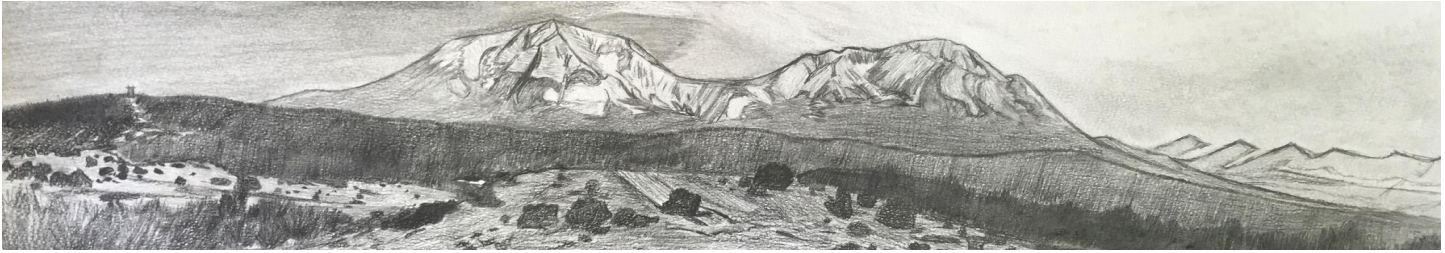


HUERFANO SCHOOL DISTRICT RE-1



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Notice

The Huerfano School District Re-1 (District) will accept proposals for updating battery backup units as described in the attached request. Qualified organizations (Respondent) are invited to submit one (1) copy of a proposal as described herein.

PROPOSAL SHALL BE LABELED
“Proposal - RFP-Cat2-FY19-1” or “Proposal UPS/Battery Backup”

AND ADDRESSED TO:
Manuel Lujan, Technology Coordinator
Huerfano School District Re-1
201 East 5th Street
Walsenburg, CO 81089

PROPOSAL MUST BE RECEIVED BY: February 11, 2019, by 5:00 pm

Preferred method of submittal: erate-rfp@huerfano.k12.co.us

Questions may be directed to Manuel Lujan
Phone: 719-738-1610 ext. 1111
Email: erate-rfp@huerfano.k12.co.us

General District Information
<http://huerfano.k12.co.us>

District’s Billed Entity Number: **142372**

District’s Federal Communications
Commission Registration Number: **0011609328**

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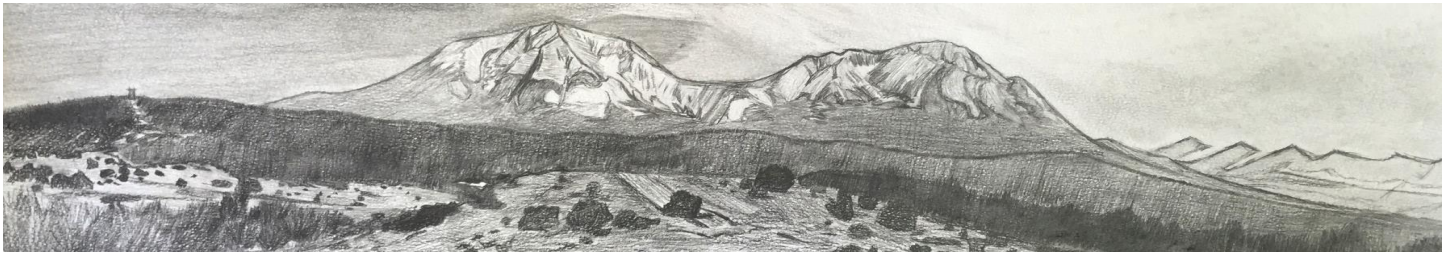
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Table of Contents

Notice	1
Certification Form.....	3
Part I: Introduction and process.....	4
1. Purpose	4
2. Definitions as used herein	4
3. Information about sites receiving the services and/or products.....	4
4. Scope of services and/or products – building sites.....	4
5. Timeline for process	4
6. Selection Criteria	5
7. Review Process.....	5
Part II: Instructions to respondents.....	5
1. Qualifications/Proposal	5
2. Submitting a Proposal.....	6
3. Responder Service Provider and/or Vendor Requirements	6
4. Universal Service (E-Rate) Requirements.....	7
Part III: General Conditions-Responses & Subsequent Contracts	10
1. Scope	10
2. Completing proposal	10
3. Request for information.....	10
4. Confidentiality of proposal information.....	10
5. Submission of proposal	11
6. Termination.....	11
7. Tax Exemption.....	11
8. Safety	11
9. Rights reserved	11
10. Disclaimer of liability	11
11. Hold harmless	11
12. Severability.....	11
13. Force majeure	12
14. Law governing	12
15. Anti-discrimination clause	12
16. Conflict of interest	12
17. Insurance	12
18. Costs.....	13

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Certification Form

The Huerfano School District Re-1 (District) will accept proposals for updating battery backup units as described in the attached request. Qualified organizations (Respondent) are invited to submit one (1) copy of a proposal as described herein.

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The Huerfano School District Re-1 reserves the right to reject any and all proposals, to waive technical defects, and to select the proposal deemed most advantageous to the District.

The undersigned certifies that he/she has the authority to bind this company in an agreement to supply the service or commodity in accordance with all terms and conditions specified herein. Please type or print the information below. Respondent is required to complete, sign and return this form with the proposal.

Company Name

Authorized Person (Please Print)

Address

Signature

Date

City, State, Zip

Title

Telephone

Fax

Email

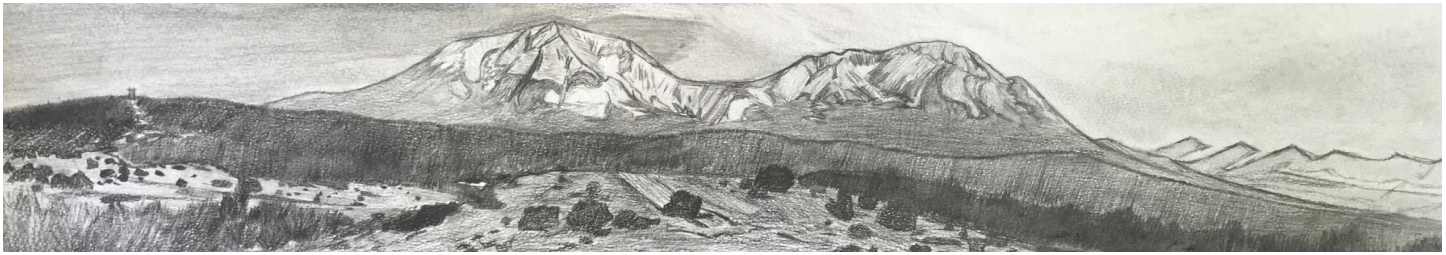
E-Rate SPIN #

Received by: (Print)

Signature

Date

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Part I: Introduction and process

1. Purpose

The Huerfano School District Re-1 requests proposals for battery backup units at multiple locations.

2. Definitions as used herein

- a) The term “request for proposal” or RFP means a solicitation of a formal, sealed proposal.
- b) The term “respondent”, “vendor”, “service provider” or “company” means the person or entity submitting a formal sealed proposal.
- c) The term “District” means Huerfano School District Re-1.
- d) The term “School Board” means the governing body of the District.

3. Information about sites receiving the services and/or products

We have several data closets that need upgraded battery backup units. The majority of existing units are APC branded. While equivalent products may be proposed, the District preference is to continue with APC. We also require short depth units for several locations due to wall mounted two post equipment racks.

Huerfano School District Re-1 Technology Department will install and maintain devices, with vendor and/or manufacturer provided product technical support services available via phone or email to answer setup questions.

District is eligible for 85% Discount rate through the E-Rate Category 2 program; therefore, proposal should include full cost of product(s), but also list District Portion at 15%, with USAC portion 85% for eligible products.

Vendor will file the FCC Form 474 (Service Provider Invoice (SPI) Form) upon defined USAC rules after, also outlined in Part II, Section 3 and 4 of this document. USAC will review the SPI Form and disburse the payment to Vendor if payment is approved.

Invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later.

A manufacturer’s warranty up to 3 years may be bundled with an eligible component, as long as there is no separate price for the warranty.

4. Scope of services and/or products – building sites

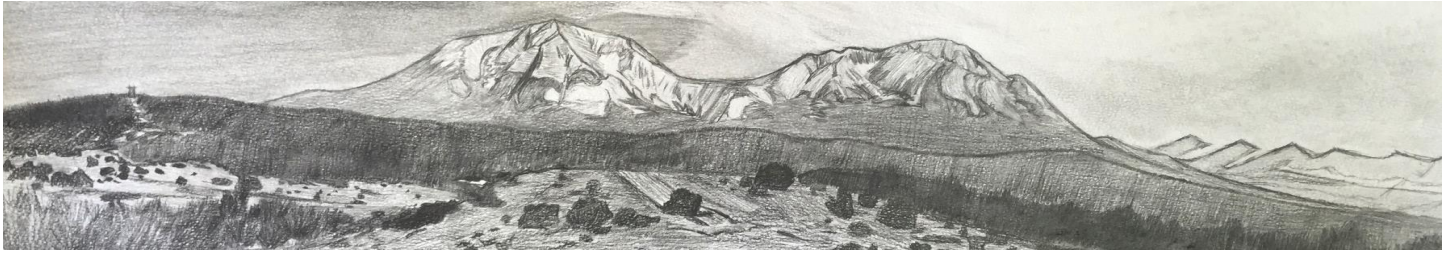
School	Location	Qty	Model that meets Requirements
Peakview School	MDF	2	APC SUA2200RM2U (or similar)
Peakview School	IDF-Phase1	1	APC SMTL1500RM3UC (or similar)
Peakview School	IDF-Phase2	1	APC SUA2200RM2U (or similar)

5. Timeline for process

The timeline listed below is the District’s estimation of time required to complete the process. All efforts shall be made to abide by this schedule; however, it is subject to change if necessary.

Request for Proposals Issued: January 8, 2019
Bidder Questions due to District: January 21, 2019
Response to Questions: January 28, 2019

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Proposals Due: February 11, 2019 by 5:00pm
Interviews: Scheduled if needed.
Notice to proceed: TBD
Target Effective Date: Payment available mid July 2019, pending E-rate approval.
Anticipated Delivery Date: Between July 1 and July 31, 2019

Communication with selection team members is limited to the respondent question period that closes January 21, 2019. Communication with Board members and/or other District staff in an effort to influence the outcome of the RFP selection process is prohibited and will result in rejection of the proposal.

6. Selection Criteria

Proposals will be evaluated to determine which proposal best meets the needs of the District. Evaluation considerations will include the following three categories:

- a) Price (most heavily weighted) – (50%)
- b) Responsiveness of the written proposal – (25%)
- c) Prior comparable experience with vendor or proposed manufacturer / comments – (25%)

A Bid Evaluation Matrix giving detail of service and comparison will be utilized. All factors are given a raw score of 1 = worst and 5 = best, then calculated in the weighted score. The weighted score is calculated by multiplying the raw score by the weight percentage to arrive at an overall weighted score.

7. Review Process

Following the submittal deadline, the selection committee shall evaluate the proposals. The period of evaluation of the proposals may be extended. Vendors will be evaluated according to their response to the Request for Proposal.

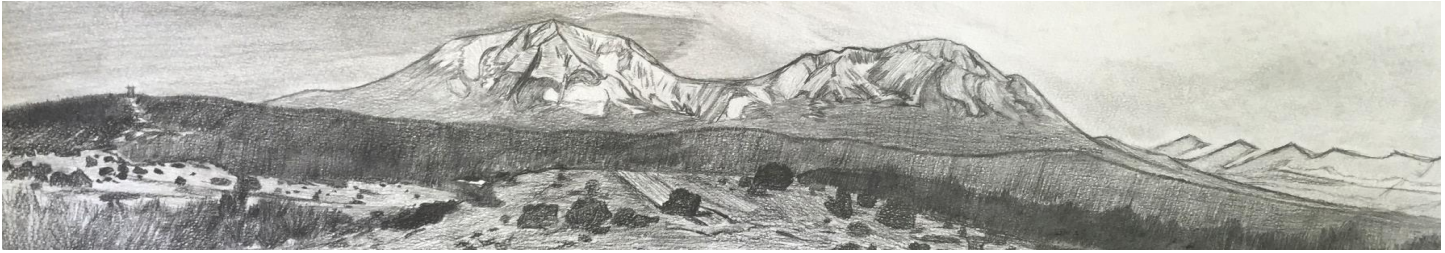
Part II: Instructions to respondents

1. Qualifications/Proposal

In addition to the signed Certification Form, the following information shall be included in the proposal:

- A. Basic Information:
 - a) Name of company
 - b) The history, size and organization of the company
 - c) Direct mailing address
- B. Name and title of a single point of contact for invoicing questions.
- C. Name and title of single point of contact for service questions.
- D. Summary of proposer's qualifications and other information vendor feels is pertinent to consideration of the proposal.
- E. Official pricing response for requested services, products or commodities broken out by model with an overall total.
- F. References:
 - a) Include contact name and email address or telephone number
 - b) List of four (4) districts or similar organizations within the last five years for which the company has provided the same or similar type of product.
- G. Clarifications and/or objections to scope of services

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2. Submitting a Proposal

In submitting a proposal, the Respondent agrees to provide the product(s) outlined in the proposal and agree to e-rate rules and regulations.

It is anticipated that funds to purchase the desired equipment will be available in July, 2019, pending FCDL approval letter.

The response shall follow the outline above and be concise. Failure to follow instructions may nullify the response from consideration. To be considered for selection, respondents should clearly limit responses to the specific criteria in the order listed. No joint responses (proposals) will be accepted by the District.

The deadline for submitting the response shall be in accordance with the notice. Proposals received after this date and time will not be considered. The District is not responsible for lateness or non-delivery by the United States Postal Service or other carrier to the District. The time and date recorded by the District shall be the official time of receipt.

Preferred method of submittal for this RFP is via email at erate-rfp@huerfano.k12.co.us. Vendor is encouraged to verify receipt of proposal if acknowledgement is not received within 24-hours of submitting.

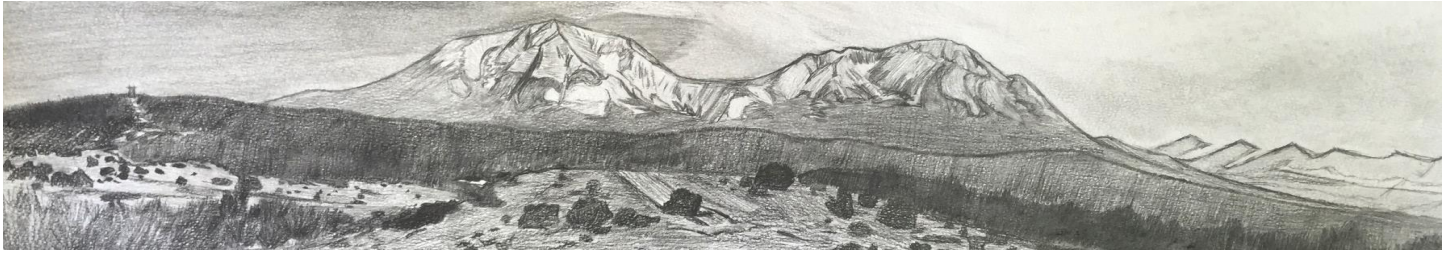
To be considered by the District, the bid must be and remain irrevocable from the time of submission until the District and the successful Responder enter into a contract for the battery backup units, or July 31, 2019, whichever first occurs.

3. Responder Service Provider and/or Vendor Requirements

The Responder must meet or exceed minimum qualification requirements.

1. Service Providers (also known as vendors) are required to be in full compliance with all current requirements issued by the E-Rate program (also known as School and Libraries Division/Program (SLD), which is administered by Universal Service Administrative Company (USAC), throughout the contractual period of any contract entered into as a result of this RFP.
2. Service Providers are responsible for providing a valid SPIN (Service Provider Identification Number). More information about obtaining a SPIN may be found at this website: <http://www.usac.org/sl/service-providers/step01/default.aspx>
3. Service Providers are responsible for providing a valid Federal Communications Commission (FCC) Registration Number (FRN) at the time the bid is submitted. More information about obtaining an FRN may be found at this website: <https://apps.fcc.gov/coresWeb/publicHome.do>
4. Service Providers are responsible for providing evidence of FCC Green Light Status at the time the bid is submitted. Any potential bidder found to be in Red Light Status will be disqualified from participation in the bidding process and will be considered non-responsive. More information about FCC Red and Green Light Status may be found at this website: http://www.fcc.gov/debt_collection/welcome.html
5. Products and services must be delivered before billing can commence. At no time may the Service Provider invoice before July 1, 2019, of the funding year (July 1, 2019 – June 30, 2020).

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6. Products and services provided shall be clearly designated as “E-rate Eligible”. Non-eligible goods and services shall be clearly called out as 100% non-eligible or shall be “cost allocated” to show the percentage of eligible costs per E-Rate guidelines.
7. The awarded Service Provider must provide the District a bill of materials using a completed USAC “Item 21 Template”. Subsequent schedules of values and invoices for each site must match Item 21 Attachment or subsequent service substitutions. A summary sheet must also be provided to provide the cumulative amount for all sites.
8. Service Provider must provide and obtain written permission for any and all product substitutions from the District. Furthermore, District-approved substitute services or products are to be prominently noted on invoices submitted to USAC and the District.
9. In the event of questions during an E-rate pre-commitment review, post-commitment review and/or audit inquiry, the awarded Service Provider is expected to reply within 3 days to questions associated with its proposal.
10. Services providers must comply with the FCC rules for Lowest Corresponding Price (“LCP”). Further details on LCP may be obtained at USAC’s website: <https://usac.org/sl/service-providers/step02/lowest-corresponding-price.aspx>

4. Universal Service (E-Rate) Requirements

To warrant consideration for an award of contract resulting from this Request for Proposal, vendors must agree to participation in the Universal Service Support Mechanism for Schools and Libraries (commonly known as “E-rate”) as provided for and authorized under the federal Telecommunications Act of 1996 (Reference 47 U.S.C. § 254, “Universal Service”). Vendors acknowledge that any contractual relationship resulting from this solicitation of proposals may be partially or entirely dependent upon the successful receipt of Universal Service Fund (“USF”) subsidies. To ensure compliance with all applicable USF regulations, program mandates and auditing requirements, vendors must comply with the following:

A. *USF Knowledge*

Vendor shall have, at a minimum, a working knowledge of the federal Universal Service Support Mechanism for Schools and Libraries (commonly known as “E-rate”).

B. *USF Registration*

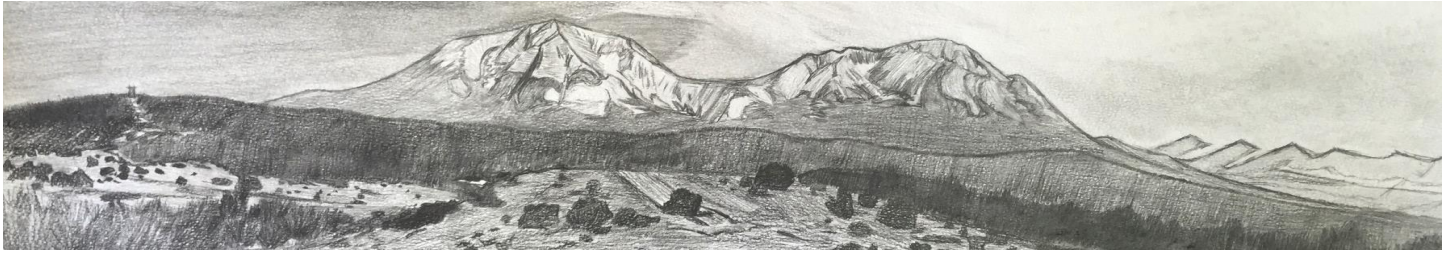
Vendor shall submit with its proposal a valid Service Provider Identification Number (“SPIN”) and a valid Federal Communications Commission Registration Number (“FCCRN”).

C. *USF Participation*

Vendor shall agree to participate in the E-rate Program and to cooperate fully and in all respects with the District, the Universal Service Administrative Company (“USAC”), and any agency or organization administering the E-rate Program to ensure that the District receives all of the E-rate funding for which it has applied and to which it is entitled in connection with Vendor’s services and/or products.

D. *USF Documentation*

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Vendor shall provide to District staff and/or the District's E-rate consultant within a commercially reasonable period of time, all of the information and documentation that the Vendor has or that Vendor reasonably can acquire that the District may need to prepare its E-rate applications and/or to document transactions eligible for E-rate support

E. USF Discounted Invoicing

1. Invoicing

- a) All Service Provider Invoicing to USAC must be completed within 120 days from the last day of service. Vendor shall be solely responsible for timely filing invoices with USAC. Accordingly, Vendor understands and agrees that District will NOT be liable to Vendor and Vendor shall have no recourse against the District for any discounted amount that Vendor submits late to USAC for payment, if USAC refuses to pay the invoice due to late filing.
- b) The Vendor agrees to bill and receive a portion of the payment for the provisions of goods and services described herein directly from USAC via the Form 474 Service Provider Invoice (SPI).
- c) The District will only be responsible for paying its non-discounted share of costs and does not intend to use the BEAR process (Form 472). The Maximum percentage the District will be liable for is the pre-discount amount minus the funded amount as shown on the FCC Form 471 Block 5 and any identified ineligible costs.
- d) Upon the successful receipt or posting of a Funding Commitment Decision Letter ("FCDL") from the SLD (Schools and Library Division) and submission and certification of Form 486, the District shall pay only the discounted amount beginning with the billing cycle **immediately following said approval**.
- e) Vendor shall invoice the District 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].
- f) Alternatively, should the District decide that it is in the best interest of the District to file a Form 472; the District will inform the Service Provider of its intent.

2. Invoice Rejection

Vendor understands and agrees that District shall not be liable to Vendor and Vendor shall have no recourse against the District for any discounted amount that Vendor submits to USAC for payment if Vendor is at fault for USAC's refusal to pay.

3. District Approval

Vendor shall submit to the District for its review and approval before submitting it to USAC for payment, a copy of every invoice that Vendor intends to submit for services that it has provided or, in appropriate circumstances, will be providing to the District. The District shall not unreasonably delay or withhold approval of Vendor's USAC invoices. As Vendor is solely responsible for timely filing invoices with USAC, it understands that it must submit invoices to the District 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 has had a reasonable opportunity to review and approve them.

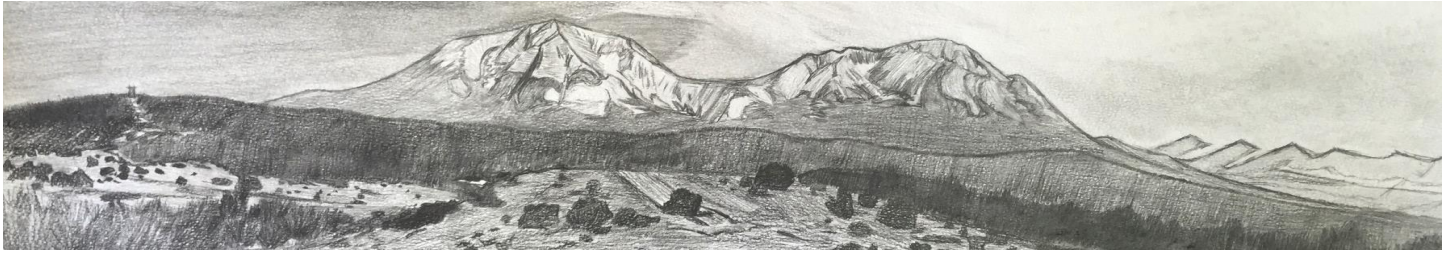
F. Reimbursement Process

In the event that the District files FCC Form 472 (commonly known as Billed Entity Applicant Reimbursement (BEAR) Form):

1. Twenty Days

Vendor understands that E-rate Program rules require Vendor to remit a reimbursement payment to the District within twenty (20) days of receiving reimbursement payment from USAC.

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2. Liquidated Damages

- a) Vendor may not withhold a reimbursement payment from or refuse to remit such a payment to the District for any reason.
- b) Moreover, Vendor understands and agrees that its failure to make a reimbursement payment to the District in a timely manner will adversely affect the District's operations, but that the resulting damages will be impossible to ascertain with any degree of certainty.
- c) Vendor therefore agrees that if it fails to remit to the District a reimbursement payment within forty-five (45) days after receiving it from USAC, Vendor will in addition to paying reimbursement due pay to the District as liquidated damages a total of \$500 per day for each day that passes without payment beyond the 45th day that payment is not received by the District.

G. Delayed USF Funding Commitment

Vendor understands that, due to circumstances beyond the District's control, the District may not receive an E-rate funding commitment by the beginning of the E-rate funding year, July 1 2019, for the services or products it intends to purchase from Vendor during that funding year.

1. Retroactive Invoicing

When E-rate funding is approved, Vendor shall invoice USAC for the discounted amount the District is owed retroactive to July 1, 2019 of the funding year or to whenever approved service to the District began, whichever date is later.

H. USF Audit and Document Retention Requirement

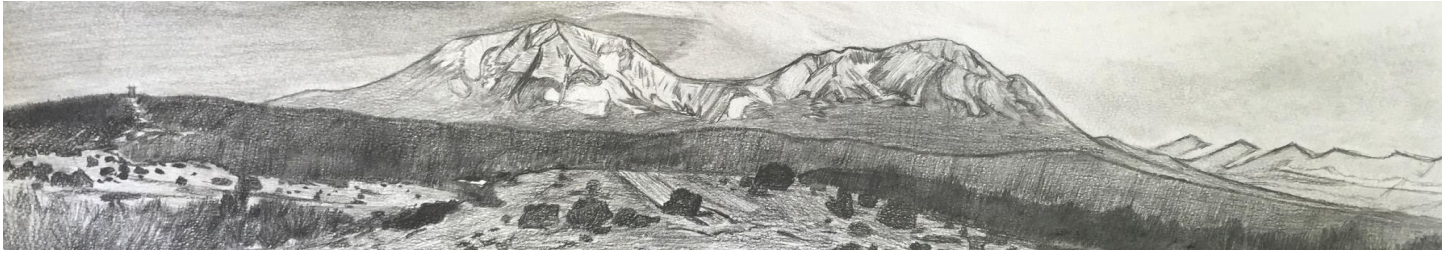
Vendor shall maintain all bids, quotes, records, correspondence, receipts, vouchers, delivery information, memoranda and other data relating to Vendor's services to the District. All such records shall be retained for five (5) years following completion of services and/or delivery of materials, products or goods and shall be subject to inspection and audit by the District. Vendor shall include in all subvendor agreements for services, provisions requiring subvendors to maintain the same records and allowing the District the same right to inspect and audit those records as set forth herein.

In addition to the foregoing, Vendor will create, implement and enforce an internal E-rate audit process that ensures that Vendor complies with all E-rate program rules and regulations.

This process must include the following:

1. Separating ineligible project management and other professional services costs, if any, from other charges.
2. Where labor is involved, maintaining detailed, signed individual timesheets.
3. Ensuring that ineligible charges are not submitted to USAC.
4. Invoicing to USAC that is consistent with the contract and the District's Form 470 and Form 471.
5. Ensuring that services or products are not provided to the District without District's express written permission or official purchase authorization.
6. Ensuring that District-approved substitute services or products are prominently noted on invoices submitted to USAC and the District.
7. Where applicable, non-recurring services should be provided prior to September 30th and recurring services provided prior to June 30th of the relevant E-rate funding year.
8. Supporting documentation sufficient to evidence that what was approved per the FCDL and provided to the District, was actually provided to the District and when.

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9. If E-rate eligible services and/or installation or equipment costs are included as part of a larger contract or service/equipment billing, support for the allocation of E-rate eligible amounts and reconciliation of that total to the total amount billed.
10. If E-rate eligible services or equipment are allocated to multiple sites, support for the allocation consistent with the amount and locations identified in the Form 471.
11. Documenting that E-rate funded services were provided within the allowable contract period and program year.
12. Charging proper Funding Request Numbers (FRNs).
13. Ensuring that invoices and USAC forms are submitted to the District in a timely manner.
14. Ensuring that USAC forms are filled out completely, accurately and on time.
15. Maintaining fixed asset list of E-rate-supported equipment provided to the District with detailed information for each item (model number, serial number, product description) and made available to the District in electronic format.

I. Contract Term Modification

The District will reserve the right to extend or abbreviate the contract period if such extension or abbreviation is necessary to make the Contract term coincide with an E-rate “program year” or an extended service end date for an E-rate program year pursuant to a “service delivery deadline extension,” as those terms are defined by the Federal Communications Commission (“FCC”) and/or the Universal Service Administrative Company (“USAC”).

Part III: General Conditions-Responses & Subsequent Contracts

1. Scope

The following terms and conditions shall govern the submission of proposals and subsequent contracts.

2. Completing proposal

All information must be legible. Any and all corrections and/or erasures must be initialed. Each proposal must be signed in ink by an authorized representative of the respondent and required information must be provided. The contents of the proposal submitted by the successful respondent will become a part of any contract award as a result of this solicitation.

An electronic signature solution may be substituted for an ink signature, but Vendor must do so in a manner to preserve the integrity of the signed record that is (a) portable, (b) independently verifiable, (c) tamper-evident, (d) granular, and (d) verifiable in the long-term.

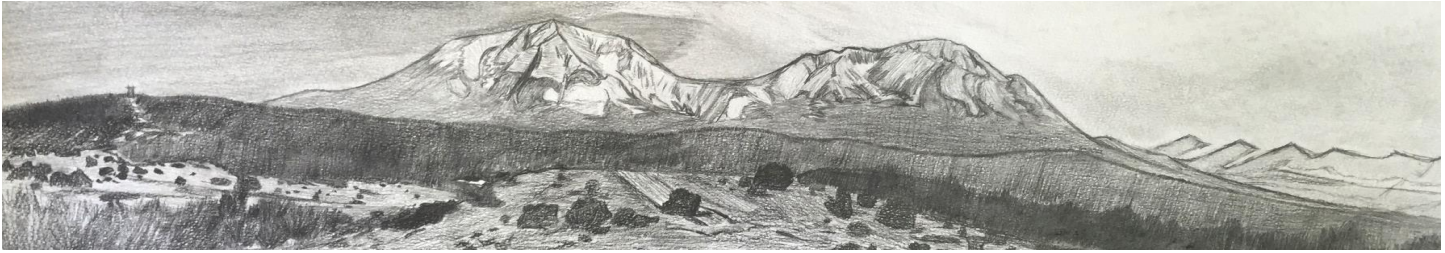
3. Request for information

Any requests for clarification of additional information deemed necessary by any respondent to present a proper proposal shall be made in accordance with the timeline. All requests will be responded to in writing by the District in the form of an addendum addressed to all prospective respondents. Verbal responses and/or representations shall not be binding on the District.

4. Confidentiality of proposal information

All proposals and supporting documents will remain confidential until a final contract has been executed. All responses become the property of Huerfano School District Re-1 and will be part of public record.

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5. Submission of proposal

Proposals are to be sealed and submitted prior to the date and time indicated on the Certification Form. At such time, all proposals received will be formally opened. The opening will consist of only the name and address recording of respondents. Proposals received after the date and time indicated on the Certification Form shall not be considered. Proposals may be withdrawn or modified in writing prior to the proposal submission deadline. Proposals that are resubmitted or modified must be sealed and submitted prior to the proposal submission deadline. Each respondent may submit only one (1) response to this proposal.

6. Termination

Notwithstanding anything to the contrary elsewhere in this RFP, as the contact between the successful respondent and the District may extend over a period in excess of one fiscal year of District, any proposal or bid submitted must contain the understanding and agreement by the Respondent that any financial commitment on the part of District, except and unless otherwise reserved and funded, is subject to annual appropriation by the Board of Directors of the District, based upon the fiscal resources of the District.

7. Tax Exemption

The District and its Agencies are exempt from State and local sales taxes. Sites of all transactions derived from this proposal shall be deemed to have been accomplished within the State of Colorado.

8. Safety

All practices, materials, supplies, and equipment shall comply with the Federal Occupational Safety and Health Act, as well as any pertinent Federal, State and/or local safety or environmental codes.

9. Rights reserved

The District reserves the right to reject any or all proposals, to waive any minor informality or irregularity in any proposal, and to select the proposal deemed to be most advantageous to the District

10. Disclaimer of liability

The District, and all of its agencies, will not hold harmless or indemnify any respondent for any liability whatsoever.

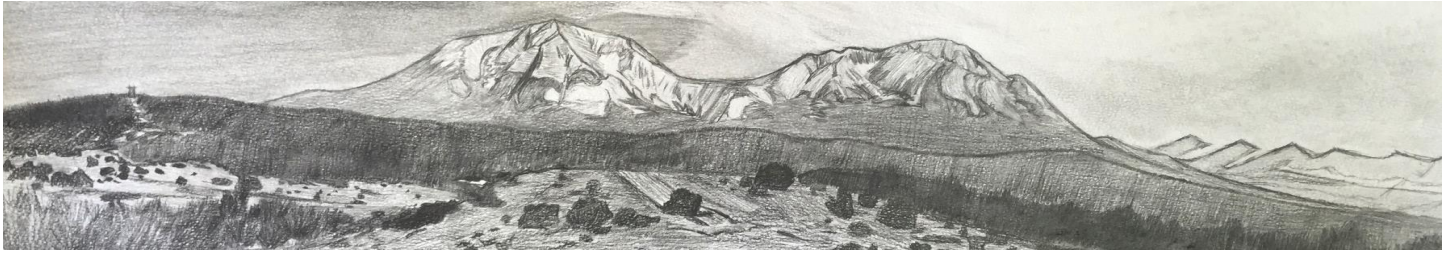
11. Hold harmless

The vendor shall agree to protect, defend, indemnify, and hold the School Board, Huerfano School District Re-1, its officers, commissions, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character resulting from the error, omission or negligent act of the vendor, its agents, employees or representatives, in the performance of the vendor's duties under any agreement resulting from award of this proposal.

12. Severability

In the event that any section, paragraph or term of this Agreement shall be determined to be invalid or unenforceable by any competent tribunal for any reason, the remainder of this Agreement shall be unaffected thereby and shall remain in full force and effect and if any section, paragraph, or term of this Agreement is adjudged to any extent to be invalid or unenforceable by any competent tribunal, such section, paragraph, or term will be deemed modified to the extent necessary to make it enforceable.

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13. Force majeure

Vendor shall immediately notify the District in writing of any cause that will prevent or delay its performance. After receipt of vendor's notice, the District may elect either to cancel this Agreement or to extend the time of performance as reasonably necessary.

14. Law governing

All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Colorado.

15. Anti-discrimination clause

No respondent of this request shall in any way, directly or indirectly discriminate against any person because of age, race, color, handicap, sex, national origin, or religious creed.

16. Conflict of interest

The successful respondent shall not have conflicts of interest as to revenues derived from the results of tests or recommendations made on behalf of the vendor. No salaried officer or employee of the District and no member of the School Board shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the contract void. The Vendor further covenants that in the performance of this contract no person having such interest shall be employed to work on this project.

17. Insurance

The vendor shall be required to maintain and carry in force, for the duration of the contract, insurance coverage of the types and minimum liability as set forth below:

A. Professional Liability

Professional liability insurance protection must be carried by the vendor, for the duration of the contract, in the minimum amount of \$1,000,000.00 each claim/\$1,000,000.00 aggregate, including errors and/or omissions

B. Commercial General Liability

Limits:

Each Occurrence:	\$ 1,000,000
Personal & Advertising Injury:	\$ 1,000,000
Products/Completed Operations Aggregate:	\$ 2,000,000
General Aggregate:	\$ 2,000,000

Policy must include the following conditions:

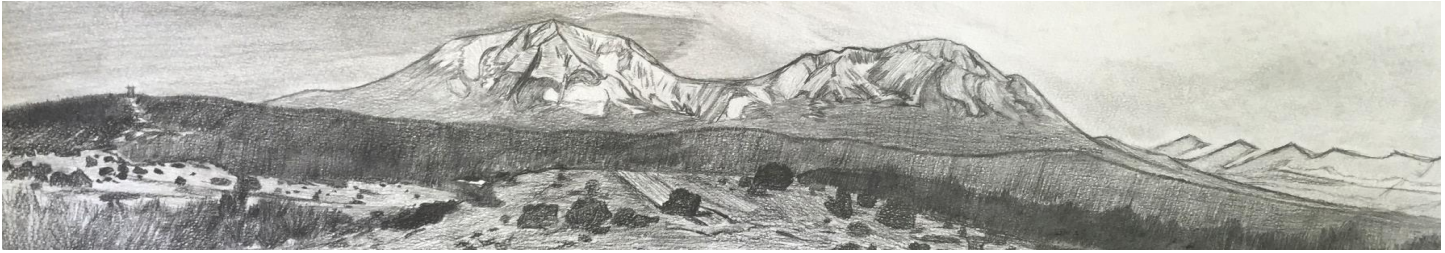
Contractual Liability

Independent Vendors

Additional Insured: Huerfano School District Re-1

Before entering into contract, the successful respondent shall furnish to the District Purchasing Office a Certificate of Insurance verifying all of the foregoing coverage and identifying the District as an "additional insured" on both the general liability and automobile policies. This inclusion shall not make the District a partner or joint venture with the contract respondent in its operations hereunder.

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Prior to any material change or cancellation, the District will be given thirty (30) days advance notice by registered mail to the stated address of the certificate holder. Further, the District will be immediately notified of any reduction or possible reduction in aggregate limits of any such policy where such reduction, when added to any previous reductions, would exceed 10% of the aggregate.

In the event of an occurrence, it is further agreed that any insurance maintained by the District, shall apply in excess of and not contribute with insurance provided by policies named in this contract. The certificate holder on the Certificate of Insurance shall be as follows:

Huerfano School District Re-1
201 East 5th Street
Walsenburg, CO 81089

18. Costs

All costs incurred in the preparation of the response to this request for proposal shall be the sole responsibility of the respondent.