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RE: Review of Decision

CC Docket No. 02-6

Contact:

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Letter of Agency St. Joseph School for the Deaf
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BEN 10651 St. Joseph School for the Deaf

471 # 937026

FRN # 2559645

Review of Decision

I am requesting the review of a denial of Administrator's Decision on Appeal- Funding Year 2014-2015 471 # 937026, FRN 2559645

Background

St. Joseph School for the Deaf serves 110 students in grades K-8. The school received a CER on 8/26/2014 for FRN 2559645.

FRN 2559645 was denied because:

"MR1: FRN modified in accordance with a RAL request. <><><><><> MR2: The Contract Award Date was changed from 11/30/2012 to 12/3/2012 to agree with the documentation provided during the review of the FCC Form 471. <><><><><> MR3: The FRN was modified from \$2276.53/m to \$3148/m to agree with the applicant documentation. <><><><><> DR1: Based on the documentation you provided during

review, FRN 2559645 will be denied because the winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. You provided an evaluation matrix which lists factors used in the evaluation on the left hand side of the matrix and the relative weighting of those factors. The relative weighting of the factors awards, Cost for services at a total of 30 possible points, which is more than all other evaluation factors listed on the left hand side of the evaluation matrix. However, when performing the actual evaluation, you did not adhere to the weighting listed in the evaluation. In the actual evaluation, 30 points were awarded to a service provider in an evaluation factor titled Reliability/Reputation/product. Therefore, that evaluation criteria was weighted equally to Cost for services. Applicants must select the most cost-effective provider of the desired products or services eligible for support, with price weighted heavier than all other evaluation criteria. You did not adhere to this requirement and the FRN is denied. For additional guidance on vendor selection, please refer to the USAC website at <http://www.usac.org/sl/applicants/step03/evaluation.aspx>.”

Form 471 # 937026 was filed with FRN # 2559645 using form 470 # 862970001048796 as the establishing form 470 from FY 2013. There was only one response for this service in funding year 2013.

Argument

Adrienne Grant was very confused when she replied to requests from the reviewer. The cost effective review was for 471# 937026, 959402, 959444, and 959547. See attached email response sent by the reviewer to Adrienne sent on August 27, 2014 at 7:38 am.

On August 27, 2014 the reviewer replied to Adrienne’s response to the initial CER request.

On October 28, 2014 at 9:43 am the reviewer sent an email to Adrienne asking for clarification on the response to FRN 2559645. (See attached email)

Adriane responded at 9:56 on October 28, 2014 saying some of the responses were sent in error (see attached email).

On October 28, 2014 at 10:24 am the review sent an email to Adrienne stating that “Bids for FRN 2606495 seem to be in order”. (See attached email)

On October 28, 2014 at 2:31 pm Adrienne sent a reply to the reviewer to remove the Burling Point Bid. (See attached email)

On January 7, 2015 the reviewer sent Adrienne an email stating that FRN

2559645 needed to revert back to the original amount of the contract that established the service in 2013. Adriane asked a question and the reviewer replied that they were “not allow to give any guidance”. (See attached email).

On January 9, 2015 the reviewer sent a letter stating that FRN 2559645 was to be denied based on the vendor matrix that Adriane said was sent in error. (See attached letter)

On January 22, 2015 at 8:40 am Adriane sent an email to the reviewer that she was still working on “these FRN’s”. (See attached email)

On January 22, 2015 at 10:14 am Adriane sent an email to the reviewer stating that FRN 2559645 should not be denied because it was bid out using a 2013 470 was awarded as a multiyear contract and attached the contract. (See attached email)

St. Joseph School for the Deaf filed form 470 # 862970001048796 on October 9, 2012 and received only one response from EarthLink. After waiting 28 days the school signed a three year contract on November 11, 2012. Form 471 # 880335 was filed and certified. There was no fraud or abuse. St. Joseph School for the Deaf followed all of the program rules.

FRN 2559645 was denied based on information wrongly sent. The school asked the reviewer not to use the previously provided information and sent the correct documentation (copy of contract as the only bid response).

I respectfully ask that you restore the funding for FRN 2559645

Sincerely,

Janice Meyers