

E-RATE GIFT POLICY

Commerce Public Schools' will follow the gift rules as outlined in the FCC's 6th Report and Order.

In the 6th Report & Order (6R&O), the FCC addresses the receipt of gifts by applicants from service providers and potential service providers under the E-Rate program. To ensure applicants conduct a fair and open competitive bidding process, the FCC adopted gift rules applicable to federal agencies which permit only de minimis gifts. The rules are NOT intended to discourage charitable giving.

E-Rate applicants are prohibited from soliciting or accepting any gift or other thing of value from a service provider participating in or seeking to participate in the E-Rate program. It is a violation for any service provider to offer or provide any gift or other thing of value to those personnel of eligible entities involved with the E-Rate program.

Exception: Gifts to family and personal friends from personal funds:

- The FCC provided an exception for gifts to family and personal friends when those gifts are made using personal funds of the donor (without reimbursement from an employer) and are not related to a business transaction or business relationship.

Exception: de minimis gifts

Two categories of de minimis gifts are allowed:

- Modest refreshments that are not offered as part of meal (e.g., coffee and donuts provided at a meeting) and items with little intrinsic value intended for presentation (e.g., certificates and plaques); and
- Items that are worth \$20 or less (e.g., pencils, pens, hats, t-shirts, and other items worth less than \$20, including meals), as long as those items do not exceed \$50 per employee from any one source per calendar year. In determining the amount of gifts from any one source, the FCC will consider the aggregate value of all gifts from any employees, officers, representatives, agents, independent contractors, or directors of the service providers.

The restriction on gifts is always applicable, and is not in effect or triggered only during the time period when the competitive bidding process is taking place.