

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Request for Review and/or Waiver by)	Application No. 161016021
Berryhill Independent School District)	
of a Funding Decision by the)	
Universal Service Administrative Company)	

**REQUEST FOR REVIEW AND/OR WAIVER
BY BERRYHILL INDEPENDENT SCHOOL DISTRICT (OKLAHOMA)
OF A FUNDING DECISION BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719 and 54.722 of the Commission's rules,¹ Berryhill Independent School District² (Berryhill or the District) hereby respectfully requests a review of a Universal Service Administrative Company (USAC) decision to deny funding requests for Funding Year 2016.³ USAC erred in finding that Berryhill's competitive bidding process was compromised because Berryhill's request for proposals mentioned a specific manufacturer's name and brand.

Berryhill's FCC Form 470 clearly indicated that functionally equivalent equipment would be considered. It is not only permitted by the Commission's rules and orders, but in fact makes perfect sense, to specify the brand of equipment that is currently in use—not only to give bidders the clearest possible idea of what the school

¹ 47 C.F.R. § 54.719(b), (c); 47 C.F.R. § 54.722(a).

² Billed Entity Number 140119.

³ The FCC Form 471 number is 161016021. The FRNs are 1699028342, 1699028357, 1699028361, and 1699028372.

district needs, but also because the school district has to consider whether it would incur additional costs in order to accommodate a different brand of equipment. Berryhill selected the most cost-effective bid, using price as the primary factor, after a competitive bidding process that fully complied with the Commission's rules. Accordingly, Berryhill respectfully asks that the Bureau reverse USAC's decision.

If the Bureau nonetheless agrees with USAC that Berryhill violated the competitive bidding rules, Berryhill respectfully requests a waiver of those rules. It would be contrary to the public interest to deny more than \$78,000 in E-rate funding simply because the school district attempted to assess its own costs accurately and give bidders a clear idea of what it needed.

I. BACKGROUND

Berryhill Independent School District is located in Tulsa, Oklahoma. The District comprises an early childhood center, two elementary schools, one middle school, and one high school serving approximately 1,100 students. Berryhill's discount rate is 50 percent.

On November 20, 2015, Berryhill filed an FCC Form 470 seeking bids for internal connections. Berryhill also issued an RFP on November 20, 2015, and left the competitive bidding open for the required 28 days, with bids due on December 18, 2015.⁴

Before the bids were due, Berryhill gave potential bidders an opportunity to submit questions. Berryhill then compiled the questions it had received, along with its

⁴ See Exhibit 1 (Berryhill RFP Questions and Answers), at 1.

answers, and posted the resulting Q&A document online so that all potential bidders could see its responses, in addition to uploading the document to USAC's EPC system. The introduction to the Q&A document stated: "There is another document available for download (Berryhill C2 list) that details the equipment needed at each campus and to be shared district-wide. Applicant will accept bids for functional equivalents when a preferred make/manufacturer/model is listed."⁵ One of the questions a vendor submitted was, "Is Alcatel the only brand that will be accepted? Is there any opportunity for other brands?" Berryhill responded, "The vendors we prefer are listed. E-rate rules require us to consider bids for 'functionally equivalent equipment' although we may decide to award points to those vendors that bid the preferred equipment."⁶

Berryhill received bids from two vendors. Berryhill evaluated the bids in accordance with the requirements of the E-rate program and concluded that TwoTrees—whose bid was the less expensive of the two by \$35,000—had submitted the most cost-effective bid. Berryhill did not end up awarding additional points or extending any other preferential treatment to vendors who bid equipment other than what Berryhill had specified in its bid solicitation documents.⁷ The bid evaluation criteria only included: *Price of Eligible Goods and Services* (25 maximum points), *Price of Ineligible Goods and Services* (15 maximum points), *Service History* (20 maximum points), *Expertise of the Company* (20 maximum points) and

⁵ *Id.* at 2.

⁶ *Id.* at 3.

⁷ See Exhibit 2 – Bid Evaluation Sheet

Understanding of Needs/Completeness of Bids (20 maximum points). After selecting TwoTrees as its service provider, Berryhill filed an FCC Form 471 requesting funds for Funding Year 2016.⁸

On May 5, 2017, USAC sent Berryhill a PIA inquiry indicating its intent to deny Berryhill's funding request because it had expressed a preference for a specific manufacturer's equipment in its RFP Q&As. Berryhill responded:

Applicants are allowed to use bid criteria such as "staff familiarity with equipment" and applicants are allowed to post what bid criteria they may use. In this instance the applicant was considering using that bid criteria but did not wind up using it to evaluate bids. All vendors were invited to submit their bids, including those that would be bidding "functionally equivalent equipment"—even if it required additional training time for the applicant.

On June 2, 2017, USAC denied Berryhill's request for funding, stating the same reason for denial that it had stated in its PIA correspondence:

This FRN will be denied because the Questions and Answers section of the RFP associated with FCC Form 470 # 160005958 that you have cited contains a particular manufacturer's name, brand, product and service and indicates you may decide to award points to those vendors that bid the preferred equipment. Even though the FCC Form 470 indicates the functionally equivalent equipment will be considered, this is a competitive bidding violation because service providers that do not provide the preferred equipment could be discouraged from bidding.⁹

On August 1, 2017, Berryhill filed a timely appeal of the FCDL. Berryhill explained that the Commission's E-rate rules and orders expressly allow applicants to express a preference for a specific brand of equipment as long as they also accept bids

⁸ See Exhibit 3 (FRN Status Tool Spreadsheet), Column C.

⁹ See Exhibit 3, Column Q. USAC stated the same reason for denial for each of Berryhill's four FRNs.

for functionally equivalent equipment, and that USAC therefore erred in finding a brand preference to violate the competitive bidding rules.

On April 4, 2018, USAC denied Berryhill's appeal, finding that it had not demonstrated that USAC's original decision was incorrect.¹⁰ Appeals to the Commission of USAC decisions are due within 60 days.¹¹ As such, the instant appeal is timely filed.

II. EXPRESSING A PREFERENCE FOR A SPECIFIC MANUFACTURER OR BRAND DOES NOT VIOLATE THE COMPETITIVE BIDDING RULES

USAC denied Berryhill's request for funding because Berryhill's expressed preference for Alcatel equipment compromised the competitive bidding process. But the language of Berryhill's bid solicitation documents complied fully with the requirements of the Bureau's *Queen of Peace Order* regarding the specification of equipment brands or manufacturers. USAC's apparent belief that while an applicant may express a preference for a manufacturer or brand, it may not consider that preference in the bid evaluation process, has no support in Commission rules or orders. USAC's denial of funding on this ground was therefore in error and should be reversed.

In order to mitigate the risk of harm to the competitive bidding process, the Bureau used the *Queen of Peace Order* to clarify that "applicants must not include the manufacturer's name or brand on their FCC Form 470 or in their RFPs unless they also use the words "or equivalent" to describe the requested product or service."¹² In the order, the Bureau granted an appeal after

¹⁰ *See id.*, Column T.

¹¹ 47 C.F.R. §§ 54.719(a), 54.720(b).

¹² *Request for Review of a Decision of the Universal Service Administrator by Queen of Peace High School*, CC Docket No. 02-6, Order, 26 FCC Rcd 16466, para. 8 (Wireline Comp. Bur. 2011) (*Queen of Peace Order*).

finding that the “competitive bidding process was not compromised by its inclusion of a service provider name on its FCC Form 470.”¹³ The Bureau described the balance between ensuring a fair competitive bidding process and giving vendors sufficient information to develop responsive bids.¹⁴ The Bureau recognized that identifying a specific vendor or brand could potentially compromise the competitive bidding process.¹⁵ In order to mitigate the risk of harm to the competitive bidding process, the Bureau clarified that “applicants must not include the manufacturer’s name or brand on their FCC Form 470 or in their RFPs unless they also use the words “or equivalent” to describe the requested product or service.”¹⁶ To illustrate compliance with the new requirement, the Bureau gave the following example: “an applicant may indicate that it is requesting bids for ‘XYZ manufacturer's high-speed router model 345J or equivalent.’”¹⁷ The *Queen of Peace Order* was thus unambiguous in its determination that an applicant is permitted to identify a specific manufacturer or brand in its FCC Forms 470 and RFPs as long as the applicant also states that vendors may submit bids for “equivalent” products or services as well, and provided that the applicant then “carefully consider[s] all of the bids received before selecting a winning bidder.”¹⁸

USAC’s denial of funding is clearly at odds with the *Queen of Peace Order*. USAC explicitly acknowledged in its denial that Berryhill had stated in its FCC Form 470 and in its RFP that it would accept bids for equivalent equipment as well as for the Alcatel equipment that

¹³ *Id.* para. 1.

¹⁴ *Id.* para. 6.

¹⁵ *Queen of Peace Order* para. 6.

¹⁶ *Queen of Peace Order* para. 8.

¹⁷ *Queen of Peace Order* para. 8.

¹⁸ *Queen of Peace Order* para. 9.

it specifically identified.¹⁹ USAC thus denied Berryhill's request for funding even though, by USAC's own admission, Berryhill's bid solicitation documents complied fully with the requirements of the *Queen of Peace Order*.

In its denial, USAC focused on the fact that Berryhill had notified potential vendors that it may award more points to vendors that bid the preferred Alcatel equipment.²⁰ USAC seems to believe that even though applicants are expressly permitted to identify a specific manufacturer or brand, they are not permitted to take into account in the bid evaluation process whether a vendor has bid the specified manufacturer or brand. This analysis is contrary to common sense: why would a school district specify a manufacturer or brand if it did not have a preference for that manufacturer or brand? Furthermore, why would EPC, USAC's online filing system, include fields for applicants to specify equipment makes and model numbers, if expressing a preference for a specific manufacturer or brand were contrary to the competitive bidding rules? Allowing applicants to express preferences for specific manufacturers or brands, but effectively requiring them to ignore those preferences when evaluating bids, simply makes no sense.

More importantly, USAC's analysis has no basis in Commission rules or precedent and is at odds with the explicit language of the *Queen of Peace Order*. The Bureau stated that the inclusion of "or equivalent" would mitigate the potential risk to the competitive bidding process of identifying a specific manufacturer or brand.²¹ The *Queen of Peace Order* gave no indication that, having identified a specific manufacturer or brand in its bid solicitation documents, an

¹⁹ See Exhibit 3, Column Q.

²⁰ *Id.*

²¹ *Queen of Peace Order* para. 8.

applicant could not then take into account whether a bidder was offering that specific product or service or an “equivalent” one.

In fact, the competitive bidding rules expressly allow applicants to consider factors other than price, as long as price is the primary factor.²² There is nothing in the Commission’s rules or precedent to suggest that an applicant may not include in its bid evaluation process criteria such as “staff familiarity with service or equipment” or “training time and expense necessary for staff to use service or equipment.” USAC’s website acknowledges that, as long as price is the primary factor in the evaluation process, applicants are free to determine which factors they use to evaluate the bid proposals they received:

You decide what factors you want to consider in your evaluation and how important each factor is to you. You can use as few or as many evaluation factors as you like, and you can assign percentages or points to the factors you use to reflect their relative importance.²³

Indeed, in order to conduct a thorough cost-effectiveness evaluation, a responsible applicant *has* to consider whether selecting a product or service that is “equivalent” to a product or service its staff is already familiar with would result in higher costs or reduced effectiveness. Berryhill’s statement that it “may award points” for bidding the preferred manufacturer’s equipment (which, as Berryhill explained to USAC, in the end it did not do) is thus fully consistent with the Commission’s competitive bidding rules and precedent.

In short, USAC’s denial of funding has no support in Commission rules or precedent and is inconsistent with the *Queen of Peace Order*. Berryhill thus respectfully requests that the Bureau reverse USAC’s decision.

²² *Queen of Peace Order* para. 8.

²³ <https://www.usac.org/sl/applicants/step02/default.aspx>.

III. IN THE ALTERNATIVE, A WAIVER OF THE COMMISSION'S RULES IS IN THE PUBLIC INTEREST

As explained above, Berryhill complied with the Commission's competitive bidding rules and with the requirements of the *Queen of Peace Order*. If, however, the Bureau agrees with USAC that Berryhill violated the competitive bidding rules, Berryhill respectfully requests a waiver of those rules to the extent necessary to award Berryhill the funding it has requested.

Any of the Commission's rules may be waived if good cause is shown.²⁴ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.²⁵ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.²⁶

The Commission has routinely waived the competitive bidding rules when the applicant has selected the lowest-cost bidder.²⁷ TwoTrees was the lowest-cost bidder when it won Berryhill's business for Funding Year 2016. Accordingly, even if there had been a violation of the competitive bidding rules (which, as we have explained, there was not), there was no harm to the competitive bidding process. Further, Berryhill was attempting to comply with the Commission by expressly permitting other manufacturers' equipment to be bid. It would be contrary to the public interest to deny E-rate funding under these circumstances.

²⁴ 47 C.F.R. § 1.3.

²⁵ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

²⁶ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

²⁷ See, e.g., *Request for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109 (Wireline Comp. Bur. 2011) (*Allendale Order*) (finding that a waiver of the Commission's competitive bidding rules was in the public interest where the petitioners selected the least expensive responsive service offering).

CONCLUSION

For the foregoing reasons, Berryhill respectfully requests that the Bureau grant this appeal. In the alternative, Berryhill respectfully asks that the Bureau waive the Commission's competitive bidding rules to the extent necessary to grant the requested relief.

Respectfully submitted,

/s/

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Consultant for Berryhill School District

June 1st, 2018

CERTIFICATE OF SERVICE

This is to certify that on this 1st day of June, 2018, a true and correct copy of the foregoing Request for Review was sent via email to the Schools and Libraries Division, Universal Service Administrative Company at the Appeals@sl.universalservice.org address.

/s/

Chris Webber

ATTACHMENTS

Exhibit 1: Berryhill RFP Questions and Answers

Exhibit 2: Berryhill Bid Evaluation Sheet

Exhibit 3: FRN Status Tool Spreadsheet

Exhibit 1

IFCB Posted
20 November 2015

Berryhill School District #10

District Address

3128 S. 63rd West Ave

Tulsa, OK 74107

IFCB ID: 160005958



Bid Deadline:

18 December 2015

Questions Due By:

11 December 2015

IFCB Requirements

- All Questions and Bids must be submitted using the on-line IFCB system. If for some reason the system is down before the respective deadline, please email your bid to info@crwconsulting.com or fax it to 918.445.0049. Bids or questions submitted in this fashion will be disqualified if the on-line system is active at the time of submission.
- Bidder must agree to participate in USF Program (AKA "E-rate") for the corresponding funding year.
- Please include the correct Service Provider Identification Number (SPIN) on your bid.
- By submitting a bid, bidder certifies that the bidder does have a valid (non-red light status) SPIN for the E-rate program at the time of submission. Should the Applicant discover that the bidder is on red light status, or if the FCC classifies the bidder as on red-light status before work is performed and invoices are paid, the contract will be null and void and the applicant will have no payment obligations to the bidder.
- Bidder is expected to provide the lowest corresponding price per E-rate rules. See <http://www.usac.org/sl/service-providers/step02/lowest-corresponding-price.aspx> for details.
- Contracts must not prohibit SPIN changes.
- Bidder must agree to provide the Applicant the choice of discount methods (SPI or BEAR).
- Bidder will be automatically disqualified if the District determines that the bidding company has offered any employee of the District any individual gift of more than \$20 or gifts totaling more than \$50 within a 12 month period.
- All contracts awarded will be contingent upon E-rate funding and final board approval. The applicant may choose to do all or part of the project upon funding notification.
- All contracts awarded under this IFCB bidding process may be voluntarily renewed by the applicant, upon written notice to the provider, for five consecutive one year terms.
- E-rate rules require applicants to evaluate the cost of eligible goods and services, and to cost-allocate out the amount for ineligible services from their funding request. If your company will be bidding bundled data and voice plans, please identify the amount to be cost-allocated out for the ineligible data, text messaging functions or other bundled ineligible services.
- E-rate rules require applicants to evaluate the cost of eligible goods and services, and to cost-allocate out the amount for ineligible services from their funding request. If your company will be bidding local phone service, please identify the amount to be cost-allocated out for the ineligible services - DID lines, voice mail, caller ID, inside wire maintenance, 900 call blocking, or other bundled ineligible services.
-

request. If your company will be bidding internet access service, please identify the amount to be cost-allocated out for the ineligible services – email service, web hosting, content filtering, or other bundled ineligible services.

Bidders for all services and products (except for tariffed telecommunications services or month-to-month services which do not have a related contract) must also submit a contract for products or services.

If the Applicant is requesting bids for equipment with specific make and model numbers listed, the Applicant will also accept bids for functionally equivalent equipment.

Bidders who are not eligible to provide OUSF support will be disqualified.

SERVICE PROVIDERS ARE REQUIRED TO BID THE ENTIRE PROJECT BIDS FOR INDIVIDUAL COMPONENTS WILL BE DISQUALIFIED.

DISQUALIFICATION FACTOR: Vendors are required to submit bids via the template “Internal connections – Template V15” or “Basic Maintenance Template V15” for each individual school that is receiving equipment and a separate template for all shared equipment. Please name each template for the name of the school and project. Example: “Smith Elementary School Wireless Project” or “Wireless project shared equipment for all schools.” Vendors that do not submit bids in the required template format will be disqualified from the process.

PROVIDERS WISHING TO BID ON THE CATEGORY TWO PROJECTS MUST ATTEND ONE OF TWO MANDATORY WALKTHROUGHS. THE FIRST WALKTHROUGH WILL BE NOVEMBER 30, 2015, AND THE SECOND WALKTHROUGH WILL BE DECEMBER 7, 2015. MEET @ 3128 SOUTH 63RD WEST AVENUE, TULSA, OK 74107, FROM 9AM – 1PM BOTH DATES. BIDS FROM VENDORS WHO DID NOT ATTEND ONE OF THESE WALKTHROUGHS WILL BE DISQUALIFIED.

There is an additional document associated with this IFCB. Please click the buttons to download the document.

[BerryhillC2List.xlsx](#)

[InternalConnectionsTemplateV1513870.xlsm](#)

Services and Equipment Requested

UPDATE: CATEGORY TWO WALKTHROUGHS ARE **MANDATORY** NOT VOLUNTARY.

Internet Access – Applicant currently has 200Mb bandwidth. The terminating address for this circuit is 2901 1/2 South 65th West Ave, Tulsa, 74170. Please include separate pricing for any installation, activation, and/or initial configuration costs. Please also include separate pricing for maintenance and technical support. If your company will be bidding internet access service, please identify the amount to be cost-allocated out for the ineligible services – email service, web hosting, content filtering, or other bundled ineligible services. Bidders who are not eligible to provide OUSF support will be disqualified.

CATEGORY TWO DISQUALIFICATION FACTORS:

Vendors are required to submit bids via the template “Internal connections – Template V15 – 1” or “Basic Maintenance Template V15 – 1” or “Managed Broadband Internal Services Template V15-1” for each individual school that is receiving equipment and a separate template for all shared equipment. Please name each template for the name of the school and project. Example: “Smith Elementary School Wireless Project” or “Wireless project shared equipment for all schools.” Vendors that do not submit bids in the required template format will be disqualified from the process.

SERVICE PROVIDERS ARE REQUIRED TO BID THE ENTIRE C2 BIDS FOR INDIVIDUAL COMPONENTS WILL BE DISQUALIFIED.

PROVIDERS WISHING TO BID ON THE CATEGORY TWO PROJECTS MUST ATTEND ONE OF TWO MANDATORY WALKTHROUGHS. THE FIRST WALKTHROUGH WILL BE NOVEMBER 30, 2015, AND THE SECOND WALKTHROUGH WILL BE DECEMBER 7, 2015. MEET @ 3128 SOUTH 63RD WEST AVENUE, TULSA, OK 74107, FROM 9AM – 1PM BOTH DATES. BIDS FROM VENDORS WHO DID NOT ATTEND ONE OF THESE WALKTHROUGHS WILL BE DISQUALIFIED.

CATEGORY TWO PROJECT DETAILS:

There is another document available for download (Berryhill C2 List) that details the equipment needed at each campus and to be shared district wide. Applicant will accept bids for functional equivalents when a preferred make/manufacturer/model is listed. Please include pricing for installation, activation, and/or initial configuration costs. We would also like for you to submit your bids in your normal format – a word/excel/PDF as you normally would (in addition to the required templates). The winning vendor will be required to complete, for each school (and all shared equipment), the 2016 USAC C2 Templates when they become available.

Bid deadline has been reached.



Questions Received with District Answers:

Question deadline has been reached.

Q: 1. What does the district have already for WLAN components? 2. Is there an opportunity to introduce Aerohive via web demo prior to the on-site visits?

A: 1. The district has a few Linksys wireless routers.
No

Q: The Berryhill C2List has three instances of "Alcatel OS6450 Gigabit Ethernet Switch" for a total of 51 switches (HS=18, MS=8, ES=25). The 6450 comes with 24 or 48 ports. Is 24 or 48 port preferred? If 48 ports is requested, that's 51 switches * 48 ports = 2,448 potential ports that could need to be cabled. Is the number listed in the Excel spreadsheet the number of ports need on the switch, instead of the number of switches?

A: Because we have no IT person on site, staff looked at the number of old switches we had and made an estimate of what our needs would be. This is the why we are requiring walk-throughs

Q: Is Alcatel the only brand that will be accepted? Is there any opportunity for other brands?

A: The vendors we prefer are listed. E-rate rules require us to consider bids for "functionally equivalent equipment" although we may decide to award points to those vendors that bid the preferred equipment.

Q: This past April, Nokia purchased Alcatel-Lucent. In October, Nokia announced that it has received antitrust clearance from the Chinese Ministry of Commerce (MOFCOM) for its proposed acquisition of Alcatel-Lucent. This acquisition should close in early 2016. Based on the uncertainty of the Alcatel OS6450 product line, will Berryhill allow other network switching manufacturers to bid without being penalized?

A: E-rate rules require applicants to consider "functionally equivalent equipment" however, the district may choose to award more points to those vendors that bid the preferred equipment.

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Exhibit 2

Berryhill E-rate Year 19 (2016-2017) Bid Evaluation

Type of Service: Internet Access	Possible Points	Vendor 1	Vendor 2	Vendor 3	Vendor 4	Vendor 5	Vendor 6
Level of Service: District Wireless & Firewall Project		PEAK	Two Trees				
Eligible Bid Amount		\$ 193,236.00	\$ 157,349.00				
Ineligible Bid Amount		0	0				
Price of Elig Goods/Services	25	20	25				
Price of Inelig. Goods/Services	15	15	15				
Service History	20	5	20				
Expertise of Company	20	15	19				
Understanding of Needs/Completeness of Bid	20	19	20				
TOTAL POINTS:	100	74	99				

Evaluations Completed By:

Jeth Seneel

Exhibit 3

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V
	FRN	FRN Status	471 Application Number	BEN	Billed Entity Name	Applicant City	Applicant State	471 Consulting Firm Name	Service Provider Name	Fund Year	Orig Funding Request	Cnd Funding Request	Orig FRN Service Type	Wave Number	FCDL Date	FCDL Comment for 471 Application	FCDL Comment for FRN	PC Wave Number	Revised FCDL Date	Post Commitment Rationale	RCDL Comment	FRN Committed Amount
1	1699028343	Denied	161016021	1E+05	BERRYHILL INDEP SCHOOL DIST 10	TULSA	OK	CRW Consulting	Twotrees Technologies	2016	\$35,119.50	\$0.00	Internal Connections	48	6/2/2017	MR1:The applicant did not submit any RAL corrections.	DR1: This FRN will be denied because the Questions and Answers section of the RFP associated with FCC Form 470 # 160005958 that you have cited contains a particular manufacturer's name, brand, product and service and indicates you may decide to award points to those vendors that bid the preferred equipment. Even though the FCC Form 470 indicates the functionally equivalent equipment will be considered, this is a competitive bidding violation because service providers that do not provide the preferred equipment could be discouraged from bidding.	43	04/04/2018	43-Your appeal did not show that USAC's determination was incorrect. Consequently, your appeal is denied.		\$0.00
2	1699028357	Denied	161016021	1E+05	BERRYHILL INDEP SCHOOL DIST 10	TULSA	OK	CRW Consulting	Twotrees Technologies	2016	\$10,941.00	\$0.00	Internal Connections	48	6/2/2017	MR1:The applicant did not submit any RAL corrections.	DR1: This FRN will be denied because the Questions and Answers section of the RFP associated with FCC Form 470 # 160005958 that you have cited contains a particular manufacturer's name, brand, product and service and indicates you may decide to award points to those vendors that bid the preferred equipment. Even though the FCC Form 470 indicates the functionally equivalent equipment will be considered, this is a competitive bidding violation because service providers that do not provide the preferred equipment could be discouraged from bidding.	43	04/04/2018	43-Your appeal did not show that USAC's determination was incorrect. Consequently, your appeal is denied.		\$0.00
3	1699028361	Denied	161016021	1E+05	BERRYHILL INDEP SCHOOL DIST 10	TULSA	OK	CRW Consulting	Twotrees Technologies	2016	\$7,955.00	\$0.00	Internal Connections	48	6/2/2017	MR1:The applicant did not submit any RAL corrections.	DR1: This FRN will be denied because the Questions and Answers section of the RFP associated with FCC Form 470 # 160005958 that you have cited contains a particular manufacturer's name, brand, product and service and indicates you may decide to award points to those vendors that bid the preferred equipment. Even though the FCC Form 470 indicates the functionally equivalent equipment will be considered, this is a competitive bidding violation because service providers that do not provide the preferred equipment could be discouraged from bidding.	43	04/04/2018	43-Your appeal did not show that USAC's determination was incorrect. Consequently, your appeal is denied.		\$0.00
4	1699028372	Denied	161016021	1E+05	BERRYHILL INDEP SCHOOL DIST 10	TULSA	OK	CRW Consulting	Twotrees Technologies	2016	\$24,659.00	\$0.00	Internal Connections	48	6/2/2017	MR1:The applicant did not submit any RAL corrections.	DR1: This FRN will be denied because the Questions and Answers section of the RFP associated with FCC Form 470 # 160005958 that you have cited contains a particular manufacturer's name, brand, product and service and indicates you may decide to award points to those vendors that bid the preferred equipment. Even though the FCC Form 470 indicates the functionally equivalent equipment will be considered, this is a competitive bidding violation because service providers that do not provide the preferred equipment could be discouraged from bidding.	43	04/04/2018	43-Your appeal did not show that USAC's determination was incorrect. Consequently, your appeal is denied.		\$0.00