

Category 2 Bidding Rules for PA Non-Public Schools and Libraries

Category 2 eligible products, such as wireless access points, routers, switches, hubs, and wiring, are located at the applicant site and must be necessary to transport information to classrooms or publicly accessible areas of a library (equipment inside the building). Category 2 competitive bidding rules for PA nonpublic schools and libraries applicants mirrors the E-rate requirements exactly as these entity types are not subject to the additional requirements under the PA public procurement code. The following message outlines the bidding requirements for PA nonpublic schools and libraries. For more information about calculating Category 2 Building Pre-Discount Budgets, please refer to this message: <http://e-ratepa.org/?p=22591>.

Bidding Rules for Nonpublic Schools and Libraries:

1) E-rate rules require applicants that include a model number or manufacturer's name to also include the words "or equivalent" on their Form 470/RFP and then evaluate equivalent products that are bid. Applicants may state that such equipment must be compatible and interoperable with the School/Library's existing equipment (in which case the existing equipment must be identified).

2) E-rate rules require that any bid disqualification reasons be stated in the State and Local Procurement Requirements of the Form 470 or in the RFP. Disqualification reasons must be yes/no (either they complied or they did not).

3) Applicants should not contact a potential vendor prior to bidding to seek an equipment list (E-rate rule).

- Service providers are allowed to answer *general* questions about the products and services they sell in response to applicant inquiries, but they may not prepare any part of a RFP or spec sheet/bill of materials that will be used by the applicant for conducting a competitive bid procurement.
- If you don't know exactly what equipment you need, you can contact several vendors for equipment suggestions, contract with an independent vendor that will not be bidding, or list general equipment needs on the bid (wireless controller, WAPs for 35 classrooms, and installation).

4) You must have a signed contract for all Category 2 funding requests. This can be as simple as a signed vendor quote as long as it contains this information:

- Contract signing date (must be on or before the Form 471 submission date).
- Term of contract (4/1/2018 - 9/30/2019 for equipment purchases).
- List of equipment/quantities/prices (or services) and installation costs.
- Whether you want the equipment/services to be contingent upon E-rate funding

approval.

5) Public bidding laws do not apply to non-public schools and libraries, therefore these entities must post a Form 470 for the C2 equipment/services they need. An RFP is not required, but if issuing any additional information to vendors that is not contained in the 470, an RFP is recommended. If an RFP is issued, the RFP must be uploaded into the Form 470 as the form is being created (likewise, any additional RFP information/changes must be uploaded into the Form 470 document at the time of issuance).

6) After a *minimum* of 28 days after the Form 470 is filed, nonpublic school and library applicants must conduct a bid evaluation and may consider other factors besides lowest price, but price of eligible goods and services must be the most heavily weighted factor. Advertising in the local newspapers is not required. A contract must be signed before the Form 471 is filed.

Timeline: The Form 471 filing window dates have not yet been announced but the window is expected to be open from early January – mid March, 2018. Because non-public schools and libraries often don't have a local requirement to first obtain board approval prior to contract signing, these entities can be more flexible with when their bidding process begins. I recommend releasing the Form 470 in December, but no later than the second week in January, with the intention of conducting the bid evaluation at the end of February and submitting the Form 471 in early March.

If you have any questions related to the information contained in this message, please don't hesitate to contact me at jtschell@comcast.net.

-- Julie

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