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FCC - MAILROOM

December 11, 2007

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

CC: 02-6

Re: E-rate Appeal and Request for Stay, School District of the City of River Rogue

Dear Ms. Dortch:

Enclosed is an Appeal and Request for Stay filed on behalf of the School District of the City of River Rogue. The District is appealing a COMAD letter dated October 12, 2007. Further, the District is requesting a Stay of issuing a demand payment letter until the appeal has been decided by the FCC.

Also enclosed is a Letter of Agency providing authorization for our firm to represent the District in this appeal.

If you have any questions, please contact me at 906.265.4410.

Thank you for your attention to this matter.

Sincerely,

Ronald M. Basso

Ronald M. Basso

Enclosures

No. of Copies rec'd 041
List A B C D E

School District of the City of River Rouge

1460 West Coolidge Highway • River Rouge, Michigan 48218

(313) 297-9600 Ext. 1630 • Fax (313) 297-6525

Marie A. Miller
Superintendent of Schools

Board of Education

William White	President
Francis Krupinski	Vice-President
Marcella Cora	Secretary
William Watson	Treasurer
Sam Arapakis	Trustee
Cornelius Cooper	Trustee
Ingrid Wilson-Johnson	Trustee

November 14, 2007

Ronald M. Basso
Basso & Basso Legal Services
PO Box 63
Iron River, MI 49935

Re: Letter of Agency

Dear Mr. Basso:

This communication authorizes you to represent the School District of the City of River Rouge in order to file an appeal of a Notification of Commitment Adjustment Letter dated October 12, 2007 which was received from the Universal Service Administrative Company, Schools and Libraries Division.

The Appeal concerns Funding Year 2003, Form 471 application number 381953.

Thank you for your agreement to perform the above services.

Sincerely,



Marie A. Miller
Superintendent of Schools

/pad

FEDERAL COMMUNICATIONS COMMISSION

In Re: Form 471 Application Number: 381953

Funding Year: 2003

CC Docket No. 02-6

Billed Entity Number (BEN): 55062

Applicant's Form Identifier: 47120039

APPEAL and REQUEST FOR STAY

NOW COMES the School District of the City of River Rouge (Appellant) and files this appeal of a Notification of Commitment Adjustment (COMAD) Letter and Funding Commitment Adjustment Report dated October 12, 2007. Attachment 1.

The COMAD concerned Funding Year 2003, Form 471 Application Number 381953, Funding Request Number 1051974.

The Funding Commitment Adjustment Report stated: "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. On your FY 2003 FCC Form 470 you certified that all bids received would be carefully considered and that the bid selected would be for the most cost effective service or equipment offering. During the course of review it was determined that you failed to consider all bids submitted. The FCC rules require that the applicant submits a 'bona fide' request for services by conducting internal assessments of the components necessary to use effectively the discounted services they order, submitting a complete description of services they seek so that it may be posted for competing providers to evaluate and certify to certain criteria under penalty of perjury. Since you failed to consider all bids received and choose the most cost-effective solution, you violated the competitive bidding process. Accordingly, your funding commitment will be rescinded in full and the USAC will seek recovery of \$122,129.34 of erroneously disbursed funds from the applicant."¹

Appellant also requests a stay of the COMAD until this tribunal renders a decision on this appeal.

¹ Attachment 1, p 5.

STATEMENT OF FACTS

Appellant is a poor urban school district located in the southeast portion of the lower peninsula of the state of Michigan. Appellant was experiencing significant turmoil and staff turnover during the Funding Year 2003 E-rate application processing period. Turmoil continued throughout the middle part of 2004. During this time, certain staff members were placed on administrative leave, the E-rate coordinator was replaced, and documents came up missing. This background will become critical to understanding the current situation.

Appellant received a Special Compliance Review Request dated December 6, 2006, from the Universal Service Administrative Company (USAC). Attachment 2.

The Request concerned the competitive bidding process conducted by Appellant.

Appellant provided a response to this initial request. Further requests, over the next several months, were received from the Program Integrity Assurance COMAD team. Appellant responded to all requests.

Finally, after providing a significant amount of information, Appellant received a letter from USAC dated August 27, 2007. Attachment 3. The letter stated: "1. Based on the documentation you provided during the COMAD Review, **FRN 1051974 commitment will be adjusted and we will seek recovery of any incorrectly disbursed funds** because you did not consider all bids received in response to the Form 470 and/or RFP during your evaluation process." This is the basis from which Appellant appeals.

Appellant emailed the USAC on August 29, 2007, disagreeing with the determination. Attachment 4.

As noted on Attachment 2, the USAC was concerned about the Funding Year 2003, Form 471 Application Number 381953, which ultimately resulted in the COMAD under appeal.

Appellant provided the documentation requested.

In the final analysis, USAC determined that Appellant had not considered all bids received and therefore did not competitively bid the requested services.

Background Information.

- Appellant's Funding Year 2003, Form 470 was posted on January 8, 2003. Attachment 5.

- The Form 470 indicated that Donald R. Fitzpatrick was the authorized person to submit the Form 470. Mr. Fitzpatrick was the Director of Technology for Appellant at that time and in charge of the E-rate program.
- Appellant's Form 471 included a Funding Request Number (FRN) 1051974 for Internal Connections. Attachment 6.
- Appellant prepared a Request for Quote (RFQ) requiring that all bids be turned in by noon, February 3, 2003. Attachment 7.
- Appellant sent out the RFQ to 5 vendors. Attachment 8.
- Based upon the RFQ, 2 bidders responded –Advanced Networking Group (ANG) and SER Communications.
- Both bids were received by Appellant on February 3, 2003, the date established for submission of the bids. However, both bids were received after the time set for submission – 12 noon.
- ANG responded at 3:30 pm on February 3, 2003, while SER Communications responded at 4:07 pm on February 3, 2007.
- Both bids were reviewed by Mr. Fitzpatrick and the SER Communications bid was determined to be incomplete. Attachment 9.
- On February 6, 2003, Mr. Fitzpatrick, the authorized signatory, sent a memorandum to the Acting Superintendent Wilhelmina Hall, requesting the Board of Education take action to award the contract for FRN 1051974 to ANG. Attachment 10.
- The Appellant's Board of Education took action on February 12, 2003, to approve the recommendation to contract with ANG with the understanding that the contract be entered into "contingent on E-rate funding at 90%." Attachment 11.
- The Universal Service Administrative Company (USAC) issued its Funding Commitment Decision Letter (FCDL) dated June 30, 2003, which reflected funding for FRN 1051974 for \$122,451.54. This funded the ANG contracted services. Attachment 12.
- ANG provided the services contracted for with Appellant.

ARGUMENT and CONCLUSIONS

Appellant responded to all of requests from the USAC in a timely manner and addressed all of the issues raised.

The only remaining issue, as outlined in the COMAD, turns upon whether or not Appellant considered all bids received.

To demonstrate that it did bid the contract in a competitive manner, by considering all bids received, Appellant submitted the following information to the USAC:

- Appellant developed an RFQ which was sent to 5 vendors (see Attachment 5).
- Out of the 5 vendors, only 2 responded – ANG and SER Communications.
- ANG responded at 3:30 pm on February 3, 2003, while SER Communications responded at 4:07 pm on February 3, 2007.
- In its responses to the USAC investigation, Appellant argued that it was Appellant's policy that bids must be received by the close of business on the date included in the RFQ. The close of business for Appellant is 4 pm Eastern Time. This policy qualified the ANG bid and disqualified the SER Communications bid.
- As Appellant stated in its response to the USAC, the fact that SER Communications bid was accepted by an employee of Appellant after the close of business does not make the bid timely.
- Additionally, Appellant submits that even if the bid were allowed to be counted, the bid was incomplete.

Appellant attempted to reconstruct the situation as it existed at the time of awarding the contract. Due to changes in the administration, i.e. new Superintendents as well as E-rate staffing changes and staff dismissals, many of Appellant's files are missing.

Rosalyn Glavin was the E-rate coordinator at the time of the Special Compliance Review Request dated December 6, 2006. Upon receipt of the Special Compliance Review Request, Ms. Glavin sent a memorandum on December 15, 2006, indicating that much of the information was missing. Attachment 13.

Pat DeLaTorre officially assumed responsibility as E-rate coordinator for Appellant in the summer of 2007. For two years prior to that time, Rosalyn Glavin was the E-rate coordinator.

Barbara DuRei was responsible for the E-rate program from approximately August of 2003 until Ms. Glavin assumed responsibility, some time in 2005. Don Fitzpatrick was the E-rate coordinator prior to Ms. DuRei and at the time of filing the Form 471 for funding year 2003, which is the 471 in dispute.

Appellant's interim superintendent also employed Terry Lang as an E-rate consultant from October 2002 until July 2003. The problem that Appellant faces is an inability to find many of the original documents that relate to their E-rate applications for the time that Mr. Lang was involved, which would have included the Funding Year 2003 application.

Notwithstanding these difficulties, Appellant, through Ms. DeLaTorre, provided documentation and rationale to USAC which has satisfied all issues except the remaining one in this appeal relating to Appellant's alleged failure to consider all bids received.

However, Appellant failed to contact Donald R. Fitzgerald, the E-rate Coordinator at the time. Therefore, the rationale provided to the USAC was based on what Appellant could piece together.

Appellant has since contacted Mr. Fitzpatrick and obtained his affidavit. Attachment 14. In his affidavit, Mr. Kirkpatrick clearly indicates that the bids were both untimely as the RFQ clearly stated a 12 noon bid receipt deadline. Further, the affidavit also indicates that both bids were untimely but Appellant determined to consider both bids.

The affidavit further states that the SER Communications bid was ultimately rejected due to its failure to respond to all items requested in the RFQ.

Therefore, the reason that the SER Communications bid was rejected is based upon a sound premise – SER did not respond to all the items in the RFQ. Certainly, appellant has the right and responsibility to treat all bidders in an even handed fashion.

SER's bid was considered but then rejected for the reason stated above.

Appellant apologizes for the confusion which has been created.

The fact is that both bids were considered and due to an incomplete response to the RFQ, SER Communications was disqualified.

Appellant argues that it did evaluate the respective bids, using price as a primary consideration, and selected the vendor that offered the most cost-effective offering.

The E-rate program was instituted in order to assist in the education of students by providing schools and libraries with an opportunity to receive internet and other technology related services at a discounted rate.

Since Appellant is located in a poor urban area of the State of Michigan, finding that it did not competitively bid the services requested, would have a significant, negative impact on its ability to provide services to its most vulnerable population.

As this honorable body has stated in the *Glendale United School District* decision:

In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis....We find that although Glendale committed an unintentional, clerical error when it listed the incorrect service start date on its FCC Form 486, it adhered to the core program requirements. As we recently noted, the E-rate program is fraught with complexity from the perspective of beneficiaries, resulting in a significant number of applications for E-rate support being denied for ministerial or clerical errors. We find that the action we take here promotes the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the "Act"), by helping to ensure that Glendale obtains access to discounted telecommunications and information services. *In the Matter of Glendale United School District, DA 06-244, February 1, 2006.*

Appellant has not attempted to de-fraud or abuse the E-rate program in any way.

Appellant has responded to each request from USAC.

Appellant asks this honorable tribunal to find that the COMAD should be withdrawn and that Appellant has complied with all competitive bidding requirements.

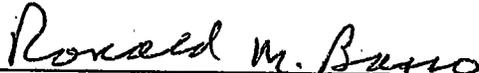
School District of the City of River Rouge
December 11, 2007
Page 7 of 7

Appellant further requests that a Stay of the COMAD be granted and that no demand payment letter be issued.

Respectfully submitted,

School District of the City of River Rouge

Dated: December 11, 2007


By: Ronald M. Basso (P24805)
Basso & Basso Legal Services LLC
PO Box 63
Iron River MI 49935
Telephone: 906.265.4410
Email: ron@bassoandbasso.us



07 OCT 16 9:20:47

Schools & Libraries Division

Notification of Commitment Adjustment Letter

Funding Year 2003: 7/01/2003 - 6/30/2004

October 12, 2007

**Donald Fitzpatrick
RIVER ROUGE SENIOR HIGH SCHOOL
1460 COOLIDGE HWY
RIVER ROUGE, MI 48218 1118**

**Re: Form 471 Application Number: 381953
Funding Year: 2003
Applicant's Form Identifier: 47120039
Billed Entity Number: 55062
FCC Registration Number: 0000000000
SPIN Name: Advanced Networking Group
Service Provider Contact Person: Niccolle Jones**

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

In order to be sure that no funds are used in violation of program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the adjustments to your funding commitment required by program rules, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the program rule 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 the Demand Payment 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." Please see the "Informational Notice to All Universal Service Fund Contributors, Beneficiaries, and Service Providers" at <http://www.universalservice.org/fund-administration/tools/latest-news.aspx#083104> for more information regarding the consequences of not paying the debt in a timely manner.

River Rouge
December 11, 2007
Attachment 1

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter, 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 e-mail 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 Numbers you are appealing. Your letter of appeal must include the Billed Entity Name, the 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 the SLD to more readily understand your appeal and respond appropriately. Please keep your letter specific and brief, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal electronically, please send your appeal to appeals@sl.universalservice.org using your organization's e-mail. If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Dept. 125 - Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Appeals Area of the SLD section of the USAC web site or by contacting the Client Service Bureau at 1-888-203-8100. We strongly recommend that you use the electronic appeals options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. 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. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC web site, or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

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. Immediately preceding the Report, you will find a guide that defines each line of the Report.

The SLD 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 these Funding Request Numbers, a separate letter will be sent to the service provider detailing the necessary service provider action.

Please 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. Please note the Funding Commitment Adjustment Explanation in the attached Report. It explains why the funding commitment is being reduced. Please ensure that any invoices that you or your service provider submit to USAC are consistent with program 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 Division
Universal Services Administrative Company

cc: Niccolle Jones
Advanced Networking Group

A GUIDE TO THE FUNDING COMMITMENT ADJUSTMENT REPORT

A report for each E-rate funding request from your application for which a commitment adjustment is required is attached to this letter. We are providing the following definitions for the items in that report.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by the SLD to each individual request in your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual discount funding requests submitted on a Form 471.

SERVICES ORDERED: The type of service ordered from the service provider, as shown on Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the applicant and the service provider. This will be present only if a contract number was provided on your Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a. This number will only be present for "site specific" FRNs.

ORIGINAL FUNDING COMMITMENT: This represents the original amount of funding that SLD had reserved to reimburse you for the approved discounts for this service for this funding year.

COMMITMENT ADJUSTMENT AMOUNT: This represents the amount of funding that SLD has rescinded because of program rule violations.

ADJUSTED FUNDING COMMITMENT: This represents the adjusted total amount of funding that SLD has reserved to reimburse for the approved discounts for this service for this funding year. If this amount exceeds the Funds Disbursed to Date, the SLD will continue to process properly filed invoices up to the new commitment amount.

FUNDS DISBURSED TO DATE: This represents the total funds that have been paid to the identified service provider for this FRN as of the date of this letter.

FUNDS TO BE RECOVERED FROM APPLICANT: This represents the amount of improperly disbursed funds to date as a result of rule violation(s) for which the applicant has been determined to be responsible. These improperly disbursed funds will have to be recovered from the applicant.

FUNDING COMMITMENT ADJUSTMENT EXPLANATION: This entry provides an explanation of the reason the adjustment was made.

**Funding Commitment Adjustment Report for
Form 471 Application Number: 381953**

Funding Request Number: 1051974
Services Ordered: INTERNAL CONNECTIONS
SPIN: 143026213
Service Provider Name: Advanced Networking Group
Contract Number: na
Billing Account Number: 313-297-9600
Site Identifier: 55062
Original Funding Commitment: \$122,451.54
Commitment Adjustment Amount: \$122,451.54
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date: \$122,129.34
Funds to be Recovered from Applicant: \$122,129.34

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. On your FY 2003 FCC Form 470 you certified that all bids received would be carefully considered and that the bid selected would be for the most cost-effective service or equipment offering. During the course of review it was determined that you failed to consider all bids submitted. The FCC rules require that the applicant submits a "bona fide" request for services by conducting internal assessments of the components necessary to use effectively the discounted services they order, submitting a complete description of services they seek so that it may be posted for competing providers to evaluate and certify to certain criteria under penalty of perjury. Since you failed to consider all bids received and choose the most cost-effective solution, you violated the competitive bidding process. Accordingly, your funding commitment will be rescinded in full and the USAC will seek recovery of \$122,129.34 of erroneously disbursed funds from the applicant.

**PLEASE SEND A COPY OF THIS PAGE WITH YOUR
CHECK TO ENSURE TIMELY PROCESSING**



Rural Health Care 2006 466A Supervisor Checklist

HCP#: 10487 Packet: 74473 Seq ID: A

Supervisor Reviewed Date: 10/12/07

HCP Name: Munising Tribal Health Center

Supervisor: ykuo

Completed: 10/12/07

- 1. Support calculations are correct, and are adequately documented.
- 2. All modifications have corresponding documentation in the RHCD Contact Log, and all issues are resolved.
- 3. The support amount is reasonable.
- 4. If bids were received, the most cost effective means of obtaining service was selected.
- 6. Packet status has been updated, modifications have been approved, and support calculations have been sent to Invoicing.

USAC

Universal Service Administrative Company
100 South Jefferson Road
PO Box 902
Whippany, New Jersey 07981

FIRST CLASS

UNITED STATES POSTAGE
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0004811512 OCT 12 2007
MAILED FROM ZIP CODE 07981

First Class Mail



Universal Service Administrative Company
Schools & Libraries Division

SPECIAL COMPLIANCE REVIEW REQUEST			
Funding Year 2003			
BEN#			
To:	Rosalyn Glavin and Glen Reid	From:	Adrian Sewdat
Your Phone Number:	(313) 2979600	My Phone Number:	(973) 581-5371
Your Fax Number:	(313) 2977322	My Fax Number:	(973) 599-6582
Entity Name:	RIVER ROUGE SENIOR HIGH SCHOOL	My E-Mail Address:	asewdat@sl.universalservice. org
Today's Date:	December 6, 2006	Total Pages:	5
PLEASE RESPOND BY:	December 21, 2006		
Form 471 Application Number(s):	381953		
PLEASE CALL TO CONFIRM THAT THIS DOCUMENT HAS BEEN RECEIVED IN ITS ENTIRETY.			

Time Sensitive – 15-Day Response Expected

It is important that we receive all of the information requested within 15 calendar days of the date of this document so that we may complete our review of your funding request(s).

In order to ensure that applicants are following certain FCC rules relating to certification statements and competitive bidding processes, we are seeking information about your competitive bidding and vendor selection processes.

Who can respond to this request for information?

This document requests information that must be provided by the applicant, or by the applicant's authorized representative.

How to respond

Please send your responses to the questions outlined on the following pages to:

Via Fax:	Via Expedited Mail:	Via email:
Reviewer name: Adrian Sewdat PIA Special Compliance Review (973) 599-6582 (fax)	Reviewer name: Adrian Sewdat SLD 80 S. Jefferson Road Whippany, NJ 07981	asewdat@sl.universalservice.org

Thank you for your assistance as we work to assure the integrity of the Schools and Libraries Universal Service Support Mechanism. It is important that we receive all of the information requested within 15 calendar days. A checklist of the items requested in this document is included on page 2. If you have any questions with regard to this request or these worksheets, please contact the reviewer at the phone number or email address listed above.

Special Compliance Review Information Request Checklist:

Please include the following in your response:

Information regarding your competitive bidding and vendor selection processes

1. Copies of signed and dated contracts relating to the Form(s) 471 for all contracted services
2. Copies of all Requests For Proposals (RFP), etc., where a vehicle other than the Form 470 was used for procurement.
3. Copies of all bid responses that were received for all funding requests.
4. Complete documentation regarding the process used for selecting your vendor/service provider(s).
5. Copies of any consulting agreements.
6. Correspondence between the consultant/service provider and the school/library regarding the competitive bidding process and the application process.

Information Regarding your Competitive Bidding and Vendor Selection Process

For each of the following items we have outlined the requested documentation you will need to supply. Please provide the information by funding request number (FRN) unless otherwise indicated. In the event that a document (e.g., contract, RFP, bid response, etc.) applies to multiple FRNs, simply indicate on the first page of the document which FRN(s) is supported by the document. If for any reason you do not have any of the documentation requested below, you **MUST** provide a complete explanation.

1) Contracts and/or other agreements

- a) Signed and dated copies (by both applicant and service provider) of any and all agreements related to each of the Form 471 funding request(s), including any and all contracts, agreements, Statements of Work, etc., and any and all agreements between the applicant and the service provider related in any way to the applicant's funding request and/or provision of E-rate related services. Please include Funding Request Number(s) on relevant Contracts.
- b) If the price on the contract is different from the pre-discount price on your Form(s) 471, please explain the difference and account for the difference. (For example, if the dollar amount on the contract is higher than the dollar amount on your Form(s) 471, indicate which services have been removed, if that is the case. If the dollar amount on the contract is lower than the dollar amount on your Form(s) 471, explain why).
- c) If the contract referenced on a particular funding request is a state master contract, please indicate. There is no need to provide a copy of the state master contract at this time, however, please provide any reference to a website where the contract can be found.
- d) If contracts are required, and are not provided, please explain why you have not provided them.

Special Note Regarding State Master Contracts (SMC)

The filer of the Form 470 – whether state or applicant – must comply with all FCC requirements and local and state procurement laws. Applicants must follow the applicable provisions of the State Master Contract and local and state procurement laws.

If you are procuring goods or services off a State Master Contract, and the state filed a Form 470 that lead to the award of that State Master Contract, and you referenced that State 470 in your funding request, you do not need to provide competitive bidding and vendor selection documentation at this time, unless the State Master Contract provides a Multiple Award Schedule. If this is the case for some, or all, of your FRNs, please indicate such in your response. If, however, you filed one or more Forms 470 and then used the State Master Contract as a bid response, you must provide full documentation about your competitive bidding process and vendor selection.

Finally, note that it is not necessary for you to submit a copy of the State Master Contract with your response at this time, however, please provide a reference to any website where the Contract information can be found. The State Master Contract in all of the above cases fulfills the FCC signed contract requirement.

2) Requests for Proposal (RFP)

- a) Copies of any and all requests for proposals (RFPs), invitation to bid, request for bids, or other documentation of bid requests for services and/or products requested, or other solicitations in any way associated with the applicant's funding request(s) and/or the selection of the service provider(s) that appear(s) on the applicant's funding request(s). Be sure to include any and all amendments made to the original RFP.
- b) You do not need to provide copies of FCC Form(s) 470 that were posted to the SLD website.
- c) If RFPs, etc., were used as part of the procurement process and are not being provided, please explain why you have not provided them.

3) Bid Responses

- a) Complete copies of any and all proposals, bid responses, etc., received in response to the Form 470, and/or any RFP, or other solicitation in any way associated with the applicant's funding request and/or with the selection of the service provider that appears on the applicant's funding requests. Please include Funding Request Number(s) on relevant Bid Responses. Again, this information should be provided for all funding requests including tariff, month-to-month and contracted services.

4) Vendor Selection Process

- a) How many bids were received for each FRN Telecommunications, Internet Access, Basic Maintenance and Internal Connections request? If no bids were received for an FRN, please indicate this in your response.
- b) Provide complete documentation indicating how and why you selected your service provider(s). If multiple bids were received, vendor evaluation sheets that were created contemporaneously during the evaluation period must be provided. Documentation should include:
 - i) a description of your evaluation process,
 - ii) the factors you used to determine the winning bid, and
 - iii) attendance sheets for any meetings regarding the Form 470 and/or RFP or other solicitation vehicles.
- c) If more than one factor was used in the evaluation process to determine the winning bid(s) please indicate how those factors were weighted (points or percentage) in the evaluation process.

5) Consulting Agreements

- a) Please provide a complete signed copy of any consulting agreement(s), including any Letters of Agency relating to the planning, implementation, and support of your E-rate funding request(s). If consulting agreement(s) were not used, please indicate as such.

6) Correspondence (Email, phone logs, etc.)

- a) Please provide a copy of all correspondence between your entity and any service providers or consultants regarding the competitive bidding process and the application process. Examples of correspondence required includes e-mails, and letters of contact or response with potential bidders and with selected service providers.
If there is any other documentation that would be helpful to us in our review to ensure that you complied with the Commission's rules requiring a fair and open competitive bidding process, please provide that as well.

E-RATE IMPLEMENTATION DESCRIPTION:

Special Compliance Review Information Request Completion Certification

If the applicant's authorized representative completed the information in this document, please attach a copy of the letter of agency or other agreement between the applicant and consultant authorizing them to act on the school or library's behalf. For the purposes of this form, in the Employer's Name field, a consultant should enter the name of his or her consulting firm.

SECTION 1: AUTHORIZED SIGNER INFORMATION	
Name of Authorized Signer	Title
Email Address	Telephone Office Fax
Authorized Signer's Employer's Name	

Employer's Street Address	State	Zip Code
SECTION 2: APPLICANT INFORMATION		
Billed Entity Name	Billed Entity Number	
Funding Year 2005 Forms 471 Application Numbers:		
SECTION 3: CERTIFICATION STATEMENTS		
<input type="checkbox"/> I certify that I prepared the responses in this document on behalf of the above named entity. <input type="checkbox"/> I certify that despite any budget deficits, fund-raising effort shortfalls, or other uncertainties that the funding source(s) identified for my applicant share of E-rate will not be affected.		
Authorized Signer's Signature	Date	
Authorized School or Library Official's Signature	Date	
Title of Authorized School or Library Official		

This certification page MUST be returned in all cases.

- If the applicant is responding to this document, the applicant must return the enclosed certification to the Schools and Libraries Division (SLD) along with the requested material.
- If the applicant's authorized representative is responding to this document, the authorized representative must sign and return (1) the enclosed certification to SLD along with the requested material AND (2) a letter of agency or other agreement between the applicant and the applicant's authorized representative authorizing them to act on the school or library's behalf.

IMPORTANT REMINDERS & DEADLINES

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

FORM 486 DEADLINE - The Form 486 must be postmarked no later than 120 days after the Service Start Date you report on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If you are required to have a Technology Plan, you must indicate the SLD Certified Technology Approver who approved your plan and you must retain documentation of your monitoring of the progress toward your stated goals.

CHILDREN'S INTERNET PROTECTION ACT (CIPA) - If FY2003 is your Third Funding Year for the purposes of CIPA and you apply for Internet Access or Internal Connections, you must be in compliance with CIPA and cannot request a waiver. The Supreme Court may issue an opinion in July 2003 changing the CIPA requirements - watch the SLD web site.

INVOICE DEADLINE - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Invoices should not be submitted until the invoiced products and services have been delivered and billed, and (for BEAR Forms) the provider has been paid.

OBLIGATION TO PAY NON-DISCOUNT PORTION - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FCC has stated that requiring applicant to pay their share ensures efficiency and accountability in the program. If you are using a trade-in as part of your non-discount portion, please refer to the SLD web site.

RETAIN DOCUMENTATION - Applicants and service providers must retain documentation, including but not limited to, documents showing:

- compliance with all applicable competitive bidding requirements,
- products and/or services delivered (e.g., customer bills detailing make, model and serial number),
- resources necessary to make effective use of E-rate discounts, including the purchase of equipment such as workstations not eligible for support,
- the specific location of each item of E-rate funded equipment, and
- the applicant has paid the non-discount portion.

These documents must be retained and available for review for 5 years.

FREE SERVICES ADVISORY - Applicants and service providers are prohibited from using the Schools and Libraries Support Mechanism to subsidize the procurement of ineligible or unrequested products and services, or from participating in arrangements that have the effect of providing a discount level to applicants greater than that to which applicants are entitled.

Complete program information is posted to the Schools and Libraries Division (SLD) web site at www.sl.universalservice.org. Information is also available by contacting the SLD Client Service Bureau by e-mail at question@universalservice.org, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.



Universal Service Administrative Company

Schools and Libraries Division

Date: Monday, August 27, 2007

Contact Name: Rosalyn Glavin, Glen Reid, Marie A. Miller, Pat De La Tore

Applicant Name: River Rouge High School

Contact Phone Number: (313) 297-9600 X6167

Contact Fax: 1-313-297-6525

Application Number: 381953

Response Due Date: <September 03, 2007 >

The Program Integrity Assurance (COMAD) team is in the process of reviewing all Funding Year 2003 Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. To complete our review, we need some additional information. The information needed to complete the review is listed below.

1. Based on the documentation you provided during the COMAD Review, **FRN 1051974 commitment will be adjusted and we will seek recovery of any incorrectly disbursed funds** because you did not consider all bids received in response to the Form 470 and/or RFP during your evaluation process.

If you disagree with our determination and you have alternative information, please provide the supporting documentation.

If you fail to respond by **September 03, 2007**, the **FRN commitment will be adjusted and we will seek recovery of any incorrectly disbursed funds.**

If you have any questions, please feel free to contact me. Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Adrian Sewdat

Program Compliance

Universal Services Administrative Company Schools & Libraries Division

Voice: 973-581-5371

Fax: 973-599-6582

E-Mail: asewdat@SL.UniversalService.org

River Rouge
December 11, 2007
Attachment 3

Patricia Delatorre

From: Patricia Delatorre [delatorr@rrouge.k12.mi.us]
Sent: Wednesday, August 29, 2007 7:14 PM
To: 'millerm24@comcast.net'; 'ProgCompliance2@sl.universalservice.org';
'ProgCompliance2@sl.universalservice.org'
Cc: 'hurleyj@michigan.gov'
Subject: RE: E-rate FY2003 Form 471 # 381953 COMAD Notification Letter - 08-27-2007

8/29/07

Adrian:

We disagree with the determination regarding FRN 1051974. We did consider all bids received within the bid time frame. There was only one bid submitted within the time frame of the bidding process and that was from ANG. The other bid received was received on the date due, however, it was after the closing time of the bid.

The district did not consider the late bid because we did not want to be in violation of bid procedures.

We do want to file an appeal. Please advise us of the steps we need to take to exercise this right. Please note the district will be closed Thursday, August 30th – Monday, September 3, 2007. We will resume business on Tuesday, September 4, 2007.

Patricia A. DeLaTorre

From: millerm24@comcast.net [mailto:millerm24@comcast.net]
Sent: Monday, August 27, 2007 4:38 PM
To: delatorr@rrouge.k12.mi.us
Subject: FW: E-rate FY2003 Form 471 # 381953 COMAD Notification Letter - 08-27-2007

----- Forwarded Message: -----

From: "ProgCompliance2" <ProgCompliance2@sl.universalservice.org>
To: "Rosalyn Glavin, Glen Reid, Marie A Miller and Pat DeLaTorre@1-313-297-6525" <IMCEAFAX-Rosalyn+20Glavin+2C+20Glen+20Reid+2C+20Marie+20A+20Miller+20and+20Pat+20DeLaTorre+40-313-297-6525@necaservices.com>
Cc: "Glen Reid" <reidglen@rrouge.k12.mi.us>, "Marie Miller" <millerm@rrouge.k12.mi.us>, "Marie Miller" <millerm24@comcast.net>, "Roz Glavin" <paulazor54@yahoo.com>, "Pat DeLaTorre" <patd@rrouge.k12.mi.us>
Subject: E-rate FY2003 Form 471 # 381953 COMAD Notification Letter - 08-27-2007
Date: Mon, 27 Aug 2007 14:51:13 +0000
All,

Please see the attached letter. If you fail to respond by **September 03, 2007**, the FRN commitment will be adjusted and we will seek recovery of any incorrectly disbursed funds.

Thanks,

Adrian Sewdat
Program Compliance

River Rouge
December 11, 2007
Attachment 4