

Schools and Libraries

NEWS BRIEF

January 4, 2013

FY2013 WINDOW COUNTDOWN

Days to window close	69
FCC Forms 470 filed to date	18,663
FCC Forms 471 filed to date	970
Online Item 21 attachments filed to date	1,744

TIP OF THE WEEK: If PIA made a successful contact with you before December 21 about the review of your FCC Form 471 (see below), you may be very close to your 15-day response deadline. If this is the case, be sure to complete your response by the deadline or contact us promptly and ask us for more time to respond if you need it.

Commitments for Funding Years 2012 and 2011

Funding Year 2012. USAC released FY2012 Wave 24 Funding Commitment Decision Letters (FCDLs) January 3 and will release Wave 25 FCDLs January 9. These waves include commitments for approved Priority 2 (Internal Connections and Basic Maintenance) requests at 90% and denials at 89% and below. As of January 4, FY2012 commitments total over \$1.71 billion.

Funding Year 2011. USAC will release Wave 75 FCDLs January 10. This wave includes commitments for approved Priority 2 requests at 88% and above and denials at 87% and below. As of January 4, FY2011 commitments total over \$2.50 billion.

On the day the FCDLs are mailed, you can check to see if you have a commitment by using USAC's [Automated Search of Commitments](#) tool.

Winter Contact Period Ends Today

USAC may request additional information to complete the data entry of a paper form or the review of a certified form. In general, USAC asks for responses to its requests within 15 days. However, during a summer period and a winter period each year, the response requirements change to allow for extended holiday and break schedules.

The winter contact period is defined as the Friday before Christmas Day through the Friday after New Year's Day (i.e., December 21, 2012 through January 4, 2013). If our first attempt to reach you was on or after December 21, and we were not able to confirm by telephone that you were available to respond to our questions, we will not try again to contact you until after January 4. However, if we made a successful contact with you before December 21, your 15-day response clock has started and we will act on the information we have on hand if we have not heard from you by the response deadline.

We define a successful contact as:

- A sent email message with no return notification of non-delivery or out-of-office response
- A sent fax with a confirmation of successful transmission
- A voicemail left at the contact person's telephone number if the recorded greeting does not state that the contact person is out of the office
- A live person answering our call at the contact telephone number or a return call responding to our message.

If you have received questions from Program Integrity Assurance (PIA) about the review of your FCC Form 471, be sure to either respond to the questions or request additional time on or before the response deadline.

Posting the FCC Form 470

In the [December 21 SL News Brief](#) we discussed the [FCC Form 470](#), which applicants file to open a competitive bidding process for the services they desire. In this issue, we are providing additional information about posting the FCC Form 470; next week we will include guidance on receiving responses from bidders.

Remember that the applicant is responsible for ensuring an open and fair competitive bidding process. Only applicants can determine the types of services sought and prepare, complete, sign, certify and submit FCC Forms 470. If service providers undertake or assist the applicant with any of these actions, funding will be denied.

Posting for Priority 1 services - new for FY2013

Starting with FY2013, applicants can post Priority 1 services on the FCC Form 470 in either the Telecommunications Services or the Internet Access category of service.

Note that applicants will be required to post their services in the correct Priority 1 category of service on the FCC Form 471, but they will not be penalized if the Priority 1 category of service on the FCC Form 471 does not match the Priority 1 category of service posted on the FCC Form 470.

State or local requirements and E-rate requirements

Applicants posting FCC Forms 470 must comply not only with E-rate program requirements but also with all applicable state and local competitive bidding requirements. In general, when E-rate program requirements and state and/or local requirements differ, you should comply with the requirements that are more stringent to make sure you are in compliance with both.

Requests for Proposals

A Request for Proposal (RFP) is a formal bidding document that describes the project and requested services in sufficient detail so that potential bidders understand the scope, location, and any other

requirements. Although you may know these by a different name – such as Request for Quote (RFQ) or Statement of Work – USAC uses the term RFP to cover all such documents. Applicants may be required by state or local procurement rules or regulations to issue an RFP, or they may choose to do so because of the size or scope of their project or services requested.

If an RFP is issued, it must also be available for at least 28 days. While the FCC Form 470 and the RFP may be issued on the same day, in cases where one document is issued before the other, both the FCC Form 470 and the RFP must be available for at least 28 days. The competitive bidding process cannot be closed prior to the second document being available for at least 28 days.

If Priority 2 products and services are being requested, those requests must be based on the applicant's [technology plan](#). Remember that the technology plan must be created (at least in draft form with all four required elements addressed) before the FCC Form 470 is posted to the USAC website.

As stated above, the applicant must follow all applicable state and local procurement rules and regulations that pertain to RFPs – e.g., issuing a formal RFP when purchasing services over a certain dollar threshold, posting any required announcement of the RFP in a newspaper, etc.

Bona fide requests

The FCC Form 470 – and RFP, if one is issued – must contain *bona fide* requests for services, which means that you list the specific services for which you anticipate seeking funding support. The FCC Form 470 and/or RFP must provide clear and complete descriptions of the project to be undertaken or the services desired, in sufficient detail for a service provider to be able to formulate bids. An applicant may, in certain circumstances, list multiple services on its FCC Form 470, knowing that it intends to choose one over another. However, all products and services listed on the FCC Form 470 must be linked in a reasonable way to the applicant's technology plan, if one is required, and not request duplicative services.

Applicants cannot simply include "laundry lists" of services (i.e., entering all services eligible for funding under the E-rate program) or generic descriptions of services (e.g., "broadband connections"). If you anticipate the need for growth of broadband connections during the anticipated contract term, you should indicate the required speed as well as the higher potential speeds desired.

Manufacturer or brand names - new for FY2013

Applicants cannot include the name of a specific manufacturer, brand, product, or service on an FCC Form 470 or RFP unless they also use the words "or equivalent" in their description of the products and services desired. Moreover, the applicants must then carefully consider all bids received, including any equivalent offerings, before choosing the most cost effective bid.

NOTE: Applicants may require service providers to provide services that are *compatible* with one kind of system over another (e.g., "Brand X compatible").

Breaking existing contracts

If the applicant is breaking an existing contract, the new service provider cannot pay any associated contract termination charges. The applicant cannot include a request or requirement to pay those associated termination charges in either the FCC Form 470 or the RFP.

Restrictions imposed by state or local laws or regulations, reasons for disqualification, and other bid information

In Item 13 of the FCC Form 470, the applicant indicates for potential bidders any applicable restrictions imposed by state or local laws or regulations. The applicant can also set out specific requirements and disqualify bids that do not meet those requirements. However, note that these [disqualification factors](#) must be clearly spelled out on the FCC Form 470 and/or the RFP so that they are available to all potential bidders.

If you are filing online, you can open the text field in Item 13 and enter and save additional information you need to provide by:

- Putting a check in the first checkbox in Item 13 if you are using the Expert version of the online form or
- Clicking the "Yes" button for one of the Item 13 questions if you are using the Interview version of the online form.

However, applicants cannot state that their procurement is subject to sole source bidding and is therefore exempt from the FCC's competitive bidding requirements.