

## **Tribal Broadband Connectivity Program**

### **Frequently Asked Questions (FAQ)**

*The below FAQs are for informational purposes only and are intended solely to assist potential applicants in better understanding the NTIA Tribal Broadband Connectivity Program and the application requirements set forth in the Notice of Funding Opportunity (NOFO) for this program. The FAQs do not and are not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in the below FAQs.*

### **Program Overview**

#### **What is the Tribal Broadband Connectivity Program (TBCP)?**

The Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905, Pub. L. No. 116-260, 134 Stat. 1182 (Dec. 27, 2020) (Act), provides new sources of tribal broadband funding that can assist in mitigating the effects of the COVID-19 pandemic exacerbating the digital divide for Native Americans, Native Hawaiians and Alaska Natives. The Department of Commerce and NTIA are dedicated to expanding broadband deployment in unserved areas and promoting digital inclusion through the TBCP.

#### **How can the TBCP benefit my tribe?**

The TBCP provides funding for the following purposes:

- Broadband infrastructure deployment, including support for the establishment of carrier-neutral submarine cable landing stations
- Projects that promote the adoption and use of broadband services, including:
  - affordable broadband programs, such as providing free or reduced-cost broadband service and preventing disconnection of existing broadband service
  - distance learning
  - telehealth
  - digital inclusion efforts
  - broadband adoption activities

#### **How much funding is available in this program?**

NTIA will make up to \$980,000,000 available for federal assistance under the TBCP. In accordance with Section 905(c)(3)(A) of the Act, NTIA will allocate not less than three percent (3%) of the funds, or not less than \$30,000,000, for the benefit of Native Hawaiians.

### **What is the funding instrument for this program?**

NTIA will award grants under this program.

### **How much funding is allocated for each tribe?**

To meet the equitable distribution requirement of the Act, NTIA will allocate up to \$500,000 to each of the Federally Recognized Tribes delineated by the Department of the Interior's Bureau of Indian Affairs in accordance with Section B.3 of the NOFO. The \$500,000 allocation is not a funding cap for Federally Recognized Tribes, but rather is intended to ensure that program funding is equitably distributed by NTIA to all eligible entities, including Federally Recognized Tribes. The \$30,000,000 and \$500,000 allocations are not funding caps for the Department of Hawaiian Home Lands or for Federally Recognized Tribes, respectively, but rather are intended to ensure that program funding is equitably distributed by NTIA to all eligible entities.

### **What is the target size of grant awards for projects?**

NTIA expects to make awards under this program within the following funding ranges:

- Broadband Infrastructure Deployment Projects: \$1,000,000 to \$50,000,000.
- Broadband Adoption and Use Projects: \$50,000 to \$2,500,000.

These funding ranges are not required minimums and maximums, but eligible entities requesting funding for projects outside of these ranges must provide a reasonable explanation for the variance in their project size. The period of performance for grants issued pursuant to this program is one year; however, the Grants Officer may extend the period of performance beyond one year for broadband infrastructure deployment projects. An extension of the one-year period of performance is not available for broadband use and adoption projects. *See* Executive Summary, Section K, of the NOFO. *See* Section B of the NOFO for additional information pertaining to award amounts and to the period of performance for grants issued pursuant to the NOFO.

### **Is there a cost share or match requirement?**

No. The Act authorizing the establishment of the TBCP does not contain a statutory cost sharing or matching funds requirement. NTIA will **not** require an eligible entity applying for a grant under the TBCP to provide a non-federal cost contribution or match. *See* Executive Summary, Section L, of the NOFO.

## **Eligibility**

### **Who is eligible to apply?**

Section 905(a)(8) of the Act specifies the following entities as eligible to receive grants pursuant to the TBCP: (i) a Tribal Government; (ii) a Tribal College or University; (iii) the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, including Native

Hawaiian Education Programs; (iv) a Tribal organization; or (v) an Alaska Native Corporation. An eligible entity that is not a Tribal Government, Alaska Native Corporation, or the Department of Hawaiian Home Lands, may directly submit an application for grant funding pursuant to this program if it demonstrates that it has approval from the applicable tribal government through a tribal government resolution.

### **What is the definition of a tribal government?**

For the purposes of the TBCP, tribal government means the governing body of any Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village, Community, Component Band, or Component Reservation, individually recognized (including parenthetically) in the list published most recently as of the date of enactment of the Act, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

### **What is the definition of a tribal land?**

For the purposes of the TBCP, tribal land means: (A) any land located within the boundaries of: (i) an Indian Reservation, Pueblo, or Rancheria; or (ii) a Former Reservation within Oklahoma; (B) any land not located within the exterior boundaries of an Indian reservation, Pueblo, or Rancheria, the title to which is held: (i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian; (ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or (iii) by a dependent Indian Community; (C) any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a)); (D) Hawaiian Home Lands, as defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221); or (E) those areas or communities designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians.

### **May a tribe and a tribal entity from the same tribe both apply?**

Section 905(a)(8) of the Act defines the entities eligible to apply for a TBCP grant. Specifically, eligible entities include: (i) a Tribal Government; (ii) a Tribal College or University; (iii) the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs; (iv) a Tribal organization; or (v) an Alaska Native Corporation.

There are several instances where applicants will need to obtain a tribal government resolution. *See* Section C.3.c of the NOFO for more information about this requirement. Each eligible entity must coordinate internally (which includes all departments, subsidiaries, etc.) in submitting its single application. In an instance where one eligible entity is a subsidiary of another (e.g., a Tribal Government and a subsidiary Tribal College or University), this shall not affect the subsidiary's eligibility to submit its own application, so long as it includes the requisite tribal government resolution. *See* Section C.1, Eligible Applicants, of the NOFO.

### **Are consortiums eligible to apply?**

Yes. NTIA encourages eligible entities to collaborate or participate as part of a consortium for Broadband Infrastructure Deployment Projects and/or Broadband Use and Adoption Project. Section C.3.b of the NOFO provides more information.

### **How do applicants certify unserved areas to demonstrate need?**

Section 905(c)(8) of the Act directs eligible entities to prioritize the construction of new broadband infrastructure proposals that will serve currently unserved households. NTIA will permit tribes to self-certify the unserved status of proposed service areas within tribal lands, and lands providing services to tribal members, with a detailed description of how the tribe determined that the area is unserved.

### **What does unserved mean in context of this NOFO?**

Unserved, with respect to a household, means: (A) the household lacks access to qualifying broadband service; and (B) no broadband provider has been selected to receive, or is otherwise receiving, federal or state funding subject to enforceable build out commitments to deploy qualifying broadband service in the specific area where the household is located by dates certain, even if such service is not yet available, provided that the federal or state agency providing the funding has not deemed the service provider to be in default of its buildout obligations under the applicable federal or state program.

### **How is an Enforceable Buildout Commitment defined in this program?**

Enforceable Buildout Commitment means, in the context of the definition of unserved set forth in Section A.2.o of the NOFO, a legally binding agreement, which includes a tribal government resolution, between the tribal government of the tribal lands in the proposed service area, or its authorized agent, and a service provider offering “qualifying broadband service” to unserved households on those tribal lands.

### **What is qualifying broadband service?**

Qualifying Broadband Service means broadband service with: (i) a download speed of not less than 25 megabits per second; (ii) an upload speed of not less than 3 megabits per second; and (iii) a latency sufficient to support real time, interactive applications. For purposes of this program, NTIA will interpret the 25/3 standard to mean the ability to provide 25 Mbps downstream and 3 Mbps upstream simultaneously to every household in the eligible service area. NTIA will interpret latency to mean 95 percent or more of all peak period measurements of network round trip latency (*i.e.*, the total round-trip latency between the customer premises and the closest designated Internet core peering interconnection point) are at or below 100 milliseconds.

### **What are eligible costs specific to broadband infrastructure deployment projects?**

This category is for projects that expand the availability of broadband services by deploying new or upgraded broadband infrastructure on tribal lands. Section 905(c)(8) of the Act requires that,

in using grant funds received under the TBCP for new construction of broadband infrastructure, an eligible entity must prioritize projects that deploy broadband infrastructure to unserved households. *See* Section D.7.b of the NOFO for a detailed description of these eligible costs for this grant program.

### **What are eligible costs specific to broadband adoption and use projects?**

This category is for projects that expand the adoption of broadband services on tribal land; enable tribal anchor institutions to provide affordable broadband programs, remote learning, telework, or telehealth services; and build the capacity of tribal communities to access and fully benefit from these online services. *See* Section D.7.c of the NOFO for a detailed description of these eligible costs for this grant program.

### **What are ineligible costs for the TBCP?**

Ineligible costs include those costs that are unallowable pursuant to 2 C.F.R. Part 200, including under Subpart E. *See* Section D.7.e, Ineligible Costs, of the NOFO for a detailed description of the ineligible costs for this grant program.

### **Are pre-award costs eligible for reimbursement?**

Possibly, depending on when the costs were incurred. Reimbursement of reasonable costs associated with preparing the grant application may not to exceed five (5) percent of the award. Allowable pre-application expenses, which include expenses related to preparing an application, may be reimbursed if they are incurred after the publication date of this NOFO and prior to the date of issuance of the grant award from NTIA, except that lobbying costs and contingency fees are not reimbursable from grant funds. Pre-application costs should be clearly identified in the proposed project budget. Additionally, pre-application costs are incurred at the sole risk of the applicant and will not be reimbursed by NTIA if the proposed project does not receive an award pursuant to this program.

### **Can a TBCP grantee use grant funds to prepay for multiple years of qualifying broadband service?**

Yes, so long as the cost and terms are reasonable, eligible under the NOFO, and the grantee makes full payment for that service during the grant's one-year period of performance. If an applicant intends to use grant funds in this way, the applicant must include a detailed description of such proposed costs in its application, including the proposed period of service. NTIA may include a specific award condition in any such award to ensure that the funds are used appropriately, and to ensure that if the service is cancelled and/or the grantee receives a refund, any grant funds returned to the grantee are subsequently returned to the Federal government.

## **How to Apply**

### **When does the application period open, and when is the deadline to apply?**

NTIA is accepting applications for the TBCP through 11:59 p.m. Pacific Daylight Time (PDT) on Wednesday, **September 1, 2021**. The 90-day application window is a statutory requirement and NTIA cannot grant any extensions of the **September 1, 2021** deadline.

### **How do I submit an application?**

Complete application packages may be submitted: (i) electronically through [www.grants.gov](http://www.grants.gov); (ii) through electronic mail; or (iii) by postal mail or courier. NTIA prefers that applicants use Grants.gov to submit their applications; however, applicants must submit complete application packages using only one of these methods and may not submit partial or duplicate applications using multiple methods of transmission. *See* Section D, Application and Submission Information, of the NOFO.

Applications submitted online through the Grants.gov system must be received no later than 11:59 p.m. Pacific Daylight Time (PDT) on **September 1, 2021**. Applications submitted by postal mail or by courier service must be postmarked (for postal mail) or show clear evidence of mailing (for courier submissions) no later than 11:59 p.m. Pacific Daylight Time (PDT) on **September 1, 2021**. Applications submitted by electronic mail must be received no later than 11:59 p.m. Pacific Daylight Time (PDT) on **September 1, 2021**.

### **How do I apply via Grants.gov?**

Applicants must have a Data Universal Numbering System (DUNS) Number, active System for Award Management (SAM) registration, and Grants.gov account to apply for grants.

### **How do I get a DUNS number?**

All entities applying for funding, including renewal funding, must have a DUNS Number from Dun & Bradstreet (D&B). Applicants must enter the DUNS Number in the data entry field labeled “Organizational DUNS” on the SF-424 form. For more detailed instructions for obtaining a DUNS Number, refer to:

<https://www.grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html>. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1-866-705-5711 or via the Internet at <http://fedgov.dnb.com/webform>.

### **How do I register in SAM?**

All applicants must register in SAM before submitting a complete application packet. Additionally, the applicant must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. SAM registration must be renewed annually. For more detailed instructions for registering with SAM, refer to:

<https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>. Applicants can register for the SAM at <https://www.sam.gov/>. Note that the free annual registration process in SAM.gov generally takes between three (3) and five (5) business days, but can take more than three weeks. Please note that a Federal assistance award cannot be issued if the designated recipient’s registration in SAM.gov is not current at the time of the award.

### **How do I create a Grants.gov account?**

Applicants can register an account with Grants.gov by following the on-screen instructions or refer to the detailed instructions here:

<https://www.grants.gov/web/grants/applicants/registration.html>.

In addition, *see* Section D.10.a of the NOFO for additional information on navigating Grants.gov, including how to add a profile to a Grants.gov account, organization roles authorization and designation of the grant Authorized Organization Representative (AOR), how to track role requests, and AOR signature process, which is required for a complete application and is an often missed step.

### **Can applicants use the Grants.gov Workspace to submit an application?**

Yes. Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. Below is an overview of using Workspace when applying for Federal grants on Grants.gov. For access to complete instructions on how to apply for opportunities, refer to:

<https://www.grants.gov/web/grants/applicants/workspace-overview.html>

In addition, *see* Section D.10.b of the NOFO for additional information on using Workspace to submit your application.

### **How do I access the application?**

Application forms and instructions are available on the Grants.gov website ([www.grants.gov](http://www.grants.gov)). To access these materials, go to <http://www.grants.gov>, select “How to Apply for Grants,” and then select “Search for Opportunity Package.” Enter the CFDA number (11.029) and/or the funding opportunity number (NTIA-TBC-TBCPO-2021-2006948). Select “Grant Opportunity Package,” and then follow the prompts. To download the instructions, go to “Preview Opportunity Package” and select “Download Instructions.”

NTIA recommends that applicants visit Grants.gov prior to filing their applications so that they fully understand the process and requirements. Applications are accepted until the deadline and are processed as received. Late applications will not be accepted.

### **What information is required in the application?**

Please refer to Section D.2, Content and Form of Applications, of the NOFO for a detailed list of Standard Forms (SF) and related documentation required for submission. Items in Section D.2.a are standard forms for federal assistance that are required for both Broadband Use and Adoption Projects as well as for Broadband Infrastructure Projects. Items listed in Section D.2.b of the NOFO are additional items required for Broadband Use and Adoption Projects and items listed in Section D.2.c of the NOFO are additional items required for Broadband Infrastructure Projects. Section D.2.d of the NOFO lists other items that applicants may submit in support of their applications.

Applicants should carefully follow specific Grants.gov instructions at [www.Grants.gov](http://www.Grants.gov) to ensure the attachments will be accepted by the Grants.gov system. A receipt from Grants.gov indicates only that an application was transferred to a system. It does not provide details concerning

whether all attachments (or how many attachments) transferred successfully. Applicants will receive a series of e-mail messages over a period of up to two business days before learning whether a federal agency's electronic system has received its application.

### **How will I know if I successfully submitted my application in Grants.gov?**

Applicants will receive e-mail notifications from Grants.gov over a period of up to two (2) business days as the application moves through intermediate systems before the applicant learns via a validation or rejection notification whether a federal agency's electronic system has received the application. (See [Grants.gov](http://Grants.gov) for full information on application and notification through Grants.gov). This email notification interval should be taken into consideration in the grant application timeline.

Proof of timely submission is automatically recorded by Grants.gov. An electronic date/time stamp is generated within the system when the application is successfully received by Grants.gov. The applicant with the AOR role who submitted the application will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov with the successful transmission of their application. This applicant with the AOR role will also receive the official date/time stamp and Grants.gov tracking number in an email serving as proof of their timely submission.

When NTIA successfully retrieves the application from Grants.gov and acknowledges the download of submissions, Grants.gov will provide an electronic acknowledgment of receipt of the application to the email address of the applicant with the AOR role who submitted the application. Again, proof of timely submission shall be the official date and time that Grants.gov receives your application. Applications received by Grants.gov after the established due date for the program will be considered late and will not be considered for funding by NTIA.

Applicants using a slow Internet connection, such as dial-up, should be aware that transmission can take some time before Grants.gov receives your application. Again, Grants.gov will provide either an error or a successfully received transmission in the form of an email sent to the applicant with the AOR role attempting to submit the application. The Grants.gov Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application.

## **Evaluation of Applications**

### **How will applications be reviewed/evaluated?**

NTIA will conduct a three-stage review process to evaluate applications received under this grant program for an award, consisting of an Initial Administrative and Eligibility Review, a Merit Review, and a Programmatic Review.

NTIA will evaluate applications submitted by eligible entities against objective evaluation criteria to determine whether the proposal merits an award. Applications that score highly when evaluated against the objective evaluation criteria during the Merit Review will advance to the

Programmatic Review. From this pool of applications, NTIA will select awardees based on the results of the Merit and Programmatic Reviews, and by applying the Selection Factors listed in this NOFO.

### **What is the process for the Administrative and Eligibility Review?**

NTIA will conduct an initial review of timely received applications submitted in response to the NOFO to determine eligibility, completeness and responsiveness to the programmatic requirements of the TBCP, including a review of the project narrative, project budget, supplemental project narrative, and supplemental budget. Applications submitted by anyone other than an eligible applicant will be eliminated from further review. NTIA may continue the initial administrative review process for an application that is timely submitted by an eligible applicant, but that is missing certain documentation required by the NOFO, and will request missing or incomplete information from the applicant as needed. The applicant will have seven (7) calendar days to submit materials responsive to the feedback provided by NTIA, unless this period is extended by NTIA. Pursuant to section 905(e)(2)(B) of the Act, an eligible applicant's failure to remedy deficiencies in a timely manner may result in NTIA's denial of an application.

### **What is the Merit Review process?**

Applications satisfying the Initial Administrative and Eligibility Review will be reviewed by at least two objective reviewers who have demonstrated expertise in the programmatic aspects of the TBCP. They may be federal employees or non-federal persons. Reviewers will evaluate applications according to the evaluation criteria provided in Section E.1 of the NOFO and independently score each application based on a scale of 0-100. Reviewers will evaluate applications for Broadband Infrastructure Deployment Projects and Broadband Use and Adoption projects submitted by the same applicant under the criteria applicable to each type of project and independently score each application based on a scale of 0-100.

In response to reviewer feedback, NTIA may seek additional clarifying information or corroborating documentation from an applicant during the course of a merit review and may suggest revisions be made to an application to resolve perceived material programmatic or financial weaknesses or deficiencies. In such cases, NTIA will review the feedback from the Merit Reviewers, and will contact the applicant and provide the applicant with an opportunity to respond to the Merit Review feedback. The applicant will have fourteen (14) calendar days to respond to the reviewer feedback, unless this time period is extended by NTIA. Pursuant to section 905(e)(2)(B) of the Act, an eligible applicant's failure to remedy application deficiencies in a timely and constructive manner may result in NTIA's denial of the application.

Based on an average of the reviewers' scores, applications will be assigned adjectival ratings for each priority group in accordance with the following scale:

Qualified for Funding – (70-100 points)

Unqualified for Funding – (0-69 points)

NTIA may use its sole discretion to terminate the Merit Review revision process for an applicant if, after multiple opportunities to respond to Merit Review feedback, NTIA determines that the

applicant is not sufficiently responding to requests for additional information or remedying application deficiencies.

### **What is the application evaluation criteria for the Merit Reviewers?**

The evaluation criteria that will be used by the Merit Reviewers to review and analyze applications are grouped into three categories: (1) Project Purpose and Benefits (45); (2) Project Viability (30); and (3) Project Budget and Sustainability (25). *See* Section E, Application Review and Information, of the NOFO for more details.

### **What is NTIA's Programmatic Review process?**

NTIA Program Staff will review applications determined to be qualified for funding during the Merit Review process for conformity with programmatic objectives, requirements, and priorities. During Programmatic Review, NTIA may ask applicants to submit additional information, as appropriate, to clarify or to further substantiate the representations made in their applications. Applicants will have ten (10) calendar days to submit information responsive to the feedback provided by NTIA, unless this time period is extended by NTIA. NTIA Program Staff will review the supplemental information, along with all information submitted with the application, to confirm eligibility and evaluate the applications with respect to the requirements and priorities of the TBCP.

NTIA will consult with the Federal Communications Commission to avoid any duplication of funding. NTIA may give favorable consideration to certification by tribes regarding coverage when Commission data conflicts with tribal data. In areas where there is the potential duplication of funding with unconstructed projects that would provide qualifying broadband service or higher capacity to unserved areas, tribal governments should indicate if they have authorized and/or commenced the use of the other funding on tribal lands, and if they have not, funding may still be eligible through the TBCP.

Applicants whose supporting documents are not complete, accurate and timely submitted or who do not adequately substantiate the representations in their applications may be denied.

NTIA reserves the right at any time during the Merit and Programmatic Review processes to negotiate with the applicant relative to specific modifications to the application, including but not limited to the resolution of any differences that may exist between the applicant's original request and NTIA's determination of eligible service areas and eligible costs. Upon completion of the Programmatic Review, NTIA Program Staff will summarize their analysis for each application reviewed.

### **What is the process and factors for award?**

The Assistant Secretary of Commerce for Communications and Information, or their designee, will serve as the Selecting Official for the TBCP.

The Associate Administrator for the Office of Telecommunications and Information Applications (OTIA Associate Administrator) will prepare and present a package or packages of recommended grant awards to the Selecting Official for review and approval. The OTIA Associate Administrator's recommendations will consider the following selection factors:

1. The scores and technical comments of the objective expert reviewers during Merit Review;
2. The analysis of NTIA Program Staff during Programmatic Review;
3. Satisfaction of the statutory purposes and the overall goals and objectives of the TBCP;
4. Whether, and the extent to which, the applicant proposes to incorporate strong labor protections, consistent with tribal law into the performance of the construction project, including paying prevailing wages;
5. The extent to which the infrastructure investment is necessary to provide qualifying broadband service in the proposed service area and is unlikely to be made using private sources of funds;
6. Avoidance of duplication with the initiatives of other federal agencies, including Department of Agriculture loan and grant programs for broadband services, applicable universal service programs authorized by the Federal Communications Commission; and
7. The availability of funds and the equitable distribution of funds as required by section 905(c)(3)(A) of the Act.

The Assistant Secretary will generally select and recommend applications for funding based on the recommendations from the OTIA Associate Administrator. As the Selecting Official, the Assistant Secretary retains discretion to select and recommend an application for funding that was not recommended by the OTIA Associate Administrator based on one of the selection factors enumerated above and/or not to select an application that was recommended for funding by the Associate Administrator. The Assistant Secretary will submit the applications recommended for funding, along with the bases for the selection decisions, to the National Oceanic and Atmospheric Administration (NOAA) Grants Officer, who serves as the Grants Officer for the TBCP. The final approval of selected applications and the issuance of awards will be made by the NOAA Grants Officer. The award decisions of the NOAA Grants Officer are final.

### **When will awards be made or announced?**

NTIA expects to complete its review, selection of successful applicants, and award processing by **November 29, 2021**. NTIA expects the earliest start date for awards under this NOFO to be **December 13, 2021**. Awards will be made on a rolling basis subject to the availability of funds.

### **How will applicants be notified if not selected for an award?**

Unsuccessful applicants will be notified by e-mail and will have the opportunity to receive a debriefing after the opportunity is officially closed. Applicants must make this request within 10 business days of the email notification to receive a debrief from NTIA. NTIA will then work with the unsuccessful applicant in arranging a date and time for the debrief.

## **Grant Award and Reporting Requirements**

### **Can I apply my negotiated indirect cost rate to the project budget?**

Section 905(c)(6) of the Act prohibits an eligible entity from using more than two percent (2%) of grants funds received under the TBCP for administrative expenses. For this purpose, the two percent limitation on administrative expenses includes the combined total of indirect costs and direct administrative costs charged to an award.

If indirect costs are included in the proposed budget, the applicant must ensure that the budgeted amounts for indirect costs, plus the budgeted amounts for direct administrative costs, does not exceed two percent of the requested grant amount, regardless of any previously approved indirect cost rate it may have negotiated with a cognizant federal agency. If indirect costs are included in the proposed budget, the applicant must provide a copy of the approved negotiated agreement if this rate was negotiated with a cognizant federal audit agency.

### **What is the period of performance for these grants?**

As established in section 905(c)(4)(B) of the Act, the award period for the TBCP is one year from the receipt of grant funds. Furthermore, section 905(c)(4)(A)(i) of the Act requires an eligible entity to commit the funds in accordance with its approved application not later than 180 days after receiving grant funds under the TBCP. Any grant funds not committed by an eligible entity by this deadline will revert to the General Fund of the Treasury pursuant to section 905(c)(4)(A)(ii).

### **Are grant extensions allowable for broadband use and adoption (non-infrastructure) projects?**

No. Extensions for the expenditure of award funds are not available for broadband use and adoption projects. Accordingly, all broadband use and adoption projects funded pursuant to the NOFO must be completed within one year of an eligible entity receiving grant funds from NTIA.

### **Are grant extensions allowable for infrastructure projects?**

The Assistant Secretary may extend the period required for the expenditure of funds under the TBCP for an eligible entity that proposes to use the grant funds for construction of broadband infrastructure if the eligible entity certifies that:

- i. the eligible entity has a plan for use of the grant funds;
- ii. the construction project is underway; or
- iii. extenuating circumstances require an extension of time to allow the project to be completed.

The eligible entity may submit a request for an extension of the one-year award period with its application or not later than ninety (90) calendar days before the end of the award period. This request for extension only applies to broadband infrastructure projects. *See* Section B.2, Federal Award Information, of the NOFO.

## What are the award requirements for funded projects?

Grant recipients will comply with applicable statutes and regulations, including but not limited to:

- **Uniform Administrative Requirements, Cost Principles and Audit Requirements.** Through 2 C.F.R. § 1327.101, the Department of Commerce adopted Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which apply to awards in this program. Refer to <http://go.usa.gov/SBYh> and <http://go.usa.gov/SBg4>.
- **Department of Commerce Financial Assistance Standard Terms and Conditions.** The Department of Commerce will apply to each award in this program, the Financial Assistance Standard Terms and Conditions in effect on the date of award. The current version, dated November 12, 2020, is accessible at [Department of Commerce Financial Assistance Standard Terms and Conditions](#). Refer to Section G of the NOFO, Federal Awarding Agency Contacts, Grant Rules and Regulations, if you need more information.
- **Pre-Award Notification Requirements.** The Department of Commerce will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements dated December 30, 2014 (79 FR 78390), accessible at <http://go.usa.gov/hKkR>. Refer to Section G of the NOFO, Federal Awarding Agency Contacts, Grant Rules and Regulations, for more information.
- **Environmental and National Historical Preservation Requirements.** Awarding agencies are required to analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 *et seq.*) for applicant proposals and awardee projects seeking funding under the TBCP. Applicants with projects containing construction and/or ground disturbing activities are required to submit all required environmental documentation with their application package or describe in their project narrative the physical project location and include photographs and how they will comply with applicable environmental and national historical preservation requirements. It is the applicant's responsibility to obtain all necessary federal, state, and local governmental permits and approvals necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they minimize the potential for adverse impacts on the environment. Applicants also will be required to cooperate with NTIA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed projects. The failure to do so may be grounds for not making an award. Applications will be reviewed to ensure that they contain sufficient information to allow agency staff to conduct a NEPA analysis so that appropriate NEPA documentation can be submitted to NTIA, along with the recommendation for funding of the selected applications. If additional information is required after an application is accepted for funding, funds can be withheld by NTIA under a special award condition requiring the awardee to submit additional environmental compliance information sufficient for the agency to make an assessment of any impacts that a project may have on the environment.
- **Property Trust Relationship and Public Notice Filings for Grant-Acquired Property.** In accordance with 2 C.F.R. § 200.316, real property, equipment, and

intangible property, that are acquired or improved with a federal award must be held in trust by the recipient or subrecipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. In this connection, NTIA may require the non-federal entity to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. Awards issued pursuant to this NOFO may contain specific award conditions pertaining to the use and disposition of grant-acquired property and to a requirement that the recipient or subrecipient file certain public notices (*e.g.*, UCC-1, Covenant of Purpose, Use and Ownership, etc.) with respect to grant-acquired property.

- Tribal laws, including Tribal Employment Rights Ordinance, Environmental Protections Ordinances, and other applicable tribal laws enacted by the tribal government.
- The Davis Bacon Act is not applicable to the TBCP; thus, tribes may use their Tribal Force Account Wage Rates in lieu of Davis Bacon Wage Rates.
- **Open Network Requirements.** NTIA will require a recipient receiving funds to deploy broadband infrastructure under this grant program to make the network open for interconnection with other broadband service providers. The requirement to interconnect will apply to applicants that deploy middle mile networks or submarine cable landing stations and not last mile networks. Awards issued pursuant to this NOFO may contain a specific award condition imposing a requirement to comply with NTIA's open network requirements, which allows all other carriers to interconnect with these networks on fair and non-discriminatory terms and conditions. Such specific award condition may include the following:
  - **Interconnection:** Recipients shall allow interconnection to grant-funded facilities at any technically feasible point along the network (without exceeding current or reasonably anticipated capacity limitations). This duty includes, at a minimum, the physical interconnection of the recipient's facilities to a requesting party's facilities for the exchange of traffic. In addition, recipients shall connect to the public Internet directly or indirectly and provide requesting parties with an ability to connect to the Internet. Rates and terms for interconnection shall be reasonable and nondiscriminatory.
  - **Negotiate in Good Faith:** Recipients shall negotiate in good faith with all requesting parties (*i.e.*, public, private, non-profit, or other parties) making a bona fide request for interconnection or wholesale services.
  - **Wholesale Broadband Service:** NTIA encourages recipients to offer wholesale broadband service at rates and terms that are reasonable and nondiscriminatory.
- **Domestic Preference for Procurements (Buy American).** Pursuant to 2 C.F.R. § 200.322, a non-federal entity should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products pursuant to this program.

- **Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.** Pursuant to 2 C.F.R. § 200.321, a non-federal entity must take all necessary affirmative steps (as described in 2 C.F.R. § 200.321) to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

### **What are the reporting requirements associated with awarded projects?**

During the period of performance (or until all funds are expended), awardees will be required to submit the following reports:

- **Financial Reports.** Each award recipient will be required to submit an SF-425, Federal Financial Report on a semi-annual basis for the periods ending March 31 and September 30 of each year. Reports will be due within 30 days after the end of the reporting period to the NTIA Federal Program Officer, Grants Officer and Grants Specialist named in the award documents. A final financial report is due within 120 days after the end of the project period.
- **Performance (Technical) Reports.** Each award recipient will be required to submit a technical progress report to the NTIA Federal Program Officer, Grants Officer and Grants Specialist named in the award documents on a semi-annual basis for the periods ending March 31 and September 30 of each year. Reports will be due within 30 days after the end of the reporting period. Technical progress reports shall contain information as prescribed in 2 C.F.R. § 200.329 (<http://go.usa.gov/xkVgP>) and Department of Commerce Financial Assistance Standard Terms and Conditions dated November 12, 2020, Section A.01.
- **Annual Report.** Not later than one year after receiving grant funds under the TBCP, and annually thereafter until the funds have been expended, an eligible entity shall submit to the Assistant Secretary (via email to the NTIA Federal Program Officer listed in the recipient's award documents) a report, with respect to the one-year period immediately preceding the report date, that:
  - i. describes how the eligible entity expended the funds;
  - ii. certifies that the eligible entity complied with the requirements of the Act and the TBCP, including:
    - a. a description of each service provided with the grant funds; and
    - b. the number of locations or geographic areas at which broadband service was provided using the grant funds; and
  - iii. identifies each subgrantee that received a subgrant from the eligible entity and a description of the specific project for which grant funds were provided.

### **What are a grant recipient's obligations regarding the prevention of waste, fraud, and abuse?**

In accordance with specific award conditions and consistent with statutory requirements in the Consolidated Appropriations Act, 2021, and in 2 C.F.R. Part 200, at any time(s) during the grant period of performance, NTIA may direct a grant recipient's key personnel to take a Government-provided training on preventing waste, fraud and abuse. Key personnel include those responsible

for managing the grant recipient's finances and overseeing any contractors, sub-contractors or sub-grantees (for financial matters and/or general oversight related to the grant). NTIA will provide instructions on when and how to take such training(s), and costs incurred by a recipient relative to the training (e.g., staff time) is eligible for reimbursement pursuant to the NTIA award.

Further, grant recipients must monitor award activities for common fraud schemes, including but not limited to:

- false claims for materials and labor,
- bribes related to the acquisition of materials and labor,
- product substitution,
- mismarking or mislabeling on products and materials, and
- time and materials overcharging.

Should a grant recipient detect any fraud schemes or any other suspicious activity, the grant recipient must contact its assigned NTIA Federal Program Officer and the Department of Commerce, Office of Inspector General Hotline, as indicated at <https://www.oig.doc.gov/Pages/Contact-Us.aspx>, as soon as possible. Additionally, in accordance with 2 C.F.R. § 200.113, an applicant or grant recipient must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in Section 200.339. (*See also* 2 C.F.R. Part 180, 31 U.S.C. § 3321, and 41 U.S.C. § 2313.)

### **What are a grant recipient's obligations regarding the protection of whistleblowers?**

The Department of Commerce Financial Assistance Standard Terms and Conditions are incorporated into every NTIA grant award. Section F.05 of these Terms and Conditions states that each award is subject to the whistleblower protections afforded by 41 U.S.C. § 4712 (Enhancement of contractor protection from reprisal for disclosure of certain information).

Generally, this law provides that an employee or contractor (including subcontractors and personal services contractors) of a non-Federal entity may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body information that the employee reasonably believes is evidence of gross mismanagement of a Federal award, subaward, or a contract under a Federal award or subaward, a gross waste of Federal funds, an abuse of authority relating to a Federal award or subaward or contract under a Federal award or subaward, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal award, subaward, or contract under a Federal award or subaward.

Non-Federal entities and contractors under Federal awards and subawards must inform their employees in writing of the rights and remedies provided under 41 U.S.C. § 4712, in the predominant native language of the workforce.

A person that believes they have been the subject of retaliation for protected whistleblowing can contact the Department of Commerce, Office of Inspector General Hotline, as indicated at <https://www.oig.doc.gov/Pages/Hotline.aspx>, or the U.S. Office of Special Counsel, toll free at 1-800-872-9855.