

## SCHOOLS AND LIBRARIES PROGRAM

# NEWS BRIEF

February 13, 2015

### FY2015 WINDOW COUNTDOWN

Days to window close	41
FY2015 FCC Forms 471 filed to date	2,898
FY2015 FCC Forms 470 filed to date	27,952*

\*This number includes FY2014 forms intended for FY2015.

**TIP OF THE WEEK:** You must wait 28 days after an FCC Form 470 is posted to the USAC website before you can cite that form on an FCC Form 471. You no longer receive a warning message in the Funding Requests section of the FCC Form 471 if you cite an FCC Form 470 that does not yet meet this requirement; however, you risk denial of that funding request by doing so.

### Commitments for Funding Years 2014 and 2013

**Funding Year 2014.** USAC will release Funding Year (FY) 2014 Wave 41 Funding Commitment Decision Letters (FCDLs) on February 19. This wave includes commitments for approved Priority 1 (Telecommunications Services and Internet Access) requests at all discount levels. As of February 13, FY2014 commitments total just under \$2.13 billion.

**Funding Year 2013.** USAC will release Funding Year (FY) 2013 Wave 82 FCDLs on February 23. This wave includes commitments for approved Priority 1 requests at all discount levels. As of February 13, FY2013 commitments total just under \$2.13 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.

### Competitive Bidding Process

In [last week's SL News Brief](#) we covered some specific reminders about the FCC Form 470 and the competitive bidding process. Below is more general information applicants should keep in mind during this process.

#### Receiving one bid – or no bids

If you receive only one bid or no bids in response to your FCC Form 470, you can contact service providers to solicit bids and can then review and evaluate any bids received as a result. You may wish to note that you received only one bid or did not receive any bids in an email to yourself or a memo to the file in case questions come up later (e.g., during a review or an audit).

#### Rejecting all bids/canceling a procurement

If the applicant decides that none of the bids received is responsive and rejects all of them – or if the applicant decides to cancel the competitive bidding process for other reasons – the applicant must file a new FCC Form 470 to open a new competitive bidding process. Before posting a new form and issuing a new RFP, the applicant could then make any desired revisions or changes that might improve its chances of receiving responsive bids. In the event of a complete rejection or cancellation, the applicant cannot use the earlier FCC Form 470 nor cite that form on an FCC Form 471 funding request. In fact, we suggest that the earlier FCC Form 470 be canceled to avoid any confusion.

Remember that the applicant must also be in compliance with all applicable state or local competitive bidding rules and regulations.

### **Making significant changes in the scope of a project and/or services requested**

Applicants must post a new FCC Form 470 if they are making significant changes to the scope of the services requested on the FCC Form 470 and/or the RFP. Posting a new FCC Form 470 starts a new 28-day waiting period, so applicants must allow for that additional time. As stated above, applicants must also be in compliance with all applicable state or local competitive bidding rules and regulations – especially important if an RFP was also issued – and should consider canceling the earlier FCC Form 470 to avoid confusion.

### **Considering all bids received**

After the applicant has waited at least 28 days, the applicant must carefully consider **all** of the bids received. Remember that bids can only be disqualified if the applicant spelled out the disqualification reasons in the FCC Form 470 or the RFP or both.

Applicants can use one or more factors in their bid evaluations, but the price of the E-rate eligible products and services must be considered a factor and must be weighted more heavily than any other single factor in the evaluation. If you need assistance constructing your evaluation documentation, there is a [sample bid evaluation matrix](#) on the USAC website for your reference.

After considering all bids, the applicant must choose the most cost-effective bid and, if the services are not provided under tariff or on a month-to-month basis, must have in place a legally binding agreement (a signed contract is the best evidence of a legally binding agreement) before filing the FCC Form 471.

### **Retaining documentation**

Applicants and service providers must retain all documents related to the application for, receipt, and delivery of discounted services for at least 10 years after the last day of service delivered in a particular funding year. We suggest that you save final documents as they are produced during the competitive bidding process, as they may be more difficult to locate after the process has been completed.

Specifically, we recommend that you retain the following in your files (this list is not exhaustive):

- The FCC Form 470
- The RFP, if one is issued
- Questions from potential bidders and your answers
- Copies of winning **and losing** bids
- The final bid evaluation matrix and any supporting documentation
- The contract, if one is signed.

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