



TO: YPI Charter Schools Board of Directors

FROM: Ryan Bradford, YPICS Director of Technology and Integration

DATE: 6/18/24

SUBJECT: Recommendation to approve E-Rate Consulting Renewal Proposal for Fiscal Year 24-25 from Learningtech.org

BACKGROUND

Learningtech.org has been our E-Rate consultant since Mr. Duenas and Ms. King-Berg arrived at BCCS in 2006. E-Rate was a new and unknown federal program with seemingly unlimited potential, but neither knew how to access the plan to its fullest potential. Mr. Harvey was also hired in 2006 and continued to lead this effort until Mr. Bradford took over Mr. Harvey's role as Director of Technology and Integration. Today, Mr. Bradford and the YPICS Board Tech Committee, chaired by Board Member Dean Cho, have continued to provide strong guidance and support to the excellent YPICS tech plan.

ANALYSIS

Mark Miller and his team at Learningtech.org, including his sister Eileen Miller, have provided exceptional service at an exceptionally low cost to first Bert Corona Charter School, then to Monseñor Oscar Romero Charter School (while the school was still a concept without a location or any hope of construction), and finally Bert Corona Charter High School. For nearly seventeen years, federal funding has been leveraged to the maximum extent to ensure YPICS students have enjoyed high-speed Internet access that other schools only hoped for.

The cost for the nearly daily consulting work has been minimal, reflecting the commitment of Learningtech.org to support its partners to bring the highest level of

technology access to schools across California. The labor rate schedule is attached for board review.

RECOMMENDATION

It is recommended that the Board of Directors approve the renewal of the Learningtech.org E-Rate Consulting Proposal for Fiscal Year 24-25.

Attachment: E-Rate Consulting Renewal Proposal and Scope of Work



Scope of Work – E-Rate Management Services

Learningtech.org will provide:

- E-Rate application preparation and compliance assistance services for the upcoming E-Rate funding year for these applications, as needed:
 - One (1) Category 1 application for services with continuing contracts
 - One (1) Category 1 application for newly competed and awarded services
 - One (1) Category 2 application for services with continuing contracts
- On-going E-Rate management services to follow-up on funding requests for up to two prior funding years

Application preparation and management services include:

- Confirmation that all needed administrative foundations are current (e.g., Entity Numbers, Letter(s) of Agency, E-Rate Productivity Center [EPC], FCC Registration Numbers, System for Award Management [SAM.gov])
- Planning and documentation relevant to required forms
- Management of a fair and open competitive bidding process, complying with federal, state, and local procurement rules, if needed
- Adherence to all E-Rate program rules and deadlines
- Submission of required forms (470, 471, 486, 472/474)
- Interface with E-Rate program (e.g., Program Integrity Assurance [PIA])
- Interface with service providers to facilitate processing of discounts
- Quality assurance on every published document and form
- Backup electronic document retention¹

Incremental fees apply for:

- More schools or sites than initially proposed/agreed upon, or since last year
- Category 2 competitive bidding and application for new products/services (e.g., equipment to facilitate Internal Connections, Basic Maintenance of Internal Connections, Managed Internal Broadband Services for leased or purchased equipment)
- Client delay in signing the **E-Rate Planning Recap**² for any service

Client will provide:

- **Information, including Client approval signature, required to complete the E-Rate Planning Recap by 10/16/24**
- Client Representatives form verified/updated annually, or as changes occur, including a primary and an alternate contact with valid email addresses and cell numbers
- Full access to the Applicant's E-Rate accounts for online systems (e.g., EPC)

¹ The *Applicant* is responsible for document retention for ten years from the last date of service. Consultant's electronic document retention provides backup.

² The E-Rate Planning Recap(s) summarize planning meetings, and any follow-up conversations or emails. These documents govern all subsequent E-Rate actions Learningtech.org will execute on behalf of Client for the upcoming E-Rate funding year.

- Payments to Learningtech.org on time, so that dunning is not required
- Sufficient opportunity to Learningtech.org to review every document relating to E-Rate eligible products/services, before signing (critical to ensuring compliance)
- **Prompt** response to routine document/information requests (without reminders). Items that may be requested of Client (Learningtech.org can help identify the appropriate documents) include but are not limited to:
 - Student enrollment and NSLP counts
 - Technology budget information required by program rules
 - Copies of service provider invoices and countersigned contracts
 - List of current technology vendors
 - Bid evaluation scores/decisions, signatures on vendor contracts and implementation documents (when competitive bidding is needed)

If Learningtech.org has requested feedback/comments on documents (e.g., draft RFP, RFP amendment, bid evaluation) and provided at least 2 reminders by electronic mail, and one phone attempt to the responsible person, without response, Learningtech.org is authorized to proceed to the next step in the process. Learningtech.org will note to file that client accepts Learningtech.org's best judgment on the issue(s) raised. Learningtech.org shall not be held liable for any loss of benefits, if the client later responds with a different preference.

Additional Services

Because they occur infrequently, the following services are *not* budgeted for in the routine E-Rate Management Services Scope of Work. These Additional Services are available at extra cost on a time and materials basis according to our *Labor Rate Schedule* and include:

- Filing of Waivers or Appeals or managing pending Appeals
- Recovery of Prior Year funds for special circumstances (e.g., invoice deadline missed)
- LAN, WAN, or WLAN network design in preparation for E-Rate
- Consultation on overall technology strategy, engineering design, curricular or pedagogical considerations
- Technology Plan development or revisions
- Professional Learning for client staff regarding E-Rate program or other topics
- Learningtech.org attendance/participation in Client board meetings
- High Scrutiny events (e.g., High Cost Review, On-site Audit, Selective Review, Competitive Bidding Review, Review of “budgeted amount allocated to resources not eligible for E-Rate support,” more than 2 rounds of PIA per FRN, any review involving law enforcement)
- On-site visits (e.g., vendor walk-throughs), unless explicitly included in proposal
- Support with implementation of services (e.g., planning of rollout to multiple sites, service installation support), including modest travel arrangements as needed
- Assistance beyond routine checks with other funding sources (e.g., CTF, ECF)
- Special Construction or installment arrangements on large Category 2 projects
- Audits (e.g., review to help ensure appropriate document retention, USAC Beneficiary and Contributor Audit Program [BCAP], USAC Payment Quality Assurance [PQA])
- Compliance with Child Internet Protection Act [CIPA] requirements beyond routine review of current status and documentation

- Follow-up on funding requests from prior funding years more than two funding years old
- Addressing major historical problems (not caused by Learningtech.org)
- Complex Service Substitutions, Operational SPIN Changes (e.g., due to changes of plans, bankruptcy/failed performance of service provider)
- Change Order or “do-over” of work already completed due to change of applicant circumstances or preferences
- Additional applications during special E-Rate windows that are separate from the main annual application window

Additional Services will be provided only if needed, requested, and approved, then charged for on a time and materials basis – in addition to any normally applicable fixed fees – according to the following **Labor Rate Schedule**. For all services outside of the Scope of Work, these hourly rates apply. Normally, the only “materials costs” would be in situations where Learningtech.org personnel must travel to the school/district site.

Labor Rate Schedule

*Hourly Rates, Applicable to E-Rate Extra Cost Services, Time and Materials Projects or Project Elements
Effective through June 30, 2025; Annually adjustable to reflect inflation on July 1*

Category	Rate
Complex Consultations (Chief Technical Officer)	\$300.00
Vice Presidents; Server Installation/Configuration; Network Design, Complex Troubleshooting; Cabling Installation Supervision; Senior Instructor; Complex Web Programming; Complex Data Manipulation	\$250.00
E-Rate Application Support; Tech Plan Preparation Assistant; Instructor	\$200.00
Most Desktop/Laptop/Tablet/Phone Technical Support; Back Office Support; Static Web Page Creation/Editing; Assistant Instructor	\$125.00
Administrative or Clerical Support; Routine Data Entry; Most Intern Labor	\$75.00



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The Miller Institute for Learning with Technology

**E-Rate Consulting Renewal Proposal
School Year 2024-2025 / E-Rate Funding Year 2025-2026
YPI Charter Schools**

Learningtech.org appreciates the opportunity to provide E-Rate Consulting Services to your organization. During the past months, we facilitated Category 1 application(s) that requested a total of **\$52,674** and Category 2 application(s) that requested a total of **\$30,386** E-Rate discounts for Funding Year 2024-2025 [FY2024] (7/1/2024 – 6/30/2025).¹

We look forward to continuing our relationship and anticipate providing E-Rate Management Services for FY2025 (7/1/2025 – 6/30/2026) to your organization during School Year 2024 – 2025 (7/1/2024 – 6/30/2025), consistent with the attached **Scope of Work**.

Consistent with Paragraph 2 of the existing Consulting Agreement, our current contract automatically renews annually through 6/30/26. Further, this renewal proposal notifies Client of a need for other modifications, and includes the following considerations.

Key Assumptions:

- One (1) Category 1 application for services with continuing contracts (as needed)
- One (1) Category 1 application for newly competed and awarded services (as needed)
- One (1) Category 2 application for services with continuing contracts (as needed)
- On-going E-Rate management services to follow-up on funding requests for up to two prior funding years
- A separate consulting fee applies for additional schools or sites; please notify us immediately if a new school or site is opening in the next year
- A separate consulting fee applies for competitive bidding and application for new Category 2 products/services (e.g., equipment to facilitate Internal Connections, Basic Maintenance of Internal Connections, Managed Internal Broadband Services for leased or purchased equipment); please request a quote if you intend to pursue Category 2 funding

Your organization's estimated remaining Category 2 Pre-discount 5-year Budget is **\$24,960.13**

- **Client will provide information, including Client approval signature, required to complete the E-Rate Planning Recap² for each service by 10/16/24.** Work will begin on each application only upon Client approval signature on the related Planning Recap

¹ Additional California Teleconnect Fund [CTF] discounts are also anticipated for eligible Category 1 services for California applicants.

² The E-Rate Planning Recap(s) summarize planning meetings, and any follow-up conversations or emails. These documents govern all subsequent E-Rate actions Learningtech.org will execute on behalf of Client for the upcoming E-Rate funding year.

Early completion of certain steps is critical for successful and cost-effective E-Rate applications. Last-minute work tends to result in unrecoverable human errors, online systems slow to a grinding halt, and labor costs increase. When multiple clients wait until the last minute, these risks are multiplied. Therefore, Learningtech.org imposes these incentives to ensure that our clients are responsive in providing key documents and decisions that Learningtech.org cannot make on their behalf:

- Should Client approval be delayed for any Planning Recap beyond 10/16/24, a completion delay fee of 20% of the service fixed fee will be assessed for each unsigned Planning Recap
- Should Client approval be delayed beyond 11/13/24, an *incremental* completion delay fee of 25% of the service fixed fee will be assessed for each unsigned Planning Recap
- After 12/4/24:
 - Work will begin *after* work for all other clients has been completed. Learningtech.org will make best efforts to meet the application deadline, but without a guarantee of timely filing
 - Follow-up on funding requests for up to two prior funding years will continue

We always emphasize that “sooner is better” for E-Rate. Our goal is to reduce last-minute stress, as well as increased costs and risks of errors, for all involved in the process. Our intention is that no client will pay a completion delay fee; our team will do everything possible to help every Client meet these key deadlines.

Fees:

- The annual Fixed Fee amount is **\$11,120** and includes an adjustment for inflation
- Additional costs may be incurred if mutually agreed assumptions turn out to be inaccurate or if services are requested that are outside the stated Scope of Work
- Change fees may also apply should Client require changes *after* signing **E-Rate Planning Recap(s)**
- At Client’s preference, the Fixed Fee is payable:
 - In a single payment with 2% discount if paid by check/Automated Clearing House [ACH] within 10 days of invoice date, or
 - In 3 installments; we will assume you prefer installments unless we receive payment in full (less the 2% discount) within ten days of sending our invoice
- Invoices will be copied to Client’s E-Rate distribution list
- Late fees and/or finance charges up to the maximum amounts allowed by law shall be applied to past due accounts
- Clients wishing to use payment services that charge a transaction fee (e.g., Square, PayPal, credit cards) must pay the transaction fee

Discount Offerings:

- Clients who refer new business to Learningtech.org that result in a new contracted client by 10/16/24 will receive \$300 credit on their next invoice
- Clients who establish ACH for invoice payments by 7/1/24 will receive a one-time \$200 credit on their next invoice

Client hereby notifies Learningtech.org of intent to renew the existing contract with the above considerations. Executed on the date(s) set forth below, by duly authorized agents for the respective parties.

<u>The Miller Institute for Learning with Technology</u> <i>Authorized Representative For Consultant</i>	<u>YPI Charter Schools</u> <i>Authorized Representative For Client</i>
<u>Mark L. Miller, Ph.D.</u> <i>Name</i>	<u></u> <i>Name</i>
<u>President and Executive Director</u> <i>Title</i>	<u></u> <i>Title</i>
<u><i>Mark L. Miller</i></u> <i>Signature</i>	<u></u> <i>Signature</i>
<u>5/15/2024</u> <i>Date</i>	<u></u> <i>Date</i>