Appeal of USAC Decision to not fund FRN 1799098442

Academy School District 20 with Billed entity number 142319 is appealing a decision by USAC not to fund FRN 1799098442 on application 171026957 with service to be provided by Level 3 Communications, inc. Their SPIN number is 143021460.

This decision was sent to the district on January 31, 2018. Funding Commitment Decision Letter for Funding Year 2017, for this FRN was denied in the following way:

*You violated the competitive bidding requirements of the program by failing to consider all bids received in response to your FCC Form 470. Consequently, your funding request was denied. On appeal, you have not shown that USAC’s determination was incorrect. Therefore, your appeal is denied. |FCC rules require that, except under limited circumstances, an eligible school, library and consortium that includes an eligible school or library shall seek competitive bids for all services eligible for support. See 47 C.F.R. sec. 54.503(b). Applicants are required to carefully consider all bids received, with price being the primary factor, before selecting a vendor, entering into a legally binding agreement or signing a contract, and signing and submitting an FCC Form 471. See 47 C.F.R. secs. 54.511(a), 54.503(c)(2)(ii)(B), 54.504(a)(1)(ix). The FCC also noted that several additional factors should be considered by the applicant in determining which service provider meets their needs most effectively and efficiently. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 97-157 para. 481 (rel. May 8, 1997). These competitive bidding requirements help to ensure that applicants receive the lowest pre-discount price from vendors. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, FCC 97-246 para. 9 (rel. Jul. 10, 1997).*

This is not at all correct. In the district’s RFP service providers were notified that the district wanted internet access at two different locations, and that they required “diverse routes to 2 separate Internet POPs from the two addresses”. The service providers were told that they had the option to bid on one connection or both connections if able to meet the district guidelines.

Six service providers sent bids to the district, however no service provider was able to bid on both sites together, so the district selected the top two bidders and assigned one to site A and one to site B.

It is the opinion of the district that this denial was unfair because it does not allow the district to select service providers based on district requirements.

Included with this filing:

RFP

Evaluation Criteria