#### **Constructing a Bid Evaluation**

To evaluate the bids you receive, you must construct and retain a bid evaluation to show the process you used to select your service provider. You decide what factors you want to consider in your evaluation and how important each factor is to you. You can use as few or as many evaluation factors as you like, and you can assign percentages or points to the factors you use to reflect their relative importance.

However, you must include the price of the eligible products and services as a factor and that factor must be weighted more heavily than any other single factor in your bid evaluation.

When reviewing and evaluating bids received for eligible services, the applicant must select the most cost-effective bid. This means that the price of eligible products and services must be the primary factor but does not have to be the sole factor. Primary factor means that it must be weighted higher than any other bid evaluation factor.

Other relevant evaluation factors may include, but are not limited to:

- Prior experience including past performance;
- Personnel qualifications including technical excellence;
- Management capability including schedule compliance; and
- Environmental objectives.

NOTE: The price factor cannot include ineligible costs. Ineligible services can be included in the evaluation as long as they are in a separate price factor that is weighted less heavily (see Example 2 below).

#### Example 1:

The following example meets program guidelines, as the price of the eligible products and services is weighted higher than any other single factor and does not include any ineligible cost factors:

Factor	Weight
Price of the eligible products and services	30%
Prior experience	25%
Personnel qualifications	20%
Management capability	15%
Environmental objectives	10%
Total	100%

#### Example 2:

This second example includes an evaluation factor that addresses ineligible costs that an applicant might incur as a result of selecting a particular bid. Note that the price of the eligible products and services is still the primary factor, and the ineligible costs are included in a factor that is weighted less heavily.

Factor	Weight
Price of the eligible products and services	30%
Prior experience	25%
Ineligible cost factors	20%
Management capability	15%
Local vendor	10%
Total	100%

You should use the factors you choose for your evaluation to construct a bid evaluation matrix. Your matrix will assist you in your evaluation and also provide documentation of your process.

#### No Bids Received?

If you do not receive any bids in response to a Form 470, USAC suggests that you keep a written record of this fact. Various review processes, including audits, may occur after your competitive bidding process has ended, and this email or memo may be the only documentation of what happened.

If you do not 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. However, remember that if you post a new Form 470, issue a new Request for Proposal (RFP), or amend your existing RFP, you start a new 28-day waiting period.

Keep in mind that your state and local procurement rules 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 Federal Communications Commission (FCC) rules.

#### One Bid Received?

If you receive only one bid, we suggest that you keep a written record of this fact. This will help to document that you did not just keep only the winning bid.

#### **Bid Disqualification Factors**

You can set out specific requirements and disqualify bids that do not meet those requirements as long as you clearly identify the disqualification reasons on your Form 470 and/or your RFP.

Disqualification reasons should be determined prior to any substantive bid evaluation.

Disqualification reasons cannot be scored on a range, but rather are binary – i.e., the service provider either meets the standard or does not meet the standard. In other words, they must be able to be answered in Yes/No format.

The following items are examples of common bid disqualification reasons (but by no means an exhaustive list):

• Service provider must register with the state procurement office.

- Service provider must have a Service Provider Identification Number (SPIN) also known as the service provider's 498 ID.
- Service provider must have a CORES ID (FCC Registration Number).
- Service provider must be bonded.

If you feature these four requirements as bid disqualification reasons on the Form 470 and/or RFP, bids from service providers that do not meet all four requirements can be disqualified and not evaluated further. The remaining bids must then be evaluated with the price of the eligible products and services as the factor that is weighted most heavily in the bid evaluation.

#### Mandatory Walkthroughs and Bidders Conference as Disqualification Reasons

You can require that bidders participate in a walkthrough of your facility or attend a bidders' conference in order to submit a bid. As long as you have clearly stated in your Form 470 and/or RFP that not attending these events is a reason for disqualification, you can disqualify bids from service providers that were not present at these events.

However, you must be sure that all bidders had access to this information and have timely notice so that they have a reasonable opportunity to attend.

Note that if you use the walkthrough or bidders conference as the only opportunity to distribute the RFP, you must then wait at least 28 days from the date you last distributed the RFP and uploaded it to your FCC Form 470 before you can select your service provider.

#### **Service Provider Evaluations - Multi-tiered Vendor Evaluations**

If you use a multi-tiered or multi-round evaluation process, the price of the eligible products and services must be the primary evaluation factor (most heavily weighted) overall. Note: The Best and Final Offer (BAFO) process is considered a multi-tiered evaluation process.

The following is an example of such a process:

Let's say that in the first round the applicant uses the following evaluation criteria:

- Price of eligible services and products (50 points)
- Prior experience with the applicant (25 points)
- Reference check (25 points)

Bidders that do not receive at least 70 points in the first round are eliminated and not considered any further.

In the second round, the applicant uses the following evaluation criteria:

- Price of the eligible products and services (40 points)
- Technical solution (35 points)
- Price of any ineligible products and services needed in order to make the solution work (25 points)

Although the applicant did not consider bids that did not meet the 70-point threshold, the first round's subjective scoring – based on references and prior experience with the district – did not invalidate the bid evaluation process. In this example, overall the primary factor was the price of the eligible products and services (50 + 40 = 90 points).

#### **FAQs for Conducting Bid Evaluations**

#### PREPARING FOR YOUR BID EVALUATION

 How do you determine your Allowable Contract Date and/or view a copy of your submitted Form 470?

The Allowable Contract Date (ACD) is the 29th day after you hit submit on your Form 470, and is the first date that you are permitted to hit submit on your Form 471 (29 days include weekends and holidays). To find out your exact ACD, you must log into EPC (<a href="https://portal.usac.org/suite">https://portal.usac.org/suite</a>), scroll to the bottom of your Landing Page to find 'FCC Forms and Post-Commit Requests', select Form 470, Funding Year 2020 and click on the relevant Form 470 #. The search results will show Allowable Contract Date under Application Information. To see a copy of the actual Form 470, click on Generated Documents on the left toolbar. USAC also will e-mail you an automatic reminder when your ACD has arrived.

- -- Important Note: If you uploaded any RFP addenda to your 470, and they included any new services, entities, or a significant change in services, you must extend your deadline so vendors have a full 28-days to submit bid responses with the new information. Unfortunately, the EPC Allowable Contract Date does not automatically update when an addendum is uploaded, simply because the system has no way of knowing if the information in the addendum has made significant changes to the RFP. This must be a manual calculation. But please don't forget to do this as many applicants have been denied for making RFP changes and not extending the due date. If you are unsure if your changes are significant, please ask me.
- Are you required to respond to vendors that contact you for the first time after the 28-day waiting period?

This depends. If you included a due date in your Form 470 or RFP, you are not required to accept bids or respond to vendors who contact you after the due date. But you may do so as long as you afford all vendors the same opportunity, and as long as it is permitted by your local bidding rules. If your 470 or RFP was silent on a bid due date, the new USAC guidance is that you must continue to accept vendor bids until you conduct your bid evaluation.

• What should you do if you received no bids for a service listed on our 470?

If you don't receive any bids after your 28-day waiting period, you can: a) contact one or more service providers to solicit a bid(s), or b) if it's an existing service, you can choose to remain with your incumbent provider and use a recent invoice as the bid response. You are not required to seek more than one bid, but if you only get one bid, you must make sure it's cost effective. The only exception to this is for Category 2 equipment which costs between \$11,300 - \$21,000 where the applicant has not released a formal RFP (and is not using PEPPM) in which case PA procurement law requires public school entities to seek 3 telephonic bids (does not apply to services).

#### **CONDUCTING YOUR BID EVALUATION**

#### • Are you required to select the lowest-cost bid?

No. There is no state law requirement that compels the selection of the lowest bid, and the E-Rate rules allow for the selection of the most cost-effective bidder with the price of E-Rate eligible services being the most heavily weighted factor. Other non-cost factors may be considered as long as no factor is weighted more heavily than the price of E-Rate eligible services.

#### Can you consider ineligible costs in the bid evaluation?

Yes. E-Rate rules require the cost of *eligible* services to be the most heavily weighted factor, but you can include a separate bid evaluation factor that considers *ineligible* costs. The evaluation of the ineligible cost component just cannot be weighted more heavily than the eligible cost.

#### Do you have to create a bid evaluation matrix?

In all E-Rate audits, PQA Assessments and SPIN Change Requests, applicants are required to provide the bid evaluation worksheet showing how they selected their vendors (SPIN change procedures require applicants wishing to switch vendors to submit a copy of their bid evaluation worksheet to prove that they have selected the vendor with the next highest score in your Form 470 evaluation process). Also, the required Contracts Module in EPC requires you to list the # of bids received which is easy to determine if you have created a good bid evaluation matrix for each procurement.

#### How do you score the cost in a bid evaluation?

The fairest way to score cost is to calculate a weight based on the difference between a proposal's cost and the lowest proposal's cost. For example, you would divide the second lowest cost by the lowest cost to assign a weight %. Then that weight % would be multiplied by the total available points assigned to cost. Attached is a bid evaluation template which shows how the calculations work. Be sure to fill-in your own evaluation criteria and scoring system. Formula: (proposal cost/lowest proposal cost) \* points assigned to cost category.

#### Are you required to list disqualified vendors in the bid evaluation matrix?

This is not a requirement, but it's a good idea to list the vendor name and the reason for disqualification (no need to list the proposal cost).

#### **POST-BID EVALUATION**

#### Are you required to keep the losing proposals?

Yes! You must keep the winning AND losing proposals for a period of 10 years from the last date to receive service, which is basically 11 years.

#### Are you required to notify the losing vendors?

It's not an E-Rate requirement, but is a good idea so vendors know where they stand.

#### Are you required to release information related to your bid evaluation?

This is not an E-Rate requirement, but for public schools, it is considered public information and must be provided if someone submits a formal Right to Know request through the appropriate process.

Category of Service: List Service Here						
	Possible Points	Vendor A	Vendor B	Vendor C		
Total Cost of Eligible Goods/Services		enter cost	enter cost	enter cost		
% to Lowest bid (low bid cost/bid cost)		%	%	%		
Weighted Cost* (possible points * % to low bid)	0	# points	# points	# points		
Insert Bid Evaluation Factor Here, if desired. Assign possible points	0	# points	# points	# points		
Insert Bid Evaluation Factor Here, if desired. Assign possible points	0	# points	# points	# points		
	100	Total	Total	Total		

<sup>\*</sup>Cost of eligible goods/services must be have more possible points than another other evaluation factor. Although not required, I recommend that it comprise at least 50% of the total points.

Winning Vendor:
Bid Evaluation Conducted By (Name, Title):
Bid Evaluation Date:

#### **COMPLETED SAMPLE**

Category of Service: 1GB MB Internet Access w/Fiber Transport					
	Possible Points	Vendor A	Vendor B	Vendor C	
Total Cost of Eligible Goods/Services		\$600	\$1,000	\$1,200	
% to Lowest bid (low bid cost/bid cost)		100%	60%	50%	
Weighted Cost (possible points * % to low bid)	70	70	42	35	
Ability to Provide Service on July 1	20	15	15	20	
Previous Vendor Experience with the District	10	0	0	10	
	100	85	57	65	



\*Cost of eligible goods/services must be have more possible points than another other evaluation factor. Although not required, I recommend that it comprise at least 50% of the total points.

#### Winning Vendor:

Bid Evaluation Conducted By (Name, Title): Bid Evaluation Date:

#### Vendor A

William Faulkner, District Technology Director 1/5/2020



### 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 and products	15	10	5	15
Local or in-state vendor	10	10	0	0
TOTAL	100	65	55	80

<sup>\*</sup>This number must be higher than all other numbers in the same column.

#### **List of Disqualified Bidders**

#### Vendor 4

Reason for disqualification: All interested bidders received two weeks' notice of a required pre-bid conference. Vendor 4 did not attend this conference and did not provide a reason for their absence.

For more information on constructing a bid evaluation, visit the USAC website at: https://www.usac.org/e-rate/applicant-process/selecting-service-providers/how-to-construct-an-evaluation/

### Important things to note about this sample:

The price of the eligible products and services must be the most heavily weighted factor. This means that it must have the highest number of "Points Available." In this sample, the vendors could score up to 50 points for the price of eligible services factor (more than any other single factor).

The applicant rated the vendors on how well they met each factor. Then, they totaled the vendors' point values for all factors.

Vendor 3, with a total of 80 points, is the winning bidder in this sample because they have the highest total number of points.

The applicant disqualified Vendor 4 and noted the reason for disqualification on the bid evaluation matrix (see the "List of Disqualified Bidders" below the matrix).

#### **Tariffed Services and Non-Contract Services**

#### What are tariffed services?

Tariffed services are those data transmission services that have terms and conditions, including pricing, set forth in documents called tariffs that are on file with a state Public Utility Commission (PUC) and/or the Federal Communications Commission (FCC). Tariff service refers only to data transmission telecommunications services, and not Internet access service. Internet access service providers are not regulated by state PUCs and do not file tariffs.

#### What are non-contract services?

Some telecommunications companies that provide Category 1 data transmission services are not regulated by state public utility commissions and/or do not file tariffs. These companies may offer services on a month-to-month basis and may not require customers to sign a contract. Also, Internet access service providers may offer month-to-month non-contract services. Additionally, some state legislatures may have eliminated the requirement for telecommunications common carriers to file tariffs with the state PUC and these companies may simply provide non-contract services as well.

Under the E-Rate program, <u>USAC does not recognize multi-year tariff arrangements</u>. Multi-year tariff arrangements must be treated as contracts.

Only Category 1 services may be provided as a tariff or month-to-month, non-contractual arrangement.

All Category 2 services and/or equipment purchases must be purchased pursuant to a signed contract. Please refer to the separate document concerning contracts for more information.

#### How should tariff and non-contract services be handled on my Form 470?

Applicants seeking discounts for services purchased without a contract arrangement — either via a tariff or a price quote from a vendor — must request bids for these services each year via the Form 470. This 470 posting must be done after USAC releases the upcoming funding year's version of the Form 470. Usually the Form 470 for the upcoming funding year becomes available sometime on or around July 1. Some applicants simply rely on July 1 as the earliest date for which they can post their Form 470 for the next year in the case of tariffed or month-to-month services. (For example: if you are seeking E-Rate discounts for the program year beginning July 1, 2021, you would normally submit the 470 on or after July 1, 2020).

#### How should I handle tariffed and non-contract services on my Form 471?

After your Form 470 has been posted on the USAC E-Rate Web Site for 28 days, you must evaluate all bids received and select the most cost-effective bidder. If your current service provider does not submit a bid, you may rely on a recent bill as a bid. If your current service provider offers the most cost effective service, you may continue using this vendor; otherwise, you are required to change vendors to receive service from the most cost effective bidder. Before selecting the most cost-effective vendor, you must consider all proposals received in response to your Form 470.

### **Memo No Competitive Bids**

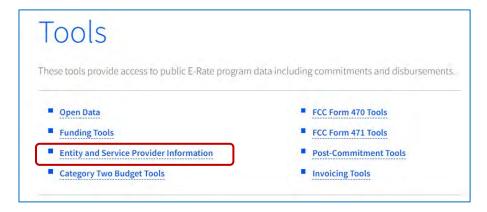
[APPLICANT LETTERHEAD] TO: FILE FROM: \_\_\_\_\_ DATE: \_\_\_\_\_ Services/Equipment Requested In response to the above-referenced Form 470, the Applicant did not receive any bids or proposals for the above-referenced services/equipment. Check if applicable. [ ] The Applicant contacted [insert name of service provider] and obtained a proposal for the services and/or equipment. The Applicant determined that the proposal is a cost effective solution for meeting the Applicant's educational and technology plan goals in the marketplace and will procure services from this service provider. [ ] The Applicant decided to continue to receive services from its existing service provider at costeffective prices.

#### **Service Provider Information Numbers (SPINs)**

The Service Provider Identification Number (SPIN) is a unique number assigned to each service provider by USAC and serves as USAC's tool to ensure that approved funding is directed to the correct service provider. Form 471 applicants MUST have the SPIN of each service provider listed in the Form 471 in order to successfully complete the Form 471.

#### How to Find Your Service Provider's SPIN

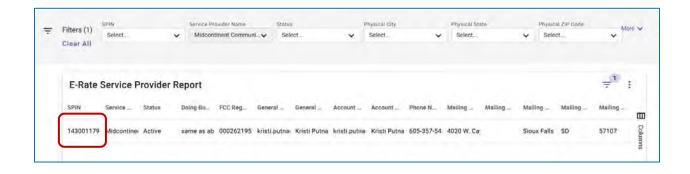
Go to "Tools" from the USAC E-Rate website <a href="www.usac.org/E-Rate/resources/tools">www.usac.org/E-Rate/resources/tools</a> and select "Entity and Service Provider Information"



#### Then select Service Provider Download Tool

# Service Provider (SPIN) Download Tool ☐ Provides service provider profile data found in the E-Rate Productivity Center (EPC). This data includes contact information for the service provider organization, as well as for the general contact and account administrator. Also included is service provider filling information for the FCC Form 473 and FCC Form 499. This tool answers questions such as: Is the Service Provider an active participant with E-Rate? What years has the Service Provider completed the Service Provider Annual Certification form (Form 473/SPAC)? Does the Service Provider have a Doing Business As (DBA) organization set up?

#### How to search for service provider profile data: 1. Click on "More ▼" on the bottom right of the *Filters* section below to display all filters. 2. Use any of the filters to search for the service provider data that you need. For text filters, you can also search by using "CONTAINS" instead of the default "IS". 3. The data will be displayed in the data table section below the Filters section. 4. To view descriptions of the available columns in the data, you can click on the ":" icon on the top right of the data table section below and then click on "View Source Data"; the descriptions will be in the "Columns in this Dataset" section of the page. Service Provider Name Physical City Physical State Physical ZIP Code Filters More V Select. Select... Select... Select... Select... Select... Clear-All



#### **USAC Contract Guidance**

In general, a contract is a binding agreement, enforceable by law, between two or more parties that creates an obligation to do, or not do, something. Contract definitions and requirements are contained in each state's or territory's contract law.

Except for services to be delivered under non-contracted, tariffed or month-to-month arrangements, applicants have a contract or other legally binding agreement with the service provider before signing and submitting a completed FCC Form 471 (Description of Services Ordered and Certification Form).

Applicants must be able to demonstrate that they had a contract or other legally binding agreement in place at the time they certified an FCC Form 471.

Applicants also must comply with state and/or local contract law. **Obtaining the <u>service provider</u> signature and date is not a program requirement**, but state and/or local contract law may include this or other requirements.

A verbal agreement is not considered a legally binding agreement under Schools and Libraries (E-Rate) program rules.

#### **Contract Signatures and Examples**

Examples of acceptable standards for applicant signature and date in a contract are:

- Applicant's handwritten signature and date of signing
- Date contract awarded in the body of the contract
- Date contract awarded in the opening statements of the contract

When state and/or local contract law does not require the applicant to sign and date the contract, the applicant will be given the opportunity to complete a certification statement that affirms that the applicant is compliant with its state and/or local contract law.

Verbal agreements and quotes do not meet FCC requirements. Purchase orders may constitute enforceable contracts under state and/or local contract law. We recommend that if applicants intend to use a purchase order as their contract, they check their state and/or local contract laws to ensure that purchase orders meet state and/or local contract requirements and is considered to be a legally binding agreement.

#### **Types of Contracts**

#### Multi-year Contracts or Contracts with Voluntary Extensions

A multi-year contract is a contract that covers more than one year. For example, a three-year contract is a multi-year contract that would expire at the end of the third year.

A contract including voluntary extensions is a contract that expires at the end of its original term, but that may be voluntarily extended for one or more years pursuant to the provisions in the contract. The decision to extend a contract with voluntary extensions must occur before the FCC Form 471 is filed for the funding year when the contract would otherwise expire.

#### **Non-Recurring Service Voluntary Extensions**

FCC rules grant a limited extension of the competitive bidding rules for contracts for non-recurring services. Contracts for non-recurring services may be voluntarily extended to coincide with the appropriate deadline for the implementation of delivery and installation for non-recurring services, as long as the terms and conditions of the contract and applicable state or local contract rules allow for the extension. Parties may not, however, extend other contractual provisions beyond the dates established by the Commission's rules without complying with the competitive bidding process.

If an applicant is granted an extension of time for delivery and installation of non-recurring services, the applicant may extend the relevant contract without rebidding. Applicants must file an FCC Form 500 to notify USAC of the revised contract expiration date.

#### **Multi-Year Contracts for Newly-Eligible Services**

If the original Form 470 or RFP did not include the newly-eligible services, the applicant will be required to post a new Form 470 for those services.

\* \* \*

#### **EPC Contract Module**

After a contract is signed, a "contract record" must be created in the EPC Contract Module. The contract itself is not required to be uploaded, but all of the details related to that contract must be provided in the record. These details include:

- Form 470 number used to procure the service
- Contract signing date
- Contract expiration date
- Whether voluntary extensions are included, and if so, how many

When the FCC Form 471 is created, the system will ask whether the service is a MTM service or a contract service. If it's a contracted service, the system will ask which contract in the Contract Module corresponds to that particular Funding Request. The most beneficial aspect to the Contract Module is that applicants do not have to enter and re-enter contract data for each FRN and for each funding year.

### **Contract Tips (Informal and Unofficial Guidance)**

Note: The following is informal unofficial guidance based on experience. It is not intended to provide legal advice. Applicants should consult with your solicitor to ensure that your contracts meet your local requirements.

#### Contract Guidance for E-Rate Eligible Services/Equipment

Often, the path of least resistance is to sign the vendor's standard contract without seeking modifications. But mid-year or later in the contract, applicants realize that had they included a few key provisions in their contract, they could have avoided costly pitfalls. The following guidance provides items that you may wish to consider including in your vendor contract, broken down into General, Category 1, and Category 2.

#### **GENERAL CONTRACT CONSIDERATIONS**

#### > Specify Discounts or Reimbursements

Applicants are permitted the final choice whether to receive discounts on bills or whether to pay their bills in full and submit the Form 472 BEAR to USAC for reimbursement. Wherever possible, this choice should be indicated in your Form 470/RFP and memorialized in your contract to avoid any confusion.

#### Do Not Sign Contract Prior to 28 Days After Form 470 Posting

Be sure not to sign a contract or select a service provider before the end of the 28-day 470 waiting period. The contract must be signed and the 471 application must be submitted on or after the Allowable Contract Date which is basically the 29th day after the corresponding 470 is posted on USAC's Web site. The EPC system will automatically send you an email on the 29<sup>th</sup> day after the 470 was posted (your personal bid due date may be after this date).

#### Payment Schedule

If you have terms and conditions under which you will make scheduled payments, such arrangements must be included in your contract (for example, if your vendor wishes to be paid on a quarterly basis or if your vendor would like to receive upfront payments for work such as installation of a new network). USAC will reimburse for advance payments only if the terms are included in the contract.

#### > Legally Binding Agreements – Minimum Requirements

- All contracts must be signed/dated by the applicant before submitting Form 471.
- Under E-Rate rules, only the applicant must sign the contract prior to submitting Form 471.
- A verbal contract is not considered a legally binding agreement (contract) under E-Rate rules.
- Month-to-Month (MTM) services, where no contract exists, are eligible, but must be rebid each year.

#### **CATEGORY 1 CONTRACTS**

#### Contract Term Dates

Be certain to include both the service start date and the contract expiration date in all contracts. For <u>recurring</u> services, every attempt should be made to have contracts begin July 1 and expire June 30 of whatever year (not expire in the middle of a funding year). Even with multi-year contracts, be certain they end on June 30.

#### Contract Extensions

Applicants are permitted (and I strongly encourage) to include optional contract extensions in their contracts. The extensions must be finite, meaning they are for a set number of years. Open-ended automatic renewals do not meet E-Rate requirements for voluntary extensions. Unless the options for extension are set forth in the original contract, no extension may be entered into after the expiration of the contract term. If an applicant wishes to utilize an optional renewal, they do not have to post a Form 470 for that service, assuming the terms remain the same.

For example, an Internet contract that has a 24-month initial term with a one-year extension option is OK while a 24-month contract that automatically renews unless one of the parties cancels the contract is not OK and a new Form 470 would have to be posted for services that go beyond the 24-month initial term.

#### Prices During Contract Extension

If possible, avoid language in contract extensions that include price increases or language such as "current market rates" or adjusted for "CPI."

#### > Remember to Cancel Expiring Contracts When Changing Vendors

Many vendor contracts include language that requires the applicant to notify the vendor a certain number of days prior to the contract automatically renewing or prior to termination of service. If you have signed a contract with a new vendor, be certain to provide your existing vendor with the required notice of termination to avoid receiving invoices after the new vendor's service has started.

#### Service Locations/Addresses

Be certain that the contract includes the exact service address(es), and the exact service description going to that address.

#### Future-Proof Contract Services

Specify in your contract the option to increase bandwidth during the contract period **and** include the exact prices for the expanded service options (these expanded options should have also been included on your establishing Form 470). By doing this, should you wish to increase your bandwidth while the contract is in effect, you may amend the agreement without having to rebid the contract. If the contract does not contain the expanded bandwidth options and prices, applicants are not allowed adjust their bandwidth levels and a new Form 470 would be required. For example, if the initial contract provides for service at 1 Gbps and also specifies that the customer has the option to amend the agreement to increase service to 10 Gbps at \$#### price, the customer may opt to amend the original contract and purchase the increased bandwidth. If, however, the contract was open-ended and stated that the customer may choose to purchase additional service and the price will be negotiated, this language would not be E-Rate compliant and the additional bandwidth would need to be rebid on a new Form 470.

Note: If you increase bandwidth and the associated prices during the middle of the E-Rate funding year, you cannot receive discounts on the increased costs until the next E-Rate application cycle. For example, if you opt to increase bandwidth and incur additional costs on February 1, 2026, you would not be eligible to receive E-Rate discounts on the new bandwidth and price until July 1, 2026 (assuming it was included on your FY 2026 Form 471).

#### Taxes/Fees

Most contracts contain standard language that states that taxes and fees are charged in addition to the base charges for service, but the specific dollar amounts of those charges are not in the contract. Those charges can be steep but fortunately they quality for E-Rate funding if they are included on FCC Form 471 as a separate line item. For new contracts, where you do not yet have a vendor invoice, it is important to have the vendor itemize those charges in writing (email is fine) – exactly what taxes, fees and at what rates, will be included on the monthly invoices. PIA will ask for proof of these taxes/fees, so you should get it in writing before submitting the 471. For existing contracts, the current invoices will specify the costs of the taxes/fees so you know how much to include on the FRN line item.

#### School Closures

Unfortunately, when a school closes, many vendors will not allow the customer to discontinue paying for service to that school and will continue to bill the monthly charges or will charge a lump-sum early termination fee for that building (equal to the remaining months on the contract or a large percentage of those remaining costs). To avoid this predicament, it is advisable to try to negotiate language that states that there will be no early termination charges for a school that the school board determines should be closed.

#### **CATEGORY 2 CONTRACTS**

#### Contract Term Dates

Category 2 contracts for equipment and installation often do not have "terms" but I recommend including them before signing. The term should be April 1 through September 30 of the following year (a full 18 months) to align with the expanded funding year that's provided for applicants to purchase equipment three months before and three months after the actual E-Rate funding year. For example, for FY 2026, the term would be listed as 4/1/2026 – 9/30/2027.

Category 2 contracts for maintenance are considered recurring services, and the term of those contracts must fall within the exact funding year: July 1 – June 30.

#### Single-Priced Structured Cabling Contracts

When bidding and contracting for projects involving structured cabling contracts, try to have vendors bid a single price by school building instead listing a breakdown of costs for every single jhook, connector, splice tray, etc. This way, the contract can be a single priced contract by building and will enable you to file a single cabling FRN Line Item for each building. Of course, if the project involves the purchase of other E-Rate eligible equipment, such as wireless access points or switches, those costs will have to be broken out into separate wireless or switching FRN Line Items.

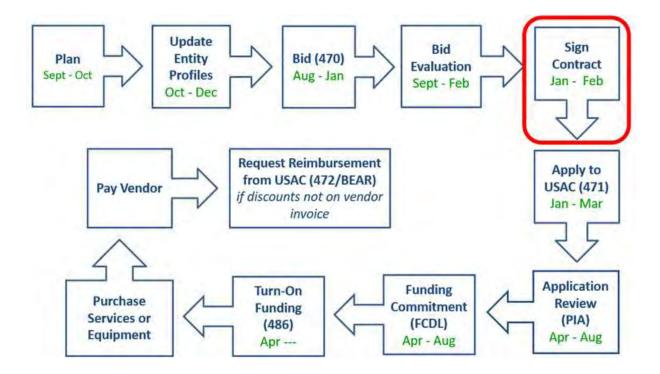
#### E-Rate Contingency Clauses

If you do not want to purchase the equipment without E-Rate funding, you may wish to include language in your vendor contract that states, "This contract is contingent upon successful receipt of E-Rate funding commitment letter and board budget approval." Remember, if you purchase the equipment prior to receiving your E-Rate FCDL, you are assuming 100% of the risk that funding will not be approved and the vendor will likely require to pay in full and then seek reimbursement of the E-Rate funding by filing FCC Form 472 (BEAR) once the FCDL is received.

#### > Compatible Equipment Purchases

If you selected a vendor's bid for equipment that is different from your preferred manufacturer, you may wish to include language that the equipment may be exchanged if it does not work with your existing network equipment.

A sample notification letter for Category 2 equipment and/or service is in the Resource Manual.



#### NOTIFICATION OF APPROVAL OF E-RATE BID FOR CATEGORY 1 OR CATEGORY 2 SERVICES

Vendor's Contact Person
Vendor Name (and Address if known)
SPIN #

Transmitted via email to vendor's contact person's email address

Together with the attached vendor proposal, this signed letter is the binding commitment of the Applicant to approve the attached quote in the amount of \$#### for the services subject to the provisions of this letter. The term of this Agreement is from July 1, 2026 through June 30, \_\_\_\_\_ and may be extended voluntarily for up to ## of consecutive years.

The Applicant intends to apply for E-rate funding to help pay for this purchase and will not authorize any services to be provided unless and until the applicant provides written notification, separate and apart from this approval notification. If the applicant authorizes the vendor to begin providing services before we receive our E-rate Funding Commitment Decision Letter (FCDL) and approval of FCC Form 486, we will pay the monthly services cost in full until the FCDL is received and the Form 486 is submitted and approved. At that time, we will either request that the monthly prepaid amounts that qualify for E-rate be reflected as a credit, and the vendor is responsible for filing for E-rate reimbursements with the submission of FCC Form 474 SPI form; or, we will advise the vendor that we prefer to pay in full each month and we will file for the E-rate reimbursements with the submission of the Form 472 BEAR form.

APPLICANT AUTHORIZED SIGNATURE, PRINTED	VENDOR AUTHORIZED SIGNATURE, PRINTED NAME
NAME AND DATE	AND DATE

Enclosure (Quote # ##### AND DATE OF THE QUOTE)

#### NOTIFICATION OF APPROVAL OF E-RATE BID FOR CATEGORY 2 EQUIPMENT

Vendor's Contact Person
Vendor Name (and Address if known)
SPIN #

Transmitted via email to vendor's contact person's email address

Together with the attached vendor proposal, this signed letter is the binding commitment of the Applicant to approve the attached quote in the amount of \$#### for the equipment and/or services subject to the provisions of this letter. The term of this Agreement is from April 1, 2026 through September 30, 2027 and may be extended to meet E-rate deadlines and requirements.

The Applicant will not incur financial liability unless and until a purchase order is issued and the equipment and/or service in the attached quote is delivered to us. The Vendor is not authorized to deliver equipment and/or invoice the Applicant in the absence of receiving the Applicant's purchase order or other notification of placing the order.

The Applicant intends to apply for E-rate funding to help pay for this purchase. If a purchase order is issued before we receive our E-rate Funding Commitment Decision Letter and approval of FCC Form 486, we will pay the purchase price in full and will submit an E-rate reimbursement form (FCC Form 472). When a purchase order is issued after we receive our Funding Commitment Decision Letter and approval of FCC Form 486, the purchase order will authorize payment of the non-discounted amount. Your Company would then be responsible for invoicing the E-rate program to obtain payment of the E-rate discount amount of the purchase. In either event, the purchase order will include the full costs of any items that do not qualify for E-rate funding.

#### IF THIS APPLIES --

The Applicant has relied on the attached price quote and any other supplemental information that may have been submitted to demonstrate that the equipment is equivalent to the original equipment list provided by the Applicant in their Form 470 application, and/or compatible with existing network equipment. Should the Applicant determine upon receipt of the equipment, it is not equivalent and/or compatible, the Vendor agrees to cooperate with the Applicant and accept a return of the equipment and delivery of equipment that has the same functionality and meets the Applicant's equivalency and compatibility requirements.

#### **Substitutions**

- No substitutions are permitted without first obtaining the Applicant's approval and the E-rate administrator's approval.
- If you learn that any of the specific SKUs become unavailable for sale, we require your Company to notify us and cease processing of our order until we pre-approve any substitution SKUs.
- The substitutions must be comparable to or better than the original equipment and/or licenses and must be available at a price equal to or less than the price of the original equipment and/or licenses.
- In the event that the service substitution request is denied, our organization may cancel the order for the equipment and/or license that is no longer available without incurring any liability.

l l		VENDOR AUTHORIZED SIGNATURE, PRINTED NAME AND DATE

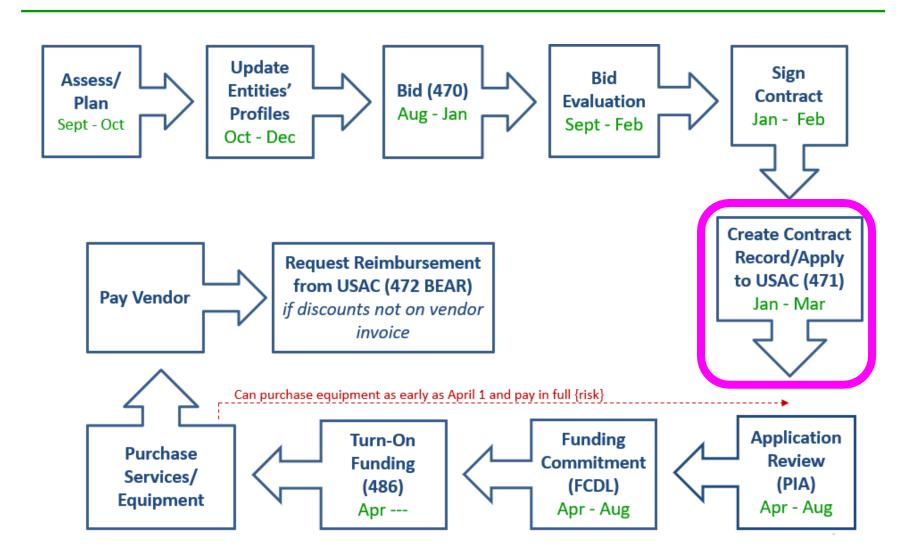
Contract Module Data Points				
Field Name:	Comments:	Contract Data		
Contract Nickname	This is a nickname the applicant assigns to the contract - Make it a			
Contract McKilaine	good one! For example, [FY-Vendor Name-Service Type]			
Contract Number - Optional	Enter if there is a contract number assigned to the document by			
	the vendor.			
Contract ID Number	Assigned by EPC			
De la Calada de la compansión	Not a requirement, but a good idea to upload all contracts			
Do you wish to upload your contract?	because PIA will ask you for them anyway. You may upload multiple documents that comprise the contract.			
Is this contract based on a State Master	multiple documents that comprise the contract.			
Contract?	Select No	No		
Is this contract based on a Multiple		110		
Award Schedule?	Select No	No		
Can other applicants piggy-back off this				
contract?	Select No	No		
		Yes (No if using a		
		bidding		
Was a Form 470 posted for the	Select Yes generally. Select NO for CABIO Commercial-Internet	exemption such		
product/services you are requesting?	Bidding Exemption, or Library Low Cost C2 Exemption	as CABIO or		
		Library Low Cost		
		C2		
How many bids were received?	List the # of <u>valid</u> bids received from vendors. List 0 if using CABIO			
	or Library Low Cost C2 exemptions  No, is the likely answer. But answer Yes if the 470 was posted			
Was the 470 posted prior to FY 2016?	before FY 2016 (pre-EPC)	No		
	The system will allow you to search Form 470s posted for FY 2016 -	110		
	FY 2026 (EPC-based). However, if you're using a 470 that was			
Form 470 #	posted before FY 2016, you'll have to manually enter this 15-digit			
	470 #.			
Account Number - Optional	Optional			
SPIN	List the SPIN number of the vendor with whom you signed a			
SPIN	contract. (9-digits, starts with 143XXXXXX)			
Is this a multi-year contract?	Yes or No			
What was the date you awarded your	List the date you signed your vendor contract. This must a date			
contract?	prior to the date you're submitting your 471, but at least 29 days			
	after the date you submitted your 470.			
	Note: The Contract Module does <u>not</u> ask for the Contract			
Contract Expiration Date - not in Contract Module	Expiration Date. Instead, you must enter it when you create your			
Contract Module	FRN in the Form 471. You may wish to include it in this			
	spreadsheet so you have the data all in a single location.  If your original vendor contract included terms for a <u>finite</u> number			
	of voluntary extensions, enter Yes and answer the follow-up			
Does this contract include voluntary	questions. Note: extensions cannot be indefinite. For example, it			
extensions?	must say 5-year contract, with 3, 1-year renewal options (this is			
	finite and has an ending date to it).			
If yes, what is the contract				
expiration date if all	In other words, what is the last possible date that the contract, including extensions, can end.			
extensions are exercised?	,			
If yes, how many extensions	This should be the # of extensions (in years), as of when the			
are left on the contract?	contract was signed.			
If yes, what is the total remaining length of the	Enter the number of months that would remain in the contract if			
contract if you exercised all	you exercised all voluntary extensions. Include the months in the			
extensions (in months)?	upcoming funding year.			
Is there a statute, rule, or other				
restriction which prohibits publication	There is no such statute or rule in the state that prohibit the			
of the specific pricing information for	release of your contract prices, so always answer No.	NI.		
this contract?		No		

# Creating Contract Records in EPC – FY 2026



October 2025

# You are here in the E-Rate process:



# Purpose of Contracts Module

 During the creation of a Form 471, each FRN requires that the Applicant explain whether the purchase of service/equipment is based on a contract, Month-to-Month arrangement or via a tariff.



- Instead of entering the bidding/contract information as part of the Form 471 application, this information is entered in EPC as a Contract Record (CR)
  - A single Contract Record is created each time a <u>new</u> contract is signed
  - That Contract Record is then referenced to the applicable FRN
- Create Contract Records in the Contracts Module <u>before</u> starting the Form 471
- No information should be entered in the Contracts Module for MTM FRNs

### Contract Records – Additional Details

#### When **TO** Create a New Contract Record

- Newly signed contracts
  - Create a new Contract Record each time you sign a new contract
  - Do not create a CR for each year of the contract
- Errors on previously-submitted Contract Records
  - If you notice that any data in your Contract Record from last year is inaccurate (such as the 470 #, SPIN #, voluntary extensions, etc), create a new CR and reference the accurate Contract Record on your FRN (ignoring the old one)
  - There is no way to edit an existing Contract Record after it's been submitted
    - Likewise, there's no way to <u>delete</u> a submitted CR (it will just die on the vine)

#### When **NOT** to Create a New Contract Record

- If you created a Contract Record in a previous year for a multi-year contract, do not create a new one. Just reference the original Contract Record when creating your 471
- If your previous Contract Record contained voluntary extensions, and you wish to exercise one of those extensions for FY 2026, do not create a new CR
  - Simply change the Contract Expiration Date in the FRN when you create your Form 471

### Contract Records – Additional Details

### Uploading Actual Contracts in CR

- Although the system asks if you want to upload a copy of your signed contract into EPC, it is not a mandatory requirement.
- However, <u>I highly recommend that you upload copies of all signed Category 2</u> <u>contracts</u> as PIA routinely asks applicants to provide them if they weren't part of your CR.

### Contract Expiration Dates

- The Contract Module does not ask for the Contract Expiration Date (CED) this data element must be entered in each funding request within the
   Form 471 itself
- Why? Because due to voluntary extensions in some contracts, it's possible that the CED can change from year to year

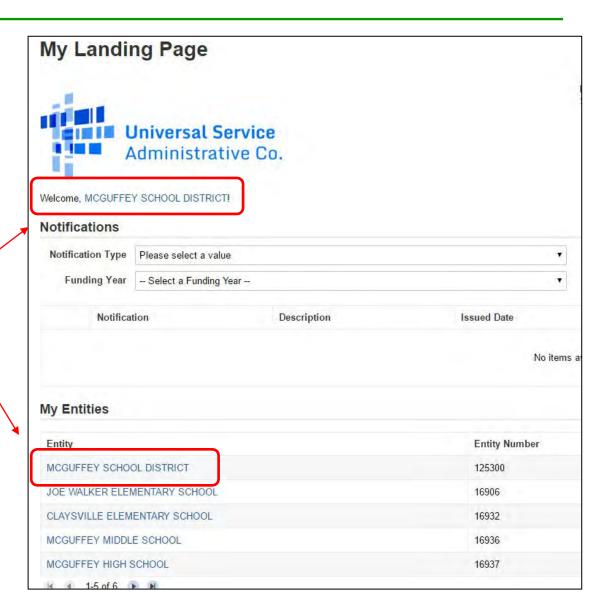
### Be Prepared

 It's a good idea to have the information in-hand. Use the CR Data spreadsheet to compile the required data prior to starting the Contract Module

# Where Is the Contract Module?

From the EPC Landing Page, click on the name of your entity from either location:

- Next to "Welcome"
- Top of My Entities list



# Where Is the Contract Module?

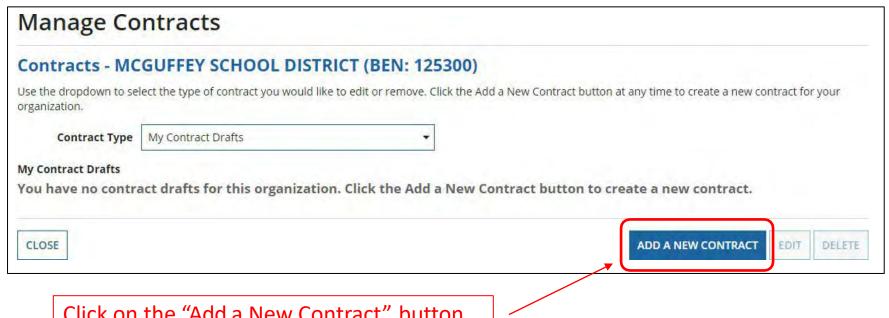
 Then click on Contracts on the top toolbar



# Navigation to "Manage Contracts"

Click on the "Manage Contracts" button





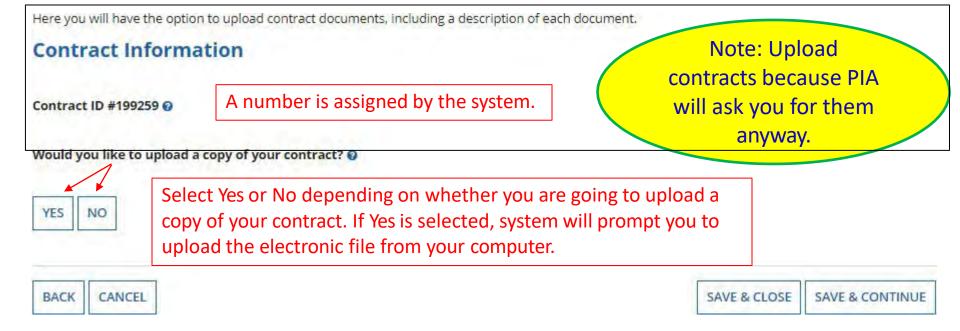
Click on the "Add a New Contract" button

# **Contract Information**

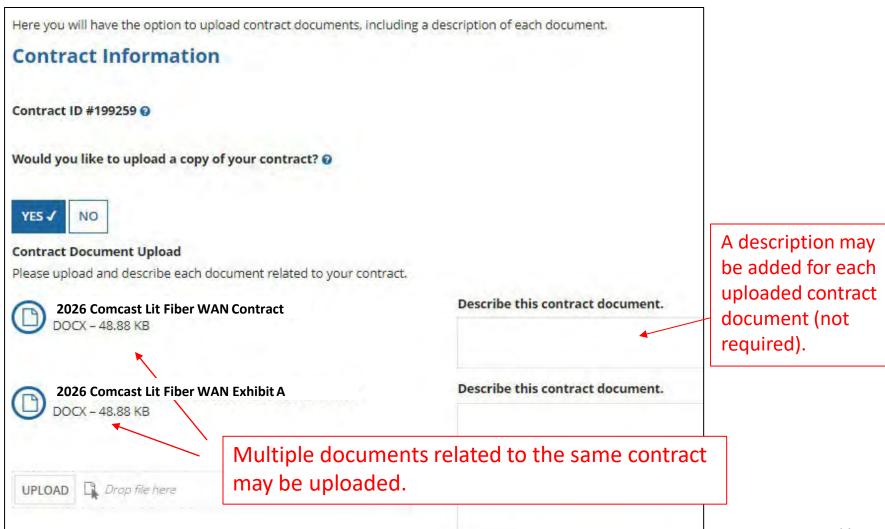


# **Contract Uploads**

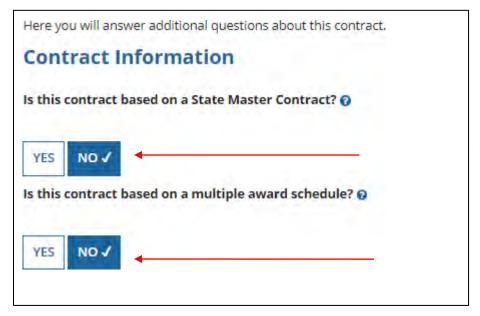
EPC allows you to, but does not require you, to upload a copy of your contract.



# **Contract Uploads**

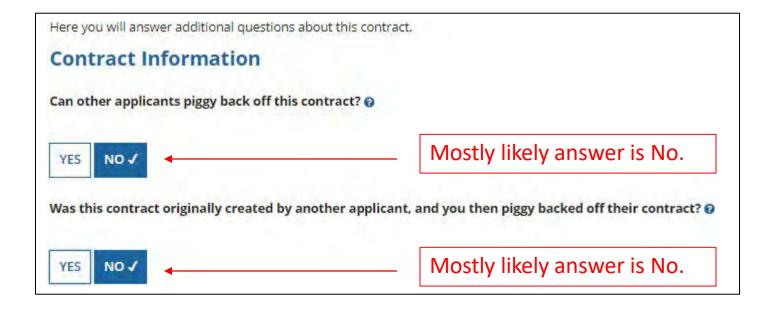


# **Contract Information**

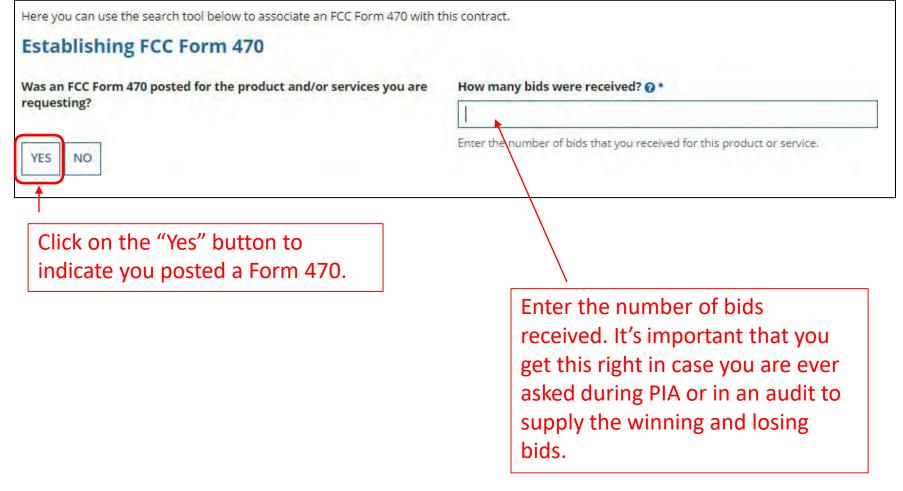


Answer No to each of these questions.

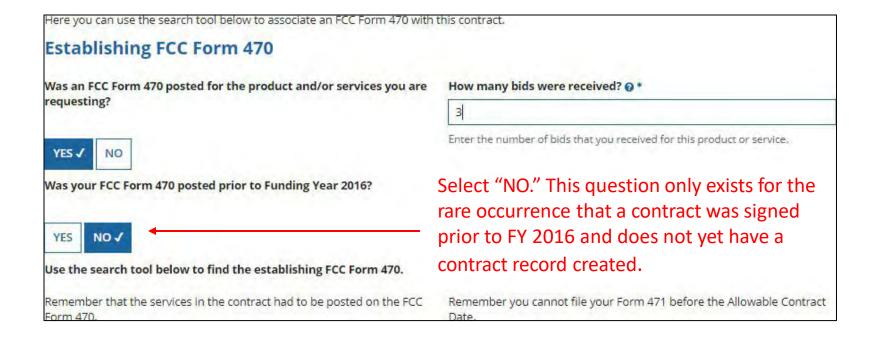
# **Contract Information**



# Establishing Form 470/# Bids



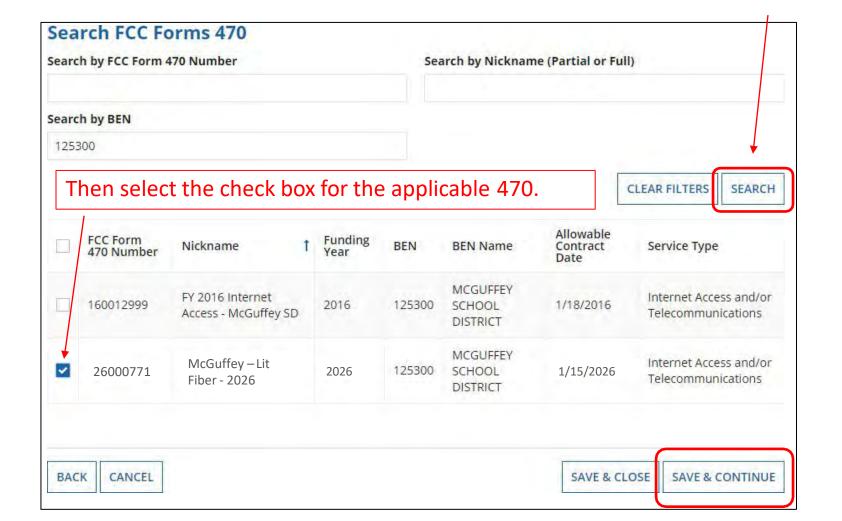
# Establishing Form 470 – Tricky!



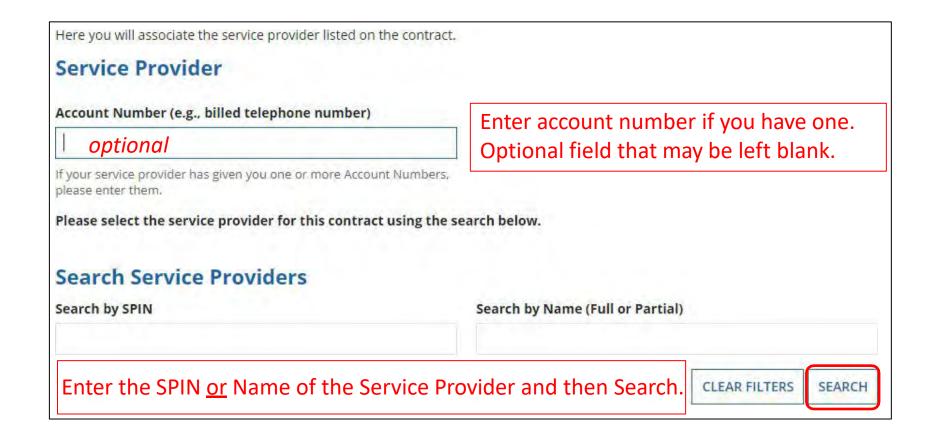
Be careful to choose the correct answer!

### Searching EPC for the Establishing Form 470

Locate all your FY 2016 - FY 2026 Form 470s by clicking "Search"

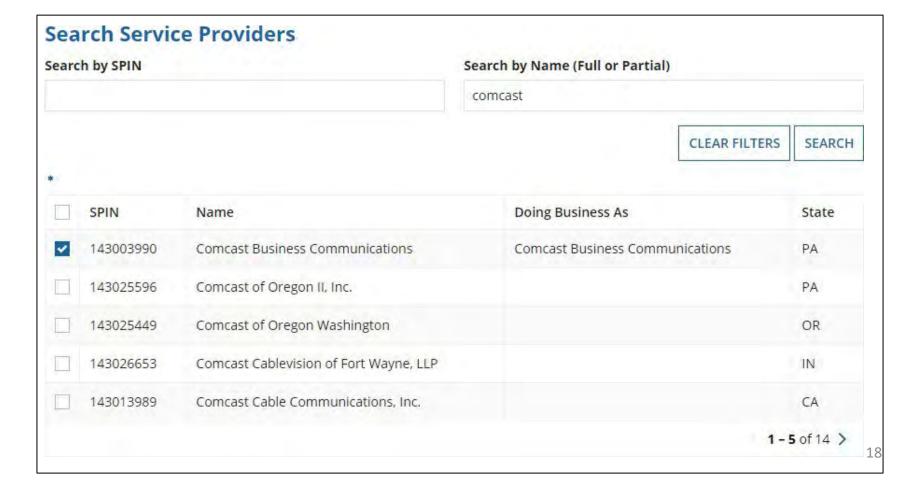


# Service Provider Information



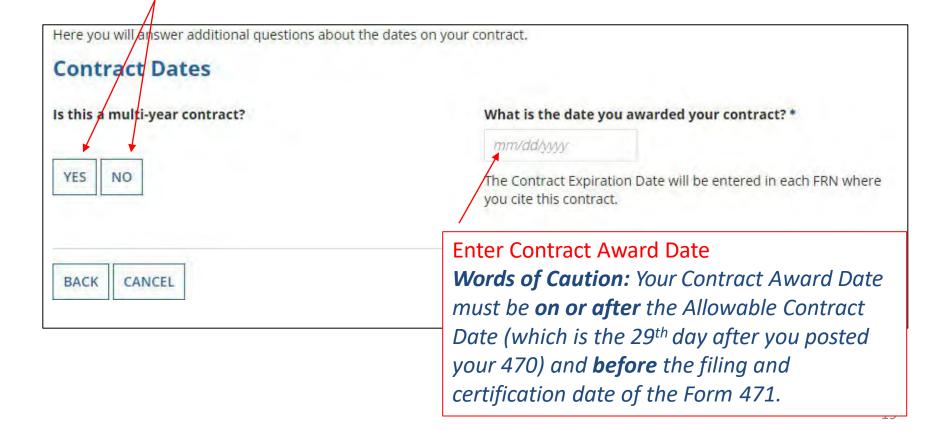
# Service Provider Information

Results matching the criteria you used will appear in a list. Select correct SPIN or clear filter and search again.



## **Contract Dates**

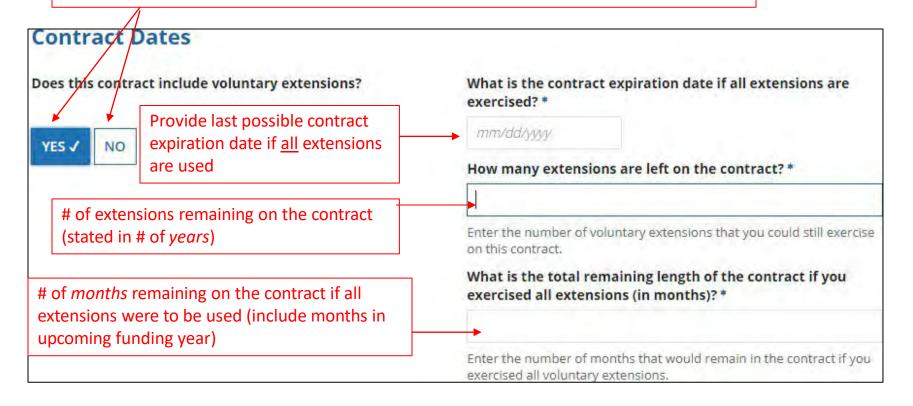
Need to choose "Yes" or "No" for Multi-Year Contract



# Contracts w/Limited Extensions

Select "No" if contract has no extensions.

Select "Yes" if contract has limited # of extensions available.



# **Pricing Confidentiality**

Always select "No" to indicate there is no legal restriction to prevent the publication of the pricing information for the contract.



**Word of Caution:** There must be an actual statute in place to answer "Yes." It is not permissible for the vendor to simply state that their pricing is confidential.

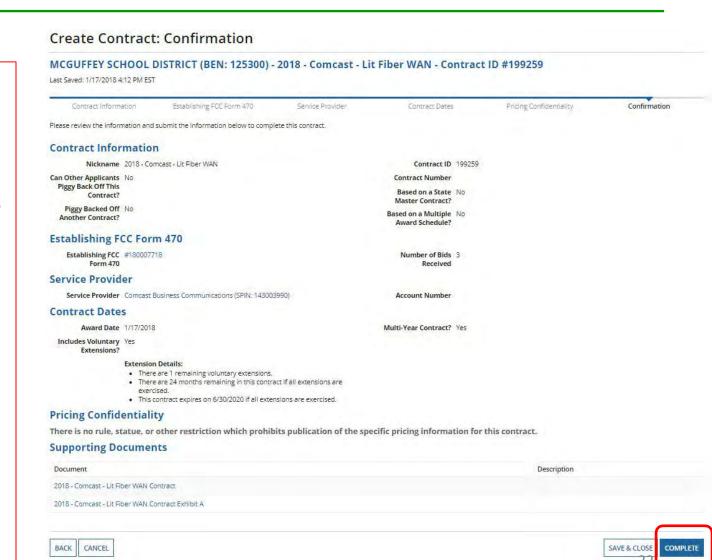
# **Confirmation Page**

A summary page with the contract information will be displayed.

If the information needs to be revised, select "Save and Close" and you can then retrieve the draft information and edit it.

If the information is correct, and you want to finalize the submission, select "Complete."

Word of Caution: Once submitted, the information cannot be deleted or revised.



# List of Submitted Contract Records



Submitted contracts appear in the Contracts Records List and will be available for selection when filing a Form 471

# Editing or Deleting a <u>Draft</u> Contract

From your Landing Page, select Entity Name, then "Contract" and then "Manage Contracts." The list of draft contracts will appear. Check the box for the draft and select "Edit" or "Delete." Note: <u>Submitted</u> contracts cannot be edited or deleted.

