Appeal to Commitment Adjust Letter Response dated 10/16/18

Ben #142445

Form 470 Application #170049699

FCC Form 471 Application #171006506

Funding Request Number 1799011873

We respectfully appeal to the FCC regarding the Commitment Adjustment from USAC dated 10/16/18.

In the 1718FY, Mesa County Valley School District 51 (MCVSD51) submitted a 470 application (Internal Connection) related to an RFP for a new Firewall for our district. This was submitted on November 8, 2016. The 471 Application for the Firewall as well as Basic Maintenance was submitted on 3/29/17. On 8/15/2017, we received a FCDL for the full amount of our 471 request. No PIA questions were asked regarding the eligibility of any of the items prior to our Funding Commitment. We submitted the 486 and BEAR form and received payment without any inquiries on the 472 Application from USAC. Then, on 10/12/17, we received an Inquiry stating that USAC had submitted an appeal “on our behalf” regarding the support that we had requested. We had not asked for support on the 470 Application. At the time of the application, we did not request services for basic maintenance. However, we believe we still had an open and competitive bidding process due to the wording in our RFP that was attached to the 470 Application. Section 5 (page 11) clearly states our request for pricing for support and all vendors that submitted proposals included such pricing. All proposers had the same information and the RFP process was fair and forthcoming. Until we selected the winning proposal, we were unsure of what support would be eligible for E-rate funding and sought the vendor’s feedback regarding such eligibility.

After we submitted our response to the original "appeal" (request #76415), we received a RFCDL in the same amount as the original Funding Commitment (fully funded) and the appeal was listed as "Dismissed" in the Status in EPC. At that time, we felt the matter was closed. Three months later, we received a Commitment Adjustment Letter stating that USAC is wanting to recover that money. The narrative on the request for information dated 1/19/18 stated that “An appeal record has been created on your behalf due to a potential system error that may have impacted the funding amount for the submitted Category Two funding request”. We did not initiate an appeal on this and feel that it would be an undue burden to be denied this funding after the fact.

The original 470 Application indeed did not include "Basic Maintenance of Internal Connections" simply because we did not know until after we selected the Internal Connection (Firewall) that the maintenance would be eligible for e-rate until the winning vendor informed us that it would be. This in no means influenced the competitive nature of the 470 application as the RFP process was extensive and followed all USAC Competitive Bidding rules. Based on the above narrative, we request that you stand by the original funding commitments (2) for this service. It is our opinion that this should have been addressed in the original PIA review and that it would be an undue burden to our district to have to repay these funds after the fact, especially since the first appeal was "dismissed".

Thank you for your time in this matter. We look forward to having the matter resolved soon.

Randy Dalton Wendy Joy

Executive Director, Technology Services District 51 E-rate Specialist - 970-254-5141

Timeline:

470 Application: 11/8/16

471 Application: 3/29/17

Original FCDL: 8/11/17 (Fully funded)

486 Application Filed: 8/16/17

472 Application Filed: 9/22/17

Appeal Filed by USAC “on our behalf”: 10/12/17

Appeal Dismissed – unknown date (just shows in the status of the appeal). (See screen shot below)

BEAR Program Remittance Statement received: 12/4/17

472 Notification Letter received: 12/8/17

PIA Inquiry Received – 470 does not support – 1/19/18

RFCDL – 4/25/18 (Fully Funded)

Commitment Adjustment Letter – 7/23/18 (Recover notification)

MCVSD51 Appealed – 8/1/18

RFCDL received – 10/16/18 (Zero funded)

