Seattle School District 1 wishes to appeal the denial decision pertaining to application 171037523. Text of the FCDL notification for this application appears below:

DR1: Based on the documentation you provided during the Selective Review, you deterred a potential bidder by failure to respond to inquiries made by the bidder within the 28-day bidding window. Therefore, your FRN is being denied because it was determined that your competitive bidding process was not fair and open. <><><><><> DR2: Documentation provided shows that a decision to award a contract or enter into a legally binding agreement for a new product and service was made prior to the Allowable Contract Date, which is 28 days after the posting of the FCC Form 470 to the USAC website. Program rules require applicants to wait at least 28 days after posting the FCC Form 470 before selecting a service provider, signing a contract or entering into legally binding agreement, or submitting an FCC Form 471. Since you did not meet this Program requirement, the FRN must be denied. <><><><><>

The vendor decision was made 28 days after the posting of the FCC Form 470 (5/11/2017). The date provided on the vendor decision page and summary was incorrectly entered as a ministerial error on the 27th. The school district had vendor decision meetings that took place on multiple days and some of the decision committee members were involved remotely. This created an opportunity for ministerial error with the paper record. The decision was made after the allowable contract date in each case. As the attached e-mail indicates, bids were sent to the remote participants prior to the decision meeting on 5/11/2017.

In a review of the documentation we provided, we see some documents were saved with the incorrect Evaluation Team Members page. The Evaluation Team Members document should have been the 5/11/17 document, reflecting the second decision meeting (attached SPS Evaluation Team Members.pdf).

In addition, evaluation forms from Richard Rogers and Eric Kinzel were incorrectly dated. These team members were not on-site for the meeting but at a conference and could only be involved via phone. The ministerial error was made when they were advised by the E-Rate Team to enter the 5/10/17 on those evaluation matrices after their return to the office. Richard Rogers, IT Manager Telecom/Networks has provided a letter attesting to his and Eric Kinzel’s involvement in the decision on 5/11/17 (SPS Richard Rogers Letter.pdf).

Richard Rogers and Eric Kinzel received the same documents as the other evaluation team members via e-mail. We have attached an e-mail that was submitted to them in preparation for the meeting on 5/11/17 (Final E-Rate Reviews.msg). This contains attachments received on the day of the deadline and pertains to two of the three applications in question (171037527 and 171037532). Both of those decisions were made using these documents and clearly illustrates the ministerial error. The vendor response for application 171037523 was received on 5/8/17 and had been submitted to them previously. As is the case with the other applications, three of the five reviewers (the team members physically present) have the correct date on their evaluation form.

We hope this makes it apparent it is a simple dating error not reflecting the actual dates of the decisions, which were timed to coincide with the Allowable Contract Date of the respective 470s.

The error that caused this was in every sense of the word “ministerial”. The bid opening was conducted very carefully and using the procurement standards dictated to us by the Purchasing Department at Seattle Public Schools. Two of the team members were in Canada at technical conference. They dialed into the bid opening and were active participants on two days 5/10/17 and 5/11/17. We were careful to open only the 14 bids from the 470s that were filed earlier and so had satisfied their 28 day requirement. The next day 05/11/17, the remaining 4 bids were opened. Eric and Richard were involved in both meetings.