Request for Information No. II
RFP No. 20/21-02 Web Design & Hosting
December 16, 2020

Response to Proposers' Questions

2.1   **Question**: Is the JPA exclusive to California?

   Answer: Currently, all of the JPA Members are public agencies in California. The JPA Bylaws allow public agencies from outside California to join the JPA and leverage JPA contracts to the extent allowed by law. The JPA does not advise agencies outside of California on other states' procurement requirements. Should a public agency outside of California (e.g., a school district in Texas) wish to join the JPA, they would need to have their own legal counsel determine if the JPA meets their state's legal requirements.

2.2   **Question**: In the state of CA if a district wants to join the JPA the relationship would be retroactive to any RFP. How complex is the process?

   Answer: The Ed Tech JPA membership process is very simple, and is described on our [website](#). The process includes three steps:
1. Board Approval (if needed): School districts may require the approval of their governing board to join the JPA. A sample [board resolution](#) and [board item](#) are provided on the website to assist with this process. County Offices of Education typically are not required to obtain board approval and may be able to skip this step with Superintendent approval.
2. Membership Agreement: Prospective members need to complete and return the [Associate Member Agreement](#), signed by an authorized signatory of their organization.
3. Membership Application: Prospective members need to complete the online [Associate Membership Application.](#) The application is a very short form to gather contact information from the prospective member for access to secure areas of the JPA website.

The Ed Tech JPA processes membership applications very quickly, typically within 1 to 2 days of receipt of the application and agreement. Associate Membership applications are ratified by the JPA Board at the board meeting following receipt of the application package; however the membership is effective after the application is processed. New Associate Members are able to begin leveraging JPA Contracts immediately, including contracts that resulted from prior year procurements.

2.3   **Question**: Do the vendors take out membership or is it only exclusive for the districts?

   Answer: No, vendors are not able to become JPA Members. JPA membership is restricted to public agencies that may wish to purchase products and services leveraging our procurements. Instead, Vendors that are awarded through a JPA RFP become JPA vendor partners. Ed Tech JPA routinely shares information with our members about our current and newly awarded Vendor Partners.

2.4   **Question**: If a company is awarded this proposal/contract can they later subcontract with additional agencies that were not part of the initial RFP?

     Answer: Requests to modify the agreement resulting from an award would have to be evaluated on a case-by-case basis in consultation with Ed Tech JPA's general counsel. We have had cases in the past where a company acquisition, significant change in product offering (e.g., deprecation/replacement of a product line), or subcontractor change (e.g., hosting service) warrants a modification of the award and/or agreement. Generally, when the change does not materially conflict with the original proposal or modify the proposal in a way that would have affected the award, we are able to amend the JPA Master Agreement to incorporate the request. If vendors anticipate a substantive change after award, please submit a separate, detailed RFI describing the concern.

2.5   **Question**: The RFP mentions solutions for Web design & hosting & also LMS & notification systems. Do we need to submit for each of these products?

     Answer: The Ed Tech JPA represents diverse agencies, including single schools and very large districts. We wrote this RFP to be very flexible in response to their diverse needs. Some of our members may just want a simple, public facing website. Others may want more in depth website design and hosting. Some of our members may want a complete, integrated package including a public website, intranet, learning management system and notification systems. Each requested module is listed separately on each subsection of the RFP in Section 3. Vendors should respond to only those subsections included in their proposed Solution.   For example, if you offer a website solution, but not an LMS, you may leave the LMS section blank. Your company may still be awarded for the core website sections/requirements. You are not excluded from the award of the RFP, if your solution does not meet the requirements in all subsections (e.g., LMS, Notification). If your Solution includes multiple configurations or modules to address diverse needs, we recommend that you include all of those configuration options on the pricing form. For example, if you offer a core website, intranet, notification system and LMS, we recommend you provide both bundled and individualized pricing to align to JPA Members diverse needs. Please also refer to RFI No. 1.1 for additional details.

2.6   **Question**: Does the pricing apply to all the members at one single price?

     Answer: The pricing form must include all available pricing packages for all Members. However, you may provide unit pricing or tiered pricing to account for different scope/scales of implementation. For example, you may provide a different per-student price for members with more than 20,000 students than the pricing for members with fewer than 20,0000 students.

2.7   **Question**: Does that mean the pricing has to be fixed? How do we include the pricing - to encompass all the members, or per student pricing bit?

     Answer: Pricing structure is up to submitters, but it does need to be scalable for different JPA members. Vendors will frequently price products per student. Other pricing models include pricing for different bundles of packages/services (e.g., design services for 30 sites/subsites), pricing by hourly rate

or hours banks, or the size of the environment (e.g., hosting services by performance and storage needs). Members should be able to ascertain the price for the solution they would be interested in purchasing.

2.8 **Question**: Part V, exceptions: If the vendor proposes alternative language that our legal team does not approve in entirety will there be an opportunity to work through the language to meet mutually agreeable terms?

Answer: Generally, the Ed Tech JPA will try to work with vendors to reach mutual agreement on contract language during the evaluation, award and negotiations process. Typically exceptions and requests for redline will be addressed after award during contract negotiations, as long as the requests do not substantially conflict with JPA or JPA member interests. To minimize the risk of a proposal being rejected because of contract exceptions, we recommend that you provide context and/or alternative language in the proposal. For example, some vendors have requested exceptions to the minimum price guarantee to allow long-time legacy customers or exceptionally large districts to use the contracting process of the JPA, but retain special, reduced pricing. Blanket exceptions without an explanation may result in the proposal being rejected for award. For example, an exception that simply states vendor does not agree to comply with the NDPA/CSDPA would be unacceptable.

2.9 **Question**: Follow up question: Has your legal team ever agreed to alternative language for indemnification, not removing it but just changing terms?

Answer: All JPA RFP awards are contingent upon successful completion of contract negotiations. We have worked with vendors on indemnification language in the past. If required, Ed Tech JPA's legal team would work with vendors after the award to negotiate alternative language.

2.10 **Question**: Is the privacy agreement the same as the CITE CSDPA?

Answer: Ed Tech JPA uses the standard privacy agreement developed by CITE (formerly CETPA) and Fagen Friedman & Fullfrost LLP (general counsel to CITE and the Ed Tech JPA). For this RFP, we made the transition to the NDPA, which was released earlier this year as a successor document to the CSDPA and CSDPA 2.0. Ed Tech JPA is willing to accept either the CSDPA 2.0 or the NDPA as the standard privacy agreement for this RFP.

2.11 **Question**: In the RFP it mentions that a couple districts are looking to make immediate changes to to their websites. Are they planning to sign a contract ASAP to be able to go live with a new vendor starting in July?

Answer: Fullerton School District (Fullerton), Irvine Unified School District (IUSD), and Capistrano Unified School District have immediate needs related to website development and/or hosting. Additionally, a few other prospective members have reached out to inquire about joining the JPA to leverage the RFP. Each member has different needs. Fullerton is currently looking to either continue with their current provider or contract with a new provider to assess their current site and explore a

significant redesign. Fullerton is ready to move relatively quickly. Their team will need to gather significant input from the community and internal staff before moving forward. Fullerton is interested in moving as quickly as they can while still meeting stakeholder needs.

2.12   **Question**: Can you [Fullerton School District] provide insight as to why you are looking to change or do the RFP?

     Answer: Fullerton would like to customize pages, so it's easy for teachers to create websites and integrate with social media. Fullerton wants to make sure all sites meet accessibility standards, including WCAG 2.0. Fullerton would like a tool that automatically checks and manages accessibility automatically. Fullerton would like the vendor to be able to transfer a lot of data over reliability from one provider to another. Fullerton will be looking for a solution that is robust and flexible. Fullerton would like calendar integration. The solution would need to be mobile-device compatible (60% of district website hits are mobile phones). Fullerton will be evaluating whether the solution offers one template or significant variation.

     IUSD did an RFP and complete website redesign about five years ago. Our current contract is expiring and we are using the opportunity to evaluate opportunities to improve on our current design. So far, IUSD has been happy with our current solution which includes a custom-built website on Drupal with outside hosting. After the recent launch of our intranet site, we plan to use this RFP to plan ahead for Drupal upgrades and evaluate performance and storage needs for hosting the site longer term.

     Capistrano Unified is also interested in a complete web redesign, but they are earlier in this process.

     Other Members and prospective Members have expressed interest in this RFP, but we do not have additional information about their needs or requirements.

2.13   **Question**: Based on the fact that we are in a RFP and leveraging it once completed would it be appropriate to reach out to members once it is completed?

     Answer: During the RFP process, vendors may continue their regular sales discussions with JPA Associate Members and prospective Members. You may also share your intent to respond to this RFP with them. Any questions directed at our Founding Members should be routed through the formal RFI process (email michellebennett@iusd.org) and we will forward on to the appropriate contact and post the response on the Ed Tech JPA website.

     Ed Tech JPA currently has 65 Members, representing nearly 1,000,000 California students. We do not share contact information for our Members without their direct permission. However, vendors may view a list of current Members on the [Our Ed Tech JPA Members](#) page of our website. If vendors are in contact with a California public agency that is not yet a Member, we encourage you to refer them to our team at edtechjpa@iusd.org. We can help them with the membership process and answer any questions that they might have about JPA procurements.

2.14   **Question**:There will be some districts that will need services once it is awarded - at that point you can meet with each district with individual requirements and speak directly to them at that point regarding individual needs?

    Answer: Yes, after the award, Vendors are encouraged to work directly with JPA Members and prospective members to determine their specific needs and conclude the sales process. The JPA Award and Contracting Process is as follows:

- The Ed Tech JPA evaluates proposals and makes an award to all qualified vendors. Typically, JPA RFPs result in awards to multiple vendors to meet the varied needs of our membership.
- The Ed Tech JPA and each awarded vendor negotiate and finalize the JPA Master Agreement (MA), Purchase Agreement (PA), and Privacy Agreement (NDPA). The Master Agreement governs the relationship between the Ed Tech JPA and the vendor. The Purchase Agreement is the standard agreement the vendor will use when making a sale with a JPA Member.
- Vendors may contact any sales leads and encourage them to leverage the JPA Agreement. Vendors discuss specifics of the engagement with the potential customer, including scope, timeline, and product options. Vendors will work directly with customers to provide an individualized quote, consistent with the pricing and services included in the vendor's JPA proposal. Vendors will execute a Purchase Agreement (PA) with the customer. The individualized quote is incorporated into the PA as an exhibit. NOTE: Vendors may also encourage potential customers to contact the JPA if they are not already members. Any public agency in California is eligible to become a JPA Member at no cost. Our team can help them with the membership process and answer any questions they have about the JPA.
- Vendors submit quarterly reports to the JPA documenting sales that have been made in the previous quarter using JPA agreements. Vendors submit payment of the required Administrative Fee with the quarterly report. As stated in the RFP, the Administrative Fee is currently 4% of the total purchases associated with the JPA Agreements for that quarter.   The Administrative Fee covers Ed Tech JPA costs of procurement and operations. The JPA reviews the Administrative Fee each year.