

Before the
Federal Communications Commission Washington, D.C.
20554

In the Matter of:

Reply Comments On Promoting Fair and Open) WC Docket No. 21-455
Competitive Bidding in the E-Rate Program)

REPLY COMMENTS OF KB & ASSOCIATES LLC

KB & Associates LLC (KB & Assoc.) is a Service Provider & Manufacturers E-Rate consulting practice that supports over 60 clients.

We concur with numerous other commenters (SHLB, SECA, Funds For Learning, Advanedge Solutions/Intelafunds, NATOA, CoSN, SETDA, etc.) regarding the viability of a Bidding Portal. It conflicts with Public Contract Code in numerous states, is unnecessary and would create additional complexity (as opposed to streamlining) the process.

We do, however, concur with Advanedge in the necessity for clarification to the competitive bidding rules. Particularly as it regards the bidding of equivalent products. In numerous instances we have seen applicants accept bids from Service Providers for “equivalent” products that did not completely meet the specifications or are not entirely equivalent. In those cases, the applicant did not issue an addendum allowing for the less than equal product or deletion of the specification as a requirement. This results in a situation where the Service Providers do not have an opportunity to revise their bids in accordance with the new specifications. We would ask the commission to clarify that when the applicant changes or deletes specifications, or allows for a lesser product to be bid, they must notify all parties via a revised form 470. In many state’s codes, minor variations to the bid are allowed at the applicant’s discretion. We would submit that even minor modifications without the opportunity to bid a compliant product constitutes an unfair process.

We would also respectfully propose an alternative to the NPRM’s Bidding Portal. If The Commission were to require that all service providers, at the time of submission of their bids in response to the applicants Form 470, also submit a formatted version of their pricing to USAC via a bidding repository. We are not suggesting the complete proposal (Bid) be submitted, only a copy of their pricing in a common format. The information provided would not become available until after the applicant submitted their Form 471 application. This would provide several benefits and would not create an undue burden on the E-Rate Community. This step would only be required of the Service Providers. The Service Providers already create a “Bill of Materials” or other pricing proposal. USAC already has a format for this in the 471 Bulk Upload Templates that could be easily altered to accommodate this process. It would not violate any state bidding requirements since the information remains secure until after the applicant has selected a Service Provider. It would also provide a database that could easily be utilized to detect nefarious patterns by investigators. It would also create a national database of E-Rate bids that may assist the Service provider and manufacturer community with even greater incentives to be more competitive.

Thank you for considering our Reply Comments. As the Commission continues this important proceeding, we encourage you to forgo the creation of a new bidding portal and instead adopt other strategies as suggested here. We welcome the Commission’s desire to improve the E-Rate Program’s effectiveness and would be pleased to answer any questions you may have about our Reply Comments.

Sincerely,

James Kerr, Consultant
KB & Associates LLC