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January 13, 2012

FY2012 WINDOW COUNTDOWN

Days to window close	67
Forms 470 filed to date	20,321
Forms 471 filed to date	504
Online Item 21 attachments filed to date	847

TIP OF THE WEEK: Be sure to set aside enough time to work on your **Item 21 attachments; they must be submitted before the close of the filing window (see below)**. We encourage you to file them [online](#), but you can also submit them [by email](#), by fax to (973) 599-6511, or by delivery service or mail as indicated in the [Item 21 Attachment website guidance](#).

Commitments for Funding Years 2011 and 2010

Funding Year 2011. USAC will release FY2011 Wave 30 Funding Commitment Decision Letters (FCDLs) January 18. This wave includes commitments for approved Priority 2 (Internal Connections and Basic Maintenance) requests at 90%. As of January 13, FY2011 commitments total over \$1.50 billion.

Funding Year 2010. USAC will release FY2010 Wave 82 FCDLs January 19. This wave can include commitments for approved Priority 2 requests at all discount levels. As of January 13, FY2010 commitments total over \$2.95 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.

First Applicants Finish Online FY2012 Applications

Congratulations to the first applicants that filed and certified an FCC Form 471 for FY2012 – including the Item 21 attachment(s) – online! Applicants that file early have a much better chance of being included in the earliest funding waves for a funding year.

The first successful online filers were:

- **First individual school:** PIMERIA ALTA ACADEMY, Nogales, Arizona
- **First school district:** WEST POINT PUBLIC SCHOOLS, West Point, Virginia
- **First library:** MONITEAU COUNTY/PRICE JAMES LIBRARY, Tipton, Missouri
- **First consortium:** CLARE-GLADWIN RESD, Clare, Michigan

Remember that the Item 21 attachment is a window filing requirement for FY2012 and your attachment(s) must be submitted by 11:59 pm EDT on March 20, 2012.

Competitive Bidding Reminders

In this issue, we cover several topics that will help applicants understand and plan for situations that may arise before or during their competitive bidding processes.

State or local requirements and E-rate requirements

Applicants posting FCC Forms 470 must comply not only with E-rate program requirements but also with all applicable state and local competitive bidding requirements. In general, when E-rate program requirements and state and/or local requirements differ, you should comply with the requirements that are more stringent to make sure you are in compliance with both.

FCC Form 470 posting date, RFP availability date, and allowable vendor selection/contract date

You must wait at least 28 days after a Form 470 is posted to the USAC website before you close your competitive bidding process, choose a service provider, sign a contract (if appropriate), and sign and submit your Form 471. We refer to the date 28 days after the FCC Form 470 is posted as the allowable vendor selection/contract date or ACD.

Some state or local procurement rules or regulations require applicants to issue a Request For Proposals (RFP) in addition to the FCC Form 470. In other cases, applicants may choose to issue an RFP even though one is not required by state or local procurement regulations. If you issue an RFP, it must also be available to bidders for 28 days.

In all cases, you must wait 28 days after the FCC Form 470 is posted to the USAC website or after public availability of your RFP, whichever is later, before selecting a service provider or executing a contract.

The competitive bidding process must remain open – and the FCC Form 470 and the RFP must remain available – during the SAME 28-day period. For this to occur, you must be able to receive bids during that entire 28-day period.

Service provider requests for information

When completing the FCC Form 470, applicants must provide sufficient detail for a service provider to be able to formulate a bid. This will allow potential bidders to determine if they provide the types of services that applicants are looking for. However, service providers may need further detail about the services in order to submit a responsive bid. Applicants – and consultants that act on behalf of applicants – should be careful to respond to bidder inquiries in a timely manner so that competitive bidding deadlines can be met. Not responding to a potential bidder can result in a compromised competitive bidding process which can result in funding denial.

For example, if an applicant posts for "local and long distance telephone service on 10 existing landlines," a service provider would probably not need more information in order to craft a responsive bid. On the other hand, if an applicant posts for "local and long distance telephone service for 10 new cell phones," the service provider would probably need information on the number of minutes that might be used, the likelihood that roaming charges would occur, and other information to craft a responsive bid.

However, service providers also have a responsibility to respond to posted FCC Forms 470 and RFPs with specific requests for information. Simply sending a generic email to the applicant saying that the service provider can provide the general type of service requested is not considered a good faith response to an FCC Form 470 posting and can be considered 'spam' by the applicant.

An applicant may choose to post questions received from potential bidders along with the applicant's answers on the applicant's website. Doing so would ensure that all potential bidders have access to the same information – a key component in a fair and open competitive bidding process.

No bids received

If you don't receive any bids after your 28-day waiting period, you can contact service providers to solicit bids and can then review and evaluate any bids received as a result. You may wish to note that you did not receive any bids in an email to yourself or a memo to the file in case questions come up later (e.g., during a review or an audit).

However, remember that if you post a new FCC Form 470, issue a new RFP, or amend your existing RFP, you start the clock on another 28-day waiting period.

Keep in mind that your state and local procurement rules and regulations may also require you to take certain actions when this situation occurs. As always, you must be in compliance with all of your state

and local rules and regulations as well as FCC rules.

One bid received

In cases where you receive only one bid, you may wish to memorialize this fact with an email to yourself or a memo to the file as described above.

Furthermore, if you only get one bid, that does not automatically make the bid cost effective. You should review the pricing in the bid response to determine whether the costs for the products and services are significantly higher than the costs generally available in the marketplace for the same or similar products or services. If they are significantly higher, then you may be asked to explain why the bid does not appear to be cost effective.

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