

11/06/19

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554
CC Docket No. 02-6

Re: Letter of Appeal of Funding Commitment Decision Letter for funding Year 2019, issued October 17th, 2019.

Dear Sir or Madam:

I am submitting this letter of appeal regarding denial of E-rate FY 2019 funding request for Internet Access, on the grounds that, the evaluation for the service occurred a full 50 days after the Contract Award Date (CAD) and the Letter of Intent was signed a full 13 days after the CAD. Therefore, no violation of the 28 day bidding rule has occurred for FRN #1899033613 and associated 2019 FRN #1999027629.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	Greenburgh 7
471 Application Number:	191018677
Billed Entity Number:	123677
FRN:	1999027629
Service Provider:	Best Web

SLD Explanation for denial: *“DRI: The referenced RFP was not available for 28 days after the filing of the FCC Form 470. Program rules require applicants to wait at least 28 days after releasing an RFP before selecting a service provider, signing a contract or entering into a legally binding agreement, or submitting an FCC Form 471. Therefore, this FRN is denied.”*

The issue in this case boils down simply to the assigned USAC reviewer’s wrongful interpretation between the difference of the evaluation and the contract award date.

Timeline:

11/29/16- Certification of Form 470 #170049326
12/27/16- End of the minimum 28 day bidding window
02/15/17- Evaluation conducted of all bids received with price as most heavily weighted criteria
02/28/17- Letter of Intent signed awarding Bid to Best Web
05/07/17- Certification of the Form 471

Summary:

The assigned USAC reviewer considered the date of 02/15/17 as the date of evaluation and considered the date of 1/04/17 as the selection of vendor, thereby denying this funding request as “failure to wait at least 28 days after releasing an RFP before selecting a service provider, signing a contract or entering into a legally binding agreement”. This is grossly inaccurate as supported by the documentation provided with this appeal.

The 2017 Form 470 #170049326 was certified 11/29/16 with the minimum 28 day window falling on 12/27/16. The evaluation of the bids received on the date of 02/15/17 therefore occurred a full **78 days after** the opening of the bidding window. Please see bid evaluation attached. The letter of intent was signed on 02/28/17, a full **13 days after** the evaluation. Please see the signed letter of intent attached. The Form 471 was completed and certified on 05/07/2017.

In summary, the applicant conducted the evaluation a full 50 days after the Contract Award Date (CAD) and the Letter of Intent was signed a full 73 days after the CAD. As the documentation shows this service was properly bid on a Form 470 with the evaluation appropriately conducted *prior* to awarding the service via a Letter of Intent. This is the identical situation for the related 2018 FRN #1899033613. Based on the Bishop Perry Order, we request FRN #1899033613 and FRN #1999027629 be funded and USAC actions remain consistent with this order.

Conclusion:

Given that the denial of funding in this case is based on the assigned USAC reviewer's inaccurate interpretation of the documentation for FRN #1999027629 and no rule violations have occurred, specifically regarding evaluation of the bids received prior to award of a service, the Parties respectfully request that the SLD process this Letter of Appeal and approve the 2018 funding commitment for Greenburgh Central. The denial of funding for an administrative error places a particular hardship on a school district such as Greenburgh Central that otherwise should have been approved for and received E-rate funding for its application.

We respectfully request that you overturn the denial and restore full funding of this FRN. Thank you for reviewing this appeal. Please use the contact information below.

Tiffany Bullion, Director of Operations, e2e Exchange, LLC, PO Box 451, Syracuse, NY 13206, Tel. 315.422.7608, Fax 866.283.9332, trb@e2eexchange.com

Sincerely,

E2e Exchange, LLC

Tiffany Bullion
Director of Operations

CC:

Enclosures –

- Form 470 #170049326 with CAD of 12/27/16
- Bid Evaluation finalized 2/15/17 for Greenburgh 7
- Letter of Intent signed 2/28/17 for Greenburgh 7