

Request for Information No. I
RFP No. 19/20-05 STUDENT INFORMATION SYSTEM
December 6, 2019

Response to Proposers' Questions

1.1 Question: "Section 8 on page 27 states:

"VENDOR agrees not to sell directly, or through a reseller, to ED TECH JPA's Eligible Entities (regardless of whether the Eligible Entity is an Associate Member of the ED TECH JPA), including all California public school districts, county offices of education, and community college districts, and any other public agency in California whose procurement rules, whether internal rules or rules enacted pursuant to statute, allow them to purchase goods or services through a procurement vehicle such as ED TECH JPA, the Products(s) subject to the Master Agreement at a price lower than the price offered pursuant to the RFP and this Master Agreement."

The way I read this basically says that ANY CA district or service agency would fall under this agreement and that we as vendors are prohibited from selling to them outside of the JPA. I would be OK with this if it stated that this applied to Associate Members but I have a problem if this is intended to include everyone. We already have a presence in CA, resellers (VCOE) and relationships with districts that we are working with or have been working with for a number of years. We also need the flexibility to work with potential customers to obtain business on a case by case basis.

Please let me know if I'm missing something or if this is actually the intent of this agreement."

Answer: Section 8. Of the Master Agreement (page 27 of the RFP) states:

"8. MINIMUM PRICE GUARANTEE

VENDOR agrees not to sell directly, or through a reseller, to ED TECH JPA's Eligible Entities (regardless of whether the Eligible Entity is an Associate Member of the ED TECH JPA), including all California public school districts, county offices of education, and community college districts, and any other public agency in California whose procurement rules, whether internal rules or rules enacted pursuant to statute, allow them to purchase goods or services through a procurement vehicle such as ED TECH JPA, the Products(s) subject to the Master Agreement **at a price lower than the price offered pursuant to the RFP and this Master Agreement.**

During the period of delivery under a contract resulting from this RFP, if the price of an item decreases, Ed Tech JPA Participating Associate Members shall receive a corresponding decrease in prices on the balance of the deliveries for as long as the lower prices are in effect. Vendor agrees to amend the Master Agreement to reflect the decreased pricing. At no time shall the prices charge to Ed TEch JPA Participating Associate Members exceed the prices under which the RFP was awarded. Ed Tech JPA Participating Associate Members shall be given the benefit of any lower prices which may, for comparable quality and delivery, be given by the Vendor to any other school district or any other state, county, municipal or local government agency in a California County for the product(s) listed in the RFP.”

The intent of this agreement is not to prohibit vendors from contracting with agencies that are not members of the JPA. The Minimum Price Guarantee is the expectation that Vendors provide the lowest available price to the Ed Tech JPA so there is not negotiation outside the JPA undercutting the pricing offered through the JPA. The intent of the Minimum Price Guarantee is to secure competitive pricing for our members, while participating Vendors experience reduced costs of procurement and contract negotiations with individual local education agencies.

The Minimum Price Guarantee does not apply to contracts and partnerships that were in effect prior to the Master Agreement between Ed Tech JPA and Vendors.

Ed Tech JPA also recognizes that some exceptions may be required for exceptionally large clients (such as LAUSD). If a vendor feels a lower price should be offered to a certain customer Ed Tech JPA would be open to discussing an exception to the Minimum Price Guarantee with that vendor.

The intent of the Minimum Price Guarantee is to create a partnership with vendors. The goal to streamline procurement results in vendors responding to only one RFP, and negotiating one Master agreement with competitive pricing and terms, that is compliant with privacy terms. Ed Tech JPA seeks to mutually benefit both members and vendors through consortium style procurement.

1.2 Question: “We understand that the intent of item 8 on page 27 is intended to secure the lowest pricing for JPA members. The language is somewhat concerning in that basically the JPA is claiming this same right for any “eligible” entity. We appreciate the intent of the JPA in reducing the need for individual RFPs and contract negotiations as a benefit to both vendor and member.

It does sound like the JPA understands that this is not always possible and that exceptions may be made without compromising the agreement with the JPA. We have existing contracts, that include valid piggy back clauses that also make this type of scenario possible outside of the JPA. We would take exception to the language as it’s written and propose that it apply only to JPA members OR eligible entities that expressly wish to

purchase through this agreement. Is that acceptable to the JPA? We would want to honor the intent of the agreement and where possible use it but that most likely will not always be the case and we need to retain as much flexibility as possible to remain competitive.”

Answer: The Minimum Price Guarantee is the expectation that vendors provide the lowest available price to the Ed Tech JPA so there is not negotiation outside the JPA undercutting the pricing offered through the JPA. The intent of the Minimum Price Guarantee is to secure competitive pricing for our members, while participating vendors experience reduced costs of procurement and contract negotiations with individual local education agencies.

The Minimum Price Guarantee does not apply to contracts and partnerships that were in effect prior to the Master Agreement between Ed Tech JPA and vendors. We understand that long-time customers or other unique circumstances may require an exception to the Minimum Price Guarantee to honor legacy pricing.

Additionally, the Pricing Form provides vendors with flexibility to tier pricing based on organization size or other relevant criteria. Ed Tech JPA also recognizes that some exceptions may be required for exceptionally large clients (such as LAUSD). If a vendor feels a lower price should be offered to a certain customer Ed Tech JPA would be open to discussing an exception to the Minimum Price Guarantee with that vendor.

The intent of the Minimum Price Guarantee is to create a partnership with vendors. The goal to streamline procurement results in vendors responding to only one RFP, and negotiating one Master agreement with competitive pricing and terms, that is compliant with privacy terms. Ed Tech JPA seeks to mutually benefit both members and vendors through consortium style procurement.

Vendors may not desired exceptions to the Minimum Price Guarantee, such as those described above, in their proposal. The JPA will consider reasonable exceptions that honor the intent of the Minimum Price Guarantee to ensure that the JPA contract is the most competitively priced contract option for our eligible entities.

1.3 Question: Are the results of the RFP, including the pricing information made available only to JPA members or would that include other approved vendors?

Answer: Ed Tech JPA recognizes vendors’ desire to keep pricing information private. Vendor Proposals, supporting documentation, and contracts (including pricing information) are made available after award on a password protected website available only to current members of

Ed Tech JPA. Vendors are unable to access this portion of the website. However, Ed Tech JPA is a public entity and as such is subject to the Public Records Act. If a public records request is formally made Ed Tech JPA will be obligated to provide pricing information to the requestor.

1.4 Question: Who requested this RFP?

Answer: Several prospective Ed Tech JPA members, including San Diego County Office of Education and Riverside County Office of Education have requested an accelerated timeline for this RFP.

1.5 Question: The RFP seems to lay out what the current system has. Where does it lay out possible changes/desired features?

Answer: The RFP requirements were drafted to represent the Student Information System needs of our current and prospective Ed Tech JPA Members. Individual organizations may have varied needs for specific SIS features or support for process improvements. The Ed Tech JPA will award based on compliance with the RFP terms and the essential requirements defined in the RFP. Our members will evaluate proposals to determine which SIS is the best fit for their organization. They will work directly with the vendor to define the specific scope of their implementation.

1.6 Question: Is this just for prospective members, or just current members?

Answer: After award, resulting contracts will be available to all current or future Ed Tech JPA members. After an entity joins Ed Tech JPA it can leverage any current or previously awarded contract. The membership process is very quick and straightforward. There are no fees for members to join. Ed Tech JPA provides sample board agenda and resolution templates for members in an effort to assist members with their boards' required approvals. The [Ed Tech JPA Membership](#) site contains detailed instructions for prospective members.

1.7 Question: Do you have any idea what the number of prospective districts coming on board is?

Answer: Ed Tech JPA has set a goal of thirty members by the end of the fiscal year (June 30). We currently have eighteen members. We recently presented at both the CITE conference and the CASBO CBO Symposium, and more than twenty additional districts and county offices of education have expressed an interest in joining the Ed Tech JPA. .

1.8 Question: You mentioned necessary requirements. Where in the RFP does it specify?

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Vendor C	Yes	Yes	Yes	No	No	No	Yes	No	No	Yes	Yes	Yes	Yes	No	No

JPA members have varying needs, and some may require services for only some modules included in this RFP. Members will evaluate Proposals based on their specific needs, so please include a clear description of what your Solution offers.

1.9 Question: Is there a reason that this is coming up now as opposed to the company that is already doing this?

Answer: Ed Tech JPA members use a variety of student information systems. Several districts and counties approached the JPA to request an RFP because their current SIS system will be discontinued in the near future. Additional JPA members may be interested in evaluating alternatives to their current SIS or or obtaining a contract vehicle to continue their SIS.