

FCC Denies Another E-Rate Appeal for Failure to Comply with Competitive Bidding Procedures

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With the e-rate program [pressing against its cap in funding](#), the FCC seems to be clamping down on its competitive bidding procedures. For the [fifth time this month](#), the FCC's Wireline Competition Bureau denied a school's e-rate appeal because it failed to comply with the competitive bidding procedures.

In this case, the applicant, [Fall River School District](#), evaluated bids using criteria that weighed price equally to another factor, "knowledge of infrastructure" (both factors were weighed 25% in the bid evaluation). This violates the FCC's rule, which requires that price be given more weight than any other single factor. Thus, the Bureau denied the school district's appeal.

Significantly, the Bureau also refused to grant a waiver to the school district. Unlike in [other cases](#), where the FCC concluded that the school had selected the lowest cost provider, the Bureau concluded here that it could not be sure that the vendor was the lowest cost provider. It also found that there was no way to tell whether, if the school district had properly given price the greatest weight, the outcome of its bid evaluations would have been the same. Therefore, the Bureau denied the appeal and the waiver request.

Finally, it is notable that the Bureau acted with unusual speed in resolving this appeal. Whereas many appeals take years to resolve, this appeal was filed only on February 28 of this year. Perhaps the Bureau acted quickly to emphasize the importance of complying with the competitive bidding procedures.