

**DIVISION OF JUVENILE JUSTICE
CALIFORNIA EDUCATION AUTHORITY**4241 Williamsborough Drive
Sacramento, CA 95823

Letter of Appeal
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

CC Docket No. 02-6
Request for Review
CASE 21-474332

Dear Sir,

This letter of appeal is regarding the Funding Commitment Decision Letter for Funding Year 2005 dated December 27, 2005 for Form 471 Application Number: 461261. The decision to not fund the FRNs referenced below due to a "Bidding Violation" is in error. The funding commitment letter stated that the "FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed." We did not issue an RFP.

We appealed to USAC on February 22, 2006 and received the appeal decision letter dated August 15, 2006 on October 2, 2006. The appeal was DENIED and USAC supported the initial Selective Review decision. As it is stated in the August 15, 2006 Decision on Appeal "...the Selective Reviewer denied all funding requests because the RFP was not available for 28 days." This justification of the denial is different from that given on the Funding Commitment Decision Letter for Funding Year 2005 dated December 27, 2005.

The alleged RFP was sent to the potential bidders December 23, 2004. We did not select any vendor until February 10, 2005 about 48 days later. The information about our needed equipment and services was available for more than 28 days.

Application Information

BE: California Youth Authority/California Education Authority (NEW
NAME: CDCR-DJJ/ California Education Authority)

BEN: 209920

471: 461261

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4241 Williamsbough Drive
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FY: 8 (2005-06)
FCDL: December 27, 2005
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The California Department of the Youth Authority (CYA) recently renamed the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) has contract and procurement policies that define an RFP. According to the State of California Department of General Services Procurement definitions, a Request for Proposal (RFP) is “a type of solicitation document used in a formal competitive process for non-IT services and IT goods/services and sometimes for informal acquisition of IT goods/services. An RFP is used for IT when specifications are stated in a more general nature describing the problem to be solved or goal to be achieved, ...”. The information provided was in response to vendor’s requests for details and clarification on the Form 470 published on the USAC-SLD web site.

We stated that we did not have an RFP because we did not write an RFP and did not provide an RFP to any vendor.

Once the Form 470 was published on the USAC-SLD web site vendors (service providers) started contacting us. The vendors asked for the details of various items listed on the Form 470. We collected the e-mail addresses for all the vendors that contacted us and sent the same e-mail documents to all the vendors. See attached copies of e-mail messages sent to vendors. After sending out the details we waited over 28 days during which time we received quotes. Following the 28-day waiting period the vendor for each FRN was selected and the Form 471 was completed and submitted.

The requested year eight E-rate funds under the following FRNs were denied by USAC-SLD, citing “failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.” We did not issue an RFP. What was provided were answers to

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questions from vendors that cannot be interpreted by our contract and procurement policies as an RFP. We submit this appeal to SLD's ruling on the following FRNs and respectfully ask that the decision be reversed and that the following FRNs be funded.

Form 471 Application Number 461261

FRN	SPIN	Decision
1277551	143002665	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277576	143001123	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277594	143004769	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277642	143001192	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277733	143002660	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277752	143002658	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277779	143000677	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277794	143006742	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277801	143018525	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277831	143025240	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277899	143021004	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277932	143000891	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1277941	143004610	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.

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FRN	SPIN	Decision
1278087	143004358	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1278104	143004358	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1278122	143004358	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1283071	143004358	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1283185	143018148	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1283230	143018148	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1286238	143018148	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.
1286243	143018148	Bidding Violation. FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed.

In conclusion I would like to leave you with the following thoughts. The kids that come to CEA from different walks of life and communities often lacking decent schools—let alone access to technology—and therefore, lack the skills they need to make it in this new world. Your denial carries the risk of substantially widening gaps in our society, instead of narrowing them. As a result of your decision these students have already lost access to some of the education that your funding was helping to deliver to them. Moreover, you are rejecting FRNs most of which were to be used to maintain and support networks previously funded by E-rate. Your denial has come at a time when our society is more complex, more challenging, and more competitive than ever before. My greatest fear is that in the future, these unfortunate kids will not have the opportunities that many have enjoyed at CEA in the past few years. **To ignore this appeal is to ignore our own tomorrow.**

Thank you for considering this appeal.

Sincerely,

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4241 Williamsborough Drive
Sacramento, CA 95823



(Signed by e-mailing from dmarson@cya.ca.gov)

David Marson
Education Technology Coordinator
California Education Authority/ CDCR