

Received & Inspected

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FCC Mail Room

**E. ALLAN MACK**

LL.M. (Taxation)

Member NJ & PA Bars

amack@levinestaller.com

Fax: 609-347-1166

September 21, 2011

**Via FedEx: 7975 3310 1280**

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

**Re: *In the Matter of Request For Review By Relcomm, Inc.  
Of Decision of Universal Service Administrator  
471# 672060  
FRN#s: 1853936, 1853931, 1853934, 1853928, 1853922, 1853917  
CC Docket No. 02-6  
Billed Entity: Esperanza Academy Charter School ("Esperanza")  
Billed Entity No.: 209999***

Dear Sir/Madam:

This office represents Relcomm, Inc. Relcomm is in the business of designing, installing and maintaining computer networks, including both hardware and software for, among others, public entities, including various school boards. Relcomm is an aggrieved party in connection with the above-referenced bid. Relcomm sought to respond to the RFP for the 2009-2010 funding year, but was denied the ability to do so in violation of the SLD rules and regulations.

**I. Question Presented for Review.**

Whether Esperanza's violation of SLD regulations warrants a reversal of the SLD's Decision to fund the above-references applications.

**II. Analysis.**

The FCC regulations require a fair and open competitive bidding process and strict adherence to state bidding law. 47 C.F.R. §54.503. The FCC defines a "fair" binding process as one where "all bidders are treated the same." See <http://www.universalservice.org/sl/applicants/step03/run-open-fair-competition.aspx>. In violation of the FCC regulations, the RFP listed as part of the requirements:

9. A qualified potential BIDDER must be one where the BIDDER and/or any of its representatives, has never engaged the District/School and/or its E-rate consultant, or E-rate representatives in Litigation.

See RFP attached hereto as Exhibit A.

Vendors cannot be excluded on this basis. RelComm has engaged in litigation against and including the E-rate consulting firm of Alemar Consulting, its owner Martin Friedman, and his employee/representative, John Holt. That litigation was specifically related to E-rate activities and was settled favorably to Relcomm, making the item 9 requirements especially egregious.

Alema Consulting is the E-Rate consultant for Esperanza. The identical RFP documents listing the requirements were also used by other schools connected to Martin Friedman.

The bid specifications violate FCC rules in creating an unfair and closed bid process, the real goal of which is to steer contracts to specific companies through the guidance of these consultants.

A review of Esperanza's previous E-Rate history shows that the same companies have received awards through Alemar Consulting consecutively for years. Further, the grading criteria from the previous years shows that bids are skewed to favor specific vendors despite the significantly lesser price offered by other vendors.

On September 11, 2009, counsel for Relcomm sent Esperanza a letter objecting to the objectionable language in RFP. See Exhibit B. Esperanza ignored this letter.

### **III. Conclusion.**

For the above reasons, Relcomm requests a review of the SLD's decision to fund Esperanza's E-Rate application.

Respectfully submitted,



E. ALLAN MACK

EAM/klp

c: Esperanza Charter High School  
Martin Friedman

**VERIFICATION OF REQUEST FOR REVIEW**

I, Michael Shea, am the president of Relcomm, Inc., the aggrieved party that has filed the attached Request for Review. I certify that I have read the Request for Review and that the foregoing factual statements made in support thereof are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

A handwritten signature in black ink, appearing to read 'Michael Shea', is written over a horizontal line.

Michael Shea, President  
Relcomm, Inc.

# ESPERANZA ACADEMY CHARTER SCHOOL

December 28, 2008  
eRate Bid Information  
470# 665110000715303

## BIDDER REQUIREMENTS

### FEDERAL E-RATE FUNDING PROGRAM

1. USF Knowledge: BIDDER shall have, at a minimum, a working knowledge of the Universal Service Fund (“USF”) program for schools and libraries, commonly referred to as the “E-rate Program.”
2. USF Registration: BIDDER shall submit with its proposal a Service Provider Identification Number (“SPIN”).
3. USF Participation and Cooperation: BIDDER shall agree to participate in the E-rate Program and to cooperate fully and in all respects with the School, its representatives, and any agency or organization administering the E-rate Program to ensure that the School receives all of the E-rate funding for which it has applied and to which it is entitled in connection with BIDDER’s services and/or products.
4. USF Information and Documentation: BIDDER shall provide to School staff and/or the District/School’s E-rate consultant within a commercially reasonable period of time all of the information and documentation that the BIDDER has or that BIDDER reasonably can acquire that the School may need to prepare its E-rate applications and/or to document transactions eligible for E-rate support.
5. USF Discounted Invoicing and Reimbursement Processes: BIDDER shall invoice the District/School *only* for the non-discounted amounts due on E-rate-approved transactions and simultaneously invoice the Universal Service Administrative Company (“USAC”) for the balance [Discounted Invoice Process]. The School may elect to receive full invoicing and submit to USAC for reimbursement, in which case the BIDDER shall remit to the District/School within twenty days of receipt the reimbursement payments it receives from USAC or any other third-party pay or for the discounted portions of E-rate approved transactions involving the School. [Reimbursement or “BEAR” Process].
  - a. Discounted Invoice Process:
    - i. Timely Filing: BIDDER shall be solely responsible for timely filing invoices with USAC and understands and agrees that District/School will NOT be liable to BIDDER *under any circumstances* for any approved, discounted amount that BIDDER is required to submit to USAC for payment under this paragraph.
    - ii. School Approval: BIDDER shall submit to the District/School for its review and approval *before* submitting it to USAC for payment, a copy of every invoice that BIDDER intends to submit for services that it has provided or, in appropriate circumstances, will be providing to the District/School. The School shall not unreasonably delay or withhold approval of BIDDER’s USAC invoices. As BIDDER is solely responsible for timely filing invoices with USAC, it understands that it must submit invoices to the District/School sufficiently in advance of any USAC filing deadline to ensure that there will be adequate time remaining for it to meet the USAC filing deadline *after* the District/School has had a reasonable opportunity to review and approve them.
  - b. Reimbursement Process:
    - i. Twenty Days: BIDDER understands that E-rate Program rules require it to remit a reimbursement payment to the School within twenty (20) days of receiving it from USAC.
6. Non-USF Invoicing: BIDDER shall list, price, and invoice separately any services that are ineligible for eRate funding.
7. Red Light Rule Notification: BIDDER must certify that it is not subject to the Red Light Rule nor will it be subject to the Red Light Rule while under contract. The contract must include the language from item 3b in the next section.
8. No subcontracts without School’s prior approval in writing. Do not bid an item for which you must subcontract without written permission from the Office of the CEO.
9. A qualified potential BIDDER must be one where the BIDDER, and/or any of its representatives, has never engaged the District/School and/or its E-rate consultant, or E-rate representative in litigation.



# ESPERANZA ACADEMY CHARTER SCHOOL

December 28, 2008  
eRate Bid Information  
470# 665110000715303

## **PROPOSALS MUST INCLUDE:**

1. **A detailed quote for** services and/or goods requested for **each numbered project** below that:
  - a. Clearly identifies eRate eligible items from non-eligible items and listing these costs and totals separately
  - b. Identifies of the SLD Form 470 number for which you are replying
  - c. SPIN (proposals will not be processed absent the USAC Service Provider Identification Number)

**NOTE:** BIDS NOT ORGANIZED BY PROJECT WILL NOT BE CONSIDERED. YOU MUST PROVIDE A SEPARATE QUOTE FOR EACH NUMBERED PROJECT. DO NOT COMBINE DIFFERENT PROJECT ITEMS INTO A SINGLE QUOTE. (e.g. a quote for a cabling project must include all components listed in the project number. Do not the include routers/switches, etc. from another project listing.)
2. **Five (5) references**, with contact information of the individuals who can confirm the reference, for similar services performed for similar clients (e.g. Schools) including three (3) indicating satisfactory work completed within the past 12 months
3. **A signed and dated contract** along with the proposal that can be accepted if bidder is successful, as a legally binding agreement, preliminary to the drafting of formal contract.
  - a. In addition to the contract terms, the contract *must* include the following addendums:
    - i. “This contract is contingent upon School Board approval and the School receiving a favorable Funding Commitment Decision Letter (FCDL) from the Universal Service Administrative Company (USAC) for the requested amount. The school/district has the option of reducing the scope of the contract. If, for any reason, funding is denied, this agreement would be null and void.
    - ii. “The <Name of Company> certifies that we are not the subject of the FCC’s **Red Light Rule**. Furthermore, we acknowledge that, should the company become the subject of the Red Light Rule, the contract would be null and void and the <Name of Company> would not hold the School liable for any costs over their USAC discounted share.”
  - b. The submitted contract will serve as a legally binding agreement, which is preliminary to any formal contract with the School and therefore may be subject to changes in terms and conditions. Please certify that you understand this.

**NOTE:** PROPOSALS NOT CONTAINING A SIGNED AND/OR DATED CONTRACT, AS ABOVE, WILL NOT BE CONSIDERED.
4. **Red Light Rule Documentation:** Submit a copy of Red Light status for your company from the FCC Red Light Display System (<http://www.fcc.gov/redlight>)
5. **For any work or service to be performed:** Documentation of appropriate industry-recognized certificates required in order to perform the proposed work (A+, MCSE, Cisco, Lucent, etc.) and the qualifications of personnel who will perform the work. Please submit copies of the certificates.
6. **For any equipment bid:** Documentation that the BIDDER is an authorized, qualified reseller of any goods or services quoted and that the BIDDER maintains an active service/repair shop that is authorized by the manufacturer to perform service on its equipment. Please submit copies of these authorizations as issued by the equipment manufacturer.

The School retains the right to waive any requirement for a particular project but will do so for all bidders of that project.

# ESPERANZA ACADEMY CHARTER SCHOOL

December 28, 2008  
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## PROPOSAL CHECKLIST

- ❑ Using the form provided, submit a detailed quote for each numbered project with SPIN clearly indicated
- ❑ A signed and dated contract including addendums for contingencies of Board approval, USAC funding, and “Red Light Rule” financial statement. (Attachment 1)
- ❑ A copy of your company Red Light status from the FCC Red Light Display System (<http://www.fcc.gov/redlight>) (Attachment 2)
- ❑ Five (5) references with contact information, from like entities such as schools and/or districts, including three (3) indicating satisfactory work completed within the past year (Attachment 3)
- ❑ For any work or services to be performed: documentation of industry recognized certifications (copies of the certificates) (Attachment 4)
- ❑ For any equipment bid: documentation of authorization of qualified reseller of all goods or services quoted and that the BIDDER maintains an active service/repair shop that is authorized by the manufacturer to perform service on its equipment (copies of these authorizations as issued by the equipment manufacturer) (Attachment 5)

Complete proposals, submitted by qualified BIDDERS, will be assessed according to the following criteria: lowest price, good reputation, qualifications, and meeting project requirements (understanding of needs). Additional points will be awarded to minority owned companies.

Please make sure that you have completed all forms and submitted all the required documentation. Failure to do so will constitute an incomplete proposal that will not be evaluated.

## PROPOSAL SUBMISSION

Bid proposals must be sealed, properly addressed, and delivered by 12:00 pm. January 26, 2009 to:

ERATE PROPOSAL  
**Esperanza Academy CS**  
c/o Mildred Amill  
301 W. Hunting Park Avenue  
Philadelphia, PA 19140

# ESPERANZA ACADEMY CHARTER SCHOOL

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## I – TELECOMMUNICATIONS: SERVICES REQUESTED (Priority 1)

1. **Local and Long Distance Telephone Service** – 3-year contract sought with option for annual renewal. Point-to-Point delivery sought over a T1 PRI (or better) with 14 channels dedicated to voice. The remaining channels to be used for Internet service. Must be a telecommunications carrier.
2. **Internet Circuit & Service (Port)** – 3-T1 (or better) managed service for Multi-year contract desirable with annual option to renew.
3. **Cellular Service** – 30+ phone accounts. Nationwide, shared 1500 minutes/month service to include free, unlimited, “in system” calling (direct connect and all page features a plus) and voicemail. Must have **proven, reliable service** – within the school and its adjacent areas.
  - a. 15+ regular cellular phone accounts
  - b. 15+ smart phone (blackberry) cellular phone accounts
4. **Cellular Service (Wireless Broadband Internet)** – 15+ - unlimited data plan for above, item 3.b., smart phone accounts
5. **Cellular Service (Wireless Broadband Internet)** – 5+ wireless aircard services
6. **Web Hosting** – Media rich system for classroom and/or school system communication - unlimited number of sites & users.

**Quote eligible services** (1 – provision of website traffic – bandwidth; 2 – provision of disk space for storing applicant provided content; 3 – provision of File Transfer Protocol (FTP) transfer or a Web interface to upload files; 4 – basic web hosting).

**Quote costs of ineligible services separately** (1 – software applications; 2 – end-user file storage and content editing features; 3 – charges for the creation or display of information; 4 – creation or modification of information, such as a website creation fee or content maintenance fee; 5 – software, services, or systems used to create or edit content; 6 – password-protected pages; 7 – hosting of web-based applications).

7. **Email Hosting** – student “safe” email, spam-free, easy to use interface, receive/send attachments, folder management, group messaging, student-oriented message formatting options, for classroom/school/home/community communication – 600+ users.

## II – INTERNAL CONNECTIONS: GOODS & SERVICES REQUESTED

8. **Servers** - (2) HP Blade Servers – BL20p G3 blades w/hd capacity 200GB, 4GB RAM - equivalent or better, fully compatible and interoperable with existing systems (HP BL20p G3 blades)/Win2003 Server/250 device CALs + 5 User CALS – (DNS/DHCP servers)

## III –INTERNAL CONNECTIONS: BASIC MAINTENANCE SERVICES REQUESTED - (Priority 2)

# ESPERANZA ACADEMY CHARTER SCHOOL

December 28, 2008

eRate Bid Information

470# 665110000715303

9. **LAN Maintenance Agreement** –350+ hrs to cover existing eligible equipment across campus. Must be able to provide 2 - 4hr response time and run an active service center. No exceptions! Must have proven knowledge and experience of all products and have an active service center. Multi-year contract desirable and annual extensions.

3	HP Blade Servers – BL20p G3
4	Cisco Switches -3750 – 48 port
16	Cisco GBICs
1	Cisco Catalyst 2821 Dual
8	Cisco Catalyst -3560G-48
1	Cisco PIX 525UR Firewall
2	Cisco 3825 Port T1 CSU/DSU WAN card
2	APC UPS RT 1500VA
4	APC UPS RT 2000VA RM 120A
1	HP StorageWorks tape back up
20	Cisco Aironet 1230AG
2	Cisco Aironet 1240AG

**Maintenance to include:**

- Update IOS in the Cisco equipment
- Reconfigure Network Address Translation in the router
- Change Port mapping in the router
- Install Service Packs
- Perform mail Database maintenance on Exchange Servers
- Install Exchange related Service Packs
- Reconfigure or update DNS and DHCP settings
- Resolve any hardware problems on the covered equipment
- Resolve any MS Windows related problems on Servers
- Help maintain proper backup operations and resolve issues relating to that software and hardware
- Review system, console, backup, antivirus and service logs for any problems and troubleshoot any problems.
- Rotate log files and make sure periodic maintenance scripts are used.
- Installing minor Server OS and security updates, testing for compatibility
- Installing major Server OS updates, testing for compatibility
- Updating Backup software
- Adding or removing users and groups as necessary
- Adjusting share-points and permissions based on feedback or user needs.
- Adjusting preferences or application access to users based on needs - testing for compatibility (Workgroup Manager)
- Monitoring disk space

10. **Wire & Cable Maintenance Agreement** – 80 hours – for all voice, video and data cabling and fiber connections for repair and upkeep of the wires, bays, jacks, blocks, panels, and terminals. One building, 800+ drops, linked with fiber optic. Multi-year contract desirable with annual option to renew.

11. **PBX Maintenance Agreement** - For **NEC Elite IP** system. The contract should cover: parts replacement and labor for service calls 24x7 including holidays; any moves, adds or changes (50 hrs) after hours support, remote assistance, remote changes, carrier orders, network services review, priority scheduling on service calls, advanced product replacement, and factory provided software uploads. Must include all first call repairs of all carrier services associated with products. Must have direct distributorship and certifications for products. List costs for coverage of any ineligible items separately. Multi-year contract desirable with annual option to renew.

# ESPERANZA ACADEMY CHARTER SCHOOL

December 28, 2008

eRate Bid Information

470# 665110000715303

12. **PVBX Maintenance Agreement** - (32+ nodes) - Repair and upkeep of the Innovative Technology PVBX eRate eligible hardware listed below with basic support and configuration changes. List costs for coverage of any ineligible items separately. Multi-year contract desirable with annual option to renew.

**PVBX Unit**

1	32x32 PVBX Switch
25	Video Modulator Pair
2	Video Modulator Supply
3	Agile Modulator
1	Back up UPS APC 2200 RM3U

13. **Extended Warranties** – For (2) PolyComm VIS-VXP-MCS-IP Vista VX-P Mobile Classroom System. Term 07/01/09 to 06/30/10.
14. **Extended Warranties** – For (3) HP Blade Servers – BL20p G3 servers. One year, on-site. 4-day or better turn-around. Term 07/01/09 to 06/30/10.
15. **Extended Warranties** – For (1) StorageWorks tape back up system. One year, on-site. 4-day or better turn-around. Term 07/01/09 to 06/30/10.
16. **Extended Warranties** – SmartNet 24x7x4 or better for Cisco equipment below. Term 07/01/09 to 06/30/10.
- a. (4) Cisco Switches -3750 – 48 port
  - b. (16) Cisco GBICs
  - c. (1) Cisco Catalyst 2821 XM Dual
  - d. (8) Cisco Catalyst -3560G-48
  - e. (1) Cisco PIX 525UR (Firewall)
  - f. (1) Cisco 3825 Port T1 CSU/DSU WAN card
  - g. (20) Cisco Aironet 1230AG
  - h. (2) Cisco Aironet 1240AG

**There are SIXTEEN (16) projects listed for this RFP**

## ESPERANZA ACADEMY CHARTER SCHOOL

December 28, 2008  
eRate Bid Information  
470# 665110000715303

Each project requires a separate quote and a separate contract. If you are bidding on several projects, you must complete a bid form for each. References and supporting documentation, such as industry certifications, (Attachments #2-6) need only be listed once, after all of the bid sheets and the contract, in their proper sections.

The following sections follow:

- Sample Project Bid Forms
- PROJECT BID FORMS – You must use these forms or duplicate the format exactly
- Attachment 1: CONTRACT
- Attachment 2: FCC RED LIGHT DISPLAY SYSTEM STATUS
- Attachment 3: REFERENCES
- Attachment 4: INDUSTRY CERTIFICATIONS
- Attachment 5: AUTHORIZED AND QUALIFIED RESELLER
- Attachment 6: OTHER INFORMATION

# ESPERANZA ACADEMY CHARTER SCHOOL

December 28, 2008  
eRate Bid Information  
470# 665110000715303

## SAMPLE PROJECT BID FORM #1

**PROJECT #:** 12      **NAME OF PROJECT:** NETWORK ELECTRONICS

**TOTAL COST (A+B):** \$21,575

### **SECTION A: FOR ELIGIBLE COMPONENTS:**

Qty Units/Hrs	Product/Service Description (include make, model, and components)	Unit Cost	TOTAL Non-Recurring
1	HP StorageWorks Tape back up 160/320 rack mount ...	\$4,000	\$4,000
1	HP 3U Rack Mount Kit	\$50	\$50
1	6' SCSI cable	\$25	\$25
1	HP SCSI Card	\$400	\$400
	Related SOFTWARE (itemize)	\$5,000	\$5,000
3	Cisco Catalyst 35xx,48 port switch (WS-C35xxG-48-EI) w/xxx	\$3,000	\$9,000
1	Installation of StorageWorks tape back up by an industry certified engineer	\$600	\$600
1	Installation of Cisco switches by an industry certified engineer	\$1,000	\$1,000
	<b>TOTAL SECTION A</b>		<b>\$20,075</b>

### **SECTION B: FOR INELIGIBLE COMPONENTS:**

Qty Units/Hrs	Product/Service Description (include make, model, and components)	Unit Cost	TOTAL Non-Recurring
5	10-pk Tape media	\$1,500	\$1,500
	<b>TOTAL SECTION B</b>		<b>\$1,500</b>

# ESPERANZA ACADEMY CHARTER SCHOOL

December 28, 2008  
eRate Bid Information  
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## SAMPLE PROJECT BID FORM #2

**PROJECT #:** 3      **NAME OF PROJECT:** LAN MAINTENANCE

**TOTAL COST (A+B):** \$27,000

### SECTION A: FOR ELIGIBLE COMPONENTS:

Qty Units/Hrs	Product/Service Description (include make, model, and components)	Unit Cost	TOTAL Non-Recurring
225 hrs	LAN Maintenance (pre-paid) to include the following scope of work: (include specifications from RFP)	\$120	\$27,000
	<b>TOTAL SECTION A</b>		<b>\$27,000</b>



# ESPERANZA ACADEMY CHARTER SCHOOL

December 28, 2008

eRate Bid Information

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## PROJECT BID FORM – Priority 2 Projects - IC and BMIC

**PROJECT #:** \_\_\_ **NAME OF PROJECT:** \_\_\_\_\_ **TOTAL COST (A+B):** \$ \_\_\_\_\_

### SECTION A: FOR ELIGIBLE COMPONENTS:

Qty Units/Hrs	Product/Service Description (include make, model, and components)	Unit Cost	TOTAL Non-Recurring
<b>TOTAL SECTION A</b>			

### Comments:

--

### SECTION B: FOR INELIGIBLE COMPONENTS:

Qty Units/Hrs	Product/Service Description (include make, model, and components)	Unit Cost	TOTAL Non-Recurring
<b>TOTAL SECTION B</b>			

**ESPERANZA ACADEMY CHARTER SCHOOL**

**December 28, 2008**  
**eRate Bid Information**  
**470# 665110000715303**

**ATTACHMENT 1: CONTRACT(S)**

Include one contract per project each being signed and dated by an authorized representative of your company. If accepted, a fully executed copy of the contract will be returned to you.

**ESPERANZA ACADEMY CHARTER SCHOOL**

**December 28, 2008**

**eRate Bid Information**

**470# 665110000715303**

**ATTACHMENT 2: FCC RED LIGHT DISPLAY SYSTEM STATUS**

Attach a copy of the Red Light status from the FCC Red Light Display System  
(<http://www.fcc.gov/redlight>) for your company

**ESPERANZA ACADEMY CHARTER SCHOOL**

**December 28, 2008**

**eRate Bid Information**

**470# 665110000715303**

**ATTACHMENT 3: REFERENCES**

Five (5) references from other districts/schools including three (3) indicating satisfactory work completed within the past year. Make sure a contact person and number for the reference is listed.

**ESPERANZA ACADEMY CHARTER SCHOOL**

**December 28, 2008**

**eRate Bid Information**

**470# 665110000715303**

**ATTACHMENT 4: INDUSTRY CERTIFICATIONS**

(Provide a listing and copies of the actual certifications)

**ESPERANZA ACADEMY CHARTER SCHOOL**

**December 28, 2008**

**eRate Bid Information**

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**ATTACHMENT 5: AUTHORIZED AND QUALIFIED RESELLER**

Provide evidence that you are an authorized, qualified reseller of any goods or services quoted and evidence that you maintain an active service/repair shop that is authorized by the manufacturer to perform service on its equipment. Provide copies of that authorization issued by the manufacturer.

**ESPERANZA ACADEMY CHARTER SCHOOL**

**December 28, 2008**

**eRate Bid Information**

**470# 665110000715303**

**ATTACHMENT 6: OTHER INFORMATION**

# LEVINE STALLER attorneys at law

Levine, Staller, Sklar, Chan, Brown & Donnelly, P.A.

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Member NJ & PA Bars  
amack@levinestaller.com  
Fax: 609-347-1166

September 11, 2009

**Via Fax: 215-324-2542**

Art Haywood, Executive VP of Housing and Legal Counsel  
Nueva Esperanza Academy  
4261 North 5<sup>th</sup> Street  
Philadelphia, PA 19140

**Re: Relcomm, Inc.  
470 #665110000715303**

Dear Mr. Haywood:

This office represents Relcomm, Inc. Relcomm is an aggrieved party in connection with the above-referenced bid. Relcomm sought to respond to your RFP for the 2009-2010 funding year, but was denied the ability to do so in violation of the SLD rules and regulations.

As you know, the FCC rules require a fair and competitive bidding process and strict adherence to state bidding law.

In violation of both FCC rules and state law, the RFP listed as part of the requirements:

9. A qualified potential BIDDER must be one where the BIDDER and/or any of its representatives, has never engaged the District/School and/or its E-rate consultant, or E-rate representatives in Litigation.

Vendors cannot be excluded on this basis. RelComm was engaged in litigation against/ and including the E-rate consulting firm of Alemar Consulting, its owner Martin Friedman, and his employee/representative, John Holt, also owner of Informed Resources. That litigation was specifically related to E-rate activities, making the item 9 requirements especially egregious.



Martin Friedman is and has been utilized as a consultant by your school. The identical RFP documents listing the requirements were also used by other schools connected to Martin Friedman. John Holt also provides consulting to your school on E-rate related activities through his company Informed Resources

The bid specifications violate FCC rules in creating an unfair and closed bid process, the real goal of which is to steer contracts to specific companies through the guidance of these consultants.

A review of your previous eRate history shows that the same companies have received awards through Alemar consulting consecutively for years. Further, your grading criteria shows that bids are skewed to favor specific vendors despite the significantly lesser price offered by other vendors.

Your E-rate history also shows that in certain instances, Alemar/Informed Resources have recommended the specific equipment to be bid, developed the specifications, solicited specific bidders, ranked the bidders themselves, chose the winning bidder for the school, and then oversaw the 486 invoicing from those vendors and even awarded their own employees E-rate contracts, all in violation of FCC rules.

Relcomm intends to file an appeal with the FCC as an aggrieved party regarding the above. As you know, the awards will not be funded while the appeal is pending. Moreover, we believe that our appeal will be successful, which will find violations of the bid process resulting in the denial funding for your 2009-2010 requests and we will pursue further actions in response to those violations.

If you would like to resolve this matter short of an FCC appeal, please call me.

Very truly yours,



E. ALLAN MACK

EAM/klp

\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
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## LEVINE STALLER attorneys at law

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### Via Fax: 215-324-2542

Art Haywood, Executive VP of Housing and Legal Counsel  
 Nueva Esperanza Academy  
 4261 North 5<sup>th</sup> Street  
 Philadelphia, PA 19140

**Re: Relcomm, Inc.  
 470 #665110000715303**

Dear Mr. Haywood:

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