

Filing the FCC Form 470 and the Competitive Bidding Process

Applicant and Service Provider Training
August 1, 2024



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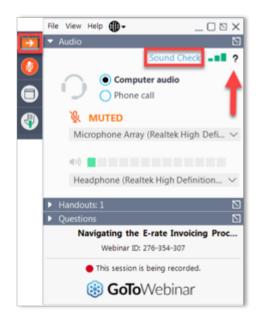
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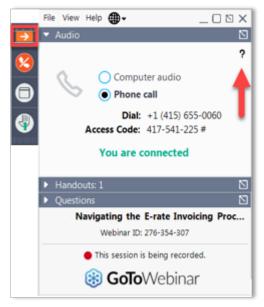
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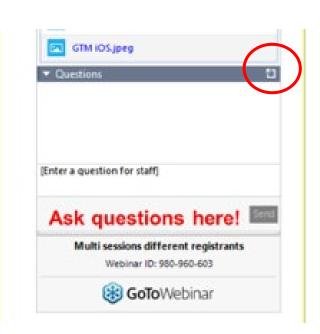
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 - Write in full sentences.
 - Ask one question at a time.
 - Ask questions related to today's webinar content.
- To view answers:
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Meet Our Team



Latoya Anderson

Senior Program Manager | E-Rate



Shawn Jensen

Associate Program Manager | E-Rate

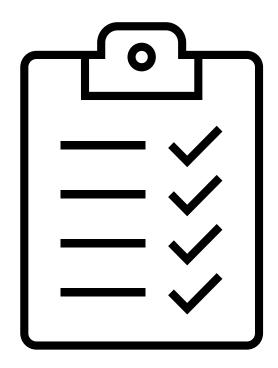


Jessie Stern

Communications Specialist | E-Rate

Agenda

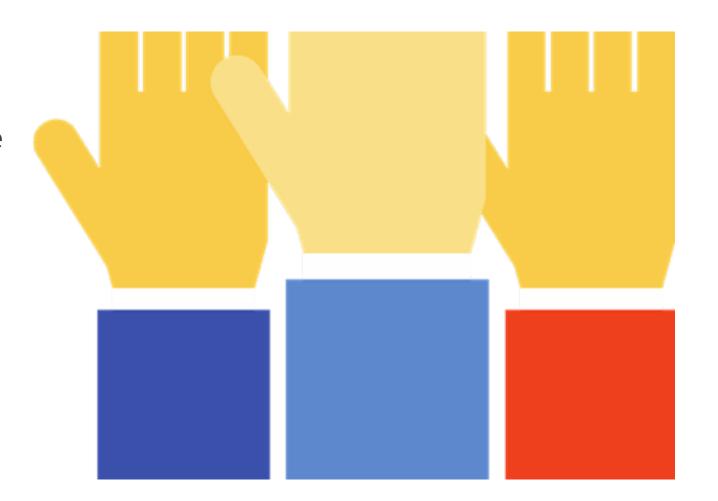
- Competitive Bidding Overview
- Get Ready to Request Bids
- File and Certify an FCC Form 470
- What's New in E-Rate
- Ensure an Open and Fair Process
- Wait at Least 28 Days
- Select a Service Provider
- Additional Information
- The Service Provider's Role
- Resources
- Questions and Answers



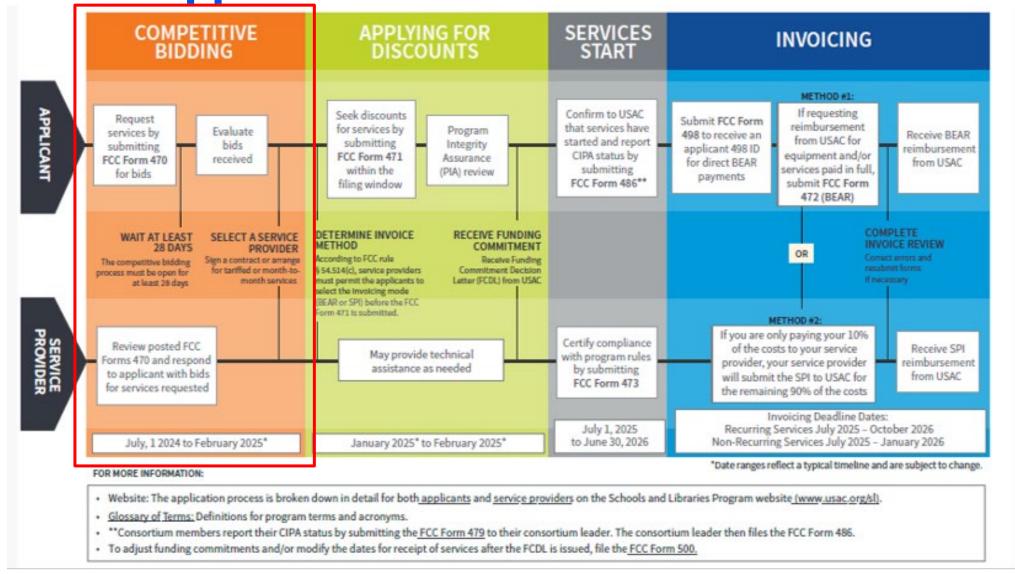
Competitive Bidding Overview

What Is Competitive Bidding?

- Competitive bidding is the formal process for applicants to choose the service providers who will provide the requested equipment and services.
- Service providers review the applicant's FCC Form 470 for requested equipment and services, any procurement requirements, and then submit bids.



The E-Rate Application Process



Applicant Forms and Important Dates Reminder

Competitive Bidding



Apply for Discounts



Start Services



Invoice USAC

FY2024:

July 2023-February 28, 2024

FY2025:

July 2024-February 2025

FY2024:

January 12, 2024-March 28,2024

FY2025:

January 2025-March 2025

FY2024:

July 1, 2024 - June 30, 2025

FY2025:

July 1, 2025-June 30, 2026

Recurring Services

FY2024: July 2024 – October 2025

FY2025: July 2025 – October 2026

Non-recurring Services

FY2024: July 2024 – January 28,

2026

FY2025: July 2025 – January 28,

2027

470

471

486

472 (BEAR)

OR

474

(SPI)

^{*} Date ranges shown reflect a typical timeline but are subject to change.*

Competitive Bidding Steps



Get Ready to Request Bids

Plan Your Project

Plan the scope of your project and the equipment and services needed.

- Review any state or local competitive bidding and procurement (purchasing) requirements that apply to you.
- Review the <u>FCC Form 470 Guiding Statements Table</u> to assist with determining the services needed and being requested.
- Understand concepts of <u>Entity Eligibility</u> and <u>Service Eligibility</u>
 - Review the <u>Eligible Services List (ESL)</u> for the current funding year to see what equipment and services are eligible for E-Rate program funding.

Be Aware Of "Mixed Eligibility" Products/Services

- **Mixed eligibility** refers to equipment and services for which only a portion is eligible for discounts under the E-Rate program.
- In general, a <u>cost allocation</u>, separating the eligible and ineligible costs, is required if an equipment or service:
 - Contains both eligible and ineligible components for example, a data T1 circuit (eligible)
 that also has channels on the circuit dedicated to voice services (ineligible);
 - Is utilized for eligible and ineligible uses for example, a server that is used for both caching (eligible) and video distribution (ineligible); or
 - Is delivered to both <u>eligible and ineligible locations</u> for example, broadband service delivered to a school run by a church (eligible) and to the church office (ineligible).
- There is no single approved method to allocate eligible and ineligible costs. Your method must use tangible criteria that result in a reasonable allocation.

File and Certify an FCC Form 470

File an FCC Form 470

- The applicant must file and certify an <u>FCC Form 470</u> to initiate the competitive bidding process.
 - Describe your desired services and requirements with sufficient specificity for service providers to be able to submit responsive bids.
 - No generic descriptions (e.g., all Digital Transmission Services).
 - You may also include additional bidding documentation such as a <u>Request for Proposals</u> (RFP) with your FCC Form 470.
 - RFP generically refers to any bidding document that describes the applicant's project and requested equipment and services in more detail.
 - Services requested on the FCC Form 470 and RFP MUST match.

When to File the FCC Form 470

- The FCC Form 470 must be filed every year for services provided under tariff, on a month-to-month basis, or for those seeking new services under contract.
- It must be filed at least 28 days before filing FCC Form 471.
 - Multi-year contracts: You do not need to file a new FCC Form 470 if the contract is still in effect and the costs/services are still within the terms of the establishing FCC Form 470 (but you do still need to file a new FCC Form 471 requesting E-Rate support each funding year).
 - After the contract's initial term is over, you will need to recompete the contract.
- Competitive Bidding Exemptions:
 - Category One: <u>Low-Cost High-Speed Internet Access</u>
 - Category Two: <u>Low Cost Internal Connections (Libraries only)</u>

Receipt Notification Letter (RNL)

- After posting FCC Form 470, USAC issues a Receipt Notification Letter (RNL) in your EPC News feed.
- Review your submitted FCC Form 470 carefully. If you need to make corrections, do the following:
 - For minor changes (see the <u>Ministerial and Clerical Errors</u> page on the E-Rate website), locate the form in EPC and choose "Related Actions" to submit <u>allowable</u> <u>corrections</u>.
 - For **significant changes** to your form, you must **file a new FCC Form 470 or restart your 28-day waiting period**.
- The Receipt Notification Letter contains your Allowable Contract Date, which is 28 days after the certification date of your FCC Form 470.

Keep Equipment and Service Requests General

- Do not list the specific make and model of equipment and services sought without also considering equivalent alternatives.
 - Example: "XYZ manufacturer's router model 345J or equivalent"
 - EPC will automatically add the "or equivalent" language in the FCC Form 470 unless the applicant selects "Other" for the Manufacturer Description. In this case, the applicant will manually write in "or equivalent" when entering their description.
 - Remember to double check your RFP if using one.

Disqualification Factors

- You can disqualify bids if they don't meet the requirements. Bidder disqualification criteria must:
 - Be spelled out in FCC Form 470 and/or RFP, and
 - Be available to all potential bidders.
- The following items are examples of bid disqualification reasons:
 - Service provider not registered with the state procurement office.
 - Service provider does not have a Service Provider Identification Number (SPIN), also known as the <u>service provider's 498 ID</u>.
 - Service provider must have an FCC RN.
 - Service provider is not bonded.
 - Service provider's bid must directly address requested equipment and services.

Competitive Bidding Tip

When unsure whether a service falls under one of two service types, you are allowed to request bids for **both** service types.

For example, if you are unsure whether a piece of equipment or a service falls under Internal Connections or BMIC, you have the option to seek bids for both.



What's New in E-Rate

School Buses: Now E-Rate Eligible

- Equipment and services necessary to provide mobile broadband connectivity on school buses are E-Rate eligible when used for educational purposes.
 - Installation fees and equipment needed to make the wireless service for school buses functional **are also eligible** under Category One.
- School bus Wi-Fi services are eligible for school-owned, leased or contracted school buses, if used primarily to transport students to and from school and schoolrelated activities for educational purposes. Charter, municipal, city buses and other school-owned vehicles (i.e., cars and vans) are not eligible.
- Separate maintenance and operations services related to mobile broadband connectivity for school buses are also **not eligible**.
- Visit <u>this link</u> to view FAQs about Wi-Fi on school buses.

School Buses: Competitive Bidding

- School bus Wi-Fi is subject to all existing E-Rate rules and requirements, including competitive bidding, cost allocation, and discounting rules.
 - Applicants are not required to compare costs between a given service plan for providing school bus Wi-Fi and other technological approaches to deliver connectivity to end user devices.
- Applicants who entered into multi-year agreements for Bus Wi-Fi in the Emergency Connectivity Fund (ECF) program are not exempt from competitive bidding requirements.
- The competitive bidding exemption for Commercially Available Business Class Internet Option (CABIO) services does not apply to bus services. It only applies to services delivered to a school or library building.
- Service provider selection must be consistent with E-Rate program rules including selecting the most costeffective service offering(s), using price of the eligible equipment and services as the primary factor in the evaluation matrix.

Wi-Fi Hotspots: Now E-Rate Eligible

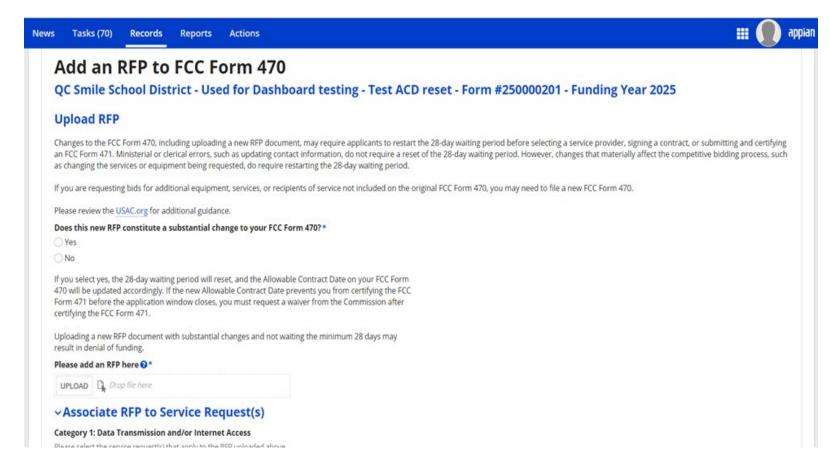
- Eligible schools and libraries can receive E-Rate support for Wi-Fi hotspots and wireless Internet services that can be used off-premises by students, school staff, and library patrons.
- Eligibility is limited to commercially available mobile wireless Internet services delivered through Wi-Fi hotspots.
- Wi-Fi hotspots and Internet services are subject to all existing E-Rate rules and requirements, including competitive bidding, cost allocation, and discounting rules.
- Applicants who entered into multi-year agreements for Wi-Fi hotspots services in the Emergency Connectivity Fund (ECF) program are not exempt from competitive bidding requirements.
- Service provider selection must be consistent with E-Rate program rules including selecting the most cost-effective service offering(s) and using price of the eligible equipment and services as the primary factor in the evaluation matrix.

FCC Form 470 Updates (Coming Soon)

- Adding "Mobile Service for Use on Buses"
 - Can be found under: "I seek bids for internet access and/or data transmission service."
- Adding "School Bus Wi-Fi Network Equipment"
 - Can be found under: "I seek bid for Category One network equipment or maintenance operations."
- Adding "I seek bids for wireless Internet services that can be delivered with a Wi-Fi hotspot for offpremises use."
 - Can be found under: "I seek bids for internet access and/or data transmission service."
- Adding "I seek bids for Wi-Fi hotspots for off-premises use."
 - Can be found under: "I seek bids for Category One network equipment or maintenance and operations."
- To learn how to file the FCC Form 470 to request Wi-Fi on school buses, visit our <u>webpage</u>.

FCC Form 470 Updates: Allowable Contract Date Changes

- RFP Upload
 - Allow users to upload an RFP document to any noncancelled Form 470, even if that Form 470 did not originally have an RFP.
- Substantial Change
 Question/New Layout to RFP
 Upload Screen
 - New Yes/No question: Does this new RFP constitute a substantial change to your FCC Form 470?



Allowable Contract Date (ACD) Changes (cont.)

- ACD Automatic Reset
 - When "Yes" is selected for substantial change question, the allowable contract date will automatically update to extend by 28 days.
 - Day of modification/new RFP is day 0, the following day is day 1. ACD on Summary screen will change to reflect new date.
- ACD Automatic Reset Validations
 - ACD cannot be reset if the FCC Form 470 is referenced on an FRN which is not cancelled. Error message will appear.
 - Form 471 cannot be certified if an FRN is citing an FCC Form 470 whose ACD is in the future. Error message will appear.
 - If the offending FCC Form 470 is removed from the application, the app can be certified.

Ensure an Open and Fair Process

Open and Fair

- Open = there are no secrets in the process; information shared with one bidder must be shared with all.
- **Fair** = all bidders are treated the same, fairly, and equally.

See the <u>Open & Fair Process</u> page on our website for more information.



Open and Fair Guidelines

- All applicants must comply with all E-Rate, state, and local procurement requirements.
- Applicants cannot have a relationship with service providers that would unfairly influence the outcome of the competitive bidding process.
- Applicants cannot give anyone inside competitive information.
- Applicants cannot have ownership interest in the company of a service provider that is competing for services.
- Applicants must describe the desired equipment and services with sufficient specificity to enable interested parties to bid.
- Applicants cannot receive gifts or donations from service providers that violate or seek to circumvent FCC rules.
- Applicants are not required to show "proof" of E-Rate participation or share their bid evaluation information with any service provider.

Create A Bid Evaluation Matrix

- To evaluate incoming bids, create a bid evaluation matrix or similar document.
- Develop evaluation criteria or factors to assess the bids.
 - You can have one or multiple factors.
 - You may also have disqualifying factors.
- Assign each evaluation factor a point value or percentage.
 - The price of the eligible equipment and services must be the most heavily weighted factor.
 - Other factors can be considered, but they must be weighted less than the price of eligible equipment and services.

Sample Bid Evaluation Matrix

FACTOR	POINTS AVAILABLE	VENDOR 1	VENDOR 2	VENDOR 3
Price of the eligible products and services	50*	20	50	40
Prior experience with the vendor	25	25	0	25
Prices for ineligible services, products, and fees	15	10	5	15
Local or in-state vendor	10	10	0	0
TOTAL	100	65	55	80

^{*}This number must be higher than all other numbers in the same column.

Abide by the Gift Rules

- Receipt or solicitation of gifts by applicants from service providers (and vice versa) is a competitive bidding violation.
- Service providers may not offer or provide any gifts or thing of value to applicant personnel involved in E-Rate.
- Gift prohibitions are always applicable not just during the competitive bidding process.
- Exceptions for gifts limited to items worth \$20 or less, including meals or prizes, and cannot exceed \$50 from one service provider to each individual per funding year.
- Watch our <u>Gift Rules video</u> for more details on the gift rules.

Wait at Least 28 Days

28-Day Waiting Period Review and Reminders

Applicants must wait at least 28 days after certifying their <u>FCC Form 470</u> before selecting a service provider, executing any contracts for contracted services, or signing and submitting an <u>FCC Form 471</u>. The allowable contract date is the earliest date on which an applicant can select a service provider. See your Receipt Notification Letter.

Your state or local procurement regulations may require a longer waiting period or impose additional requirements.

Frequently Asked Questions (FAQs) on the 28-day waiting period:

- When does the waiting period start? The calendar day after you certify your FCC Form 470, the day you certify, is day zero. For example, if you certify on 1/1/2024, the waiting period starts on 1/2/2024, and your Allowable Contract Date is 1/29/2024 (see slide 39 for a visual aid). If you add a Request for Proposals after certifying the FCC Form 470, you may be required to restart the 28-day waiting period.
- Do weekends count as a part of the 28 days? Yes, the 28-day period is based on calendar days.
- When can you select a vendor? After the 28-day waiting period (unless your FCC Form 470 lists a later bid deadline.)
- When's the last day you can select a vendor? You must select the most cost-effective service offering before you submit the FCC Form 471.
- When can you stop receiving bids? You may set a bid deadline and include it to your narrative or RFP. This deadline must be at least 28 days after verifying your FCC Form 470 or longer depending on state rules. If you do not add a deadline to your narrative or RFP, you must accept bids up until you evaluate bids and make a vendor selection. These deadlines should be memorialized in your records.



Allowable Contract Date Infographic

CALENDAR						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	Certified 1 FCC Form	2	3	4
			Day 0	Day 1	Day 2	Day 3
5	6	7	8	9	10	11
Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10
12	13	14	15	16	17	18
Day 11	Day 12	Day 13	Day 14	Day 15	Day 16	Day 17
19	20	21	22	23	24	25
Day 18	Day 19	Day 20	Day 21	Day 22	Day 23	Day 24
26	27	28 Day 27	Allowable 29 Contract Date	30	1	2
Day 25	Day 26		Day 28) -

Remember



[•]This is the earliest you can select a vendor.1

[•]You can wait up until you certify FCC Form 471 to select a vendor.²

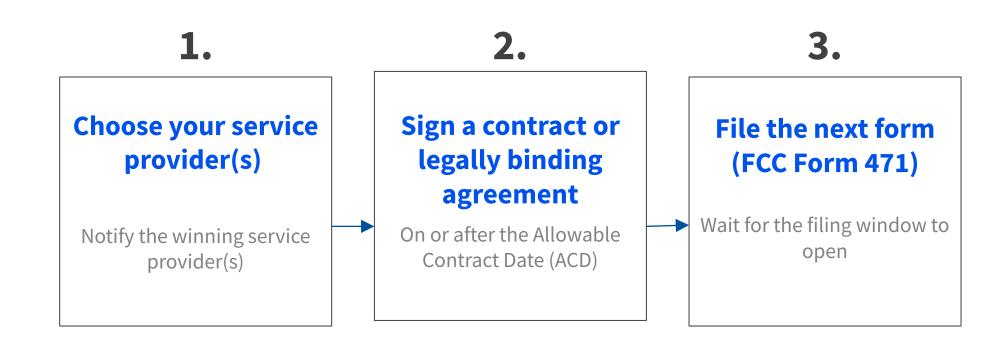
¹ This may vary based on state and local procurement rules.

² You must select a vendor before the filing window closes.

While You Wait

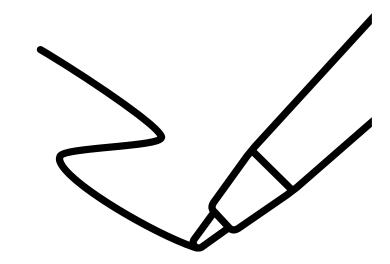
- After applicants file and certify their FCC Form 470, they must wait a minimum of 28 days before selecting a service provider.
- Use the 28-day waiting period to:
 - Receive bids.
 - Respond to service provider inquiries regarding your project.
 - Be sure that any information provided to one service provider is provided to all bidders.
 - Evaluate the bids using your factors and bid evaluation matrix.

Next Steps After the 28-Day Waiting Period



What If You Receive No Bids?

- If applicants receive no bids or only one bid, they can:
 - Proactively solicit bids after waiting 28 days.
 - Ask their current provider to submit a bid.
 - Accept the one bid, if it is cost effective.
- Be sure to create a memo for your E-Rate files to document the situation.

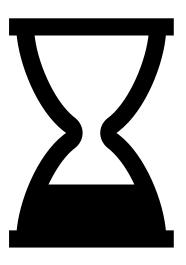


Select A Service Provider

Allowable Contract Date

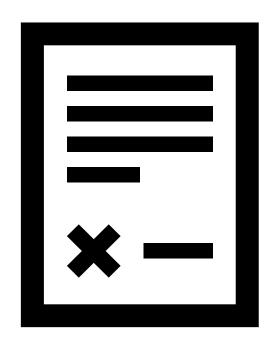
- Wait 28 days
- Evaluate all bids
- Select the service provider(s)

Reminder: Your Allowable Contract Date is printed on your Receipt Notification Letter.



Enter Into a Legally Binding Agreement

- After selecting a service provider, legally enter into a <u>binding</u> <u>agreement</u> with them.
- Sign something (a contract, purchase order, etc.) requesting the services from the provider(s).
- Upload the evidence to your Contract Profile in EPC.



Document Retention

- Applicants and service providers are required to <u>retain documentation</u> that demonstrates compliance with the statutory or regulatory requirements for all E-Rate program purchases of equipment and services **for a period of 10 years** after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request.
- Keep all records such as:
 - RFP documents
 - Winning and losing bids
 - Vendor correspondence
 - Evaluation matrices
 - Documentation and memos of zero or one bid received (if applicable)
 - Other competitive bidding documentation
- The <u>Document Retention List</u> is available in the Resources section of the USAC website.

Additional Information

USAC Does Not Pay for Duplicative Services

- Duplicative services are services that provide the same functionality for the same population in the same location during the same period of time. USAC cannot fund duplicative services.
- Backup services are services sought to reduce reliance on any single service provider's network during an outage and are considered duplicative.
- Services that provide necessary bandwidth requirements, such as multiple T-1 lines when appropriate for the population served and the services to be received, may not be considered duplicative. However, the applicant must still evaluate and choose the most cost-effective option from the bids received.

State Master Contracts

- A <u>state master contract</u> (SMC) is competitively bid and put in place by a state government for use by entities in that state.
- If the state files an FCC Form 470:
 - The applicant cites the state's FCC Form 470 on its FCC Form 471.
 - The applicant is required to follow the applicable provisions of the state master contract and state and local procurement laws. No separate bidding documents or contracts are required by the applicant citing the state's FCC Form 470, other than what is required by the state master contract and state and local procurement laws. The signed state master contract between the state and the service provider must meet the FCC signed contract requirement.

Bid Awards

- Single winner: Single vendor wins the bid
- Multiple Award Schedule: State awards contract for same equipment and services to multiple vendors that can serve the same population.
 - If the state awards contracts to multiple service providers, the applicant must conduct a bid evaluation for all service providers able to provide services to the applicant under these contracts (a mini-bid process).
 - Justify vendor selection.
 - Remember to include in your mini-bid all contracts on the multiple award schedule that provide the services sought.

Common Missteps and Bidding Errors

- Failure to provide complete and accurate information on the FCC Form 470 and RFP, such as:
 - Correct category and service type.
 - Appropriate details on the project, deadlines, and other necessary requirements.



Common Missteps and Bidding Errors - Continued

- Failure to retain all competitive bidding documents.
 - Retain the Bidding Matrix showing that:
 - Price was the most highlyweighted factor.
 - You carefully considered all bids received.
 - Retain winning and losing bids.
 - If you only received one bid, create a memo to document that fact for your files.



Common Missteps and Bidding Errors - Continued

- Failure to wait the full 28-day waiting period.
 - Count from the date of certification on the FCC Form 470.
 - Be sure to select a service provider on or after the Allowable Contract Date.



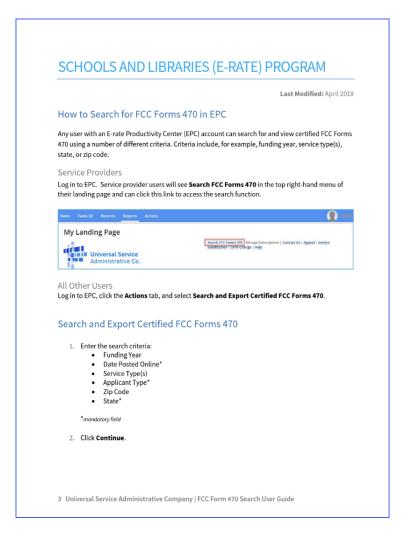
How to File an FCC Form 470 eLearning Module

- Form Assistance
- Begin the form: Basics
- Categories of Services
- Certifications
- Link to eLearning Module



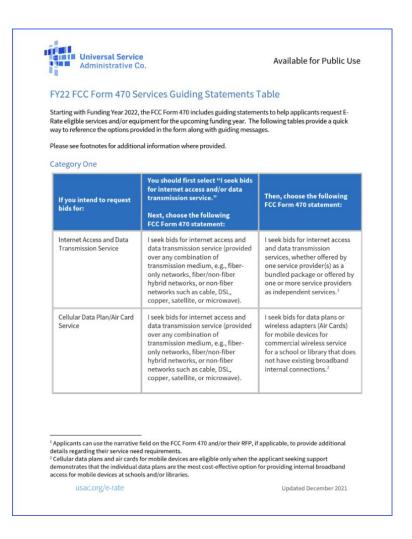
FCC Form 470 Search User Guide

- How to search for certified FCC Form 470s in EPC
- Search and Export Certified FCC Forms 470
- Exporting Search Results
- Link to guide



FCC Form 470 Services Guiding Statements Table

- Category One vs Category Two
- Leased Dark and Lit Fiber
- Internet Access
- Data Transmission
- Link to guide



The Service Provider's Role

Know Your Role in the E-Rate Process

Applicants	Service Providers
 Determine services needed, file FCC Form 470. Conduct the competitive bidding process. Select winning bidder with price of eligible equipment and services as primary factor. Respond to Program Integrity Assurance (PIA) questions. File other applicant forms (FCC Forms 471, 486, 472, 500, etc.). Document compliance with FCC rules (ongoing). Retain documentation for at least 10 years from last date of service delivery. 	 Respond to FCC Form 470 and any RFP. May assist with responding to PIA questions on technical services questions (but not competitive bidding). File service provider forms (FCC Forms 473, 474, etc.). Document your compliance with FCC rules (ongoing). Retain documentation for at least 10 years from last date of service delivery.

Service Providers - Bid on Services

- The applicant starts the <u>competitive bidding process</u>
 by posting one or more FCC Forms 470 and Request(s) for
 Proposals (RFP) documents, if applicable, to the USAC
 website.
 - These documents may include specific requirements for service providers to follow during the competitive bidding process.
- Service providers review the information and bid on the requested services.
 - Use <u>FCC Form 470 tools</u> to search and view FCC Form 470 service requests and RFPs.
 - The bid should include information on E-Rate eligibility percentage and category of service.
 - The bid should be responsive to the equipment and services being requested.



Open and Fair - Service Providers

To help ensure an open and fair process, service providers should:

- Review all the requirements, including the FCC Form 470 and any RFP(s).
- Provide a responsive bid to what was requested by the applicant.
- Ask questions if the information provided by the applicant is unclear.
- Separate the <u>eligible</u>, <u>mixed bucket</u>, and ineligible services in your bid response.
- **Do not offer gifts, free services, devices, or non-E-Rate discounts** to make your response more attractive.
- **Do not offer to help** an applicant if you are also planning to respond to their bid request.

Lowest Corresponding Price (LCP)

- Service providers are required to offer applicants their services at the <u>lowest</u> <u>corresponding price</u> charged to other similarly situated customers throughout their geographic service area.
- This rule ensures that applicants are not charged more than similarly situated non-residential customers for the same services because of E-Rate participation.
- Exceptions can be made if the provider can show that they face significantly
 higher costs to serve this customer due to volume, mileage from facility, or length
 of contract.
- Applies to all service providers and for all service arrangements (tariff, month-to-month, and contracted services).

Resources

- Competitive Bidding Page
- <u>Competitive Bidding Infographic</u>
- Competitive Bidding FAQs
- <u>28-Day Waiting Period Page</u>
- How to File an FCC Form 470 eLM
- Guiding Statements Video
- <u>Guiding Statements Reference Table</u>
- Applicant Process Page
- Service Provider Process Page
- <u>Document Retention</u>

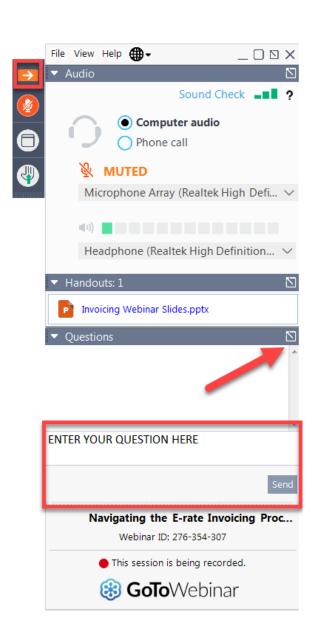


Additional Resources

- Subscribe to the E-Rate News Brief
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- Customer Service Center (CSC)
 - Call us at (888) 203-8100
 - Monday Friday, 8 a.m. to 8 p.m. ET

Live Q&A

- Submit your questions about today's topics:
 - Competitive Bidding
 - Requesting Bids
 - File and Certify an FCC Form 470
 - Open and Fair Process
 - 28-Day Waiting Period
 - Select a Service Provider
 - The Service Provider's Role



Q&A Tips

- ✓ Type your queries into the "Questions" box in your webinar control panel.
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Questions?

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Upcoming Webinars

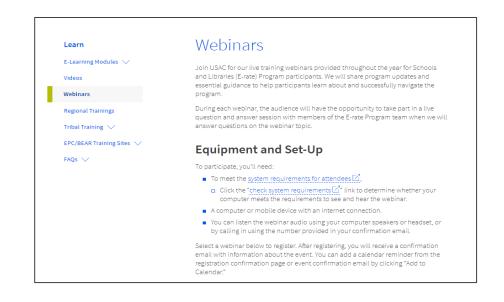
Our next webinar is on: August 15 at 2 p.m. ET

Newly Eligible E-Rate Equipment & Services: Wi-Fi Hotspot Order (FCC 24-76)

Recommended for: Applicants and service providers

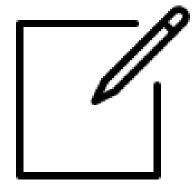
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