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Schools and Libraries News Brief

December 9, 2011

TIP OF THE WEEK: If your entity's address, phone/fax numbers, and/or contact person changes, you can notify USAC by following the [Update Contact Information](#) guidance on the USAC website. Be sure to identify every form still in process that needs to be updated; the Client Service Bureau can help you locate form identification numbers if you need assistance.

Commitments for Funding Years 2011 and 2010

Funding Year 2011. USAC will release FY2011 Wave 26 Funding Commitment Decision Letters (FCDLs) December 13. This wave includes commitments for approved Priority 2 (Internal Connections and Basic Maintenance) requests at 90%. As of December 9, FY2011 commitments total over \$1.35 billion.

Funding Year 2010. USAC will release FY2010 Wave 78 FCDLs December 14. This wave can include commitments for approved Priority 2 requests at all discount levels. As of December 9, FY2010 commitments total over \$2.90 billion.

On the day the FCDLs are mailed, you can check to see if you have a commitment by using USAC's [Automated Search of Commitments](#) tool.

APPLICATION PROCESS: Form 470

[Form 470, Description of Services Requested and Certification Form](#) is the first program form applicants file to request discounts under the E-rate program. In the [November 18 SL News Brief](#) we discussed the relationship between the technology plan and the Form 470; this week we will discuss the form itself.

By posting a Form 470 on the USAC website, applicants are opening a competitive bidding process. Applicants describe the services they are requesting on the Form 470, and service providers can [search Forms 470](#) or [download summary reports of Forms 470](#) into a spreadsheet in order to review and respond to applicant requests.

You must file a Form 470 for FY2012 if you:

- Are seeking non-contracted tariffed or month-to-month services.
- Intend to sign a new contract.
- Signed a multi-year contract or a contract with voluntary extensions without first posting a Form 470 and following all of the competitive bidding rules of the program.

Your Form 470 **MUST:**

- Be based on your technology plan if you are required to have one.
- Be detailed enough for potential bidders to understand your requirements and any reasons for disqualification.
- Be posted for the correct categories of service (Telecommunications Services, Internet Access, Internal Connections, and Basic Maintenance of Internal Connections) for the services you are requesting.
- Indicate whether you have issued or will issue a Request for Proposals (RFP) and, if so, where it is or will be available to potential bidders (see below).
- Encompass all entities that will receive services – including [non-instructional facilities](#) (NIFs).
- Be **posted** on the USAC website for at least 28 days before you close your competitive bidding process; select a service provider; sign a contract (if appropriate); and sign, date, and submit your Form 471.

- Be **certified** before USAC completes the review of any funding requests based on that Form 470.

Your Form 470 **MUST NOT**:

- Be completed or signed by a service provider or feature a service provider as the contact person in Items 6 or 12.
- Be an encyclopedic list of services.
- Specify vendors, manufacturers, or model numbers.

28-day posting requirement

As noted above, your Form 470 must be posted on the USAC website for 28 days before you choose a service provider, sign a contract (if appropriate), and sign and submit your Form 471.

- We encourage you to take advantage of online filing, as it speeds processing, reduces errors, and provides immediate verification that your form was posted successfully. When you file online, your Form 470 is posted to the USAC website as soon as you click the "Submit" button.
- If you file your Form 470 on paper, USAC must complete data entry of your form before it can be posted. If you have errors or inconsistencies on your paper Form 470, USAC must contact you to receive the correct information before your Form 470 can be posted to the USAC website. Your 28-day clock does not start until that posting occurs.

The last possible day to **post** a Form 470 to the USAC website is 28 days before the Form 471 application filing window closes. For FY2012, the last possible date to post a Form 470 (and still timely file a Form 471) is **February 21, 2012**. We will make every effort to complete data entry and post a paper Form 470 if we RECEIVE it in by February 14, but we cannot guarantee how long the posting process will take for a paper form.

If you wait until the last possible day to post your Form 470, you will have to close your competitive bidding process, evaluate the bids received, select your service provider, sign a contract (if applicable), and sign and submit your Form 471 all on the last day of the filing window. If you know the services you want to request – or even if you only know some of them – we suggest that you post a Form 470 now for the services you know and post another Form 470 later for any other services.

Issuing an RFP

You can prepare and issue an RFP in addition to your Form 470. RFPs are not specifically required under program rules but may be required by your state or local procurement rules or competitive bidding requirements. An RFP describes the project you want to undertake in sufficient detail to inform potential bidders of the scope, location, and any other requirements for the project. You must also clearly indicate any reasons that bidders could be disqualified (in the Form 470 and/or the RFP) and provide information on any other requirements imposed by state or local procurement rules and regulations.

If you issue an RFP, you must indicate that fact and the place the RFP is available (website address, contact person in Item 6 of the form, or technical contact person in Item 12 of the form) on your Form 470. If you issue your RFP after you post your Form 470, you must start counting 28 days on the day the RFP was issued, not the date you posted your Form 470.

Forms 470 and existing contracts

If you have an existing contract, posting a Form 470 may or may not be necessary.

- **A multi-year contract or contract with voluntary extensions.** If you **did not** post a Form 470 but signed a multi-year contract or a contract with voluntary extensions, you **must** post a Form 470 for FY2012. You can consider your existing contract as a bid response, but you must also evaluate any other bids received. Note that if your existing contract is not the most cost-effective solution with the [price of the eligible products and services as the primary factor](#) in your bid evaluation, you will not be able to receive E-rate discounts under your existing contract for FY2012.
- **A contract that resulted from properly posting a Form 470.** If you posted a Form 470 and then signed a multi-year contract or a contract with voluntary extensions that covers (or will cover, if you exercise an extension) all or part of FY2012, you **do not** need

to post a new Form 470 for FY2012 for the period covered by that contract. On Item 12 of a Form 471 funding request for services provided under that contract, you can enter the Form 470 application number for the competitive bidding process that resulted in that contract (the "establishing Form 470").

- **A contract that expires before the end of the funding year.** If a contract that was signed pursuant to program rules expires before June 30, 2013, you must file a new Form 470 to open a competitive bidding process for any services that would be provided during the part of the funding year not covered by that expired contract.
- **State master contracts.** If you intend to purchase services from a state master contract, refer to the Reference Area documents [Contract Guidance](#) and [State Replacement Contracts](#) for more information.

Remember that the [price of the eligible products and services must be the primary factor](#) in your evaluation. You can consider other factors in your evaluation, but none of the other factors in your bid evaluation can be weighted more heavily than price.

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