing users and groups as necessary
- Adjusting share-points and permissions based on feedback or user needs.
- Adjusting preferences or application access to users based on needs - testing for compatibility
- Monitoring disk space.

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21. **Wire & Cable Maintenance Agreement** – 80 hours for all voice, video and data cabling and fiber connections for repair and upkeep of the wires, bays, jacks, blocks, panels, and terminals. CAT 5/6, coax, and fiber optic. Multi-year contract desirable with annual option to renew. Multi-year contract desirable with annual option to renew.
22. **PBX Maintenance Agreement** - (1) Avaya Merlin Magix PBX system. The contract should cover: parts replacement and labor for service calls 24 x7 including holidays; 50 hours of MACSD (moves, adds or changes), plus after hours support, remote assistance, remote changes, carrier orders, network services review, priority scheduling on service calls, advanced product replacement, and factory provided software uploads. List costs for coverage of any ineligible items separately. Multi-year contract desirable with annual option to renew.
23. **Extended Warranties** – One year, on-site. 4-hour response, 2-day or better turn-around. Term 07/01/09 to 06/30/10.
 - a. APCS – (2) HP ProLiant ML 350 and (1) HP ProLiant ML 530
 - b. PPCS – (1) HP ProLiant ML 530
24. **Extended Warranties** –SmartNet 24x7x4 for Cisco switches, routers, and APs. Term 07/01/09 to 06/30/10.
 - a. APCS – (6) Cisco Catalyst 2960G 48-port
 - b. PPCS – (1) Cisco Catalyst 2960G 48-port

There are **TWENTY-FOUR** (24) projects listed for this RFP

ASPIRA PENNSYLVANIA

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December 1, 2009

eRate Bid Information

470# 687430000788361

Each project requires a separate quote and a separate contract. If you are bidding on several projects, you must complete a bid form for each. References and supporting documentation, such as industry certifications, (Attachments #2-6) need only be listed once, after all of the bid sheets and the contract, in their proper sections.

The following sections follow:

- Sample Project Bid Forms
- PROJECT BID FORMS – You must use these forms or duplicate the format exactly
- Attachment 1: CONTRACT
- Attachment 2: FCC RED LIGHT DISPLAY SYSTEM STATUS
- Attachment 3: REFERENCES
- Attachment 4: INDUSTRY CERTIFICATIONS
- Attachment 5: AUTHORIZED AND QUALIFIED RESELLER
- Attachment 6: OTHER INFORMATION

ASPIRA PENNSYLVANIA

Antonia Pantoja Charter School

Pequenos Pasos Charter School

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SAMPLE PROJECT BID FORM #1

PROJECT #: 12 **NAME OF PROJECT:** NETWORK ELECTRONICS

TOTAL COST (A+B): \$21,575

SECTION A: FOR ELIGIBLE COMPONENTS:

Qty Units/Hrs	Product/Service Description (include make, model, and components)	Unit Cost	TOTAL Non-Recurring
1	HP StorageWorks Tape back up 160/320 rack mount ...	\$4,000	\$4,000
1	HP 3U Rack Mount Kit	\$50	\$50
1	6' SCSI cable	\$25	\$25
1	HP SCSI Card	\$400	\$400
	Related SOFTWARE (itemize)	\$5,000	\$5,000
3	Cisco Catalyst 35xx 48 port switch (WS-C35xxG-48-EI) w/xxx	\$3,000	\$9,000
1	Installation of StorageWorks tape back up by an industry certified engineer	\$600	\$600
1	Installation of Cisco switches by an industry certified engineer	\$1,000	\$1,000
	TOTAL SECTION A		\$20,075

SECTION B: FOR INELIGIBLE COMPONENTS:

Qty Units/Hrs	Product/Service Description (include make, model, and components)	Unit Cost	TOTAL Non-Recurring
5	10-pk Tape media	\$300	\$1,500
	TOTAL SECTION B		\$1,500

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SAMPLE PROJECT BID FORM #2

PROJECT #: 3 NAME OF PROJECT: LAN MAINTENANCE

TOTAL COST (A+B): \$27,000

SECTION A: FOR ELIGIBLE COMPONENTS:

Qty Units/Hrs	Product/Service Description (include make, model, and components)	Unit Cost	TOTAL Non-Recurring
225 hrs	LAN Maintenance (pre-paid) to include the following scope of work: (include specifications from RFP)	\$120	\$27,000
	TOTAL SECTION A		\$27,000

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ATTACHMENT 1: CONTRACT(S)

Include one contract per project each being signed and dated by an authorized representative of your company. If accepted, a fully executed copy of the contract will be returned to you.

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ATTACHMENT 2: FCC RED LIGHT DISPLAY SYSTEM STATUS

Attach a copy of the Red Light status from the FCC Red Light Display System
(<http://www.fcc.gov/redlight>) for your company

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ATTACHMENT 3: REFERENCES

For Priority 2: Basic Maintenance and/or Internal Connections

Five (5) references from other districts/schools including three (3) indicating satisfactory work completed within the past year. Make sure a contact person and number for the reference is listed.

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ATTACHMENT 4: INDUSTRY CERTIFICATIONS

(Provide a listing and copies of the actual certifications)

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December 1, 2009

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ATTACHMENT 5: AUTHORIZED AND QUALIFIED RESELLER

Provide evidence that you are an authorized, qualified reseller of any goods or services quoted and evidence that you maintain an active service/repair shop that is authorized by the manufacturer to perform service on its equipment. Provide copies of that authorization issued by the manufacturer.

*

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December 1, 2009

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ATTACHMENT 6: OTHER INFORMATION

LEVINE STALLER attorneys at law

Levine, Staller, Sklar, Chan, Brown & Donnelly, P.A.

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December 24, 2009

Aspira Pennsylvania
4101 N. American Street
Philadelphia, PA 19140

Attn: Evelyn Lebron

**Re: Relcomm, Inc.
470 #687430000788361**

Dear Ms. Lebron:

This office represents Relcomm, Inc. Relcomm is an aggrieved party in connection with the above-referenced bid. On September 11, 2009 I sent you a letter regarding Relcomm and your previous RFP for the 2009-2010 funding year.

Your previous RFP barred any bidders who had engaged in litigation with the District or its E-rate consultant. My letter objected to this language as Relcomm had previously engaged in litigation against another school district and your E-rate consultant Martin Friedman. This litigation was over alleged improprieties in the E-rate bidding process managed by Martin Friedman and was settled favorably to Relcomm,

Your most recent RFP is contains language clearly intended to single out Relcomm for exclusion. It provides:

9. A qualified potential BIDDER must be one where the BIDDER and/or any of its representatives, is not currently engaged in a dispute, including, but not limited to, current litigation or adverse filings with the Universal Service Administrative Company ("USAC"), the Federal Communications Commission ("FCC"), or any state or federal agency, against the District/School.



This is an improper basis to exclude a vendor. Given that Relcomm's dispute with your school relates to being improperly excluded from a previous bid, that language is particularly outrageous.

Singling out a vendor for exclusion in this manner creates an unfair and closed bid process.

If you continue to allow a fair and open bidding process, Relcomm intends to file an appeal with the FCC as an aggrieved party regarding the above. We are confident that the FCC will not allow any awards under your RFP as it is currently worded.

If you would like to resolve this matter short of an FCC appeal, please call me.

Very truly yours,



E. ALLAN MACK

EAM/klp