

# Connecting for the Future

*Making Sense of the New E-Rate Bidding Portal*

*June 3, 2026*

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# SHLB WEBINAR

Making Sense of the New E-Rate Bidding Portal

**Wednesday, June 3, 2026 at 2PM ET**



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# Why Join SHLB

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# Today's Agenda

- ❖ **Initial Dive into the Competitive Bidding Process**
  - Overall timeline
  - Prior to competitive bidding
  - During competitive bidding
  - After bids are due and opened
- ❖ **State Master Contracts & Multi-Stage Bidding**
- ❖ **Documentation and Recording Keeping Requirements**
- ❖ **Q&A (time permitting)**
- ❖ **What's Next?**

# Historical Context Behind the Report and Order

## **Draft Report and Order:** Released April 9, 2026

- ❖ Addresses Two Notice of Proposed Rulemakings
  - 2021: Competitive Bidding Portal
  - 2023: Streamlining E-Rate administration

## **Commission Vote:** April 30, 2026

- ❖ Prior to the vote, SHLB met with Commission offices and the Wireline Competition Bureau

## **Final Report and Order:** Released May 1, 2026

- ❖ Addresses many of the items we advocated for (stakeholder feedback, clarification of certain requirements)

# When Do You Need to Make Changes?

- ❖ The Portal will not be available until July 1, 2027.
- ❖ You do not need to do anything different prior to applications for Funding Year 2027 (7-1-27 to 6-30-28).
- ❖ Funding Year 2028: All new competitive bidding rules applicable.

# Prior to Bidding

- ❖ Same process/rules prior to the competitive bidding process.
- ❖ Still allowed to communicate with potential vendors prior to issuance of the Form 470 about their services.
  - Can ask questions of the vendors, still **cannot** tell vendors details of what you plan to put out for bid (would potentially constitute insider information) or get input on your competitive bidding documentation (e.g., RFP and Form 470) from vendors.
- ❖ On Form 470, applicants should include “instructions regarding additional state/local requirements.”

# During the Competitive Bidding Process

- ❖ **Service providers will have to submit bids to the Portal (47 CFR 54.503).**
- ❖ **Communications between applicants and potential bidders must be uploaded into the Portal.**
  - Most communications must be **conducted** through the Portal.
  - Applicants may hold meetings, including walk-throughs, as long as new Q&As are submitted to the portal within 72 hours (“real time” requirement). Communications include questions about the RFP.
  - Questions can be submitted anonymously by vendors, if permitted by state law.
- ❖ **Other documentation, including bid evaluation and vendor selection documentation, must be uploaded with the Form 471 application.**
  - Footnote 68 of the Order and the rule details the list of bid evaluation and vendor selection documentation that must be uploaded (47 CFR 54.503(c)(6)).

# During the Competitive Bidding Process

- ❖ **Compliance with State and Local Procurement Rules**
  - Must still comply with all state/local rules, including rules that require hard copies and sealed bids. Submission of bids to other portals do not violate E-Rate rules, but you have duplicate the work if required by both.
- ❖ The Commission found no party had presented an actual conflict with state/local laws, but if there was one, the party could request a waiver.
- ❖ If different information is submitted in two different portals, the FCC said it might treat that as a competitive bidding violation.
- ❖ USAC must develop an audit log to ensure bids cannot be reviewed ahead of the deadline if prohibited by state/local laws.

# After Bid Deadline and Opening

## 47 C.F.R. §54.503(c)(5) and §54.503(c)(6)- Applicable Rules

- ❖ **General rule** – All communications between service providers and applicants or any representative thereof related to the services and products requested or the competitive bidding process must be conducted in the bidding portal from the date the FCC Form 470 is posted ***to the contract award.***
- ❖ **Exceptions and Limitations**
  - This requirement does not prohibit service providers from submitting bids ***or having communications with the applicant outside the portal that are required under state/local law.*** (also see footnote 131)
  - Confidential contract negotiation documentation is not required to be uploaded
- ❖ **After contract award notice & before submitting Form 471**
  - Contract negotiation may be conducted confidentially and not required to be uploaded (§ 28)
  - All bid selection documentation and signed contract must be uploaded before submitting Form 471
  - For MTM service, must upload bill, service offer, letter, or similar document from the service provider

# Master & Consortium Contracts

## ❖ Master Contracts (¶ 33)

- Applicants must upload a copy of a state master contract (SMC) & related bidding documentation when filing Form 471 if the state master contract was used as part of an applicant's competitive bidding process or is the contract that was selected.
  - **Unclear:** Does this apply to all SMCs or just SMCs that were not bid using Form 470?
  - **Unclear:** Does “related bidding documentation” apply to the SMC, or to the applicant's own form 470 bidding documents?

## ❖ Consortium Applicants' Contracts (¶ 33)

- Consortium lead must submit bidding and contract documentation
- Order presumes that the consortium leader will file both Form 470 and Form 471, and sign the contract on behalf of consortium members

- ❖ **Order does not clearly address responsible party for uploading all the bidding documentation when the consortium lead conducts the bid, but does not file the Form 471, such as an E-Rate qualified SMC**

# Other Types of Procurements

## ❖ **Mini-bids for E-Rate qualified multi-award SMCs (¶ 33)**

- No Form 470 required in portal
- Must upload mini-bid documentation, including vendor selection decision & resulting contract
  - Appears that documentation may be uploaded before filing Form 471 & not required in real time (See footnote 178)

## ❖ **Multi-Stage Bidding (¶34)**

- Functionality will enable multiple successive rounds of bids
  - Requires functionality to send and receive requests for BAFOs to certain vendors/bidders
  - Applicants' clarification questions & bidders' answers must be inside portal
  - Applicants need to submit bid evaluation for each bidding stage

# Multi-Year Contracts

- ❖ **Required to submit documentation in the first year of contract (¶ 35)**
  - Contract modifications, if any, will have to be uploaded
- ❖ **Documentation for existing multi-year contracts signed prior to FY 2028, and in use for FY 2029, will have to be uploaded prior to filing FY 2029 Form 471**
  - Bids, bidding documentation & bid evaluation documentation will need to be uploaded
  - If applicant already provided this documentation to USAC previously they do not have to provide it again

# Recordkeeping

**Recordkeeping.** E-Rate participants (presumably both applicants and service providers) will “no longer need to separately retain documentation uploaded to the portal.” But the Commission did not change the rule at 47 CFR 54.516.

- ❖ USAC/FCC will obtain the documentation from the portal instead of issuing PIA information requests.
- ❖ Applicants will be able to access their own documents.

**Reviews.** USAC still required to complete “workable” funding requests by Sept. 1.

- ❖ More reviews in the first year of the contract (per SHLB request).

**Confidentiality.** Some data is “presumptively confidential”.

**Access.** Limited to account administrator and two other authorized users.

- ❖ Audit logs

# What's Next?

## Stakeholder Engagement

- ❖ SHLB will continue to engage with the Commission and USAC as the bidding portal and new requirements are implemented
  - Real-time stakeholder feedback on the front-end and after implementation
  - Rule clarifications, processes and procedures, and usability of the portal

## AnchorNets Conference (Oct. 7-9, Arlington, VA)

- ❖ SHLB is organizing additional opportunities to discuss these new requirements and gather feedback from users, including at our annual conference
  - Make sure you are part of the conversation

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