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In the Matter of)
Request for Review of the Decision)
of the Universal Service)
Administrator by)
FCC - Wireline- Schools and)
Libraries)
Form 471 Application No.949932)

Appeal of
Funding Commitment Denial Letter
for
Clover Park School District

vs.

Clover Park School District
Tacoma, Washington
Billed Entity No. 145285

CC Docket No. 02-06

June 4, 2016

Overview: Clover Park School District underwent several extensive reviews over the last several years. For Fund Year 2014-2015, Application 949932 came under investigation by USAC Selective Review Team. For FRN 2608971 the applicant was asked for documents pertaining to the awarding of this FRN. The applicant [Clover Park School District] and the consulting firm [American e-Rate Solutions] worked tirelessly to provide accurate documents as requested by the reviewer[s].

On January 8, 2015 USAC send a Notification of Commitment Adjustment Letter to the applicant via the consulting firm stating the following:

"After multiple requests for documentation and application review it has been determined the funding commitment must be rescinded in full. It was determined that you failed to consider all bids submitted. Specifically you failed to evaluate a bid received from service provider Integra. Since you failed to consider all bids received, you violated the competitive bidding process."

25 **Issue:**

26 The applicant and consulting firm did respond to the requests for documents.
27 They sent everything they had to the reviewer. One issue was the amount of
28 documents being requested and the lack of capacity of email to transmit large
29 quantities of documents. It has been only in the past several months that the
30 consulting firm was made aware that USAC can now receive Google Drive shared
31 documents [although it was noted by a reviewer there were issues with this
32 transmission function] or by Drop Box shared files. The second issue is that
33 of the Integra bid, which was sent to the consulting firm email address. The
34 consulting firm sent all bid documents and bid evaluation sheets to the
35 applicant via several emails and a shared Google Drive link. It wasn't until
36 the reviewer asked for said documents that the applicant and the consulting
37 firm realized that a bid had not been received by the applicant. This bid was
38 the Integra bid. This was stated several times by the applicant/consulting
39 firm to the reviewer, as to show it was not a deliberate act nor deliberate
40 violation of the FCC rules and regulations pertaining to E-Rate Funding
41 procedures.

42

43

44 **Resolution:**

45 I am asking the FCC to reverse the Denial Status of Clover Park School
46 District's Form 471 Application 949932 FRN 2608971 based on the FCC ruling of
47 April 2007, where they ruled in favor of the applicants in part based on
48 "Personal Staff emergencies such as illness of responsible individuals (or
49 their relatives) or **other inadvertent failures**" (DA-0701180A.doc).

50

51 In this case, it was the failure of a computer network/email that failed to
52 deliver the bid from Integra to the applicant.

53

54 *See Request for Waivers and Review of the Decisions of the Universal Service Administrator by Assabet*
55 *Valley Regional Vocational District, et al., Schools and Libraries Universal Service Support Mechanism,*
56 *File Nos. SLD-628454, et al., CC Docket No. 02-6, Order, 27 FCC Rcd 1924 (Wireline Comp. Bur. 2012)*

57 (permitting 12 applicants to correct clerical or ministerial errors in their E-rate applications and five
58 requests to make more substantive changes to their applications)

59 Generally, the Commission's rules may be waived if good cause is shown. 47 C.F.R. § 1.3. In addition,
60 the Commission may take into account considerations of hardship, equity, or more effective
61 implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C.
62 Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

63 Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a
64 deviation from the general rule, and (ii) such deviation will serve the public interest. *NetworkIP, LLC v.*
65 *FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

66

67 Sincerely

68 Jill Stone

69 P: 253-271-9653

70 E: jstone@aeserate.com

71 American e-Rate Solutions

72 PO Box 319, Watertown, MA 02471

73 CRN: 16071258



Notification of Commitment Adjustment Letter

Funding Year 2014: July 1, 2014 - June 30, 2015

January 08, 2015

Jill Stone
CLOVER PARK SCHOOL DIST 400
PO Box 319
Watertown, MA 02471

Re: Form 471 Application Number: 949932
Funding Year: 2014
Applicant's Form Identifier: FY14 P1
Billed Entity Number: 145285
FCC Registration Number: 0014255434
SPIN: 143005231
Service Provider Name: CenturyLink Qwest Corporation
Service Provider Contact Person: Kathy Civarra

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Kathy Civarra
CenturyLink Qwest Corporation

Funding Commitment Adjustment Report for
Form 471 Application Number: 949932

Funding Request Number:	2608971
Services Ordered:	TELCOMM SERVICES
SPIN:	143005231
Service Provider Name:	CenturyLink Qwest Corporation
Contract Number:	MTM
Billing Account Number:	206-Z10-0465-480B
Site Identifier:	145285
Original Funding Commitment:	\$35,938.59
Commitment Adjustment Amount:	\$35,938.59
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$0.00
Funds to be Recovered from Applicant:	\$0.00
Funding Commitment Adjustment Explanation:	

After multiple requests for documentation and application review it has been determined the funding commitment must be rescinded in full. On the FCC Form 470, FY 2014 you certified that you reviewed and complied with all FCC, state and local procurement/competitive bidding requirements. It was determined that you failed to consider all bids submitted. Specifically you failed to evaluate a bid received from service provider Integra. Since you failed to consider all bids received, you violated the competitive bidding process. Accordingly, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

Funding Request Number: 2615536
Services Ordered: TELCOMM SERVICES
SPIN: 143005231
Service Provider Name: CenturyLink Qwest Corporation
Contract Number: MTM
Billing Account Number: 253-584-9054-855B
Site Identifier: 145285
Original Funding Commitment: \$5,332.82
Commitment Adjustment Amount: \$5,332.82
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$0.00
Funds to be Recovered from Applicant: \$0.00
Funding Commitment Adjustment Explanation:

After multiple requests for documentation and application review it has been determined that this funding commitment must be rescinded in full. On the FY 2014 FCC Form 470, you certified that you reviewed and complied with all FCC, state and local procurement/competitive bidding requirements. It was determined that you failed to consider all bids submitted. Specifically you failed to evaluate a bid received from service provider Integra. Since you failed to consider all bids received, you violated the competitive bidding process. Accordingly, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

Jill Stone

From: Jill Stone <jstone@aeserate.com>
Sent: Wednesday, February 12, 2014 3:51 PM
To: Craig Cook
Cc: Pamela Jones
Subject: Bid Assessment spreadsheet
Attachments: Jill Stone.vcf; FY14 CPSD BidResponsesAssessments P1.xls

Craig and Pamela,

I have sent you a Google Drive link with the bid proposals that have been collected over the last several weeks. (3 email messages)

Please use the attached spreadsheet to make your selection from the bid proposals I sent from my Google drive.

Please send the spreadsheet back with your comments and bid selection noted.

If no service provider meets your needs, you can use your current vendors invoices as bids, just be sure you make a note of that on the spreadsheet with an explanation as to the why/wherefore of the decision.

I have your Form 471 ready to be submitted with exception of the FRN's being built. I would like to have your bid selection to me by 2/21/14. Please let me know if you will need more time than this.

Jill



Jill Stone

From: Craig Cook <ccook@cloverpark.k12.wa.us>
Sent: Tuesday, November 04, 2014 8:49 AM
To: Pamela Jones; Jill Stone (jstone@aeserate.com)
Subject: RE: Telecom (jstone@aeserate.com)

Jill

It does appear to be a technical problem. Pam and I both received the Google drive email but weren't able to retrieve the documents. It appears that you sent another email to both Pam and I, but I did not receive it and it is not in my archives. That email must have been dropped by the filter. Pam did receive the email with the attachments, and printed them, but the Integra bid did not print.

This is the first we have seen the Integra bid. Integra is not on the response log either.

Thanks,
Craig

From: Jill Stone [mailto:jstone@aeserate.com]
Sent: Monday, November 03, 2014 4:53 PM
To: Craig Cook
Cc: Jill Stone; Pamela Jones
Subject: Re: Telecom (jstone@aeserate.com)

Thank you Craig.

Here is my thought - if you guys find that you actually never received the Integra bid response due to technical issues, that can be stated in our rely. But you guys did have an ATT bid response so now I need to know if you received a bid directly from ATT or used the one I sent.

Jill Stone
CEO
American e-Rate Solutions
E:jstone@[aeserate.com](mailto:jstone@aeserate.com)
www.americaneratesolutions.com

On Nov 3, 2014, at 3:42 PM, Craig Cook <ccook@cloverpark.k12.wa.us> wrote:

I did receive this one. Pam can you try to figure what happened to Integra?

Sent from my iPad

Begin forwarded message:

From: Jill Stone <jstone@aeserate.com>
Date: November 3, 2014, 3:25:25 PM PST
To: Craig Cook <ccook@cloverpark.k12.wa.us>
Subject: FW: Telecom (jstone@aeserate.com)

Did you get this email from me on 2/12/14?? It also contained the bid proposals for the Telecom.

Sincerely,

Jill Stone

<image001.jpg>

Did

From: Jill Stone (Google Drive) [<mailto:jstone@aeserate.com>]
Sent: Wednesday, February 12, 2014 3:43 PM
To: jstone@aeserate.com
Cc: pjones@cloverpark.k12.wa.us; ccook@cloverpark.k12.wa.us
Subject: Telecom (jstone@aeserate.com)

I've shared an item with you.

Here are the bids that have been collected thus far. The ACD is 2/5/14; any bids received after this date do not need to be considered unless you want. I will send you the Bid Proposal Tracking sheet and assessment sheet in my next email. Please complete the Bid Assessment worksheet - and send it back to me with your selections. If no bid meets your needs, you can also use your current service provider invoices in the bid selection. Just be sure to note this on the Bid Assessment form.

Jill Stone



Google Drive: create, share, and keep all your stuff in one place.

<Jill Stone.vcf>

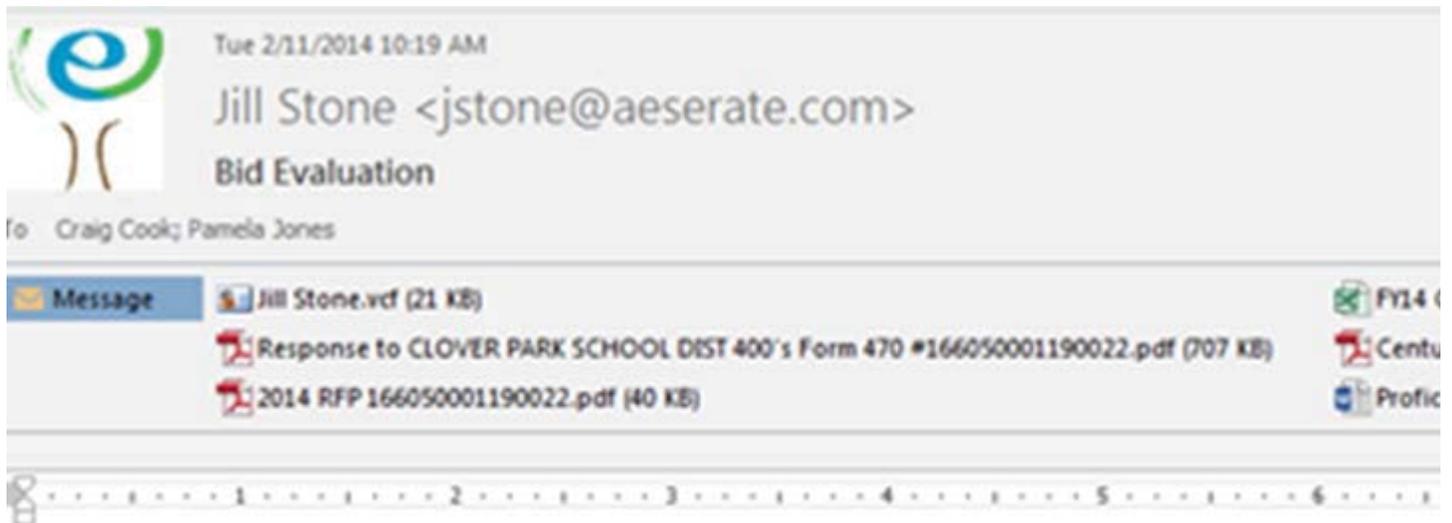
Jill Stone

From: Craig Cook <ccook@cloverpark.k12.wa.us>
Sent: Monday, November 03, 2014 2:27 PM
To: Jill Stone (jstone@aeserate.com)
Subject: FW: Nov 4 due date for new questions
Attachments: Jill Stone3.vcf

I didn't receive this email. I did receive an email from you from Google drive entitled Telecom on 2/12/14, but our access may have been blocked by our filter. It didn't appear to have attachments.

From: Jill Stone [mailto:jstone@aeserate.com]
Sent: Monday, November 03, 2014 2:17 PM
To: Craig Cook
Subject: RE: Nov 4 due date for new questions

Oh dear, I sent you and Pam an email on 2/11/2014 that contained the bid responses from AT&T, Integra, Century Link, Proficient and the Bid Response Evaluation Sheet.



The screenshot shows an email client interface. At the top left is a logo with a stylized 'e' and 'i' in green and blue. To its right, the date and time 'Tue 2/11/2014 10:19 AM' are displayed. Below this is the sender's name 'Jill Stone' and email address '<jstone@aeserate.com>'. The subject line reads 'Bid Evaluation'. Underneath, the recipients are listed as 'To: Craig Cook; Pamela Jones'. A 'Message' tab is active, showing a list of attachments: 'Jill Stone.vcf (21 KB)', 'Response to CLOVER PARK SCHOOL DIST 400's Form 470 #166050001190022.pdf (707 KB)', and '2014 RFP 166050001190022.pdf (40 KB)'. On the right side of the attachment list, there are icons for 'FY14', 'Centu', and 'Profic'. At the bottom of the screenshot, a navigation bar shows a series of dots with numbers 1 through 6, indicating the current page in a thread.

Craig and Pam,

Please see attached spreadsheet for your bid assessment of the attached bids for phone service and we the Form 471 prepped and ready to go. I just need to have you select the service provider.

Sincerely,

Jill Stone



Jill Stone
American e-Rate Solutions
Chief Executive Officer
(253) 271-9653 Work
(206) 214-6372 Mobile
jstone@aeserate.com
26828 Maple Valley Hwy,
Suite 253
Maple Valley, WA. 98038
americaneratesolutions.com

From: Craig Cook [<mailto:cook@cloverpark.k12.wa.us>]
Sent: Monday, November 03, 2014 1:57 PM
To: 'Jill Stone'
Subject: RE: Nov 4 due date for new questions

Jill,

I did not receive anything from Integra that was a direct response to the Form 470.

Thanks,
Craig

From: Jill Stone [<mailto:jstone@aeserate.com>]
Sent: Monday, November 03, 2014 1:03 PM
To: Craig Cook
Subject: RE: Nov 4 due date for new questions

Thanks Craig, I was about to call you. Do you know why Integra wasn't part of the bid evaluation?

- I. You provided an Integra bid for FY 2014 FRNs **2608971** and **2615536**; however, your vendor selection matrix only scores CenturyLink, AT&T and Proficient. Why was the Integra bid not considered? If the bid was disqualified, please identify the reason why the bid was disqualified and where the requirement that was not met is cited in documentation available to the vendor, i.e., RFP, section.
 - a. Response ACD 2/05/14 both FRN's Bid received 1/14/13; sent to CPSD 2/12/14

Sincerely,

Jill Stone



Jill Stone
American e-Rate Solutions
Chief Executive Officer
(253) 271-9653 Work
(206) 214-6372 Mobile
jstone@aeserate.com
26828 Maple Valley Hwy,
Suite 253
Maple Valley, WA. 98038
americaneratesolutions.com

From: Craig Cook [<mailto:ccook@cloverpark.k12.wa.us>]
Sent: Monday, November 03, 2014 12:44 PM
To: Jill Stone (jstone@aeserate.com); Pamela Jones
Subject: FW: Nov 4 due date for new questions

Hi Jill,

On question IIIC, (This FRN is actually web hosting) SchoolDesk is the software made by Blue Torch, and it is listed that way on the matrix. We do not show that we received a legitimate FES or SOCS bid as indicated in the attached. I am attaching the vendor response log. We have a Cyberschools info packet but it does not contain any pricing. It was disqualified for that reason.

On question VIB, (This FRN is actually email) we have a similar problem – no pricing from Cyberschools and we do not show that we received a legitimate bid from School WebMaster.

VII. We are attaching the contract.

We are also attaching the signed certification sheet.

Please let me know if I've missed anything.

Thanks,

Craig

From: Jill Stone [<mailto:jstone@aeserate.com>]
Sent: Friday, October 31, 2014 12:03 PM
To: Craig Cook
Cc: Pamela Jones
Subject: Nov 4 due date for new questions

Craig and Pam,

See attached response document for this round of select review questions. I have highlighted the sections where I need your help as they have to do with why you chose to do the bid results. There are some missing documents mentioned that I don't have records of ever receiving but appear on your bid sheets. We need to have this completed by end of day on Tuesday.

Sincerely,

Jill Stone



jstone > Google Drive > School Districts > Public Schools > Clover Park School District > FY2014-2015 > PIA Review

Organize | Include in library | Share with | Burn | New folder | Search PIA Review

Name	Date modified	Type	Size
Clover Park School District 400 - FY 2014	4/18/2015 8:59 AM	Outlook Item	253 KB
Clover Park School District 400 FY 2014	4/18/2015 8:59 AM	Microsoft Word 97...	222 KB
Dear Nina	4/15/2015 4:27 PM	Microsoft Word D...	872 KB
Clover Park School District 400 Information Request due 4 14 2015	4/15/2015 4:18 PM	Microsoft Word 97...	238 KB
desktop	12/17/2014 12:20 ...	Configuration setti...	1 KB
Hudtloff pri	11/3/2014 1:07 PM	Adobe Acrobat D...	320 KB
Response to Select Review Questions due Nov 4 2014	11/3/2014 1:07 PM	Microsoft Word 97...	98 KB
usac cert 11-3-14	11/3/2014 1:07 PM	Adobe Acrobat D...	39 KB
Clover Park School District 400 Information Request due 11 4 2014	10/29/2014 2:06 PM	Microsoft Word 97...	249 KB
FY14 CPSD PIA Review -Emails	10/13/2014 4:51 PM	Adobe Acrobat D...	534 KB
FY14 CPSD PIA Select Review - Letter, Contracts	10/13/2014 4:50 PM	Adobe Acrobat D...	6,193 KB
VoIP Letter	7/16/2014 11:25 A...	Adobe Acrobat D...	104 KB
PIA review VOIP 2014	7/14/2014 9:22 AM	Microsoft Word D...	45 KB
RE_FY2014 FCC Form 471 # 949932 - Clover Park School Dist 400 - New Letter	4/7/2014 10:48 AM	Adobe Acrobat D...	709 KB
New Letter for App 949932	4/7/2014 10:48 AM	Microsoft Word D...	306 KB
RE_FY2014 FCC Form 471 # 949932 - Clover Park School Dist 400 - Letter	3/27/2014 4:42 PM	Adobe Acrobat D...	1,325 KB
RE_FY2014 FCC Form 471 # 963768 - Clover Park School Dist 400 - Letter	3/27/2014 4:42 PM	Adobe Acrobat D...	915 KB
Acheive PIA review response	3/27/2014 4:15 PM	Adobe Acrobat D...	216 KB
Clover Park School District Application 949932 Web Hosting	3/27/2014 3:49 PM	Adobe Acrobat D...	107 KB
Clover Park School District Application 949932 Web Hosting	3/27/2014 3:49 PM	Microsoft Word D...	101 KB
September 27, 2013 Century Link	12/17/2013 9:36 A...	Adobe Acrobat D...	637 KB
Octboer PIA Select Review Questions and Response	10/14/2015 12:28 ...	File folder	
Select Review Part Two	12/17/2014 12:37 ...	File folder	

23 items

Google Drive > School Districts > Public Schools > Clover Park School District > FY2014-2015 > PIA Review > October PIA Select Review Questions and Response > Search October PIA Select...

Organize Include in library Share with Burn New folder

Name	Date modified	Type	Size
Bid Responses	12/17/2014 12:36 ...	File folder	
Century Link Files	12/17/2014 12:42 ...	File folder	
Consultant Contract	12/17/2014 12:41 ...	File folder	
Contracts	12/17/2014 12:39 ...	File folder	
Email Messages	12/17/2014 12:42 ...	File folder	
RFP	12/17/2014 12:37 ...	File folder	
Clover Park School District 400 Information Request 10162014	10/16/2014 11:44 ...	Adobe Acrobat D...	155 KB
Clover Park School District 400 Information Request due 10 16 2014 updated 10-10-2014	10/16/2014 11:44 ...	Microsoft Word 97...	116 KB
Clover Park School District 400 Information Request due 12.10.2014	12/1/2014 8:31 AM	Microsoft Word 97...	229 KB
desktop	12/17/2014 12:27 ...	Configuration setti...	1 KB
Email messages, consultant contract, bid results	10/16/2014 12:45 ...	Adobe Acrobat D...	6,526 KB
FY14 CPSD Bid Response sheets	10/17/2014 11:39 ...	Adobe Acrobat D...	1,041 KB
FY14 CPSD Oct PIA Review Bid reponse	10/13/2014 12:55 ...	Microsoft Excel W...	11 KB
FY14 CPSD PIA Select Review Response document October 2014	10/13/2014 1:03 PM	Adobe Acrobat D...	10,222 KB
Student Email FRN 2618730 2618743 2618720	10/16/2014 12:50 ...	Adobe Acrobat D...	1,112 KB
Telecom FRN 2608971 2615536 2704883	10/16/2014 12:53 ...	Adobe Acrobat D...	328 KB
USAC certification 10-10-2014	10/10/2014 3:08 PM	Adobe Acrobat D...	46 KB
VOIP FRN 2463737	10/16/2014 12:53 ...	Adobe Acrobat D...	636 KB
Web Hosting FRN 2618358 2618284	10/16/2014 12:55 ...	Adobe Acrobat D...	6,342 KB

19 items

jstone > Google Drive > School Districts > Public Schools > Clover Park School District > FY2014-2015 > PIA Review > Select Review Part Two

Organize | Include in library | Share with | Burn | New folder

Name	Date modified	Type	Size
Verizon	12/17/2014 12:37 ...	File folder	
2 12 2014 email	11/4/2014 2:01 PM	Adobe Acrobat D...	85 KB
ATT Feb 13 2014	11/3/2014 3:35 PM	Adobe Acrobat D...	134 KB
ATT Jan 10 2014	11/3/2014 3:34 PM	Adobe Acrobat D...	168 KB
ATT Jan 24 2014	11/3/2014 3:34 PM	Adobe Acrobat D...	133 KB
ATT Jan 30 2014	11/3/2014 3:35 PM	Adobe Acrobat D...	169 KB
ATT Oct 21 2013	11/3/2014 3:36 PM	Adobe Acrobat D...	193 KB
Bid assesment email 2014	11/4/2014 5:35 PM	Adobe Acrobat D...	85 KB
Bid Evaluation	11/3/2014 2:18 PM	Outlook Item	1,038 KB
Bid Intgera	11/4/2014 1:23 PM	Adobe Acrobat D...	95 KB
CenturyLink - qwest 2011-2014	12/2/2014 11:48 A...	Adobe Acrobat D...	410 KB
cyberschools	11/4/2014 5:29 PM	Adobe Acrobat D...	365 KB
desktop	12/17/2014 12:31 ...	Configuration settl...	1 KB
FY14 CPSD BidResponsesAssessments P1	11/3/2014 1:22 PM	Adobe Acrobat D...	81 KB
FY14 CPSD Reponse Doc to Nina 11 4 2014	11/4/2014 6:06 PM	Adobe Acrobat D...	1,259 KB
Hudtloff pri	11/3/2014 1:07 PM	Adobe Acrobat D...	320 KB
Integra Bid email to CPSD	11/3/2014 3:09 PM	Adobe Acrobat D...	140 KB
Jill reply to Pam Telecom bids	11/4/2014 5:54 PM	Adobe Acrobat D...	96 KB
Nina Krishnan	11/4/2014 6:04 PM	Microsoft Word D...	221 KB
Pam to Jill telecom bids	11/4/2014 5:37 PM	Adobe Acrobat D...	66 KB
Pam to Jill unable to open bids	11/4/2014 5:36 PM	Adobe Acrobat D...	76 KB
Pamela Jones inquiry into Telecom bids	11/4/2014 5:33 PM	Adobe Acrobat D...	66 KB
Proficient Bid Proposal email	11/3/2014 3:23 PM	Adobe Acrobat D...	45 KB
response log	11/3/2014 1:17 PM	Adobe Acrobat D...	25 KB
Response to Select Review Questions due Nov 4 2014	11/3/2014 3:18 PM	Microsoft Word 97...	92 KB
Telecom bids web hosting bids	11/4/2014 5:35 PM	Adobe Acrobat D...	82 KB
usac cert 11-3-14	11/3/2014 1:07 PM	Adobe Acrobat D...	39 KB

27 items

In the Matter of)
Request for Review and/or Waiver)
of the Decision of the Universal)
Service Administrator by)
)
Schools and Libraries Universal)
Service Support Mechanism)
Form 471 Application No.)

Appeal of
Funding Commitment Denial Letter for
Clover Park School District

vs.

Clover Park School District
Tacoma, Washington
Billed Entity No. 145285

March 7, 2016

Overview: Clover Park School District underwent several extensive reviews over the last several years. For Fund Year 2014-2015, Application 949932 came under investigation by USAC Selective Review Team. For FRN 2608971 the applicant was asked for documents pertaining to the awarding of this FRN. The applicant [Clover Park School District] and the consulting firm [American e-Rate Solutions] worked tirelessly to provide accurate documents as requested by the reviewer[s].

On January 8, 2015 USAC send a Notification of Commitment Adjustment Letter to the applicant via the consulting firm stating the following:

"After multiple requests for documentation and application review it has been determined the funding commitment must be rescinded in full. It was determined that you failed to consider all bids submitted. Specifically you failed to evaluate a bid received from service provider Integra. Since you failed to consider all bids received, you violated the competitive bidding process."

Issue:

The applicant and consulting firm did respond to the requests for documents. They sent everything they had to the reviewer. One issue was the amount of

documents being requested and the lack of capacity of email to transmit large quantities of documents. It has been only in the past several months that the consulting firm was made aware that USAC can now receive Google Drive shared documents [although it was noted by a reviewer there were issues with this transmission function] or by Drop Box shared files. The second issue is of that of the Integra bid, which was sent to the consulting firm email address. The consulting firm sent all bid documents and bid evaluation sheets to the applicant via several emails and a shared Google Drive link. It wasn't until the reviewer asked for said documents that the applicant and the consulting firm realized that a bid had not been received by the applicant. This was stated several times by the applicant/consulting firm to the reviewer, as to show it was not a deliberate act nor deliberate violation of the FCC rules and regulations pertaining to E-Rate Funding procedures.

Resolution:

I am asking the USAC/SLD to reverse the Denial Status of Clover Park School District's Form 471 Application 949932 FRN 2608971 based on the FCC ruling of April 2007, where they ruled in favor of the applicants in part based on "Personal Staff emergencies such as illness of responsible individuals (or their relatives) or **other inadvertent failures**" (DA-0701180A.doc).

In this case, it was the failure of a computer network/email that failed to deliver the bid from Integra to the applicant.

See Request for Waivers and Review of the Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-628454, et al., CC Docket No. 02-6, Order, 27 FCC Rcd 1924 (Wireline Comp. Bur. 2012) (permitting 12 applicants to correct clerical or ministerial errors in their E-rate applications and five requests to make more substantive changes to their applications)

Generally, the Commission's rules may be waived if good cause is shown. 47 C.F.R. § 1.3. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

Sincerely

Jill Stone

American e-Rate Solutions

jstone > Google Drive > School Districts > Public Schools > Clover Park School District > FY2014-2015 > PIA Review

Organize | Include in library | Share with | Burn | New folder | Search PIA Review

Name	Date modified	Type	Size
Clover Park School District 400 - FY 2014	4/18/2015 8:59 AM	Outlook Item	253 KB
Clover Park School District 400 FY 2014	4/18/2015 8:59 AM	Microsoft Word 97...	222 KB
Dear Nina	4/15/2015 4:27 PM	Microsoft Word D...	872 KB
Clover Park School District 400 Information Request due 4 14 2015	4/15/2015 4:18 PM	Microsoft Word 97...	238 KB
desktop	12/17/2014 12:20 ...	Configuration setti...	1 KB
Hudtloff pri	11/3/2014 1:07 PM	Adobe Acrobat D...	320 KB
Response to Select Review Questions due Nov 4 2014	11/3/2014 1:07 PM	Microsoft Word 97...	98 KB
usac cert 11-3-14	11/3/2014 1:07 PM	Adobe Acrobat D...	39 KB
Clover Park School District 400 Information Request due 11 4 2014	10/29/2014 2:06 PM	Microsoft Word 97...	249 KB
FY14 CPSD PIA Review -Emails	10/13/2014 4:51 PM	Adobe Acrobat D...	534 KB
FY14 CPSD PIA Select Review - Letter, Contracts	10/13/2014 4:50 PM	Adobe Acrobat D...	6,193 KB
VoIP Letter	7/16/2014 11:25 A...	Adobe Acrobat D...	104 KB
PIA review VOIP 2014	7/14/2014 9:22 AM	Microsoft Word D...	45 KB
RE_FY2014 FCC Form 471 # 949932 - Clover Park School Dist 400 - New Letter	4/7/2014 10:48 AM	Adobe Acrobat D...	709 KB
New Letter for App 949932	4/7/2014 10:48 AM	Microsoft Word D...	306 KB
RE_FY2014 FCC Form 471 # 949932 - Clover Park School Dist 400 - Letter	3/27/2014 4:42 PM	Adobe Acrobat D...	1,325 KB
RE_FY2014 FCC Form 471 # 963768 - Clover Park School Dist 400 - Letter	3/27/2014 4:42 PM	Adobe Acrobat D...	915 KB
Acheive PIA review response	3/27/2014 4:15 PM	Adobe Acrobat D...	216 KB
Clover Park School District Application 949932 Web Hosting	3/27/2014 3:49 PM	Adobe Acrobat D...	107 KB
Clover Park School District Application 949932 Web Hosting	3/27/2014 3:49 PM	Microsoft Word D...	101 KB
September 27, 2013 Century Link	12/17/2013 9:36 A...	Adobe Acrobat D...	637 KB
Octboer PIA Select Review Questions and Response	10/14/2015 12:28 ...	File folder	
Select Review Part Two	12/17/2014 12:37 ...	File folder	

23 items

Google Drive > School Districts > Public Schools > Clover Park School District > FY2014-2015 > PIA Review > October PIA Select Review Questions and Response > Search October PIA Select...

Organize Include in library Share with Burn New folder

Name	Date modified	Type	Size
Bid Responses	12/17/2014 12:36 ...	File folder	
Century Link Files	12/17/2014 12:42 ...	File folder	
Consultant Contract	12/17/2014 12:41 ...	File folder	
Contracts	12/17/2014 12:39 ...	File folder	
Email Messages	12/17/2014 12:42 ...	File folder	
RFP	12/17/2014 12:37 ...	File folder	
Clover Park School District 400 Information Request 10162014	10/16/2014 11:44 ...	Adobe Acrobat D...	155 KB
Clover Park School District 400 Information Request due 10 16 2014 updated 10-10-2014	10/16/2014 11:44 ...	Microsoft Word 97...	116 KB
Clover Park School District 400 Information Request due 12.10.2014	12/1/2014 8:31 AM	Microsoft Word 97...	229 KB
desktop	12/17/2014 12:27 ...	Configuration setti...	1 KB
Email messages, consultant contract, bid results	10/16/2014 12:45 ...	Adobe Acrobat D...	6,526 KB
FY14 CPSD Bid Response sheets	10/17/2014 11:39 ...	Adobe Acrobat D...	1,041 KB
FY14 CPSD Oct PIA Review Bid reponse	10/13/2014 12:55 ...	Microsoft Excel W...	11 KB
FY14 CPSD PIA Select Review Response document October 2014	10/13/2014 1:03 PM	Adobe Acrobat D...	10,222 KB
Student Email FRN 2618730 2618743 2618720	10/16/2014 12:50 ...	Adobe Acrobat D...	1,112 KB
Telecom FRN 2608971 2615536 2704883	10/16/2014 12:53 ...	Adobe Acrobat D...	328 KB
USAC certification 10-10-2014	10/10/2014 3:08 PM	Adobe Acrobat D...	46 KB
VOIP FRN 2463737	10/16/2014 12:53 ...	Adobe Acrobat D...	636 KB
Web Hosting FRN 2618358 2618284	10/16/2014 12:55 ...	Adobe Acrobat D...	6,342 KB

19 items

jstone > Google Drive > School Districts > Public Schools > Clover Park School District > FY2014-2015 > PIA Review > Select Review Part Two

Organize | Include in library | Share with | Burn | New folder

Name	Date modified	Type	Size
Verizon	12/17/2014 12:37 ...	File folder	
2 12 2014 email	11/4/2014 2:01 PM	Adobe Acrobat D...	85 KB
ATT Feb 13 2014	11/3/2014 3:35 PM	Adobe Acrobat D...	134 KB
ATT Jan 10 2014	11/3/2014 3:34 PM	Adobe Acrobat D...	168 KB
ATT Jan 24 2014	11/3/2014 3:34 PM	Adobe Acrobat D...	133 KB
ATT Jan 30 2014	11/3/2014 3:35 PM	Adobe Acrobat D...	169 KB
ATT Oct 21 2013	11/3/2014 3:36 PM	Adobe Acrobat D...	193 KB
Bid assesment email 2014	11/4/2014 5:35 PM	Adobe Acrobat D...	85 KB
Bid Evaluation	11/3/2014 2:18 PM	Outlook Item	1,038 KB
Bid Intgera	11/4/2014 1:23 PM	Adobe Acrobat D...	95 KB
CenturyLink - qwest 2011-2014	12/2/2014 11:48 A...	Adobe Acrobat D...	410 KB
cyberschools	11/4/2014 5:29 PM	Adobe Acrobat D...	365 KB
desktop	12/17/2014 12:31 ...	Configuration settl...	1 KB
FY14 CPSD BidResponsesAssessments P1	11/3/2014 1:22 PM	Adobe Acrobat D...	81 KB
FY14 CPSD Reponse Doc to Nina 11 4 2014	11/4/2014 6:06 PM	Adobe Acrobat D...	1,259 KB
Hudtloff pri	11/3/2014 1:07 PM	Adobe Acrobat D...	320 KB
Integra Bid email to CPSD	11/3/2014 3:09 PM	Adobe Acrobat D...	140 KB
Jill reply to Pam Telecom bids	11/4/2014 5:54 PM	Adobe Acrobat D...	96 KB
Nina Krishnan	11/4/2014 6:04 PM	Microsoft Word D...	221 KB
Pam to Jill telecom bids	11/4/2014 5:37 PM	Adobe Acrobat D...	66 KB
Pam to Jill unable to open bids	11/4/2014 5:36 PM	Adobe Acrobat D...	76 KB
Pamela Jones inquiry into Telecom bids	11/4/2014 5:33 PM	Adobe Acrobat D...	66 KB
Proficient Bid Proposal email	11/3/2014 3:23 PM	Adobe Acrobat D...	45 KB
response log	11/3/2014 1:17 PM	Adobe Acrobat D...	25 KB
Response to Select Review Questions due Nov 4 2014	11/3/2014 3:18 PM	Microsoft Word 97...	92 KB
Telecom bids web hosting bids	11/4/2014 5:35 PM	Adobe Acrobat D...	82 KB
usac cert 11-3-14	11/3/2014 1:07 PM	Adobe Acrobat D...	39 KB

27 items

Jill Stone

From: Jill Stone <jstone@aerate.com>
Sent: Wednesday, February 12, 2014 3:51 PM
To: Craig Cook
Cc: Pamela Jones
Subject: Bid Assessment spreadsheet
Attachments: Jill Stone.vcf; FY14 CPSD BidResponsesAssessments P1.xls

Craig and Pamela,

I have sent you a Google Drive link with the bid proposals that have been collected over the last several weeks. (3 email messages)

Please use the attached spreadsheet to make your selection from the bid proposals I sent from my Google drive.

Please send the spreadsheet back with your comments and bid selection noted.

If no service provider meets your needs, you can use your current vendors invoices as bids, just be sure you make a note of that on the spreadsheet with an explanation as to the why/wherefore of the decision.

I have your Form 471 ready to be submitted with exception of the FRN's being built. I would like to have your bid selection to me by 2/21/14. Please let me know if you will need more time than this.

Jill



Jill Stone

From: Craig Cook <ccook@cloverpark.k12.wa.us>
Sent: Tuesday, November 04, 2014 8:49 AM
To: Pamela Jones; Jill Stone (jstone@aeserate.com)
Subject: RE: Telecom (jstone@aeserate.com)

Jill

It does appear to be a technical problem. Pam and I both received the Google drive email but weren't able to retrieve the documents. It appears that you sent another email to both Pam and I, but I did not receive it and it is not in my archives. That email must have been dropped by the filter. Pam did receive the email with the attachments, and printed them, but the Integra bid did not print.

This is the first we have seen the Integra bid. Integra is not on the response log either.

Thanks,
Craig

From: Jill Stone [mailto:jstone@aeserate.com]
Sent: Monday, November 03, 2014 4:53 PM
To: Craig Cook
Cc: Jill Stone; Pamela Jones
Subject: Re: Telecom (jstone@aeserate.com)

Thank you Craig.

Here is my thought - if you guys find that you actually never received the Integra bid response due to technical issues, that can be stated in our reply. But you guys did have an ATT bid response so now I need to know if you received a bid directly from ATT or used the one I sent.

Jill Stone
CEO
American e-Rate Solutions
E:jstone@[aeserate.com](mailto:jstone@aeserate.com)
www.americaneratesolutions.com

On Nov 3, 2014, at 3:42 PM, Craig Cook <ccook@cloverpark.k12.wa.us> wrote:

I did receive this one. Pam can you try to figure what happened to Integra?

Sent from my iPad

Begin forwarded message:

From: Jill Stone <jstone@aeserate.com>
Date: November 3, 2014, 3:25:25 PM PST
To: Craig Cook <ccook@cloverpark.k12.wa.us>
Subject: FW: Telecom (jstone@aeserate.com)

Did you get this email from me on 2/12/14?? It also contained the bid proposals for the Telecom.

Sincerely,

Jill Stone

<image001.jpg>

Did

From: Jill Stone (Google Drive) [<mailto:jstone@aeserate.com>]
Sent: Wednesday, February 12, 2014 3:43 PM
To: jstone@aeserate.com
Cc: pjones@cloverpark.k12.wa.us; ccook@cloverpark.k12.wa.us
Subject: Telecom (jstone@aeserate.com)

I've shared an item with you.

Here are the bids that have been collected thus far. The ACD is 2/5/14; any bids received after this date do not need to be considered unless you want. I will send you the Bid Proposal Tracking sheet and assessment sheet in my next email. Please complete the Bid Assessment worksheet - and send it back to me with your selections. If no bid meets your needs, you can also use your current service provider invoices in the bid selection. Just be sure to note this on the Bid Assessment form.

Jill Stone



Google Drive: create, share, and keep all your stuff in one place.

<Jill Stone.vcf>

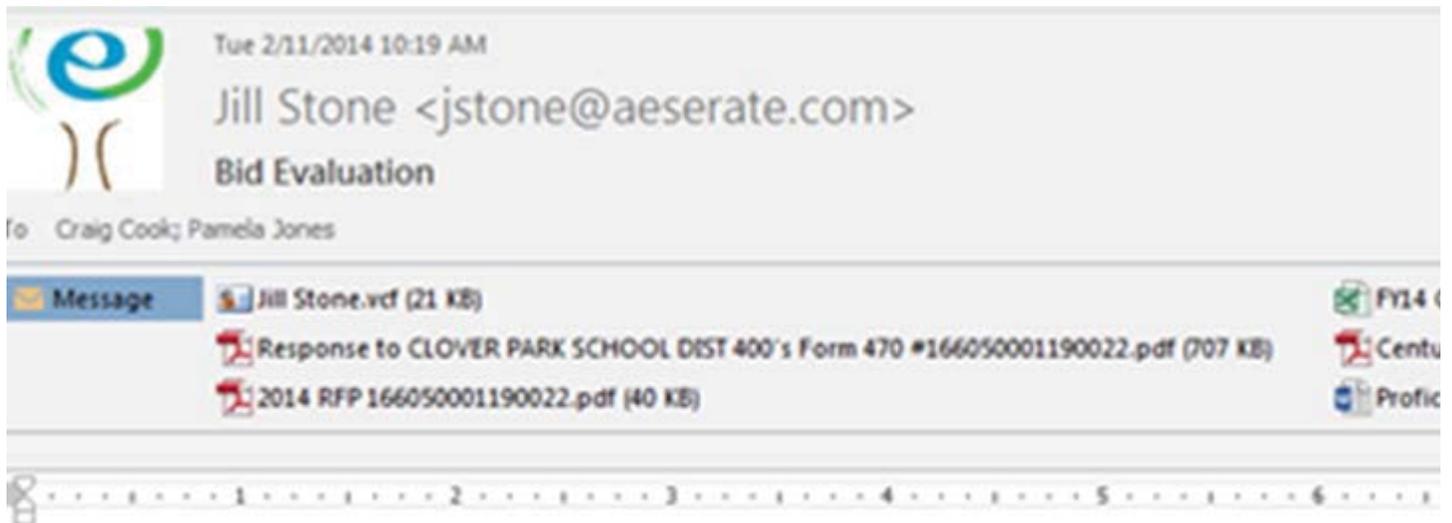
Jill Stone

From: Craig Cook <ccook@cloverpark.k12.wa.us>
Sent: Monday, November 03, 2014 2:27 PM
To: Jill Stone (jstone@aeserate.com)
Subject: FW: Nov 4 due date for new questions
Attachments: Jill Stone3.vcf

I didn't receive this email. I did receive an email from you from Google drive entitled Telecom on 2/12/14, but our access may have been blocked by our filter. It didn't appear to have attachments.

From: Jill Stone [mailto:jstone@aeserate.com]
Sent: Monday, November 03, 2014 2:17 PM
To: Craig Cook
Subject: RE: Nov 4 due date for new questions

Oh dear, I sent you and Pam an email on 2/11/2014 that contained the bid responses from AT&T, Integra, Century Link, Proficient and the Bid Response Evaluation Sheet.



Craig and Pam,

Please see attached spreadsheet for your bid assessment of the attached bids for phone service and we the Form 471 prepped and ready to go. I just need to have you select the service provider.

Sincerely,

Jill Stone



Jill Stone
American e-Rate Solutions
Chief Executive Officer
(253) 271-9653 Work
(206) 214-6372 Mobile
jstone@aeserate.com
26828 Maple Valley Hwy,
Suite 253
Maple Valley, WA. 98038
americaneratesolutions.com

From: Craig Cook [<mailto:cook@cloverpark.k12.wa.us>]
Sent: Monday, November 03, 2014 1:57 PM
To: 'Jill Stone'
Subject: RE: Nov 4 due date for new questions

Jill,

I did not receive anything from Integra that was a direct response to the Form 470.

Thanks,
Craig

From: Jill Stone [<mailto:jstone@aeserate.com>]
Sent: Monday, November 03, 2014 1:03 PM
To: Craig Cook
Subject: RE: Nov 4 due date for new questions

Thanks Craig, I was about to call you. Do you know why Integra wasn't part of the bid evaluation?

- I. You provided an Integra bid for FY 2014 FRNs **2608971** and **2615536**; however, your vendor selection matrix only scores CenturyLink, AT&T and Proficient. Why was the Integra bid not considered? If the bid was disqualified, please identify the reason why the bid was disqualified and where the requirement that was not met is cited in documentation available to the vendor, i.e., RFP, section.
 - a. Response ACD 2/05/14 both FRN's Bid received 1/14/13; sent to CPSD 2/12/14

Sincerely,

Jill Stone



Jill Stone
American e-Rate Solutions
Chief Executive Officer
(253) 271-9653 Work
(206) 214-6372 Mobile
jstone@aeserate.com
26828 Maple Valley Hwy,
Suite 253
Maple Valley, WA. 98038
americaneratesolutions.com

From: Craig Cook [<mailto:ccook@cloverpark.k12.wa.us>]
Sent: Monday, November 03, 2014 12:44 PM
To: Jill Stone (jstone@aeserate.com); Pamela Jones
Subject: FW: Nov 4 due date for new questions

Hi Jill,

On question IIIC, (This FRN is actually web hosting) SchoolDesk is the software made by Blue Torch, and it is listed that way on the matrix. We do not show that we received a legitimate FES or SOCS bid as indicated in the attached. I am attaching the vendor response log. We have a Cyberschools info packet but it does not contain any pricing. It was disqualified for that reason.

On question VIB, (This FRN is actually email) we have a similar problem – no pricing from Cyberschools and we do not show that we received a legitimate bid from School WebMaster.

VII. We are attaching the contract.

We are also attaching the signed certification sheet.

Please let me know if I've missed anything.

Thanks,

Craig

From: Jill Stone [<mailto:jstone@aeserate.com>]
Sent: Friday, October 31, 2014 12:03 PM
To: Craig Cook
Cc: Pamela Jones
Subject: Nov 4 due date for new questions

Craig and Pam,

See attached response document for this round of select review questions. I have highlighted the sections where I need your help as they have to do with why you chose to do the bid results. There are some missing documents mentioned that I don't have records of ever receiving but appear on your bid sheets. We need to have this completed by end of day on Tuesday.

Sincerely,

Jill Stone

