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Universal Service
Administrative Co.

Schools and Libraries Program News Brief

February 16, 2018

TIP OF THE WEEK: Remember that next Thursday, February 22, is the last day that you can certify an FCC Form 470, then wait 28 days, and still certify your FCC Form 471 before the filing window closes on Thursday, March 22 (see below). You must wait at least 28 days after your FCC Form 470 is certified before you can choose your service provider, sign a contract (if applicable), and certify your FCC Form 471.

Commitments for Funding Year 2017

Funding Year 2017. USAC is scheduled to release Funding Year (FY) 2017 Wave 42 Funding Commitment Decision Letters (FCDLs) on February 22. As of February 16, FY2017 commitments total over \$2.19 billion.

On the date that FCDLs are issued, you can access your FCDL notification from the **Notifications** section of your landing page in EPC.

Monday's Payment File Will Be Issued on Tuesday

Due to the Presidents' Day holiday, the invoicing payment file that would be issued on Monday, February 19, 2018, will be issued on Tuesday, February 20.

After USAC completes the review of an invoice (FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form or FCC Form 474, Service Provider Invoice (SPI) Form), the invoice goes into a payment file for processing. Payment files are generally issued on Mondays and Thursdays. Note that the payment file for Thursday, February 22, will be issued as usual.

We apologize for any inconvenience.

Reminders for Last-minute FCC Form 470 Filers

For those applicants who are rushing to get their FCC Forms 470 certified before the February 22 deadline, we offer the following reminders:

Watch the step-by-step filing videos on the USAC website.

In the [Online Learning Library](#), we have a recorded step-by-step video series showing applicants the FCC Form 470 filing process. The series contains the following individual videos:

- [Starting Your FCC Form 470](#)
- [Service Requests: Category One and Category Two](#)
- [Technical Contact and Procurement Information](#)
- [FCC Form 470 Review and Certification](#)
- [Post an Additional RFP Document](#)
- [How to Search for FCC Forms 470](#)

You can watch the entire video series in order to view the entire filing process, or simply watch the section(s) that you need help with.

Wait the full 28 days.

One of the most common denial reasons related to the competitive bidding process is that the applicant did not [wait 28 days](#) after the FCC Form 470 was certified before choosing a service provider, signing a contract (if applicable), and certifying an FCC Form 471. If your FCC Form 470 has not been posted for at least 28 days:

- The FY2018 FCC Form 471 will not allow you to continue if you attempt to cite that FCC Form 470 on a funding request.
- You cannot create a contract record in your profile featuring that form.

Note that you may have to restart your 28-day clock if you issue a Request for Proposal (RFP) or RFP document after you certify your FCC Form 470 (see below).

Upload your RFP and RFP documents to your FCC Form 470.

If you are issuing an RFP and/or one or more RFP documents, you are required to upload those documents to your FCC Form 470. We use "RFP" and "RFP document" generically to refer to any bidding document that describes your project and requested services in more detail than that provided in the data entry fields on the FCC Form 470. An RFP document can be a formal bidding document – for example, an Invitation for Bid (IFB) or Request for Quote (RFQ) – or it could be any document issued as part of your competitive bidding process to provide more information to potential bidders.

To add an RFP document to a certified FCC Form 470, access the form in EPC, choose **Related Actions** from the left-hand menu, and then choose **Add an RFP Document**.

- **RFP documents issued AFTER an FCC Form 470 is certified must also be uploaded to that certified FCC Form 470.**

NOTE: If you do not upload an RFP document to your FCC Form 470 **before** it is certified, you cannot upload an RFP document to that form **after** it is certified. If this is your situation, you will have to certify a new FCC Form 470 in order to be able to upload your RFP document.

You may need to restart your 28-day clock.

- **If you certified your FCC Form 470 but you are only now issuing your RFP, you must certify a new FCC Form 470 and attach your RFP to the new form.** (You cannot attach a document to a certified form if no documents were attached when it was certified.) Your new 28-day clock starts with the date you certify the new form.

- **If the document you are now issuing results in a cardinal change to your original form and any attached documents, you must restart your 28-day clock.** A cardinal change is a change that is outside of the scope of your original project, and is significant enough that bids submitted in response to your original submission would not adequately address the change in scope. Note that you must track your new ACD, as the original ACD will not change in EPC.
- **If the document you are now issuing does not result in a cardinal change, you do not need to restart your 28-day clock.** For example, your document could be a list of clarifying questions from potential bidders together with your answers, or a notice of a minor correction that is within the scope of your original submission.

You may need to certify a new FCC Form 470.

The service type on your FCC Form 471 must match the service type you posted for on your FCC Form 470. The service types are:

- Internet Access and/or Telecommunications
- Internal Connections
- Basic Maintenance of Internal Connections
- Managed Internal Broadband Services.

You cannot add a service request for a new service type to a certified FCC Form 470; you will have to post a new form. If you are not sure which service type your service fits under, you can post for both service types and explain that you have done so in the **Narrative** field on the form.

You must include any disqualification reasons in your FCC Form 470 and/or your RFP.

You may decide that you will only accept bids that meet certain requirements, and disqualify bids that do not meet those requirements. Disqualification reasons must be binary – i.e., the bidder or the bid either meets the requirement or does not meet the requirement.

If you do not identify your disqualification reasons in your FCC Form 470 and/or RFP, you must evaluate all of the bids you receive. However, you can still use those reasons as factors in your evaluation.

Provide clear and complete information so that service providers can submit responsive bids.

The FCC Form 470, RFP, and/or RFP documents should be clear about the products, services, and quantities you are seeking and must be based directly on your technology needs. In addition, you must avoid using generic service descriptions (e.g., "all eligible telecom services"), encyclopedic service descriptions (e.g., replications of the entire Eligible Services List), or insufficiently detailed quantities (e.g., "district-wide") on your FCC Form 470 and RFP documents.

Do not accept gifts from service providers.

Receipt of gifts by applicants from service providers and potential service providers is a competitive bidding violation. Gift prohibitions are always applicable, not just during the competitive bidding process. This prohibition includes an applicant soliciting and receiving any gift or other thing of value from a service provider participating or seeking to participate in the E-rate program.

There are limited exceptions to the gift prohibitions. These exceptions include items worth \$20 or less (meals, pencils, pens, hats, T-shirts, etc.) as long as those items do not exceed \$50 per funding year per

applicant employee from any one source. "One source" means all employees, officers, representatives, agents, independent contractors, or directors of a particular service provider.

For more information, you can refer to the FCC's Sixth Report and Order ([FCC 10-175](#), released September 28, 2010) and the Order that addresses gift rule questions ([DA 10-2355](#), released December 15, 2010).

Give the highest point value in your evaluation to the price of eligible products and services.

When you evaluate the bids you receive, you can have as many factors as you want in your evaluation to allow you to choose the most cost-effective solution. However, you **must** include the price of the E-rate eligible products and services as a factor, and that factor must be weighted more heavily than any other single factor.

There is a [description of the evaluation process](#) and a [sample bid evaluation matrix](#) on the USAC website for your reference.

Note that if your state certified an FCC Form 470, you may be able to purchase from a state master contract signed pursuant to that form.

A [state master contract](#) is a contract that is competitively bid and put in place by a state government entity for use by others. Applicants can choose to receive service under a state master contract if they are eligible to do so.

Below are the most common scenarios for state master contracts and guidance for each:

- **The state files an FCC Form 470, conducts a competitive bidding process, and chooses a single winner.** You can receive service under the state master contract and cite the state's FCC Form 470 on your FCC Form 471 funding request(s).
- **The state files an FCC Form 470, conducts a competitive bidding process, and chooses more than one winner.** You must conduct a mini-bid for all of the winning bidders that can provide service to you under their respective state master contracts. After you choose the most cost-effective solution, you cite the state's FCC Form 470 on your FCC Form 471 funding request(s) for services provided under the appropriate state master contract. Be sure to save a copy of your mini-bid documentation. (See the [state master contract](#) guidance for more information on mini-bids.)
- **You file an FCC Form 470, conduct a competitive bidding process, and want to consider an existing state master contract as a bid response.** You must consider all other state master contracts that can provide those services as bid responses, in addition to any other responses you receive. You cite your own FCC Form 470 on your FCC Form 471, even if the state filed an FCC Form 470.
- **You file an FCC Form 470, conduct a competitive bidding process, and a service provider who has a state master contract submits a bid.** You can consider the bid you receive from that service provider in addition to any other responses you receive. You are not required to consider other state master contracts as bid responses. You cite your own FCC Form 470 on your FCC Form 471.

You MUST retain your program documentation.

All applicants and service providers are required to retain receipt and delivery records relating to pre-bidding, bidding, contracts, application process, invoices, provision of services, and other matters relating to the administration of universal service for a period of at least ten years after the latter of the

last day of the applicable funding year or the service delivery deadline for the funding request. Documents to retain as part of the competitive bidding process include but are not limited to:

- The FCC Form 470.
- The RFP, if one is issued, and any RFP documents.
- Questions from potential bidders and your answers.
- Copies of winning **and losing** bids (including disqualified bids).
- The final bid evaluation matrix (or matrices, if you have multiple reviewers) and any supporting documentation.
- If there is a restriction that prevents services and costs from being made public, a copy of the precise cite to the law, statute, local rule, or court order identifying the restriction.
- The contract, if one is signed.

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