



Crittenton Academy
An Accredited Charter School

DOCKET FILE COPY ORIGINAL

September 28, 2009

Request for Appeal –CC Docket No. 02-6
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

FILED/ACCEPTED
OCT - 1 2009
Federal Communications Commission
Office of the Secretary
CC: 02-6

APPEAL – YEAR 10 – USAC Administrator’s Funding Commitment Decision for 2004-2005

Dear Secretary Dortch:

We are appealing USAC/SLD’s denial of our appeal on Cost effectiveness, our appeal was denied on August 5th, 2009, a PDF of that letter is attached.

Regarding: CC Docket No. 02-6

- Billed Entity Number: 97072
- Name of BEN: Crittenton Youth Services
- Contact person name: George Allman
- Contact information: GAllman@FLOCRIT.ORG
715 West Mariposa Street
Phoenix, AZ 85013
(602) 288.4585
FAX (602) 274.7549
- Form 471 Application Number: 425691
- Funding Request Numbers (FRNs): 1177160,
- SLD Action Appealed: Letter Dated May 22, 2009 - **Administrator’s Decision on Commitment Adjustment Letter– Denied in full.**
- Reason for denial:

According to our records it was determined that on April 2, 2008 (during the Cost Effective Review process) you failed to provide specific answers to cost effective concerns. On that same date you also stated (in response to a USAC request to provide a description of how you chose your service provider as a cost effective source for the services requested) that you did not conduct an RFP process or bid the requested services. To the best of your knowledge the vendor was chosen from a list of approved vendors on file with the State. During the course of the appeal review, you were asked to provide detailed documentation justifying the cost effectiveness of the requested products and services, specifically the cost per student, the cost per piece of equipment, the cost per cabling drop, the number of ports per student, the cost of the server, the cost of installation, the cost of the multipoint control unit (as the quote provided with the appeal is not representative

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of the actual unit purchased, the quote is that of a unit with much greater capacity) and the high cost of the baystack. The USAC request for additional information (sent on May 8, 2009) was indicated due on May 26, 2009. On May 18, 2009 you were issued a reminder for the requested information. On May 22, 2009 you submitted response documentation that included: "Background" with regard to the role of Florence Crittenton Services, "Available Information" with regard to Dan Johnston no longer being an employee (it is noted that five year retention of documentation is required per FCC ruling, see CC Docket No. 02-6, Fifth Report and Order), "Appeal Information and Comments" mainly expressing your point of view on appeal with regard to the individual cost effective concerns, a copy of your Form 470 to support your claim that 150 students are enrolled and not 100 as determined during the cost effective review (it is noted that the Form 470 cannot be used to validate student count), and the Item 21 support documentation titled as "Attachment 2" and "Attachment 3". However, you failed to provide the requested cost effective documentation. USAC has determined that the above funding request for Internal Connections has not been justified as being cost effective as required by the Schools and Libraries Support Mechanism's rules and procedures. USAC has determined that the costs of the products and services in your funding request were significantly higher than the costs generally available in your marketplace for the same or similar products or services. In addition, the technology plans for requested services were not based on an assessment of the applicants reasonable needs. There is no evidence that the reason for excessive costs were due to extenuating circumstances. Consequently, the appeal is denied.

FCC rules require that the schools and libraries retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. See 47 C.F.R. sec. 54.516(a). The applicants and service providers are further required to produce such records upon a request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. See 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements, See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Red 15808,15824-15826, paras. 47-50 (rel. Aug. 13, 2004).

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 Red 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, et al., CC Docket

Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26423-26424, FCC 03-313, para. 39 (rel. Dec. 8, 2003).

FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals. See 47 C.F.R. secs. 54.511(a), 54.504(b)(2)(vii), 54.504(c)(1)(xi). See also Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26407, FCC 03-313, paras. 47-55 (Dec. 8, 2003) (Ysleta Order). Service providers shall not charge the entities a price above the lowest corresponding price. See 47 C.F.R. sec. 54.511 (b). In order to ensure that the applicants are not requesting discounts for services beyond their reasonable needs, USAC denies funding request(s) for not being cost-effective the costs of the products and services in a funding request are significantly higher than the costs generally available in the applicant's marketplace for the same or similar products or services. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. See Ysleta Order para. 54.

Introduction:

Florence Crittenton Youth Services is a non profit social services organization serving the Phoenix, AZ community for more than 100 years. We serve at-risk youth through our Charter High School with most students being wards of the State and are referred to our program by Juvenile Justice Agencies, Department of Economic Security and Division of Behavioral Health Services. Our Free and reduced lunch rate is 95%, 33 % homeless and 20% Special Education Needs students. We experience a high turnover rate and varying student enrollment through out the year due to these factors.

Background:

In 2004 we posted our detailed form 470 listing all the services requested. We did not post separate RFP. One bid was received for this FRN 1177160. The bidder was on the federal GSA contract GS-35F-4239D and California Multiple award contract 3-96-70-0260A.

	
GSA Schedule	CA Multiple Award Schedule
Contract Number: GS-35F-4239D	Contract Number: 3-96-70-0260A

For this application (see inserts on page 4) internal connections in the amount of \$ 219,396.01 was requested, an amount for \$ 132,985.61 for maintenance was not requested. This project was installed and completed. The amount requested was reduced by \$ 6,862.49 due to reductions in the cabling costs.

425691 1177160 97072 CRITTENTON YOUTH ACADEMY IC \$197,456.41 0 \$190,593.92 0% 90%

Crittendon Youth Academy
 Entity Number 97072
 Attachments - IC-1

Category: Internal Connections
 Removable Media Solutions Inc. "RMSI" SPIN: 143017430

Itemized List of Services for
 Crittendon Youth Academy
 Phoenix, AZ Entity Number: 97072
 +71# 425691
 P.O.#: 1177160



Initial _____ Date _____

Manufacturer	Model Number	Description	Quantity			
Nortel	AL2001E15	Automating Switch (24) 10/100 Base-TX Business Policy Switch 2000 Autosensing Policy Switch	0	\$	2,595.00	\$ 15,570.00
Nortel	AL2033010	Cascade/Sinking Modules	0	\$	395.00	\$ 2,370.00
Nortel	AL2016004	Cascade Module Return Cable	6	\$	325.00	\$ 1,470.00
Nortel	Du1412E05	Pasport 1424T Routing Switch	1	\$	4,995.00	\$ 4,995.00
Nortel	AI4412E01	Baystack 260-24T Standalone Ethernet Switch with 24 RJ45 connectors	1	\$	7,995.00	\$ 7,995.00
RMSI	DRGX01A	Multiple Control Unit for Transporting Classroom Information	1	\$	28,712.50	\$ 28,712.50
RMSI	CTV3030	CODEC/Video Encoder Audio and Video encoder and decoder	6	\$	4,488.00	\$ 26,928.00
RMSI	150RGX02A	Domain Server Consisting of RMSI File Server 512 MB SDRAM-4 DIMMS, Proc2 Core 72GB Ultra SCSI Hard Drive DVD-RW Drive; 1.44 MB Floppy Drive Intel PRO100V1000 NIC Card 17" Monitor, Keyboard and Mouse	1	\$	13,680.11	\$ 13,680.11
Del		Web Server; Laptop Configuration	1	\$	2,732.00	\$ 2,700.00
AR82150LK		UPS Server Rack	4	\$	1,834.00	\$ 7,336.00
TER7708-77		Tape Back-up System	4	\$	4,424.00	\$ 17,696.00
		17" Equipment Rack	3	\$	975.00	\$ 2,925.00
RMSI		Total Material Cost for Above Systems		\$		\$ 132,880.61
RMSI		RMSI Installation, Warranty, Maintenance, Per Diem, Travel and Configuration	1			\$ 112,358.00

SUMMARY OF PRODUCTS, SOFTWARE AND SERVICES
 AS DETAILED ON THE FOLLOWING PAGES

Job No.	Product Type	Installation Address (City, State)	Total Price
E-Rate2004	Local Area Network and PVBX System (Refer to Page 2 for Product Details)	4820 N. 7 th Avenue Phoenix, AZ 85013	\$ 219,396.01
Total Price - All Jobs			\$ 219,396.01

Customer Invoice Address
 Crittendon Youth Academy
 4820 N. 7th Avenue
 Phoenix, AZ 85013

This proposal is contingent on Customer obtaining funding approval as submitted on 471 Application Number 425691 for Year 5/01/2004-08/30/2005

Background: Continued

On November 30th, 2005 Bearing Point issued a notice of site visit to be conducted on December 8th, 2005. A follow up request from USAC on Cost effectiveness was received and a response provided to USAC on March 27th, 2007 with 17 response entries. See attachment "A".

The original contact person during the application process and Project was Dan Johnston – Principal. During the Cost effective review and subsequent follow up appeals, Mr. George Allman provided discussion and correspondence with USAC but did not have intimate knowledge of the project As Mr. Johnston was no longer with the school. We emphasize that school does not have a trained Erate specialist, that the duties of these individuals is education administration, the vendor went out of business and the complete Erate process is difficult to understand.

On November 25, 2008 USAC issued a commitment adjustment letter; see insert below and attachment "B". The notice was scarce in specific information upon which to appeal.

~~Commitment Adjustment Letter~~

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of a review, it was determined that the funds were erroneously committed for the funding request 1177160, which was not justified as cost effective. The FCC rules require that, in selecting the service provider, the applicant must select the most cost effective service or equipment offering, with price being the primary factor, which will result in it being the most effective means of meeting educational needs and technology plan goals. Additionally, the applicants' technology plans for requested services should be based on an assessment of their reasonable needs. Applicants that request services that are beyond their reasonable needs and thus not cost effective have violated the above rules. Since FRN 1177160 exceeded the applicant's reasonable needs, this funding commitment is rescinded in full and SLD will seek recovery of any disbursed funds from the applicant.

The primary areas listed are selecting a service provider, Price as a primary factor, Technology plan goals, and services beyond their reasonable needs.

On May 8, 2009 USAC contacted the school and allowed for amendment to the appeal. See attachment "C".

During the process of the Cost Effective Review, you were asked to provide detailed documentation justifying the cost effectiveness of the requested services and products within the funding request. USAC has determined that taking into consideration **the cost per student, the cost per piece of equipment, the cost per cabling drop, the number of ports per student, the cost of the server, the cost of installation, the unjustified amount of the multiport control unit and the high cost of the baystack**, it is deemed that FRN 1177160 is excessive

On May 22, 2009 Mr. Allman replied to Scott Donnelly at USAC fully explaining the schools circumstances and categorically replying to each of the outstanding issues. See attachment "D".

On August 5, 2009 USAC issued an appeal Decision letter denying the appeal, a USAC demand payment letter was issued on August 7th, 2009.

The school has now hired an Erate consulting firm to appeal to the FCC as this is a complicated matter outside the normal business acumen of the administration office.

Facts in support of the Appeal:

1 – USAC did not take into account the extreme variances of annual attendance. The unusual nature of this school does not allow for accurate estimates of attendance since most students are assigned as wards of the state or by other agencies and is impossible to predetermine, so prior information was used, expecting an increase in students and staff, which eventually it has.

The Arizona Dept of EDU inserts below indicate the fluctuation between 45 and 172 students. The student count estimated on the form 470 was 100. It is also important to note that the NLSP data is reported by ADE is 1 year behind the calendar year.

**Arizona Department of Education
National School Lunch Programs
Free Reduced Percentage Report 2003-2004
March 2003 Claim Data**

078608000	Florence Crittenton Svcs. of AZ, Inc.	078608001	Crittenton Youth Academy	104	0	0	104	100.00%
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**Arizona Department of Education
National School Lunch Programs
Free and Reduced Percentage Report SY2004-05
March 2004 Claim Data**

07-86-08-000	Florence Crittenton Services of Arizona, Inc.	07-86-08-001	Crittenton Youth Academy	45	2	2	49	95.9%
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**Arizona Department of Education
School Nutrition Programs
Report of Charter and Public Schools
Free/Reduced as Percent of Total Eligible
Claim Month of October 2005**

078608000	Florence Crittenton Services of Arizona, Inc.			58	4	5	67	92.54%
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**Arizona Department of Education
National School Lunch Program
Free and Reduced Percentage Report
March 2006 Claim Data**

078608000	Florence Crittenton Services of Arizona, Inc.	078608001	Crittenton Youth Academy	61	3	21	85	75.29%
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**NLSP Free/Reduced as Percent of Total Eligible
Claim Month of October 2007**

4300	078608000	Florence Crittenton Services of Arizona, Inc.	5486	078608001	Crittenton Youth Academy	135	6	134	275	51.27%
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**NLSP Free/Reduced as Percent of Total Eligible
Claim Month of October 2008**

4300	078608000	Florence Crittenton Services of Arizona, Inc.	5486	078608001	Crittenton Youth Academy	172	11	161	184	84.53%
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2 – The technology plan was submitted to the Arizona Department of Education, was approved and provided the needed 5 basic elements.

Those elements are:

- goals and strategies for using telecommunications and information technology;
- a professional development strategy;
- an assessment of telecommunications services, hardware, software, and other services needed;
- budget resources; and an ongoing evaluation process

<i>CTDS</i>	<i>Name</i>	<i>Start Date</i>	<i>End Date</i>	<i>Rural/Urban</i>
07-86-08-000	<i>Florence Crittenton Services</i>	08/01/2003	06/30/2007	Urban

Last updated 5/17/2007 (from ADE state wide report)

3 - The USAC Denial letter states the technology plan did not reflect the applicant needs.

in your marketplace for the same or similar products or services. In addition, the technology plans for requested services were not based on an assessment of the applicants reasonable needs. There is no evidence that the reason for excessive

From the Technology plan we show that USAC has made an error in this statement–

Vision Statement

Students will be given the opportunities to gain skills necessary to compete in higher education and the work forces. Students of CYA will have strong technological advantages over students from typical charter schools. Internet access will be available in all classrooms. Computerized curriculum will be an option for students in all core academic subjects for all grade levels offered.

1. Describe student and programmatic needs that the agency plans to address through educational technology.

a. Curriculum Integration

We have made a recent addition of educational software which provides curriculum for grades 7 through 12 in each of the core subject areas. The software is currently available in only one classroom. We are currently applying for E-Rate funds which will enable us to network the rest of the classrooms so that the curriculum will be available to all teachers and students. The curriculum has already been aligned to meet Arizona Academic Standards.

c. Equitable Use of Technology

Currently, we have one computer for every two students. Our current goal is to maintain this ratio as the school continues to grow. Each classroom is well supplied with technology. As mentioned above, we are attempting to network the entire school so that all classrooms will have the same resources.

1. **Goal:** Improve student academic achievement through the use of technology in elementary and secondary schools with a target of fully integrating technology into the academic curriculum by December 2006.

Strategic Long-Range Technology Plan, 03/04/2005

District Objectives for Goal 1:

1. Expand our computer based curriculum to be an available option in all classrooms.
2. Expand our student network to include all student computers.

<u>Objective</u>	<u>Strategy</u>	<u>Accountability Measure</u>	<u>Timeline (Task % Done /Year)</u>
Number 1	Make our computer based curriculum software available to all teachers in all core academic classrooms	Each core academic classroom should have a minimum of 5 student computers equipped with Anywhere Learning Systems software.	1/2006
Number 2	Network all student computers which will allow the software to be used on the network	Completion of network of all computers	1/2006

4 – The appeal clarification on May 22, 2009 on cost effectiveness regarding service provider chosen was inaccurately described by Mr. Allman since the original contact person was no longer with the school. The Form 470 included a detailed list of products and services sought by the applicant providing any bidder with the necessary information required to submit a bid and that there was no separate RFP.

10 **Internal Connections**

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a **YES, I have an RFP.** It is available on the Web at or via (check one):
 the Contact Person in Item 6 or the contact listed in Item 11.

b **NO, I do not have an RFP for these services.**

<u>Service or Function:</u>	<u>Quantity and/or Capacity:</u>
cabling/network electronics	150 users
network file server	150 users
network operational software	150 users
e-mail server	20 users
e-mail service software	20 users
firewall server	150 users
firewall server software	150 users
battery backup	150 users
cabinets	150 users
CSU/DSU and Router	150 users
codec	150 users
Media Converter	150 users
monitors for eligible servers	150 users
laptop computer	to support file servers

on site technical support and maintenance	150 users
extended warranty per SLD conditions	to be determined
freight assurance fees	to be determined
training per SLD conditions	150 users
local area network	150 users
network switches	150 users
power poles	150 users
pvtbx	150 users
web server	150 users
configuration charges	to be determined
construction costs	to be determined
contingency fees	to be determined
per diem and shipping charges	to be determined
taxes and surcharges	to be determined
technical services	150 users
travel time	to be determined

In FCC order DA-06-486A1 (Pasadena Unified) we find on page 2 paragraph 4 -

“Under program rules, applicants may purchase eligible services from “master contracts” negotiated by a third party such as a governmental entity.¹ The third party initiating the master contract must comply with the Commission’s competitive bidding requirements and state procurement law”.

In the USAC appeal decision letter dated 8 5 2009 on page 1 it reads -

According to our records it was determined that on April 2, 2008 (during the Cost Effective Review process) you failed to provide specific answers to cost effective concerns. On that same date you also stated (in response to a USAC request to provide a description of how you chose your service provider as a cost effective source for the services requested) that you did not conduct an RFP process or bid the requested services. To the best of your knowledge the vendor was chosen from a list of approved vendors on file with the State. During the course of the

The corrected response should read that –

No rfp was released,
The form 470 was used,
The form 470 detailed the goods and services needed and
That there was 1 bid.

The bid received listed two master contracts for the services and it was determined that the costing was fair and reasonable (particularly if based on contractual pricing with other government agency awards).

The clerical error made was not to memorialize the decision in a written format. Note that there is no indication in the record that our school was engaging in any activity intended to defraud or abuse the Erate program.

¹ See 47 C.F.R. § 54.500(g) (defining “master contract” as a contract negotiated with a service provider by a third party, the terms and conditions of which are then made available to an eligible school, library, rural health care provider, or consortium that purchase directly from the service provider).

E-Rate Bid Assessment Worksheet

Page _____ of _____

Funding Year: 2004

Project or Service Description

Vendor Scoring (use additional worksheets if necessary)

Selection Criteria	Weight	Vendor #1		Vendor #2		Vendor #3		Vendor #4		Vendor #5	
		Raw Score**	Weighted Score***	Raw Score	Weighted Score	Raw Score	Weighted Score	Raw Score	Weighted Score	Raw Score	Weighted Score
Prices/Charges											
Understanding of Needs											
Prior Experience											
Personnel Qualifications											
Financial Stability											
Other (describe)											
Other (describe)											
Overall Ranking	100%										
Vendor Selected:						Bid Assessment Comments, if needed:					

5 – Categorical justification for funding –

During the process of the Cost Effective Review, you were asked to provide detailed documentation justifying the cost effectiveness of the requested services and products within the funding request. USAC has determined that taking into consideration **the cost per student, the cost per piece of equipment, the cost per cabling drop, the number of ports per student, the cost of the server, the cost of installation, the unjustified amount of the multipoint control unit and the high cost of the haystack**, it is deemed that FRN 1177160 is excessive and therefore not cost effective. FCC Rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals.

USAC denied your funding request because it was determined that the costs of the products and services in your funding request were significantly higher than the costs generally available in your marketplace for the same or similar products or services. There is no evidence that the reason for excessive costs were due to extenuating circumstances.

A – Cost effectiveness – During the PIA process no issues with cost effectiveness prevented funding. In the remainder of this document we will demonstrate that costs were not excessive. No items were 2 to 3 times greater than normal price as suggested by USAC, but were reasonable amounts, particularly since the vendor had multiple state and federal contracts.

From the SLD website it reads –

When is this determination made?

“USAC’s principal evaluation of cost effectiveness occurs during the PIA review process. It can

involve an individual funding request or all funding requests for an entity.”

What is Cost Effectiveness?

“When USAC determines that the costs of the products and services in a funding request are significantly higher than the costs generally available in the applicant’s marketplace for the same or similar products or services, USAC will not approve the funding request since it is may not be a cost effective choice. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. Applicants will be contacted and given an opportunity to justify the costs of the products or services that seem to be not cost effective prior to a final determination by USAC.”

“In cases where you receive only one bid, we suggest that you memorialize this fact with an email to yourself or a memo to the file. This will help to document that you didn’t just keep only the winning bid.”

Federal Communications Commission FCC 03-101

III. SECOND REPORT AND ORDER

A. Eligible Services

15. “In implementing these statutory provisions, the Commission concluded that Telecommunications services, internet access, and internal connections would be funded.²⁰ The Commission concluded that schools and libraries “should have maximum flexibility to purchase the package of services they believe will most effectively meet their communications needs.”²¹ The Commission adopted a requirement, codified in section 54.504(b)(2)(ii) of the rules, that schools and libraries certify that the services obtained through discounts would be used solely for educational purposes.²² The Commission also adopted a requirement that schools and libraries prepare a technology plan, to be approved by the state, the Administrator, or an independent agency approved by the Commission, to ensure that requests for discounts “are based on the reasonable needs and resources of the applicant.”²³

B – Cost per Student –

and Order), "Appeal Information and Comments" mainly expressing your point of view on appeal with regard to the individual cost effective concerns, a copy of your Form 470 to support your claim that 150 students are enrolled and not 100 as determined during the cost effective review (it is noted that the Form 470 cannot be used to validate student count), and the Item 21 support documentation titled as "Attachment 2" and "Attachment 3". However, you failed to provide the requested cost effective documentation. USAC has determined that the above

As demonstrated on Page 6 the school cannot accurately determine its student count prior to an enrollment year but must base its estimate on prior enrollment. Disenrollment figures exceed 250 per year. The school has far exceeded the original 100 student/ 150 user (staff and student counts) making the original service request fair and reasonable to allow for growth as it is now over 180 users. Note that USAC states above that the claim was for 150 students, which is incorrect, the claim was for 100 students and up to 150 users as noted in the form 470 inserted on pages 8-9.

C- Cost per piece of equipment –

Switches – Inserted below is the quote page for switches, additionally below that are inserts for similar products from Cisco (exhibit -1) and 3Com (exhibit -2) during that same period of time. USAC failed to recognize that 3 locations for equipment were required , 2 intermediate Distribution frames (IDF) on the second floor and the Main Distribution

frame (MDF) located on the first floor. Six 24 port switches equals 144 ports. Due to a three way distribution of equipment it is not feasible to expect to have the ports match up exactly. However this is reasonable for serving 100 to 150 users.

Category: Internal Connections
 Removable Media Solutions Inc. "RMSI" SPIN: 143017430
 Itemized List of Services for
 Crittenton Youth Academy Entity Number: 97072
 Phoenix, AZ 471#: 425691
 FLA#: 1177160



Manufacturer	Model Number	Description	Quantity			
Nortel	AL2001E15	Autosensing Switch- (24) 10/100 Base-TX Business Policy Switch 2000 Autosensing Policy Switch	6	\$	2,595.00	\$ 15,570.00
Nortel	AL2033010	Cascade/Stacking Modules	6	\$	395.00	\$ 2,370.00
Nortel	AL2018004	Cascade Module Return Cable	6	\$	245.00	\$ 1,470.00
Nortel	DJ1412E05	Passport 1424T Routing Switch	1	\$	4,995.00	\$ 4,995.00
Nortel	AI4412E01	Baystack 380-24T Standalone Ethernet Switch with 24 RJ45 connectors	1	\$	7,995.00	\$ 7,995.00

Exhibit -1

Pricing Tool: Cisco Product Price List

Price List: Global Price List US Availability
 Last Updated: 16/Jun/2004



Catalyst 3750 Series

Catalyst 3750 Series Workgroup Switches

Product Number	Product Description	Service Category	Price
WS-C3750G-24TS-S	Catalyst 3750 24 10/100/1000T + 4 SFP Standard Multilayer	C	USD 6,995.00
WS-C3750G-24TS-E	Catalyst 3750 24 10/100/1000T + 4 SFP Enhanced Multilayer	C	USD 10,990.00
WS-C3750G-24T-S	Catalyst 3750 24 10/100/1000T Standard Multilayer Image	C	USD 5,995.00
WS-C3750G-24T-E	Catalyst 3750 24 10/100/1000T Enhanced Multilayer Image	C	USD 9,990.00
WS-C3750G-12S-E	Catalyst 3750 12 SFP Enhanced Multilayer Image	C	USD 11,990.00
WS-C3750G-12S-S	Catalyst 3750 12 SFP Standard Multilayer Image	C	USD 7,995.00
WS-C3750G-16TD-E	Catalyst 3750 16 10/100/1000BT+ 10GbE (req XENPAK) Enh Image	C	USD 23,990.00
WS-C3750G-16TD-S	Catalyst 3750 16 10/100/1000BT+ 10GbE (req XENPAK) Std Image	C	USD 19,995.00
WS-C3750-24TS-S	Catalyst 3750 24 10/100 + 2 SFP Standard Multilayer Image	C	USD 3,995.00
WS-C3750-24TS-E	Catalyst 3750 24 10/100 + 2 SFP Enhanced Multilayer Image	C	USD 5,990.00
WS-C3750-48TS-S	Catalyst 3750 48 10/100 + 4 SFP Standard Multilayer Image	C	USD 6,995.00
WS-C3750-48TS-E	Catalyst 3750 48 10/100 + 4 SFP Enhanced Multilayer Image	C	USD 8,990.00

Catalyst 3750 Series Power over Ethernet Workgroup Switches

Product Number	Product Description	Service Category	Price
WS-C3750-24PS-S	Catalyst 3750 24 10/100 PoE + 2 SFP Standard Image	C	USD 4,795.00
WS-C3750-24PS-E	Catalyst 3750 24 10/100 PoE + 2 SFP Enhanced Image	C	USD 6,790.00
WS-C3750-48PS-S	Catalyst 3750 48 10/100 PoE + 4 SFP Standard Image	C	USD 8,495.00
WS-C3750-48PS-E	Catalyst 3750 48 10/100 PoE + 4 SFP Enhanced Image	C	USD 10,490.00

Exhibit -2

3Com SuperStack 3 Switch 4900 Family

SuperStack 3 Switch 4900 12-port 100/1000 Switch	3C17700	Yes	\$4,995.00
SuperStack 3 Switch 4900SX 12-Port 1000Base-SX Switch	3C17702	Yes	\$7,200.00
SuperStack 3 Switch 4924 24-port 10/100/1000 Switch	3C17703	Yes	\$9,995.00
SuperStack 3 Switch 4950 12ports 10/100/1000Base-T, 6 ports 1000Base-SX, 6 GBIC Slots	3C17706	Yes	\$13,995.00

3Com Confidential

Page 8

March 26th, 2003

Video Distribution to the Classroom/VPBX – See exhibits 1, 2, and 3 below from various manufactures during the same time period. There is a main Vpbx controller for the network and 6 individual decoders (mpeg1/Mpeg2) for delivery to the individual classrooms.

RMSI	URGX01A	Multipoint Control Unit for Transporting Classroom Information	1	\$ 28,712.50	\$ 28,712.50
RMSI	CRV3020	CODEC/Video Encoder Audio and Video encoder and decoder	6	\$ 4,488.00	\$ 26,928.00
RMSI	15000001

Exhibit 1 -

Pricing Tool: Cisco Product Price List

Price List: Global Price List US Availability
 Last Updated: 16/Jun/2004
 Cisco IP/VC Multipoint Control Unit (MCU)

Product Number	Product Description	Service Category	Price
IPVC-3511-MCU	IP/VC 3511 H.323 Videoconference Multipoint Control Unit	D	USD 24,950.00

Pricing Tool: Cisco Product Price List

Price List: Global Price List US Availability
 Last Updated: 07/Oct/2005

Cisco PBX/IP Media Gateways			
Product Number	Product Description	Service Category	Price
UNITY-PIMG-DIG	PBX-IP Media Gateway-Digital	C	USD 4,000.00

IP/TV Components – The Cisco IP/TV product line is an end-to-end, complete network video solution. The Cisco CDN solution combined with Cisco's IP/TV Solution provides three video solutions in one, supporting live video, scheduled video, and video on demand (VOD).

IPTV-3411-CTRL	Cisco IP/TV 3411 Control Server	\$ 15,000
IPTV-3423-BCAST	Cisco IP/TV 3423 Broadcast Server MPEG4, MPEG1, MPEG2	\$ 27,000
IPTV-CM-3.0	Cisco IP/TV Content Manager	\$ 5,000

Exhibit 2 -



**SOFTWARE FOR CISCO
CONTENT DELIVERY NETWORKS**

**EDUCATION PRODUCT
PRICING INFORMATION**

PART #	PRODUCT DESCRIPTION	QTY	EDUCATION PRICE	RETAIL LIST PRICE
Cn-LEARN Server Software Licenses				
E-CnL LMS-S 1.6	Cn-LEARN <i>Silver</i> Management and Distribution Software	1	\$ 9,180.00	\$ 11,475.00
or E-CnL LMS-S 1.6	Cn-LEARN <i>Gold</i> Management and Distribution Software	1	\$ 63,994.60	\$ 67,493.25
Cn-LEARN Software Licenses (Year 1)				
Lic-CnL Silver	Cn-LEARN Software User Licenses per Teacher/Class (Silver)	1	\$ 81.00	\$ 101.25
	or Cn-LEARN Software per USER'S License (Silver)	1	\$ 54.00	\$ 67.50
Lic-CnL Gold	Cn-LEARN Software User Licenses per Teacher/Class (Gold)	1	\$ 189.00	\$ 236.25
	or Cn-LEARN Software per USER'S License (Gold)	1	\$ 81.00	\$ 101.25
Cn-LEARN Support and Maintenance (Year 2 and beyond)				
SS-CnL Silver	Cn-LEARN Software Support and Maintenance per Teacher/Class (Silver)	1	\$ 81.00	\$ 101.25
	or Cn-LEARN Software per USER'S Support and Maintenance (Silver)	1	\$ 54.00	\$ 67.50
SS-CnL Gold	Cn-LEARN Software User Support and Maintenance per Teacher/Class (Gold)	1	\$ 189.00	\$ 236.25
	or Cn-LEARN Software per USER'S Support and Maintenance (Gold)	1	\$ 81.00	\$ 101.25
Cn-LEARN Installation				
CnL-Ins-Silver	Cn-LEARN Installation Per Day (Silver) (Minimum 2 days)	1	\$ 1,400.00	\$ 2,000.00
CnL-Ins-Gold	Cn-LEARN Installation Per Day (Gold) (Minimum 3 days)	1	\$ 1,400.00	\$ 2,000.00
Cn-LEARN Training				
CnL-Trn-Silver	Cn-LEARN Training (Silver) (Minimum 1 day)	1	\$ 1,400.00	\$ 2,000.00
CnL-Trn-Gold	Cn-LEARN Training (Gold) (Minimum 2 days)	1	\$ 1,400.00	\$ 2,000.00
			ESTIMATES	ESTIMATES
Other Cn-LEARN Related Products				
118938	Cold Fusion Soft Server Software License	1	\$ 1,118.00	\$ 1,300.00
DMS-216	Cn-LEARN Server from Dell (Base HW and OS), 1GB mem, 6x36GB Drives/RAID	1	\$ 9,000.00	\$ 14,000.00
CnL-SQL Server	Microsoft SQL Server License (for Gold ONLY)	1	TBD	\$ 5,000.00
VDR-3000	Video/Data MPEG 1 / MPEG2 CD Encoder (Analog inputs ONLY)	1	\$ 899.00	\$ 899.00
or VDR-3000DV	Video/Data MPEG 1 / MPEG2 CD Encoder (Includes Digital and Analog inputs)	1	\$ 899.00	\$ 1,199.00
E-13342B	Monitor for Encoding Process	1		\$ 189.00
VR-708HF	VHS Hi-Fi 4 Head VHS Feed VCR with Cables	1		\$ 169.00
CC-9373	Digital Camcorder (OPTIONAL)	1		\$ 899.00
B-CDR	Blank CD-R Recoding CD's for Above (50 Pack)	1		\$ 25.00

Exhibit 3 -

DARVISION WORKGROUP 2001+ Server		MSRP
Features: Tower Profile - Windows 2000 server OS 5 Client Licenses (Basic Package) Pentium III / Zenon Processor @ 933MHZ 512KB of Cache SDRAM, 128MB 1.44MB Floppy Disk Drive SCSI Cable, Internal Fast & Wide RAID Level 5 with 32MR RAM CD-ROM 38GB Hard Dive (3) or (6) MPEG1 Data Rates Client Connectivity is through segmented 100Mb/s TP ports (DW+-040-108) 2-100Mb/s TP ports/balanced (DW+-060-108) 1 - Gigabit Ethernet Card (DW+-090-108) 1400 UPS EduStream Basic software Monitor, Keyboard, mouse		
Page 1		
DARVISION Model #	Streams - Storage	
DW+ -040-108	40 Streams - 130+ Hours	\$ 18,899.00
DW+-040-216	40 Streams - 330+ Hours	\$ 20,995.00
DW+-060-108	60 Streams - 130+ Hours	\$ 21,575.00
DW+-060-216	60 Streams - 330+ Hours	\$ 22,475.00
DW+-090-108	90 Streams - 130+ Hours	\$ 23,994.00
DW+-090-216	90 Streams - 330+ Hours	\$ 25,445.00
OPTIONS: (Add to Above Price)		
WORKGROUP OPTIONS - SOFTWARE		
Darcomm EduStream Software (EDUSTREAM)		\$ 4,995.00
Darcomm TrainingStream Software (TRAINSTREAM)		\$ 4,985.00
Site Licenses for CE-507		\$ 1,195.00
Site Licenses for CE-560		\$ 2,985.00
WORKGROUP HARDWARE OPTIONS		
RF Decoder Board - 4 Analog Video Outputs**		\$ 1,695.00

Cost for Server and Tape Back Up systems- the costs listed in exhibit 1 and 2 are wholesale cost and do not include retail markup.

RMSI	150RGX02A	Domain Server Consisting of:	1	\$ 13,828.11	\$ 13,828.11
		RMSI File Server 512 MB SDRAM-4 DIMMS, Perc2 Cont 72GB Ultra SCSI Hard Drive DVD-RW Drive, 1.44 MB Floppy Drive Intel PRO100/1000 NIC Card 17" Monitor, Keyboard and Mouse			
		Tape Back-up System	4	\$ 4,424.00	\$ 17,896.00

Exhibit 1 -

DELL

E Com

Date: 5/1/02 1:36:28 PM

QUOTATION

QUOTE #: 81400641

Customer #: 8235811

Quote Date: 5/1/02

Customer Name: DARCOMM

TOTAL QUOTE AMOUNT:	\$8,334.00		
Product Subtotal:	\$8,334.00		
Tax:	\$0.00		
Shipping & Handling:	\$0.00		
Shipping Method:	Ground	Total Number of System Groups:	1

GROUP: 1	QUANTITY: 1	SYSTEM PRICE: \$8,334.00	GROUP TOTAL: \$8,334.00
Base Unit:	PowerEdge 4600,1.8GHz/512K, Xeon (220-2122)		
Processor:	2nd Processor 1.8GHz/512K, Xeon,PowerEdge 4600 (311-0988)		
Memory:	512MB,Double Data Rate Synchronous Dynamic Random Access Memory 4X128MB, PowerEdge 4600 (311-0991)		
Keyboard:	QuietKey Keyboard,104 Key, Gray,6 Pin,Factory Install (310-4100)		
Monitor:	15in(13.8in VIS)Monitor, Gray,E551,for Dell PowerEdge (320-0960)		
Hard Drive:	18GB 10K RPM Ultra 160 SCSI Hard Drive (340-1937)		
Hard Drive Controller:	PERC3/Di 128MB (2 INT CHANNELS) (340-2904)		
Floppy Disk Drive:	Floppy Drive,1.44M,F3, Third Height,PowerEdge 4500 (340-2903)		
Operating System:	Software,Windows 2000,Server F5,ACAD,Service Pack 2 (420-0280)		
Operating System:	Dell OpenManage Kit,32-Bit (310-1261)		
Mouse:	Logitech System Mouse,Gray, Servers (310-3776)		
NIC:	Dual On-Board NICS ONLY (430-8991)		
TBU:	Tape Backup,DLT1,40/80 Half Height, NC,INT,PV110T (340-5993)		
CD-ROM or DVD-ROM Drive:	24X IDE Internal CD-ROM,Black,for Dell PowerEdge (313-0317)		
Speakers:	Printed Wiring Assembly BackPlane,1X8,PowerEdge 4600 (311-1116)		
Documentation Diskette:	No Hard Copy Documentation (310-1989)		
Bundled Software:	DellPlus,Information,Hard Drive,Install Increasing Order,Factory Install (361-1722)		
Bundled Software:	DellPlus,Information,SKU to Set RAID1 Container on First Two Hard Drives and RAID5 on Other Hard Drives,Factory Inst (361-7117)		
Bundled Software:	DellPlus Routing SKU,Factory Install (365-0257)		
Bundled Software:	DellPlus,Integration Service, OR-Raid,Without Operating System,Servers (365-4303)		
Additional Storage Products:	18GB 10K RPM Ultra 160 SCSI Hard Drive (340-1937)		
Factory Installed Software:	Veritas Professional,Power Suite (420-2834)		
Option 1:	Cable,C2,MR0/N PowerEdge 4600 (310-0586)		
Option 2:	Enclosed,Chassis,Tower,6U, PowerEdge 4600,DAO (310-0631)		
Service:	Type 3 Contract - Next Business Day Parts & Labor On-Site Response Initial Year (900-7990)		
Service:	Type 3 Contract - Next Business Day Parts & Labor On-Site Response 2YR Extended (900-7922)		
Installation:	On-Site Installation Declined (900-9997)		
Misc:	Power Supply,300W, Redundant,PowerEdge 4600 (310-1344)		
Misc:	18GB 10K RPM Ultra 160 SCSI Hard Drive (340-1937)		
Misc:	Tape,Media,Digital Library Tape 1,VS80,4000,7000,5 Pack (340-2370)		
Misc:	18GB 10K RPM Ultra 160 SCSI Hard Drive (340-1937)		
Misc:	18GB 10K RPM Ultra 160 SCSI Hard Drive (340-1937)		
	DellPlus,Information,Validator910454,Order Ready, Factory Install (363-7877)		

SALES REP:	LUCIAN KACPERSKI	PHONE:	888-977-3355
Email Address:	Lucian_Kacperski@Dell.com	Phone Ext:	65468

Exhibit B-
DELL

E Com

QUOTATION

QUOTE #: 108555376

Customer #: 24114255

Quote Date: 5/7/03

Date: 5/7/03 7:17:18 AM

Customer Name: PREMISE ONE INC

TOTAL QUOTE AMOUNT:	\$14,676.00		
Product Subtotal:	\$14,536.00		
Tax:	\$0.00		
Shipping & Handling:	\$140.00		
Shipping Method:	Ground	Total Number of System Groups:	1

GROUP: 1	QUANTITY: 4	SYSTEM PRICE: \$3,634.00	GROUP TOTAL: \$14,536.00

Base Unit:	PowerVault 112T,1U,DLTVS80.40/80GB,1 Drive (221-0700)
Hard Drive Controller:	Controller Card,39160,Cable Included (340-6288)
Factory Installed Software:	Veritas Professional,Power Suite (420-2834)
Feature	RapidRails for Dell Rack,1U PowerVault 112T (310-1813)
Service:	Type 3 Contract - Next Business Day Parts and Labor On-Site Response, Initial Year (950-4900)
Service:	Type 3 Contract - Next Business Day Parts and Labor On-Site Response, 2YR Extended (950-4902)
Installation:	On-Site Installation Declined (900-9997)

SALES REP:	LUCIAN KACPERSKI	PHONE:	888-977-3355
Email Address:	Lucian_Kacperski@Dell.com	Phone Ext:	65468

UPS rack mount Systems and Equipment racks -

AR82158LK	UPS Server Rack	4	\$ 1,934.00	\$ 7,736.00
TER7700-77	77" Equipment Rack	3	\$ 975.00	\$ 2,925.00

Exhibit 1 -

American Power Conversion Pricing
Pricing Effective: 01-Jan-05

APC Part Number	Model	Product Options	Input Voltage	Output Voltage	Shipping Weight	Shipping Dimensions	Units per Pallet	Pallet Carton Quantity	UPC Code	MANUFACT. CTRY	MANUFACT. CTRY	MANUFACT. CTRY
AR2005016	NetShelter VS 25U Enclosure w/door	Options				57.30x 29.50x 47.50(in) 145.54x 74.93x 120.65(cent)	1		731304210870	1159	1624	2100

NetShelter EP Enclosures												
APC Part Number	Model	Product Options	Input Voltage	Output Voltage	Shipping Weight	Shipping Dimensions	Units per Pallet	Pallet Carton Quantity	UPC Code	MANUFACT. CTRY	MANUFACT. CTRY	MANUFACT. CTRY
AR1000A	NetShelter EP 42U Base Enclosure	Options			384.00(lbs) 174.55(kilos)	87.00x 30.00x 49.00(in) 220.98x 76.20x 124.46(cent)	1		731304013495	1099	1539	2000
AR1001A	NetShelter EP 42U Exp Enclosure	Options			319.00(lbs) 145.00(kilos)	87.00x 30.00x 49.00(in) 220.98x 76.20x 124.46(cent)	1		731304013486	999	1399	1800
AR1001HD	NetShelter EP 42U Exp Enclosure	Options			319.00(lbs) 145.00(kilos)	87.00x 30.00x 49.00(in) 220.98x 76.20x 124.46(cent)	1		731304013426	999	1399	1800
AR1100A	NETSHELTER 22U CABINET	Options			283.00(lbs) 128.64(kilos)	53.00x 30.00x 46.00(in) 134.52x 76.20x 116.84(cent)			731304013471	899	1259	1625
AR1200A	NetShelter EP 42U Bundle with 1400va S-UPS RM	Options			445.00(lbs) 202.27(kilos)	87.00x 30.00x 49.00(in) 220.98x 76.20x 124.46(cent)	1		731304013556	1656	2484	3000
AR1205A	NetShelter EP 42U Bundle with 2200va S-UPS RM	Options			492.00(lbs) 223.64(kilos)	87.00x 30.00x 49.00(in) 220.98x 76.20x 124.46(cent)	1		731304013570	1974	2959	3575

Cabling - total cost listed below is \$ 37,251.30 less \$ 7,624.98 = \$ 29,626.32 final cost.

The SLD amount requested was reduced by \$ 6,862.49 (\$ 7,624.98 total) (due to reductions in the cabling costs).

The cabling required surface mount raceways which not common to all cabling jobs, this is more expensive and requires considerably more labor. This is a multistory building with re-enforced concrete. Considering all this the

cabling if divided by 100 students is \$ 296/student. If divided by the then anticipated 150 users is \$ 197.50. If divided by the October 2008 enrollment of 172 plus staff of 12 is 184 or \$ 161.01.

425691 1177160 97072 CRITTENTON YOUTH ACADEMY IC \$197,456.41 0 \$190,593.92 0% 90%

Manufacturer	Model Number	Description	Quantity:			
Hubbell		Cat 5E Cable	2000		\$0.40	\$800.00
Hubbell	5G484-C6	Provide & Install (30) Cat 5 Locations	30		\$5.50	\$165.00
Hubbell	WR-2424	Wall Cabinets	2	\$	540.85	\$1,081.30
Hubbell	5G484-B24	Provide & Install (2) 24 port Cat 5 Patch Panels	2		\$392.00	\$784.00
Hubbell	CR1978-W	Provide & Install (2) horizontal rack mount wire management brackets	2		\$345.00	\$690.00
Panduit	5G484-RJ45	Provide & Install (30) RJ45 jacks and faceplates for Cat 5 station termination	30		\$3.70	\$111.00
Hubbell	Custom	Surface Wirehotel Raceway	60	\$	49.00	\$2,940.00
Electrician	Custom	Power Poles and Conduit System for Local Area Network	600	\$	15.50	\$9,300.00
Total Material Cost for Cabling, Termination, Conduit:						\$15,871.30
Total Installation Costs for Cabling, Conduit, & Termination:						\$ 21,380.00.

Cost for maintenance – This cost was not included in the SLD funding request, USAC made an error in assuming it was a part of the overall project as indicated in the Cost Effective response from Mr. Allman on 3/27/2009 – from page 2 we have inserted below.

VII. Please provide the details of the cost of the installation, warranty, maintenance, per diem, travel and configuration in the amount of \$112,356.00. Please provide the list of equipment being maintained, a contract for that maintenance agreement, the number of hours and cost associated with each and every piece of equipment, the breakdown of the per diem costs, the breakdown of the travel expenses, and all other relevant details explaining why these costs are 51% of your total request.

We have no knowledge concerning this amount. It is shown on the List of Services but is not included in the total of \$219,396.91. We were not invoiced for this amount and we have not paid this \$112,356.00.

Conclusion –

1 - The school did not violate either USAC/FCC or local procurement rules. It posted the request for services in a detailed manner to allow open and fair bidding and waited the required 28 days.

2 - By virtue of the schools matching funds requirement, the school did evaluate price as a primary consideration. In addition presentation of the GSA and California contracts would lead a reasonable person to believe that pricing would also meet the USAC/FCC requirements for cost effectiveness. The requested services met the objects of the technology plan.

3 - The school believed that the proposal was a viable solution and was of the best value to the school. Since the school did not have prior experience with the vendor nor did it have competing bids to compare, it relied on the presentation of contracts. Lastly, we point out that in order to obtain these contracts the vendor must have demonstrated a level of professionalism, pricing and quality of work in order to secure these competitive contracts.

4 - The school followed local and state procurement regulations – Arizona Revised Statutes are inserted below.

Historical Note

Adopted effective February 4, 1988 (Supp. 88-1).

ARTICLE 10. SCHOOL DISTRICT PROCUREMENT

IN GENERAL

R7-2-1001. Definitions

In this Article, unless the context otherwise requires:

1. "Advantageous to the school district" means in the best interest of the school district; does not necessarily mean lowest bid/cost.
56. "Nonprofit educational or public health institution" means any educational or public health institution, no part of the income of which is distributable to its members, directors, or officers.
64. "Price analysis" means the evaluation of price data.
65. "Price data" means information concerning prices, including profit, for materials, services or construction substantially similar to those being procured under a contract or subcontract. In this definition, "prices" refers to offered or proposed selling prices, historical selling prices or current selling prices of the items being purchased.
68. "Public procurement unit" means either a local public procurement unit, the Arizona Department of Administration, or any other state or an agency of the United States.

R7-2-1031. Bid Evaluation and Award

A. The contract shall be awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and evaluation criteria set forth in the invitation for bids. No criteria may be used in bid evaluation that are not set forth in the invitation for bids. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the lowest bidder, if a competing bidder located outside of this state is not subject to a transaction privilege or use tax of a political subdivision of this state.

R7-2-1032. Only One bid received

If only one responsive bid is received in response to an invitation for bids, an award may be made to the single bidder if the school district determines that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond, or there is not adequate time for resolicitation. Otherwise the bid may be rejected in whole or in part as may be specified in the solicitation if it is advantageous to the school district

R7-2-1067. Evaluation and contract award where price is an evaluation factor

If price is one of the evaluation factors for contract award set forth in the request for proposals, the school district shall evaluate proposals and award the contract in accordance with Sections R7-2-1048 through R7-2-1050, and after the school district makes a written determination that the compensation is fair and reasonable. If price is one of the evaluation factors, no contract may be awarded solely on the basis of price.

5 - We admit the school did make a clerical error by not following the USAC suggestion of documenting or memorializing the single bid.

6 - The school did not intentionally mislead SLD/USAC by misrepresenting the actual users or students but completed its Erate forms with the best possible information it had available.

7 - We certify that no waste, fraud or abuse of the Erate program has occurred.

8 - We certify that current enrollment as of the 40th day reporting this year to the Arizona Department of Education is 182 students.

From: Cindy LePert
Sent: Tuesday, September 29, 2009 4:15 PM
To: George Allman
Subject: Attendance

ADA/ADM by Date

Crittenton Youth Academy
 Reporting Period: 8/3/09 to 9/28/09

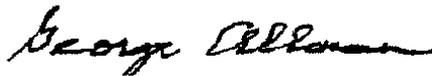
Number	Date	Day	Membership	Attendance
1	8/3/09	MON (A)	180.00	180.00
2	8/4/09	TUE (A)	184.00	181.00
3	8/5/09	WED (A)	182.00	172.50
4	8/6/09	THU (A)	182.00	174.50
5	8/7/09	FRI (A)	179.00	172.00
6	8/10/09	MON (A)	180.00	174.50
7	8/11/09	TUE (A)	184.00	174.75
8	8/12/09	WED (A)	190.00	179.25
9	8/13/09	THU (A)	193.00	186.25
10	8/14/09	FRI (A)	191.00	180.50
11	8/17/09	MON (A)	186.00	175.25
12	8/18/09	TUE (A)	188.00	176.75
13	8/19/09	WED (A)	187.00	180.75
14	8/20/09	THU (A)	187.00	174.75
15	8/21/09	FRI (A)	188.00	178.50
16	8/24/09	MON (A)	190.00	179.25
17	8/25/09	TUE (A)	191.00	186.25
18	8/26/09	WED (A)	192.00	184.25
19	8/27/09	THU (A)	192.00	183.75
20	8/28/09	FRI (A)	193.00	184.75
21	8/31/09	MON (A)	194.00	175.00
22	9/1/09	TUE (A)	194.00	182.00
23	9/2/09	WED (A)	192.00	183.00
24	9/3/09	THU (A)	193.00	185.75
25	9/4/09	FRI (A)	192.00	181.00
26	9/8/09	TUE (A)	194.00	183.50
27	9/9/09	WED (A)	191.00	185.00
28	9/10/09	THU (A)	189.00	178.75
29	9/11/09	FRI (A)	191.00	183.25
30	9/14/09	MON (A)	188.00	177.75
31	9/15/09	TUE (A)	188.00	177.50
32	9/16/09	WED (A)	186.00	178.75
33	9/17/09	THU (A)	183.00	178.00
34	9/18/09	FRI (A)	182.00	174.50
35	9/21/09	MON (A)	183.00	174.75
36	9/22/09	TUE (A)	187.00	176.75
37	9/23/09	WED (A)	188.00	177.00
38	9/24/09	THU (A)	190.00	177.25
39	9/25/09	FRI (A)	191.00	177.50
40	9/28/09	MON (A)	191.00	179.00
Total:			7526.00	7165.50
Average:			188.15	179.14

9 – We certify that funds were not improperly disbursed, or in a manner inconsistent with the statute or the Commission’s rules and there was not a failure to adhere to core program requirements

10 – We certify that if required to repay the USAC dispersed amount it would cause undue hardship on the school and Phoenix community for which we serve as a non profit organization. We assert that these clarifications and special circumstances included in this document warrant the appeal.

11 – We certify that improvements to our record keeping policies have been implemented.

Sincerely,



Crittenton Youth Services
George Allman / CFO
715 West Mariposa Street
Phoenix, AZ 85013
(602) 288.4585
FAX (602) 274.7549
GAllman@FLOCRIT.ORG



Florence Crittenton
Where Hope Comes to Life

Attachments -

Attachment "A" - Cost Effectiveness response 3 27 2007
Attachment "B" – USAC Demand payment letter 8 07 09
Attachment "C" - USAC appeal clarification 5 08 2009
Attachment "D" - Funding adjustment appeal 5 22 09
Attachment "E" - Original quote funding request item 21
Attachment "F" – USAC appeal decision letter 8 05 09

**Florence Crittenton Services of Arizona, Inc.
d/b/a Crittenton Youth Academy**

**Cost Effectiveness Review
Funding Year 2004, Application No. 425691**

Preface

The questions submitted for response appear to be based on an "Itemized List of Services" prepared by the contractor, RMSI, as a part of their proposal. This list totals \$219,396.01. The actual project was adjusted and the final total was \$211,771.03 with a 90% E-Rate discount of \$190,593.92 and the school's portion of \$21,177.11.

On this list is an entry for installation, warranty, maintenance, per diem, travel, and configuration in the amount of \$112,356.00. It should be noted this amount is not included in the total of \$219,396.01. In addition, this amount was never invoiced to Crittenton Youth Academy and was never paid.

Please see the accompanying Recap of Application 425691 for details.

Dan Johnston, the former principal of Crittenton Youth Academy, is no longer with the school. Our responses are based on our knowledge of the existing installed system and documents maintained in our files pertaining to this application.

Questions and Responses

- I. Please provide the make and model number for all of the equipment requested in the amount of \$219,396.01.

See the accompanying Recap of Application 425691 as it lists the make and model numbers of all equipment. We were not able to verify all of these numbers with the currently existing equipment.

- II. Please explain why 6 – 24 port switches are needed for 100 students in the amount of \$15,570.00.

These switches connect many components within the system including the 100 students, 6 teachers, servers, backup devices, and printers.

NOTE: *The request and response should state 150 students. The original Form 471 indicated 150 and our average daily attendance averages 150 – 160.*

- III. Please explain what equipment the 4 – UPS units are backing up in the amount of \$7,736.00.

The school is located on the second floor of a two story building. Two units are in the main equipment room downstairs backing up the two servers and two units are each in separate closets upstairs backing up the various switches leading to the student and teacher terminations.

- IV. Please explain what equipment is being backed up by the 4 tape back-up systems in the amount of \$17,696.0.

When the proposal was submitted to the school our IT department rejected the proposed "Travan" backup units as being outdated and slow. We requested the vendor substitute these with "LTO" units. There are two LTO's in the server room and these are being used to backup the domain and file servers. It does appear there are two "Travan" units installed inside these servers but these are not being used.

- V. Please explain what equipment is being housed in the 3 – 77" equipment racks in the amount of \$2,925.00.

We already had racks in the main equipment room and as a result only one additional 77" rack was installed and used. We were only invoiced for one unit. The switches are currently housed in this rack.

- VI. Please provide the make and model number of the 2 wall mount mini racks in the amount of \$2,250.00 and detail what equipment is being housed in them.

We examined these mini racks and were not able to locate any labels which would provide the make and model numbers. There is one in each of the closets upstairs holding the switches which feed lines to the student and teacher terminals.

Also, we were not able to find the amount, \$2,250.00, on the equipment list or the invoices. We believe these "mini racks" are listed as Hubbell Model WR-2424 wall cabinets at \$540.65 each for a total of \$1,081.30.

- VII. Please provide the details of the cost of the installation, warranty, maintenance, per diem, travel and configuration in the amount of \$112,356.00. Please provide the list of equipment being maintained, a contract for that maintenance agreement, the number of hours and cost associated with each and every piece of equipment, the breakdown of the per diem costs, the breakdown of the travel expenses, and all other relevant details explaining why these costs are 51% of your total request.

We have no knowledge concerning this amount. It is shown on the List of Services but is not included in the total of \$219,396.91. We were not invoiced for this amount and we have not paid this \$112,356.00.

- VIII. Please provide the list including make and model numbers of the components making up the domain/file server in the amount of \$13,888.11.

We cannot easily do this. The server is in use and we are hesitant to shut down the server and open the case to inspect the components.

- IX. Please explain why 6 – codec video encoders are needed in the amount of \$26,928.00.

The six video encoders are installed in the teachers' computers and are for the purpose of presenting audio/video instruction and material to the students.

- X. Please explain the details of the multipoint control including the usage and how the cost of \$28,712.50 was determined.

We were not able to identify this item; it may be an internally installed component we do not find. We do not know how the cost was determined.

- XI. What equipment is being housed in the cabinets and racks?

There are two wall cabinets in the upstairs closets housing the 24 port switches; one 77" equipment rack in the downstairs equipment room housing switches; and four UPS server racks housing the UPS units.

- XII. Please explain how the cost of the baystack 380-24T was determined in the amount of \$7,995.00.

Our files do not provide any information on how the cost of this component was determined.

- XIII. Please explain the power poles and conduit for the LAN in the amount of \$9,300.00.

This is additional electrical wiring (not present in our existing building) to provide electrical power to the two upstairs closets for switches and wiring for student computers in one of the six classrooms which did not have existing power wiring.

- XIV. Please explain the details of the installation costs of the cabling, conduit and termination including the total number of drops, the cost per drop and all of the tasks being provided in the amount of \$21,380.00.

Our files do not provide any detailed information on the breakdown of this cost. The only description available is the List of Services which indicates 2,000 feet of cable, 30 locations with RJ45 jacks, etc.