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December 21, 2012

**FY2013 WINDOW COUNTDOWN**

<b>Days to window close</b>	<b>83</b>
<b>FCC Forms 470 filed to date</b>	<b>16,133</b>
<b>FCC Forms 471 filed to date</b>	<b>514</b>
<b>Online Item 21 attachments filed to date</b>	<b>1,061</b>

**TIP OF THE WEEK: SERVICE PROVIDERS:** When submitting questions or bids in response to a posted FCC Form 470, be sure to follow any submission instructions or other guidance provided in the RFP - if one is issued - and/or the FCC Form 470. If the applicant has included this information on the form, you can locate it in Item 13 and/or in the field marked "Details" in the [Download 470 Information tool](#).

**Please note that USAC will not issue a News Brief next Friday, December 28. Also, the Client Service Bureau will be closed Monday, December 24 and Tuesday, December 25.**

**Commitments for Funding Years 2012, 2011, and 2010**

**Funding Year 2012.** USAC will release FY2012 Wave 23 Funding Commitment Decision Letters (FCDLs) December 26. This wave includes commitments for approved Priority 2 (Internal Connections and Basic Maintenance) requests at 90% and denials at 89% and below. As of December 21, FY2012 commitments total just under \$1.64 billion.

**Funding Year 2011.** USAC will release FY2011 Wave 74 FCDLs December 27. This wave includes commitments for approved Priority 2 requests at 88% and above and denials at 87% and below. As of December 21, FY2011 commitments total just under \$2.50 billion.

**Funding Year 2010.** USAC will release FY2010 Wave 106 FCDLs December 27. This wave can include commitments for approved Priority 2 requests at all discount levels. As of December 21, FY2010 commitments total over \$3.08 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: FCC Form 470**

The [FCC 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 16 SL News Brief](#) we discussed the relationship between the technology plan and the FCC Form 470; this week we will discuss the form itself.

By posting an FCC Form 470 on the USAC website, applicants are opening a competitive bidding process. Applicants describe the services they are requesting on the FCC Form 470, and service providers can [View a 470](#) or [Download 470 Information](#) in order to review and respond to applicant requests.

You must file an FCC Form 470 for FY2013 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 an FCC Form 470 and following all of the competitive bidding rules of the program.

Your FCC 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 category or categories of service (Telecommunications Services, Internet Access, Internal Connections, and/or Basic Maintenance of Internal Connections) for the services you are requesting. NOTE: Beginning with FY2013, applicants can post for Priority 1 services in EITHER the Telecommunications Services or the Internet Access category of services on the FCC Form 470.
- 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 FCC Form 471.
- Be **certified** before USAC completes the review of any funding requests based on that FCC Form 470.

Your FCC 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 FCC 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 FCC 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 FCC Form 470 is posted to the USAC website as soon as you click the "Submit" button.
- If you file your FCC 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, USAC must contact you to receive the correct information before your form can be posted to the USAC website. Your 28-day clock does not start until that posting occurs.

The last possible day to **post** an FCC Form 470 to the USAC website is 28 days before the FCC Form 471 application filing window closes. For FY2013, the last possible date to post an FCC Form 470 and still timely file an FCC Form 471 is **February 14, 2013**. We will make every effort to complete data entry and post a paper FCC Form 470 if we RECEIVE it by February 7, 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 FCC 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 FCC 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 an FCC Form 470 now for the services you know and post another FCC Form 470 later for any other services.

### **Issuing an RFP**

You can prepare and issue an RFP in addition to your FCC 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 in the FCC Form 470 and/or the RFP any reasons that bidders could be disqualified 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 indicate 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 FCC Form 470. If you issue your RFP after you post your FCC Form 470, you must start the count of your 28 days on the day the RFP was issued, not the date you posted your FCC Form 470.

### **FCC Forms 470 and existing contracts**

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

- **A multi-year contract or contract with voluntary extensions.** If you **did not** post an FCC Form 470 but signed a multi-year contract or a contract with voluntary extensions, you **must** post an FCC Form 470 for FY2013. 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 FY2013.
- **A contract that resulted from properly posting an FCC Form 470.** If you posted an FCC 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 FY2013, you **do not** need to post a new FCC Form 470 **for the period covered by that contract** (see below). On Item 12 of the FCC Form 471 funding request for services provided under that contract, you can enter the FCC Form 470 application number for the competitive bidding process that resulted in that contract (the "establishing FCC 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, 2014, you must file a new FCC 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 expiring contract.
- **State master contracts.** If you intend to purchase services from a state master contract, refer to the Reference Area documents [Contract Guidance](#), [State Master Contracts](#), 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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