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# AL NOOR HIGH SCHOOL

## FAX COVER SHEET

Date: : 6/8/07  
 Attention : .....Marlene H. Dortch, Secretary.....  
 Company : .....FCC.....  
 Fax # : .....(202) 418-0187.....  
 Tel. # : .....

Ref. : ...Request for review Letter DOC NO. 02-6 ...Al Noor School BEN 12092.....

Pages : .....9.....  
 (excluding cover)

Response required:

**URGENT                      REPLY                      INFORMATION**

Contact person: ..... Mutassim Zarroug.....

Notes :

675 4<sup>th</sup> Avenue Brooklyn NY 11232 Tel# (718) 768-7181 Fax # (718) 768-7088 Email: zarroug@att.net

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Request For Review Letter     *Al-Noor School BEN 12092*  
CC Docket No. 02-6

### 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**.

Price= factors 4, 5, 6 ;	40%
Reliability = factors 10,11;	10%
Prior Experience = factors 3,7,8;	25%
Transition = factor 9;	5%
Compliance with Bid Requirements = 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.



# E-Rate Bid Assessment Worksheet

Funding Year 2008  
FRN 1463139

Project or Service Description

Distance Learning Equipment

## Vendor Scoring (Use additional worksheets if necessary)

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

Vendor Selected: Metcomm  
 Approved By: Mubassim Zarrag  
 Title: Principal  
 Date: 2/15/2008

Bid Assessment Comments, if needed:

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

E-Rate Bid Assessment Worksheet

Project or Service Description

T-1 - Local Loop and Access

Vendor Scoring (Use additional worksheets if necessary)

Vendor #	Raw Score		Weighted Score		Selection Criteria Weight	Prices/Charges 40%	Reliability 10%	Prior Experience 25%	Transition 5%	Compliance with Bid Req 20%	Other (describe)	Other (describe)	Overall Ranking	
	Raw Score	Weighted Score	Raw Score	Weighted Score										
Metcom	4	1.6	3	1.2	0	0	1.25	0.25	5	0.25	5	0.25	0.8	3.7
Metcom	5	2.0	5	2.0	0	0	1.25	0.25	5	0.25	5	0.25	0.8	2.35
Bridgecom	5	2.0	5	2.0	0	0	1.25	0.25	3	0.15	3	0.15	0.4	2.8
Metcom	5	2.0	5	2.0	4	1.6	1.25	0.25	5	0.25	4	0.8	0.8	4.8
Vendor # 5														

Vendor Selected: Metcom  
Approved By: M. Leason Zaroug  
Title: Principal  
Date: 2/15/2006

Note: 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

Bid Assessment Comments, if needed:

## 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.

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- **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.

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- **Market reputation**

Any vendor can be easy 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 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.