

## Request For Review Letter

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: Name: Al-Noor School  
BEN: 12092  
Funding Year: 2006-2007  
Application: 529343  
USAC decision Letter: 04/10/2007

June 5, 2007

Dear Sirs.

This is a letter of **APPEAL** regarding the above captioned USAC appeal decision letter regarding the following FRN's:

FRN#: **1463033- Metcomm-Denied** "FCC rules require that a contract for the products/services be signed and dated by both parties prior to the filing of the Form 471. This requirement was not met."

FRN#: **1480376- Metcomm Denied** "FCC rules require that a contract for the products/services be signed and dated by both parties prior to the filing of the Form 471. This requirement was not met."

FRN#: **1461708- Metcomm - Denied** "Documentation provided demonstrates that the price of eligible products and services was not the primary factor in selecting the winning bidder.

FRN#: **1463139- Metcomm - Denied** "Documentation provided demonstrates that the price of eligible products and services was not the primary factor in selecting the winning bidder.

For FRN's **1463033 & 1480376** - A clerical error was made during a PIA request for a copy of the contract for this FRN. Instead of the contract the bid **PROPOSAL** (see upper right corner of the document) documents were sent in place of the final **CONTRACT**. Bid **PROPOSAL** documents dated 2/13/06 were the vendors bids for our services. This is **BEFORE** the allowable contract date and should not be utilized to pass the two signature two date test. Attached herein is the actual **CONTRACT** signed and dated by the school and vendor dated 2/15/06.

In addition the FCC has ruled in order FCC **07-35** that the absence of a signature by one of the parties is classified as a ministerial error

"These mistakes do not warrant the complete rejection of these Petitioners' applications for E-rate funding. Importantly, these appeals do not involve a misuse of funds. The Commission recently found in *Bishop Perry Middle School* that, under certain circumstances, rigid adherence to certain E-rate rules and requirements that are "procedural" in nature does

not promote the goals of section 254 of the Act – ensuring access to discounted telecommunications and information services to schools and libraries – and therefore does not serve the public interest.”<sup>1</sup>

For FRN’s **1461708 & 1463139** - The reviewer erroneously analyzed the Criteria For Vendor Selection narrative ( See attached) during the Selective Review Process and concluded that cost was not the **MOST** significant factor used to select vendors. On page 1 of the narrative the table clear indicates that Service Cost, Maintenance, upgrades, staffing etc. cost and Training cost are key factors.

This combined category of **COST** represents 40% of the weighted factors to determine the bid award. See the attached **E-rate Bid Assessment Worksheet**.

<b>Price</b> = factors 4, 5, 6 ;	40%
<b>Reliability</b> = factors 10,11;	10%
<b>Prior Experience</b> = factors 3,7,8;	25%
<b>Transition</b> = factor 9;	5%
<b>Compliance with Bid Requirements</b> = factors 1, 2	20%
Total	100%

In addition the FCC has ruled in order **DA 06-1642** that the cost being the most important factor can be waived in lieu of other considerations.

1. “Each applicant submitted documentation to USAC detailing the competitive bidding process, including bid requests, bid proposals, and cost evaluation criteria.<sup>2</sup> Each applicant also evaluated the responsive bidders, using price as a primary consideration, and selected the vendor that offered the most cost-effective offering.<sup>3</sup> Furthermore, the Petitioners listed in Appendix B selected vendors from state master contracts.<sup>4</sup> As

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<sup>1</sup> See *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316, 5316-17, 5319-20, paras. 2, 9 (2006) (*Bishop Perry Middle School*). Moreover, as noted recently in *Bishop Perry Middle School*, many applicants contend that the application process is complicated and time-consuming, and the Commission has started a proceeding to address, among other things, modifying the application and competitive bidding process for the schools and libraries support mechanism. See *Comprehensive Review of Universal Service Fund Management, Administration, and Oversight, Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Rural Health Care Support Mechanism, Lifeline and Linkup, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, WC Docket Nos. 05-195, 02-60, 03-109, CC Docket Nos. 96-45, 02-6, 97-21, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11308, 11325, para. 40 (2005) (*Comprehensive Review NPRM*); *Bishop Perry Middle School*, 21 FCC Rcd at 5319-20, para. 9.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Request for Review by Berkeley County School District; Request for Review by Boston Public Schools; Request for Review by Somerton School District No. 11; Request for Review by Sunnyside

noted above, the Commission generally relies on such contracts to ensure compliance with program rules.<sup>5</sup> Indeed, the method for procuring supplies, materials, equipment and services in Arizona, Massachusetts, Mississippi, and West Virginia is by competitive sealed bidding.<sup>6</sup> According to procurement regulations in these states, awards are given to the lowest responsive and responsible bidder.<sup>7</sup> Based on these factors, we find that the Petitioners' competitive bidding processes, with the exception noted below, did not violate program rules. In addition, at this time, there is no evidence of waste, fraud or abuse, or misuse of funds, or a failure to adhere to core program requirements. We note that the actions taken in this Order should have minimal effect on the overall federal Universal Service Fund because the monies needed to fund these appeals have already been collected and held in reserve.<sup>8</sup> We therefore grant and remand the underlying applications to USAC for further consideration in accordance with the terms of this Order. "

Therefore we submit that funding for the above FRN's be approved.

Sincerely,



Mutawin Zarroug  
Principal

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Unified School District; Request for Review by Washington Elementary School District; Request for Review by Yazoo County School District.

<sup>5</sup> *Id.* We note that USAC denied Somerton School District's funding requests (FRNs 834039, 851198, 851335, 851422, and 867521) stating that "excessive pricing on various components associated with th[e] service provider demonstrates that this service provider is not the most cost-effective alternative." See Somerton School District No. 11 Request for Review at 2. The Commission's rules, however, do not expressly establish a bright line test for what is a "cost effective service." Although the Commission has requested comment on whether it would be beneficial to develop such a test, it has not, to date, enunciated bright line standards for determining when a particular service is priced so high as to be considered excessive or not cost-effective. See *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 26912 (2003).

<sup>6</sup> See Code of Massachusetts Regulations, 801 § 21.06(4)(a); Miss. Code Ann. § 31-7-13; A.R.S. §§ 41-2533, 41-2553; <http://www.state.wv.us/admin/purchase/Handbook/hand7.htm>.

<sup>7</sup> See, e.g., A.R.S. § 41-2533(G).

<sup>8</sup> We estimate that the appeals granted in this Order involve applications for approximately \$65.5 million in funding for Funding Years 2000-2003. We note that USAC has already reserved sufficient funds to address outstanding appeals. See, e.g., *Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Third Quarter 2006*, dated May 2, 2006.

131 Main Street, Suite 270 Hackensack, NJ 07601

**SPIN:** 143025807  
**Contract #:** 200602051822  
**i#:**

## Telecommunications Services Agreement

**Contract Date:** 15-Feb-06

**Phone:** (212) 725-0500  
**Fax:** (201) 342-5470  
**E-mail:** billing@metcomm.net

**Client:** AL-NOOR SCHOOL  
 675 FORTH AVE  
 BROOKLYN, NY 11232

**Client Fax:** \_\_\_\_\_  
**Discount:** 90% \_\_\_\_\_  
**Contract Start Date:** 01-Jul-06  
**Contract End Date:** 30-Jun-07  
**Allowable Contract Date:** \_\_\_\_\_

**E-rate Funding Year:** 9  
**TERM in Years:** 1 **New**  
**Client Phone:** \_\_\_\_\_  
**Client Contact:** Technology Coordinator  
**Title:** Br. Mutassim Zarroug  
**Contact's E-mail:** Principal  
**Billing contact:** ZARROUG@att.net  
**Billing phone:** \_\_\_\_\_

Monthly Reoccurring Cost	None Reoccurring Cost
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**MetComm's bundled WAN connection for Internet Access includes:**

Dedicated Data Line (Local Loop) & Internet Access in a single payment  
 Disconnect fee waiver if Local-Loop remains with MetComm; only move fee will be imposed  
 Down time protection when switching to another provider

Point To Point WAN/Voice \_\_\_\_\_ Loops @ \_\_\_\_\_  
 Wide Area Network Installation, Programming & Wiring fee \_\_\_\_\_  
 Wide Area Network Router \_\_\_\_\_  
 Wide Area Network Unlimited Maintenance & Replacement \_\_\_\_\_  
 Wide Area Network Transfer Fees \_\_\_\_\_  
 Wide Area Network Inside Wire Unlimited Maintenance & Replacement \_\_\_\_\_  
 Wide Area Network Router Unlimited Maintenance & Replacement \_\_\_\_\_  
 Wireless Wide Area Network Unlimited Maintenance & Replacement: \_\_\_\_\_

**Phone system PBX:** 1 Units @ \_\_\_\_\_  
 Avaya IP Office phone system  
 Capacity: 60 extensions, 16 POTS, Voice Mail, 2 analog lines, 30 Simultaneous calls  
 Telephones & their installation provided separately  
 Installation, Programming & Training included  
 Wiring, not included

Phone system as a service: \_\_\_\_\_ Line @ \_\_\_\_\_  
**Phone system flat rate maintenance:** 40 Line @ \$10.00 400  
**Phone system Make / Model:** \_\_\_\_\_  
 Flat Rate Dial Plan: \_\_\_\_\_ Line @ \_\_\_\_\_  
 Phone Service: \_\_\_\_\_ Line @ \_\_\_\_\_

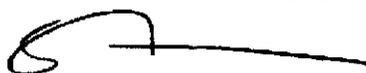
**Total cost of eligible services:** \$400.00 \$25,300.00

If your funding status has not changed and funding is approved, PAY ONLY: >>>>>>>: \$40.00 \$2,530.00

**Note:** See terms and conditions provided under separate cover

**Applicant:** AL-NOOR SCHOOL  
**Name:** Br. Mutassim Zarroug  
**Title:** Principal  
**Signature:**   
**Contract Date:** 2/16/06

**For: MetComm.Net, LLC**  
 Solly Avi-No'am  
 Director Technical Services



**Final Bid Assessment Worksheet**

Bidding Year **2006**  
 Project Number **63139**

Project or Service  
 Description

Distance Learning Equipment

**Vendor Scoring** (use additional worksheets if necessary)

Evaluation Criteria	Weight*	Auto Exec		Metcomm						Vendor # 5	
		Raw Score**	Weighted Score***	Raw Score	Weighted Score	Raw Score	Weighted Score	Raw Score	Weighted Score		
Charges	40%	4	1.6	5	2						
Quality	10%	1	0.1	5	0.5						
Experience	25%	1	0.25	3	0.75						
Compliance	5%	2	0.1	2	0.1						
Compliance with Bid Req	20%	3	0.6	4	0.8						
(Describe)											
(Describe)											
<b>Ranking</b>	<b>100%</b>	<b>2.65</b>		<b>4.15</b>							

**Selected:** Metcomm  
**Assessed By:** Mutassim Zarroug  
 Principal  
 2/15/2006

**Bid Assessment Comments, if needed:**

Percentage weights must add up to 100%. Price must be weighted the heaviest.  
 Rated on a scale of 1 to 5: 1=worst, 5=best.  
 Weighted Score = Raw Score x Weight

# E-Rate Bid Assessment Worksheet

Funding Year 2006  
FRN 1461708

Project or Service Description

T-1 - Local Loop and Access

### Vendor Scoring (use additional worksheets if necessary)

Selection Criteria	Weight*	Met Tel		At & T		Bridgecom		Metcomm		Vendor # 5	
		Raw Score**	Weighted Score***	Raw Score	Weighted Score	Raw Score	Weighted Score	Raw Score	Weighted Score	Raw Score	Weighted Score
Prices/Charges	40%	4	1.6	3	1.2	5	2	5	2		
Reliability	10%		0		0		0	5	0.5		
Prior Experience	25%	5	1.25	1	0.25	1	0.25	5	1.25		
Transition	5%	5	0.25	2	0.1	3	0.15	5	0.25		
Compliance with Bid Req	20%	3	0.6	4	0.8	2	0.4	4	0.8		
Other (describe)											
Other (describe)											
<b>Overall Ranking</b>	<b>100%</b>	<b>3.7</b>		<b>2.35</b>		<b>2.8</b>		<b>4.8</b>		<b>4.8</b>	

**Vendor Selected:** Metcomm  
**Approved By:** Mutassim Zarroug  
**Title:** Principal  
**Date:** 2/15/2006

**Bid Assessment Comments, if needed:**

**Notes:**  
 \* Percentage weights must add up to 100%. Price must be weighted the heaviest.  
 \*\* Evaluated on a scale of 1 to 5: 1=worst, 5=best.  
 \*\*\* Weight x Raw Score

## CRITERIA FOR VENDOR SELECTION

In order to process the bid application submitted by the vendors, Al Noor high school IT staff has created a criteria that can provide a better and timely feedback. In order to enhance the procedure following criteria is implemented as soon as possible.

- Creating the list of technical services provided by the vendors
- Development in the administrative process to develop bids and finalize vendor selection
- Updating and maintaining the list of vendors and technical services

This procedure provides a more competitive improved quality bids. The criteria for vendor selection was based on:

	Weight
1. Compliance with the bid requirements	15
2. Bid proposals response and presentation	5
3. Experience	15
<b>4. Service cost</b>	<b>15</b>
<b>5. Maintenance, upgrades, staffing etc cost</b>	<b>15</b>
<b>6. Training cost</b>	<b>10</b>
7. Market reputation	5
8. Vendor's Business organization	5
9. Transition from old to new systems	5
10. Deliverables	5
11. Communication and reliability	5

- Compliance with the bid requirements

After the bids are received from the vendors the most important step to analyze the contents of bid proposals. Selective bid proposals must follow the requirements. Any proposal that has variation in the scope that is actually needed by the school is not processed. This process makes sure that all vendors are competing on the same level of services.

- Bid proposal response and presentation

In order to better understand the bids proposals submitted by the vendors, as soon as the proposals are received, vendors are contacted to declare to the selection committee why do they think they are better than any other vendor. These presentations should include all the services provided by the vendors. Selection committee has to analyze and research for the services and if they have kind of questions, decisions, and opinions can share with each other or with the vendors.

- Experience

As school is planning to organize and develop the IT department to a higher level, that's why it is necessary to select the vendors who possess experience in dealing with specified services on the higher scale. Selection committee should investigate about the work that has already done by the vendor. This process includes both the quality and the quantity of services provided in the respective field.

- Service cost

The most important factor in vendor selection is the service cost. Comparing all the selected bids, the one that provides a better service with reasonable cost is selected. It should be kept in mind that even though lowest cost is an important factor to consider but it should not be the only factor for selection. Vendor should be able to provide the BEST VALUE service rather than just the lowest cost service.

- Maintenance, upgrading and staffing cost

Vendors are not only responsible for the implementation of any new services but also for the maintenance and upgrading of the new and present services. Vendor's proposals should be flexible enough to accommodate any change needed in the services. Vendors should agree on the scheduled trips to the school in order to make sure that the every thing works fine.

- Training Cost

In order to completely achieve the benefits of the IT services it is must that people utilizing the services must be aware of the processes, procedures, rules, and methodology. Besides providing the technical services, vendors should have a margin of presenting and training the staff about those services. This can not only increase the productivity of the system but will also help to reduce the incidents that can happen due to the misuse or improper use of any technology.

- **Market reputation**

Any vendor can be easily scaled based on the services present in the market. Market reputation goes on the basis of quality of services provided and also the cost. Organizations will like to hire the vendors that can provide a satisfactory approach to the needs.

- **Vendor's business organization**

Teamwork is an important factor in any kind of project. Team members should be capable of understanding their tasks and responsibilities under any circumstances. An organized business structure leads to successful completion of project. Vendor's organizational structure plays an important role in analyzing the company's strategies.

- **Transition from old to new system implementation**

Nowadays it has been seen that most of the vendors exaggerate in providing their services by providing a list of new technologies that are actually not even required. Most of the vendors argue on installing a complete new technology disregarding the benefits or services of old system. Some times it is useful and right to do so, but it is not necessary. Implementation and integration of new technology that are compatible with the old systems, not only reduce the cost of system but also provide users to continue their knowledge and understanding about the system.

- **Deliverables**

Services performed by the vendors should be documented and analyzed by IT team. Vendors' deliverables show the punctuality, organization and discipline in their work. Completed and timely deliverables are the most important part of any project.

- **Communication and reliability**

Communication can enhance the development of project. Vendors should be able to develop a strong communication background with the school. Reliability of the team depends on the communication skills and follow up.

-B204

06/11/07  
10:54:09

NOOR SCHOOL  
4907622

8606 6490 7622



Sender's Name  
Company  
Address  
City  
State  
ZIP

Internal Billing Reference  
Recipient's Name  
Company  
Address  
City  
State  
ZIP



8606 6490 7622

RECEIVED  
20743 -MD-US

BWI  
EG GBOA



4a Express Pack  
FedEx Priority Overnight  
FedEx 2Day  
4b Express Freight Service  
FedEx 1Day Freight

5 Packaging  
FedEx Envelope  
FedEx Pak  
FedEx Box  
6 Special Handling  
SATURDAY Delivery  
HOLD Weekday at FedEx Location  
HOLD Saturday at FedEx Location  
Does this shipment contain dangerous goods?

7 Payment Bill to  
Sender  
Recipient  
Third Party  
Credit Card  
Cash/Check  
Total Packages  
Total Weight  
Total Charges

8 NEW Residential Delivery Signature Options  
No Signature Required  
Direct Signature  
Indirect Signature  
520

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