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

This appeal is intended to correct what we at Seattle Public Schools believe to be a misunderstanding of our written explanation in response to a question asked during a Selective Review.

This misunderstanding appears to be one of the reasons for the denial. We have inserted red parenthetical clarifications that should provide explanation of the misunderstanding.

**Selective Review Question sent to Seattle Public Schools 11/16/17**

1. ***Form 471 #171037523, FRN 1799106450 (Ednetics, Inc.)***
2. FCC rules state that applicants must be ready to accept bids once the FCC Form 470 is posted on the USAC web site. According to documentation provided during the Selective Review, the applicant deterred a potential bidder by failure to respond to inquiries made by the bidder within the 28 day bidding window. Specially, on 5/2/2017 and 5/3/2017, a representative of BorderLAN asked the applicant specific questions regarding the Form 470 request for quotes, and the RFP. These questions were not acknowledged by the applicant. BorderLAN’s inquiry on 5/12/2017, 5/15/2017 and 5/19/2017 for confirmation that their proposal was received was answered by applicant on 5/30/2017 indicating that the bid was received late and could not be considered. As a result, it was determined that your competitive bidding process was not fair and open. Therefore, FRN ***1799106450*** will be denied.

For additional information on competitive bidding, please refer to the USAC Website: <http://www.usac.org/sl/applicants/step01/default.aspx>

**Seattle Public Schools Response (Direct Copy)**

The questions you refer to were not acknowledged via e-mail but via phone. BorderLAN’s e-mails acknowledge voicemails received from Seattle Public Schools that responded to their questions for a submission. There were additional conversations, including advising them of the approaching (USAC 471 deadline of 05/11/17 not SPS deadline) deadline for submissions. Unfortunately, their submission was received one day past the (USAC 471) deadline for filing 471s. Following the bid opening and 471 filings, the E-Rate team at Seattle Public Schools had shut down primary activities in preparation for summer deferral. They responded to BorderLAN upon their return.

We answered all questions promptly. This vendor was friendly and communicative but apprehensive about the date when it would be delivered.

**From FCDL following our response**

171037523 17-18 471 GE Switches Districtwide

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.

Above in the response from the PIA they incorrectly assume we “deterred” the applicant. In fact, as you can see from the applicant’s final email to SPS Matt Killian is aware that he missed the USAC 471 Window: “Thanks for getting back to me John. I thought that might be the case. Have a great week” This can be found in the attached document BorderLan email 20170530A.

We had a pleasant exchange on 5/30 after a 2 week summer deferral for us and explained that we had received his proposal but unfortunately it was after the USAC 471 Window had expired. As you can see there is no time when we delayed a response. Matt contacted us frequently and we took his calls or returned email promptly. If we were out of the office and could not access email, we had a conversation by phone. Some of his technical questions required a conversation. As the deadline approached his calls became more frequent. The dates we responded to these calls, and provided the PIA are as follows below:

5/2/17 email from Matt Killian at Borderlan regarding technical specs

5/3/17 email from Matt Killian at Borderlan follow up interpretation of RFP

5/4/17 SPS responds to both questions speed response and were out of the office

5/9/17 Matt returns from vacation and responds to which 470 he was asking about

5/11/18 USAC ERATE 471 Window Deadline

5/12/17 Receive bid from BorderLan one day after USAC Deadline

5/15/17 3 days after USAC 471 Deadline he asked to confirm receipt

5/30/17 SPS responds by email that BorderLan’s submittal was 1 day outside window

Please contact the vendor as part of the investigation. We would have welcomed their bid had it been filed before the USAC 471 Window ended. We gave all applicants as much time as possible. We would have accepted BorderLan’s bid right up until the filing window ended. Unfortunately, they were a day late. This was not due to anything SPS demanded, omitted, deterred, deferred or improperly represented. We answered many questions from many vendors in a timely fashion.