Minneapolis Public Schools

Facilities Department, 807 Northeast Broadway, Minneapolis, MN 55413 Ph: 612/668-0300 Fax: 612/668-0275

Received & Inspected
MAR 11 2009
FCC Mail Room

February 26, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Request for Appeal USAC SLD 'Administrators Decision on Appeal' letter dated January 30, 2009: Funding Year 2007. CC Docket No. 96-45 and CC Docket No. 02-6.

Contact: Mr. Grant Lindberg
Authorized Erate Principal
Minneapolis School District 1
807 Broadway St. N.E.
Minneapolis, MN 55413
Phone: 612-668-0281
Fax: 612-668-0275
Email: grant.lindberg@mpls.k12.mn.us

Re: Form 471 Application Number 570627

FRN	1575415
Funding Year:	2007
Form Identifier	Y10 TeleCom
Billed Entity Number	133625
FCC registration Number	0013056601
SPIN Name:	Nextel West Corp.

Minneapolis School District 1 (MPS) is requesting a FCC appeal of the SLD denial for the above cellular services. Attachment 1 to this Letter of Appeal is a copy of the 'Administrator's Decision on Appeal – Funding Year 2007-2008' for 471 application number 570627 which is reference material for the following appeal.

In the SLD explanation, the denial was based on Minneapolis Public Schools not having the RFP available for the required 28 day posting period. In fact the RFP was available December 27, 2004 with responses due back to MPS on January 27, 2005; 31 days.

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In the SLD explanation, the denial was based on Minneapolis Public Schools not having the RFP available for the required 28 day posting period. In fact the RFP was available December 27, 2004 with responses due back to MPS on January 27, 2005; 31 days.

In our effort to demonstrate that MPS always conducts a fair, open, and competitive purchasing procedure, MPS was not clear in the materials provided to the SLD reviewer. We anticipated there would be further conversations or requests for additional information or clarifications. With E-rate RFP's or Bids, MPS follows the FCC requirements and on a second track follows MPS purchasing procedures. We included materials explaining the strict adherence by MPS to a competitive bidding process and included information stating that in addition to the 470 posting; MPS purchasing procedures require local postings in Minneapolis area publications. The additional information confused, rather than clarified. Attachment 2 is the original RFP with the Addendum page extending the deadline from January 25 (29 days) to January 27, 2005 (31 days). Attachment 3 is the MPS SLD appeal for your reference.

We thank you for the additional consideration of this decision as in these times of budget reductions, any denial places additional financial hardships on a district that has demonstrated continued improvements to meet or exceed E-rate requirements.

We would appreciate suggestions and would encourage direct contact with the reviewer to assure that MPS has an opportunity to respond in more detail. At the suggestion in the notification letter, we have kept this appeal brief, but we are prepared to discuss in as much detail as the reviewer desires.

Sincerely,

Grant Lindberg,
Authorized Erate Principal
Minneapolis, School District 1

Attachment 1: Administrator's Decision on Appeal dated January 30, 2009
Attachment 2: MPS RFP
Attachment 3: MPS SLD Appeal letter of December 10, 2008

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2007-2008

Received
FEB 2 - 2008
Plant Maintenance

January 30, 2009

Grant Lindberg
Minneapolis School District 1
807 Notheast Broadway
Minneapolis, MN 55413

RECEIVED
FEB 2 8 2009
2ND KW
Design & Construction

Re:	Applicant Name:	MINNEAPOLIS SCHOOL DISTRICT 1
	Billed Entity Number:	133625
	Form 471 Application Number:	570627
	Funding Request Number(s):	1575415
	Your Correspondence Dated:	December 10, 2008

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2007 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1575415
Decision on Appeal: **Denied**
Explanation:

- It was determined that the applicant did not make their Request for Proposal (RFP) available for 28 days after filing the Form 470 (Application Number: 655210000525741). On appeal, you have confirmed that your RFP was posted in Finance and Commerce for a period of two weeks. FCC rules require that, if you issue an RFP, it must be available to bidders for 28 days just like the Form 470. Bidders must have 28 days from the most recent posting or issuance date to respond. Please refer to the USAC website at http://www.usac.org/sl/applicants/step04/28-day-waiting-period.aspx.

  On the FCC Form 470 associated with your funding request, you indicated that you had an RFP for the products and/or services that you sought. During the appeal review of your FCC Form 471, USAC determined that your RFP was not

available for bidders for the required 28 days. USAC denied your funding request(s) as you did not comply with the competitive bidding requirement that your RFP be available to bidders for 28 days. In your appeal, you did not demonstrate that USAC's determination was incorrect. Consequently, your appeal is denied.

FCC rules require applicants to "submit a complete description of the services they seek so that it may be posted for competing service providers to evaluate" and formulate bids. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9076, FCC 97-157, para. 570, 575 (rel. May 8, 1997). The applicant's FCC Form 470 should inform potential bidders if there is, or is likely to be, an RFP relating to particular services indicated on the form. To the extent that the applicant also relies on an RFP as the basis of its vendor selection, that RFP must also be available to bidders for 28 days. See Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, etal.,CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26423-26424, FCC 03-313, para. 39 (rel. Dec. 8, 2003).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the 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 on 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 website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

ADDENDUM #1
REQUEST FOR PROPOSAL #05-02
CELLULAR TELEPHONE SERVICE
Proposals due 2:00 PM, CST, January 27, 2005

Special School District No. 1
Educational Service Center
807 NE Broadway, Room 208
Minneapolis, MN 55413

That the above named proposal be amended as follows:

Note: The due date and time has been **extended** to **2:00PM CST January 27, 2005**.

All respondents must submit with their proposal at no charge to the District five (5) working and RFP compliant cell phones to be returned one week after due date.

Please consider the above as part of the original RFP specifications and submit your RFP accordingly.

1/20/05

1.0 OVERVIEW

MPS E-rate Cellular Telephone RFP

1. 01 **INTRODUCTION:** Minneapolis Public Schools (MPS) is one of the largest school districts in Minnesota, serving over 47,000 students. Minneapolis Public Schools has 63 elementary schools, 8 middle schools, and 7 high schools; 31 alternative schools; and 6 special education schools.

MPS participates in the Federal Communications Commission E-Rate program as administered by the Schools and Libraries Division (SLD). One of the requirements of the SLD is a competitive process for communication services and related equipment. SLD funding is procured a year at a time starting July 1, and ending June 30 the following year. Any and all contracts or Purchase Orders resulting from this RFP are contingent upon SLD funding for noted equipment and services.

1.02 **SERVICES FOR THIS RFP:** The intent of this RFP is to acquire cellular telephone services for use in the district. The current vendor is Nextel, with approximately 325 phones in service. Key elements of the service are pooled minutes for all MPS phones in service; and no fee/minutes charge for MPS to MPS cell calls or pages(Push to talk/walkie-talkie style service); and cell coverage throughout the city. The selected vendor will port all existing MPS cellular numbers to the new service and assure the same functional features are operational on the phones.

1.03 **PROPOSAL SCHEDULE:**

Proposal Due Date	January 25, 2005
Respondent selection by	February 1, 2005
Contract signed by	February 12, 2005

2.0 REQUIRED RFP RESPONSE FORMAT

2.01 **REQUIRED INFORMATION:** Provide the required information where space has been provided on the quote sheets, sign the signature sections.

2.02 **ADDITIONAL INFORMATION:** Supplementary pages are informational only and do not change your responses. Provide this information in Section III, Supplementary Pages.

2.03 **REQUIRED RFP RESPONSE FORMAT:** RFP Response, and specifically respond to it as follows:

1.0 **SIGNATURE PAGE:** Complete as required with SPIN number, RFP compliance, and authorized signatures.

2.0 **GENERAL SPECIFICATIONS AND INSTRUCTIONS:** Read each paragraph and indicate compliance on the signature page.

3.0 **PRICING SUMMARY:** Provide information required in the space provided and within the pricing worksheets.

4.0 **RESPONDENT QUALIFICATIONS:** Read each paragraph and indicate compliance on the signature page. Include qualifications as Section II.

5.0 **APPENDICES – OPTIONAL, Attach as Section III:**

5.01 **OTHER INFORMATION:** Use this section of the RFP Response to include an annual report, product literature, and any other information that you deem relevant and pertinent.

5.02 **SUPPLEMENTARY PAGES:** Use this section of the RFP Response to include supplementary pages, recommendations, or alternative approaches for MPS consideration.

3.0 GENERAL SPECIFICATIONS AND INSTRUCTIONS

(Including MPS Purchasing Department pages attached)

3.01 RFP RESPONSE: RFP submissions will not be returned.

3.01.01 Any written information disclosed to Minneapolis Public Schools (MPS) in the RFP process shall be considered an integral part of the RFP Response.

3.01.02 One (1) original and two (2) copies including all attachments of the RFP Response must be delivered to Minneapolis Public Schools in a **sealed envelope. The envelope must bear the name of the firm submitting the RFP Response, the RFP Title, "RFP #05-02 Responses for MPS E-rate 2005 Cellular Telephone Service".** Late RFP Responses will be returned unopened.

Reponses must be delivered by 2:00PM CST January 25, 2005 to:

Minneapolis Public Schools
Purchasing Department
Room 208
807 Broadway Street N.E.
Minneapolis, MN 55413

3.01.03 Costs incurred in the preparation of the RFP Responses and subsequent demonstrations or any other activities related to the RFP shall be borne by Respondent.

3.01.04 The rejection of any RFP Responses in whole or in part will not render Minneapolis Public Schools liable for incurred costs and damages.

3.01.05 Minneapolis Public Schools reserves the right to reject any or all RFP Responses, in whole or in part, with or without a re-issue, if it is deemed in the best interest of MPS.

3.02 PROPRIETARY INFORMATION, NON-DISCLOSURE: This document in its entirety remains the property of Minneapolis Public Schools. The information contained herein is proprietary to Minneapolis Public Schools. These documents may not be duplicated or disseminated outside of the Respondent's organization without the written authority of Minneapolis Public Schools.

3.03 CONSIDERATION OF RFP RESPONSES: RFP Responses must be in compliance with the following to be considered:

3.03.01 The RFP Responses shall be typed or clearly printed in ink.

3.03.02 Revisions, corrections, or clarifications made by Minneapolis Public Schools shall be by addendum prior to the date the RFP Response is due. No addenda will be issued later than 72 hours prior to RFP Response opening except one including postponement of the date for receipt of RFP Responses.

3.03.03 Changes to the RFP format or failure on the part of the Respondent to comply with all requirements may be cause for rejection of the RFP Response.

3.03.04 Respondent will be considered the sole responsible party for its entire RFP Response. Minneapolis Public Schools will hold Respondent responsible for the performance of all elements of their RFP Response.

3.03.05 Alterations to the RFP Response must be crossed out and the corrections printed in ink or typewritten adjacent thereto. Corrections must be initialed in ink by each person signing the RFP Response.

3.04 **EVALUATION METHODOLOGY:** The contract will be awarded to the Respondent that in the opinion of Minneapolis Public Schools, complies with all specifications, demonstrated service and user satisfaction for Minneapolis and surrounding metro area, Respondent references, complies with the Universal Service Funding payment schedules, and that is deemed to be in MPS best interests.

Minneapolis Public Schools reserves the right to reject any or all RFP Responses if it is deemed in the best interest of MPS.

3.05 **REPRESENTATIONS MADE BY RESPONDENT:** By submitting a RFP Response, Respondent represents and acknowledges that:

3.05.01 Respondent has read and understands this RFP and the response is made in agreement and compliance with the RFP.

3.05.02 All terms and conditions set forth herein are accepted and incorporated in the RFP Response.

3.05.03 Respondent possesses the capabilities, equipment, personnel, and financial wherewithal to provide an efficient and successful installation of properly operating equipment.

3.05.04 The RFP response will be incorporated into the final contractual agreement.

3.06 **INTERPRETATION OF RFP DOCUMENTS:** If Respondents desire an interpretation of the RFP, specifications, or any form contained herein, they may submit a written request to:

For technical inquiries:	For Administrative inquiries:
Data Core Engineering	**MPS Purchasing Department**
Mr. John Kulas	**Mr. Lee Nelson**
1700 W. Hwy 36	**807 Broadway Street NE**
Rosedale Towers	**Room 208**
Suite 700	**Minneapolis, MN 55413**
St. Paul, MN 55113	
Phone: (652) 604-3212	612-668-0377
Fax: (651) 639-9618	612-668-0375
Email: jkulas@datacoreeng.com	lee.nelson@mpls.k12.mn.us

3.07 **EFFECTIVE PERIOD OF PRICES:** All system prices quoted by Respondent will remain fixed and firm for a maximum of one hundred and twenty (120) days from the date of RFP Response opening, or upon execution of a contract the quoted prices will remain fixed and firm through the contract term.

3.08 **SIGNING OF RFP RESPONSE:** The RFP Response should have the correct and legal corporate name of Respondent printed in ink or typed. The signature of the President and/or other persons authorized to commit the corporation should be handwritten in ink. The names of all persons signing the RFP Response should be typed or printed in ink.

3.09 **ERROR IN RFP RESPONSE:** Respondent shall be granted the right to withdraw its RFP Response if the RFP Response is in error due to a failure on the part of the Respondent to correctly estimate the costs or the performance obligations required in this RFP. No other relief shall be granted in case of error, and the right to withdraw a RFP Response shall be granted only under the following conditions:

3.09.01 Respondent provides written notification of the error in its RFP Response to Minneapolis Public Schools Purchasing Department within twenty-four (24) hours of the RFP Response due date. Faxed notification will be accepted, if the fax acknowledges the original is to be delivered via expedited delivery.

3.09.02 Respondent submits documentation within seventy-two (72) hours to Minneapolis Public Schools substantiating its claim of error by itemizing specific errors of omission, miscalculation, or non-compliance.

3.09.03 Respondent acknowledges in writing that it has relinquished all rights to further consideration by Minneapolis Public Schools on this RFP.

3.10 **INDUSTRY STANDARDS AND CODES:** All equipment shall be UL listed, FCC approved and registered, meet state and federal fire codes, electrical codes, and REA standards.

All equipment furnished by Respondent shall be manufactured, assembled, installed and tested in accordance with the current industry standards, including as a minimum, the American National Standards Institute (ANSI), the Institute of Electrical and Electronic Engineers (IEEE), the National Electrical Code (NEC), and the Minnesota State Electrical Code. In addition, where test standards exist, all materials and equipment furnished by Respondent for electrical construction shall bear the label of the Underwriters Laboratories (UL).

All work shall be accomplished in strict conformity with all laws and ordinances applying to the operation under this contract including the latest rules and regulations of all municipal and other public authorities having jurisdiction and state electrical codes. Installation shall also meet the standard requirements of National Electrical Code (NEC), Occupational Safety and Health Administration (OSHA, Federal, and State), and the National Fire Protection Associations (NFPA). Respondent will be held to complete all work necessary and to provide all equipment required to comply with the foregoing without extra compensation. Respondent and their subcontractors employed shall be required to conform to Labor Laws of the State of Minnesota and various acts amendatory and supplementary thereto, and to other laws, ordinances, and legal requirements applicable thereto.

Minneapolis Public Schools requires Prevailing Wage Certificate, Non-Collusion Affidavit, and an Affirmative Action Statement. All are contained in this RFP from the Minneapolis Schools Purchasing Department.

3.11 **PERMITS, LICENSES, AND INSPECTION FEES:** Respondent must be licensed and continuously hold this license throughout the contract, to perform work and shall prepare and submit to all authorities having jurisdiction for their approval all applications and working drawings required by them and obtain all necessary permits and certificates of compliance or approval issued by such authorities and deliver these to Minneapolis Public Schools, paying all necessary fees in each instance. Any work Respondent performs under this contract will fully comply with the provisions of the Federal Occupational Safety and Health Act of 1970 and to any rules and regulations pursuant to the Act. Any fines incurred as a result of Respondent's neglecting the requirements of this paragraph shall be paid by Respondent with no compensation from Minneapolis Public Schools.

3.12 **SYSTEM COORDINATION:** Respondent is required to coordinate all work with Minneapolis Public Schools designated representative. Respondent shall provide full support and complete coordination with MPS to assure there are no unplanned disruptions to the existing data and telephone networks. Respondent shall also be required to isolate and correct circuit and equipment malfunctions.

3.13 **BUILDING ACCESS:** Respondent must make arrangements for access to Minneapolis Public Schools facilities which will not be unreasonably withheld. Minneapolis Public Schools requires forty-eight (48) hour advance notification for building access. Access will be granted during the published MPS normal business hours.

3.14 **PERSONNEL QUALIFICATIONS:** A description of the background and qualifications of on-site training, and installation coordinators assigned to this project is required. Personnel changes may not be made without the prior approval of Minneapolis Public Schools and its designated representative. Please include this information in Response Section II.

3.15 **CONTRACTS:** Any and all equipment and services contracted from this RFP are dependent upon SLD funding approval. The contract must be in compliance with the Federal Communications Commission's Universal Service Fund (E-Rate), and follow the E-Rate funding year(s) schedule of start of service July 1 and end of funding year service June 30 the following year. Should the FCC E-Rate program cease to exist, Minneapolis Public Schools will be allowed to terminate the contract. The contract with the selected Respondent's organization will be in MPS Purchase Order format, signed by both parties, and include Respondents submitted RFP response and quoted pricing. The contract must be signed by February 12, 2005, with the service start date of July 1, 2005. The contract will be for four years, cancelable at any June 30 anniversary date at Minneapolis Public Schools sole option. Termination charges shall not apply to this contract. Cost for services purchased in years one (1) through four (4) of the contract must be guaranteed via the pricing quoted in this response. Minneapolis Public Schools also reserves the right to purchase additional services in any given year at the option of MPS.

3.15.01 Minneapolis Public Schools annually applies for discounts made available through the Federal Communications Commission's Universal Service Fund. The Universal Service Fund program is administered by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC). This is an organization appointed by the Federal Communications Commission (FCC) to administer the funding process. Any reference to SLD or E-Rate in this document is synonymous with the above FCC program. Discounts will be granted by the SLD and will result in percentage discounts against eligible equipment and services. Respondent will comply with invoice and payment processes as directed by the Universal Service Fund's administrative organization. Further, MPS intends to process invoices from this contract by paying only the MPS non-discounted portion (21% for 2004). A second invoice to the SLD will need to be issued for the discounted amount (79% for 2004).

3.15.02 Minneapolis Public Schools requires flexible invoicing functions from the Respondents billing system. Web access review of details is preferred. Respondent will team with MPS Accounts Payable, IT, and Facilities staff to achieve an efficient and understandable payable process. Split invoicing is required to process SLD and MPS percentages.

3.16 **NO ASSIGNMENT:** The Respondent shall not assign the whole or any part of the contract or any moneys due or to become due hereunder or information technology support service without written consent of MPS.

3.17 **PROJECT LABOR AGREEMENT:** The successful Respondent agrees to comply with the MPS Project Labor Agreement. This document will be made available by the Minneapolis Public School's Facilities Department.

3.18 **RECEIPT AND WAIVER OF MECHANICS LIEN RIGHTS:** Respondent/contract holder and any subcontractor shall provide Minneapolis Public Schools a Receipt and Waiver of Mechanics Lien Rights prior to payment by Minneapolis Public Schools for all material, equipment, labor, and components billed.

3.19 **UNIVERSAL SERVICE FUND DISCOUNT:** Minneapolis Public Schools is seeking discounts to be made available through the Federal Communications Commission's Universal Service Fund. Discounts will be granted by the School and Library Division (SLD) and will result in percentage discounts against eligible services and equipment. Any and all equipment and services contracted from this RFP are dependent upon SLD approval.

3.20 **TAX EXEMPT:** Minneapolis Public Schools, Special School District No. 1 is exempt from State of Minnesota Sales Tax.

4.0 RESPONDENT QUALIFICATIONS and REQUIREMENTS

4.01 **RESPONDENT CORPORATE OVERVIEW:** Provide a concise overview of the Respondent organization including, as a minimum, the following information. If you will be using subcontractors to deliver the systems and services required, include the same information for each subcontractor. Please provide this information in Section II.

4.01.01 Legal structure (i.e., corporation, partnership, & etc.) and ownership. If a closed corporation or partnership, name the owners and percentage of ownership. In all cases, include an organization chart identifying the management team.

4.01.02 Age of company and years operating in the Minneapolis – St. Paul metropolitan area.

4.01.03 Headquarters location, other facilities, maintenance and service location, and proposing location.

4.01.04 Total employees, employees at each respective location, operations department employees, and applicable service your company provides.

4.02 **INSTALLATION EXPERIENCE:** Respondent must provide references and profiles for a minimum of three (3) customers with over 200 cell phones for the service quoted that have been sold and installed by Respondent's organization within 100 miles of the Minneapolis – St. Paul metropolitan area. Please provide this information in Section II.

4.03 **CUSTOMER SERVICE:** Respondent must provide a corporate strategy for customer service and how service levels are improved. Include a description of Respondents Trouble Tickets and repair process and service additions or change process. Provide service level agreements. List Respondents service team and key contacts. Please provide this information in Section II.

4.04 **INVOICING / BILLING:** MPS requires monthly cost and usage reports, and quarterly review meetings with the successful Respondent. Web access to service features is highly desirable. Please provide this information in Section II.

4.04.02 Describe administrative and review functions available to MPS via web access.
4.04.03 Explain the ability for MPS to manage long distance charges.
4.04.04 Describe how minute pooling can be viewed and managed by MPS.
4.04.05 MPS may require split billing for excess charges to individual users. Explain how you would address this need.
4.04.06 MPS would like to average usage over three months to avoid overage charges. Explain how you would address this need.

4.05 **COVERAGE AREA:** A detailed map of the Respondents coverage area is required along with information regarding the density of towers within the coverage area. Include the capacity per tower and the current capacity in use or committed. Please provide this information in Section II.

4.06 **OPERATION STATISTICS:** Respondent is to provide operational statistics for the Minneapolis metro area that includes at a minimum for a monthly or annual period: total call usage; number of dropped calls; ineffective attempts; trouble calls. Please provide this information in Section II.

4.07 **DISASTER PLAN:** In the event of a catastrophic occurrence, communication is critical. Describe your capacity to provide a disaster recovery and the steps in place to assure uninterrupted service to the Minneapolis metro area. Please provide this information in Section II.

5.0 Specifications

5.01 Digital service is preferred , but service must be capable of tri-mode functionality.

5.02 Nextel compatible phones are currently in service. If installed phones are not compatible to Respondents service, all cellular equipment will include new telephones and accessories.

- **5.02.1** The accessory phone kit provided must detail the components within the phone kit.
- **5.02.2** Warranty shall include one-year parts and labor form date of first use.
- **5.02.3** Prices will be based on delivery at district sites.
- **5.02.4** Phone Instruments: The key attributes for telephones are basic: good voice quality, battery life, and a design that is easy to use. Respondents can submit specifications and independent ratings for suggested telephones that could be added to the following minimum standards: Kyocera SE47; Samsung SCHa650-670; LG G4015; Motorola V600; Siemens C61 CF62; Nokia 7610.

5.03 Loaner equipment must be available free of charge in the event of lost or stolen equipment or in the case of extended downtime due to service or repair. Loaner equipment must be accessible no later than three hours from the request for a loaner.

5.04 Test equipment. MPS will verify service at specific locations throughout the District. MPS requests five cell phones for a period of one week for testing prior to final Respondent selection.

5.05 All existing phone numbers are to be ported to Respondents service.

5.06 Training and setup for users phones is to be performed by Respondent. Set up is to include existing phone settings and speed dial. Training sessions maximum attendees is 10, locations at MPS building sites.

5.07 Service Cutover: The ideal transition for MPS would stage replacement cell phones with users prior to July 1, 2005; fully configured, with users trained. The number port would be completed after hours June 30 with new service ready July 1. Provide Respondents conversion plan, schedule, any cost to MPS, and any MPS required actions; provide this information in Section II.

5.08 **PRICING:** Complete and sign the ' Section 6.0 Cellular Service Pricing Schedule 05-02'.

- **5.08.1** MPS has 350 cell phones in service. 75 phones are used for internal district only - walkie-talkie style.
- **5.08.2** Pooling of all MPS minutes on a monthly basis is highly desired. Include recommendations on how Respondents service will allow MPS to achieve cost efficiencies. Provide this information in Section II.
- **5.08.3** MPS usage is predominantly at the 200 minute level, with intermediate usage needed on an exception basis.
- **5.08.4** Push to talk / walkie-talkie features are used heavily within the District.
- **5.08.5** Include any and all start-up costs.
- **5.08.6** Respondent may attach alternatives that are cost beneficial to the District.
- **5.08.7** Include as supplemental pages all service options available to the District.

6.0 Cellular Service Pricing Schedule 05-02

Network(CDMA,GSM,TDMA,IDEN,ETC)				
Phones	**Model**	**Unit Cost**	**Quantity**	**Cost to MPS**
Standard Rectangle			**275**	
Folding			**75**	
Expected Battery Hours until Charge				
Install Cost including Porting Existing Numbers			**350**	
Training and Conversion Cost			**350**	
MPS Pooling Feature	Yes	No		
Overages: Averaged over 3 Months	Yes	No		
Cell Service:		**Cost per Month**	**Number in Use**	**Cost to MPS**
200 Min Plan			**235**	
500 Min Plan			**25**	
1200 Min Plan			**15**	
MPS Internal Only	(Walkie-Talkie Style)		**75**	
Overage cost per Min				
Long Distance cost per Min				
Cutover:				**Cost to MPS**
Five cell phones for testing	Yes	No		
Cutover completed by:		**Date:**		

Attach Respondents complete pricing schedules to this Schedule.

Signed: _____

Company _____

Date _____

Minneapolis Public Schools

Facilities Department, 807 Northeast Broadway, Minneapolis, MN 55413 Ph: 612/668-0300 Fax: 612/668-0275

December 10, 2008

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd
P.O. Box 902
Whippany, NJ 07981

Re: Letter of Appeal for Notification of Commitment Adjustment Letter
dated November 4, 2008: Funding Year 2007.

ELECTRONICALLY AND BY U.S. MAIL

Contact: Mr. Grant Lindberg
Authorized Erate Principal
Minneapolis School District 1
807 Broadway St. N.E.
Minneapolis, MN 55413

Phone: 612-668-0281
Fax: 612-668-0275
Email: grant.lindberg@mpls.k12.mn.us

Re:

Form 471 Application Number	570627
FRN	1575415
Funding Year:	2007
Form Identifier	Y10 TeleCom
Billed Entity Number	133625
FCC registration Number	0013056601
SPIN Name:	Nextel West Corp.

Attachment 1 to this Letter of Appeal is a copy of the Commitment Adjustment Report for 471 application number 570627 which is reference material for the following appeal:

In the explanation we are reminded that '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'. We intend to demonstrate by this appeal that Minneapolis School District 1 (MPS) exceeded typical applicants' efforts to obtain a fair and competitive bid process.

1. At the time MPS completed the form 470 MPS's intent was to obtain and review vendor responses against the existing State of Minnesota cellular phone contract. The 470 was completed with all contract options available on the 470 at that time; month to month and

seeking a contract. (Later year 470s have additional check boxes for multiyear contracts.) In other words, we were asking for all contracting options available at that time.

2. We did not receive any responses in the first week after posting the 470; past experience is that most responses occur within the first few days after posting. In fact, we never received any inquiry or submission from the 470 posting throughout the 470 to 471 process.
3. MPS determined that the State Contract was a repackaging of the Western States Contracting Alliance (WSCA) contract.
4. Because MPS was determined to use the utmost diligence to assure compliance with the required competitive bidding process, MPS decided to then issue a full RFP to assure a competitive process was in compliance with E-rate and MPS purchasing procedures. MPS requires additional postings over the 470 online notifications.
5. MPS advertised the RFP for two weeks in the *Finance and Commerce,* an official newspaper for Minneapolis and the common procedure for notification to bidders seeking public sector business. We also posted another 470 as a note to alert vendors that an RFP was available.
6. We actively solicited bids by researching all cellular providers and sending them the RFP. The list of vendors is the second attachment to this document. The list is virtually all cellular providers in MN, and included all the major providers.
7. We then evaluated the responses, ranked them with cost being the highest weight and selected Nextel- Sprint. If it will add clarity, we will furnish a copy of the RFP. In an ironic twist, Nextel-Sprint was also the awarded vendor for the State contract that we confirmed was competitively bid in 2005.

For your additional consideration; we could have selected any vendor of our choosing and would have been judged in compliance for erate funding because we did not receive any responses from the 470. Without the additional MPS effort of the RFP the process would not have been competitive, it would have been a selection.

We would appreciate suggestions and would encourage direct contact with the reviewer to assure that MPS has an opportunity to respond in more detail. At the suggestion in the notification letter, we have kept this appeal brief, but we are prepared to discuss in as much detail as the reviewer desires. We are also requesting a timeframe for the SLD decision, as we intend to appeal to the FCC directly should this appeal fail knowing the FCC deadline to be January 3, 2009.

Sincerely,

Grant Lindberg,
Authorized Erate Principal
Minneapolis, School District 1

Attachment 1: Commitment Adjustment Report for 471 application #570627
Attachment 2: Cellular Providers Solicited

Funding Commitment Adjustment Report for
Form 471 Application Number: 570627

Funding Request Number:	1575415
Services Ordered:	TELCOMM SERVICES
SPIN:	143000893
Service Provider Name:	Nextel West Corp
Contract Number:	MPS 05-02
Billing Account Number:	257983318
Site Identifier:	133625
Original Funding Commitment:	$170,871.90
Commitment Adjustment Amount:	$170,871.90
Adjusted Funding Commitment:	$0.00
Funds Disbursed to Date:	$95,199.86
Funds to be Recovered from Applicant:	$95,199.86

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. On your FY 2005 FCC Form 470 # 655210000525741 you stated that you would not be issuing a request for proposal and you did not indicate that you were looking for a multi year contract. During the course of review it was determined that you did issue a request for proposal. A copy was supplied by you during the review process which indicated that you were seeking a one year contract with 3- 1 year extensions. Also, you provided a copy of a one year contract which contained a clause allowing for 3-one year extensions. 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 provide detailed and specific information of the services sought and prevented the potential bidders from formulating their bids you violated the competitive bidding process. Accordingly, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

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

Attachment 2: Cellular Providers Solicited

Cingular Wireless
Erik Perschmann
4300 Market Pointe Drive
Bloomington, MN 55435

Sprint PCS Wireless
7585 France Ave. S.
Edina, MN 55435

Qwest Wireless
Rusty Smith
600 Stinson Blvd.
Minneapolis, MN 55413

T-Mobile
Pat Ponzio
8000 West 78th Street
400
Edina, MN 55439

Nextel Communications
Marc Meeden
7700 France Avenue S.
400S
Edina, MN 55435

Verizon Wireless
Jeff Olmscheid
505 N. Highway 169
Plymouth, MN 55441

Metrocall Wireless
Steve Warkmack
6121 Baker Road, # 103
Minnetonka, MN 55345

WorldWide Wireless
Kelly VanBaren
2708 Highway 88
St. Anthony, MN 55418