AZBSN Jan31st meeting Mala's notes

Tribal Libraries Now Eligible for E-rate Support

On January 27, 2022, the FCC announced that it has adopted a *Report and Order* updating the E-rate program rules to clarify that the Tribal libraries can access funding to provide affordable internet access in their communities. The *Order* allows Tribal libraries to apply for funding in the current FY2022 application filing window that opened on January 12 and closes on March 22, 2022 at 11:59pm EST. The *Order* also adopts new metrics to gauge the participation of Tribal libraries in the E-rate program.

How is this different from what we have now? Currently the State Libraries have to recognize that they are eligible to receive IMLS grants and meet all the criteria stipulated by the State Library. A number of Libraries on Tribal lands are not applying as they were a sovereign nation and do not fall under the jurisdiction of the State and thus the State Library. That means they can get the support they need to deploy broadband for civic and commercial life—without complex challenges to jurisdiction standing in the way.

The Commission's Chairwoman Rosenworcel, Commissioners Carr and Starks issued separate statements:

Rosenworcel Statement
Carr Statement
Starks Statement

The full FCC's news release can be viewed here.

No new commitments for AZ. Arizona's funding commitment so far is $103,055,838.75. Over 90% of applications have been funded.

Application Window for 2022-3: The Funding Year 2022 E-rate Form 471 filing window opened on January 12, 2022 and close March 22, 2022 at 11:59 PM EDT. The application window will be open for 69 days. The last date to put out RFP is Feb 22

Comments on the FNPRM portion of the ACP Order will be due 30 days after its publication in the Federal Register. Reply comments will be due another 30 days thereafter.

FCC New E-rate Bidding Portal (Repeating my request for input)
Funds For Learning has put together a very good summary of the issues and concerns related to this proposed portal. https://www.fundsforlearning.com/news/2022/01/fcc-aims-to-nationalize-k-12-purchasing/

FCC is proposing changes to the E-rate procurement for all K-12 schools and libraries who participate. This is the most radical change to the program since its inception and would be a shift away from local autonomy for procurement. While not yet finalized, the FCC's

[proposal](#) includes a plethora of potential new federal regulations. Below are several key aspects of this proposed bidding portal.

- Service providers must upload their responses to an applicant's E-rate request (i.e., a Form 470) to a centralized bidding portal. Service providers *will not send their responses directly to applicants as is currently done.*
- No communication between service providers and applicants related to the applicant's E-rate request for services is permitted outside of the bidding portal.
- Before selecting a particular provider and filing a Form 471, applicants must upload to the portal their bid evaluation criteria and bid evaluation worksheets, a list of people who evaluated the bids including their title and relationship to the applicant. In addition, the following must be uploaded: Any memos, board minutes or any other documents related to the provider selection process that demonstrates compliance with the E-rate program's competitive bidding rules.

MAIN CONCERNS

- Taking management of the bidding process away from local procurement officials
- Forcing a national timeline for a local process
- Forcing applicants to consider non-responsive bids/robot responses
- Opening up the selection and evaluation of bids – often a confidential process
- Eliminating public bid openings
- Timeline for the local contract award process
- Requiring a national, one-size-fits-all format for price proposals
- Making applicants submit cost justifications for single-bid purchases
- Stopping applicants from using their current third-party bidding platforms, especially for State Master Procurements and Contracts

Funds for Learning did an analysis for Funding Year 2021, there were tens of thousands of procurement related activities managed by schools and libraries:

- 44,619 contracts submitted for E-rate funding support
- 149,493 proposals on file
- 21,362 applicants who submitted contracts for discounts
- 4,241 service providers who provided goods and services under E-rate contracts

The E-rate program administrator (USAC) is currently empowered to review funding applications and payment paperwork. Under the new national bidding regime, USAC's role would expand significantly to include management of the procurement of more than 44,500 contracts, causing significant delays. E-rate Reviewers do not have Procurement/Contracts expertise.

ALA's E-rate Task Force, SHLB and State E-rate Coordinator's Alliance are very much concerned that this proposed bidding portal is fraught with all kinds of issues, including that it supplants the procurement processes libraries now use and it creates additional burdens on both applicants and service providers.
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Seeking any input from AZBSN members by February 7. **This will give us sufficient time to incorporate into ALA E-rate Task Force—very much appreciate any information you can provide to us on this important issue.**

⟩ Will the requirement to use a bidding portal discourage participation in the E-rate program by service providers and applicants, especially smaller libraries and schools?
⟩ Will implementing a bidding portal benefit or burden E-Rate program participants?
⟩ Will creation of a bidding portal conflict with any state or local procurement requirements that libraries now must follow?
⟩ What are the problems that larger procurement systems anticipated to face and the smaller applicants - one person Libraries/ tribal entities face