

Tribal Broadband Connectivity Program

Third Set of Frequently Asked Questions (FAQ) (July 28, 2021)

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

Eligibility

General Eligibility / Eligible Entity

Are there minimum and maximum amounts that can be applied for and any ratios (e.g., amount of total funding to be divided between infrastructure and inclusion and use or middle mile to last mile) that need to be applied to applications?

In accordance with section 905(c)(3)(A) of the Act, NTIA will make the amounts appropriated under the Tribal Broadband Connectivity Program (TBCP) available to eligible entities on an equitable basis. In this connection, not less than 3% of the total amount of program funding, or \$30,000,000, will be allocated to the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community as the eligible entity designated in section 905(a)(8) of the Act. To further 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 (including those listed parenthetically). 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.

NTIA has not specified any funding ratios as between Broadband Infrastructure Deployment and Broadband Use and Adoption Projects or between the last-mile and middle-mile components of a Broadband Infrastructure Deployment Projects. Applicants may request the funding amounts needed to implement their project proposals.

As described in Section B.3 of the NOFO, 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.

Are there restrictions on who can provide middle mile service, where middle mile service is located, and how long can an Indefeasible Right-of-Use (IRU) or lease for middle mile service be for?

Section 905(c)(7) of the Act provides that an eligible entity may enter into a contract with a subgrantee, including a non-Tribal entity, as part of its use of grant funds under this program. An eligible entity that enters into a contract (or subaward) with a subgrantee for use of grant funds received under this program shall:

- (i) before entering into the contract, after a reasonable investigation, make a determination that the subgrantee:
 - (A) is capable of carrying out the project for which grant funds will be provided in a competent manner in compliance with all applicable laws;
 - (B) has the financial capacity to meet the obligations of the project and the requirements of Section 905(c) of the Act; and
 - (C) has the technical and operational capability to carry out the project; and
- (ii) stipulate in the contract reasonable provisions for recovery of funds for nonperformance.

Applicants are reminded that, pursuant to 2 C.F.R. 200.331, a federal award recipient must make case-by-case determinations whether each agreement it enters into for the disbursement of federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. The above due diligence requirements apply both to contracts and subawards issued by a recipient or by a subrecipient of federal award funds received pursuant to the TBCP.

The eligible entity may work with its subgrantees and/or contractors to determine the entity that would build or provide middle mile service proposed in the project. Middle mile infrastructure may be located within Tribal Lands, as defined in Section A.2.m of the NOFO, and/or located outside of Tribal Lands as necessary to provide qualifying broadband service on Tribal Lands. Projects to deploy middle mile networks must prioritize connecting with last mile networks serving unserved households and substantiate the incremental value to the last mile connection to the middle mile network.

An IRU is an eligible cost, so long as the term is longer than one year. The grantee must make full payment for the IRU during the grant's period of performance, and the application should include a description of the proposed agreement, including its length. *See Eligible Costs Specific to Broadband Infrastructure Deployment Activities, Section D.7.b of the NOFO.*

If a Tribal College or University is connected at 25/3, are they still eligible to get 1 Gbps?

A Tribal College or University is an eligible entity to apply for funds under the TBCP. Section C.3.c.i of the NOFO requires each eligible entity applying for Broadband Infrastructure Deployment funds to submit a Resolution of Consent from each Tribal Government, from the Tribal Council of the appropriate governing body, upon whose Tribal Lands the infrastructure will be deployed.

Section A.2.j of the NOFO defines qualifying broadband service as 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.

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. Given this prioritization, NTIA does not expect to fund projects focused on overbuilding an existing broadband provider that provides qualifying broadband service, as defined in Section A.2.j of the NOFO (25/3 with low latency).

Can funding be used to fund site survey and other land acquisition/lease and RFP processes related to the project?

Yes, these are eligible expenses. *See* NOFO Section D.7.b, Eligible Costs Specific to Broadband Infrastructure Deployment Activities.

Do you recommend eligible entities apply for these projects or would it be better to partner with a company that might have more experience and could work on our behalf?

The applicant must be an eligible entity as defined in Section A.2.f of the NOFO. However, NTIA leaves it up to each eligible entity to make the decision to best meet their needs. This includes partnering with a provider or applying on its own. Note that the evaluation criteria considers the strength of an applicant's organizational capacity, including the years of experience and expertise of the project management team. *See* NOFO Sections E.1.b.ii and E.2.b.ii, Strength of Applicant's Organizational Capability. This evaluation includes assessing the strength of the applicant's partnership and/or subrecipient strategy (as applicable), including how it complements the applicant's organizational capability.

Can we include in the application infrastructure builds to housing projects or other areas of tribal land where the construction of homes and institutions is expected to be completed soon?

Yes, but an applicant should demonstrate that the housing projects or other construction to homes or institutions are approved by the tribal government and the process is underway. Under the evaluation criteria for broadband infrastructure deployment projects, reviewers will favorably review proposals for broadband construction projects that are capable of completion within the one-year award period set forth in the Act. *See* NOFO Section E.2.b.i, Technical Approach and Related Network Planning, Capacity and Performance.

If an eligible entity has submitted an application to have lands into trust, can we use these funds to bring broadband to those lands?

The title to the land must be held in trust by the United States; an application is not sufficient. The NOFO definition of “Tribal Lands” includes any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, 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. *See* Section A.2.m of the NOFO. Additionally, Tribal Lands include those areas or communities designated by the Assistant Secretary of Indian Affairs of the U.S. 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. The status of land to be served by an applicant project must fit within one of the categories listed in Section A.2.m in order to qualify as “Tribal Lands” for the purposes of this program. *See* Section A.2.m, Definitions, of the NOFO for more information.

Can grantees use rights of way outside of tribal lands?

Grantees will need to obtain permits from the owners of the rights of way outside of Tribal Lands (*e.g.*, federal, state, local governments) in order to use the respective rights of way. *See* NOFO Section D.2.b.iii, Project Narrative for Broadband Infrastructure Deployment Projects. Any project work taking place outside of Tribal Lands must be necessary to provide qualifying broadband service on Tribal Lands.

Can funds for infrastructure be used to overbuild an existing broadband provider who provides 25/3?

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 permits Tribal Governments to self-certify the unserved status of proposed service areas within Tribal Lands, and lands providing services to Tribal members, with a description of how the Tribal Government determined that the area is unserved. However, given the prioritization requirement described above, NTIA does not expect to fund projects focused on overbuilding an existing broadband provider that provides qualifying broadband service as defined in Section A.2.j of the NOFO (25/3 with low latency).

Can funds be used to buy out an existing provider?

Possibly, if the acquisition of the existing provider results in providing qualified broadband service to *Unserved Tribal Land*. *See* NOFO Section D.7.b, Eligible Costs Specific to Broadband Infrastructure Deployment Activities.

Can Tribes use these funds to deploy laptops, telehealth equipment, hardware, or webcams?

Yes, equipment related directly to project activities and devices to support connectivity for telehealth, remote education, and digital inclusion such as laptops, tablets, and hotspots are examples of generally allowable costs for Broadband Adoption and Use projects. *See* NOFO Section D.7.c, Eligible Costs Specific to Broadband Adoption and Use Activities.

Can funds be used for connectivity and is there a time limit for funding?

Funds can be used for broadband connectivity or for broadband use and adoption activities. The Act requires eligible entities to complete their projects within one year of their receipt of grant

funds. The Assistant Secretary, however, may extend the award period for broadband infrastructure construction projects if the eligible entity certifies that: (1) it has a plan for the use of the grant funds, (2) the construction project is underway, or (3) extenuating circumstances require an extension of time to allow the project to be completed. The Act requires eligible entities to expend their grant funds and complete their Broadband Use and Adoption projects within one year of receiving grant funds from NTIA. There are no time extensions available for Broadband Use and Adoption projects. *See* Section B.2 of the NOFO. According to the U.S. Department of Commerce grant rules, funds can only be used to pay for eligible costs incurred during the award period of performance.

Will other variables besides speed and latency be considered, such as jitter, % packet delivery and availability, data volume, etc.?

Section A.2.j of the NOFO defines qualifying broadband service as 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. NTIA will only consider speed and latency as part of the application evaluation criteria. *See* NOFO Section E.2.a.i, Level of Need on the Tribal Land.

Can multiple technologies be proposed in an application?

The types of technologies to be used for a Broadband Infrastructure Deployment project is left up to the applicant. An applicant may propose the technology or technologies that best meets their needs in deploying qualifying broadband service on Tribal Lands.

Will NTIA accept application proposals for projects that have a latency higher than defined in the NOFO?

Applicants proposing to deploy broadband infrastructure projects with a higher latency than defined in the NOFO should explain in their Project Narrative why the proposed technological solution is unable to meet the latency standard in the definition of “qualifying broadband service” in Section A.2.j of the NOFO. NTIA recognizes that there may be instances where a proposed technological solution with higher latency offers the only viable service option given the characteristics of the proposed service area, (*e.g.*, geography or topography) and it has instructed merit reviewers to take these factors into consideration in the evaluation of the application as described in Section E.2.b.i, of the NOFO, Technical Approach and Related Network Planning, Capacity and Performance.

If an eligible entity is not an FCC certified eligible telecommunications carrier (ETC), but planning to be an ETC, how should that be documents in the application to NTIA?

Being an eligible telecommunications carrier (ETC) is not a requirement to apply for a grant under the TBCP. If an eligible entity is planning to apply to the FCC to become an ETC, it may explain this information in its Project Narrative.

The NOFO contemplates that a lower tier participant of a consortium can still submit its own application. How is a lower tier participant defined?

Section D.2 of the NOFO states that an eligible entity may elect to participate as a lower-tier member of a consortium in connection with the submission of a comprehensive application for a Broadband Infrastructure Deployment Project covering Tribal Lands and also submit its own application as the primary recipient for a Broadband Use and Adoption Project. In this context, a lower-tier member of a consortium means an entity participating in a project in a capacity other than as the primary recipient of the award.

Will applications that propose broadband deployment for a portion of its population due to cost constraints be favorably scored?

It is the applicant's responsibility to define the proposed service area for its project. 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. The evaluation criteria that will be used by the Merit Reviewers to review and analyze applications for Broadband Infrastructure Deployment projects are grouped into three categories: (1) project purpose and benefits; (2) project viability; and (3) project budget and sustainability. Applicants should propose the technology or technologies that best meets their needs.

Is 25/3 per household or for each family member?

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, with low latency. *See* Section A.2 of the NOFO for more information.

Can applicants apply for funding to provide broadband services for workforce development programming?

Yes, applicants may apply for grant funds for the use of workforce training and to facilitate access to broadband services, including workforce development centers. *See* NOFO Section D.7.c, Eligible Costs Specific to Broadband Adoption and Use Activities.

Is funding a one-time fund, or are there plans to deliver annual funding once broadband is delivered for ongoing connectivity?

The TBCP is a one-time grant program. If NTIA does not award all available grant funds in the first round, NTIA may use the remaining available funds in a second round of grant funding, which will be publicly announced through NTIA's issuance of a new NOFO. *See* Section B.2.d of the NOFO for more information.

Can applicants include multiple projects with multiple ISPs under one NTIA grant application?

Yes, an eligible entity may propose multiple projects with multiple internet service providers (ISPs) within a single application if that best meets the eligible entity's broadband needs. The multiple projects should be included in one application and the multiple ISPs can be sub-grantees or other partners.

Tribal Lands

If a tribal land has an existing service provider that provides “qualifying” internet service but very high cost for the members to afford, can tribes self-certify for “unserved”?

No, with respect to a household, *unserved* 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. *See* Section A.2.o of the NOFO for more information.

Is a home that is off-reservation, but owned by a tribal member considered Tribal land?

Yes, the program’s definition of Tribal Land includes, but is not limited to, any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, 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. *See* Section A.2.m of the NOFO for more information.

Eligible Costs

If we have an estimate of what construction would cost for infrastructure development, could an application include both design/engineering and then the construction of the infrastructure?

Yes, eligible costs include costs of construction and engineering and network design, including route mapping for broadband infrastructure, permitting and work related to environmental, historical and cultural reviews, in addition to the costs of construction required to provide qualifying broadband service. However, funds being used for planning, feasibility, and sustainability studies may not exceed one percent of the total project costs. *See* Section D.7.b of the NOFO for additional information on eligible costs.

Is the internet gateway monthly charge eligible?

Yes, so long as the cost and terms are reasonable, eligible under the NOFO, and incurred during the award 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.

Will waivers be provided for backbone/middle mile portions of applications that propose re-use of existing conduit but is on a longer timeline for improvements?

The Act requires eligible entities to complete their projects within one year of their receipt of grant funds. The Assistant Secretary, however, may extend the award period for broadband infrastructure deployment projects if the eligible entity certifies that: (1) it has a plan for the use of the grant funds, (2) the construction project is underway, or (3) extenuating circumstances require an extension of time to allow the project to be completed. *See* Section B of the NOFO

for additional information pertaining to award amounts and to the period of performance for grants issued pursuant to this NOFO.

Regarding possible broadband adoption and use projects, does application of the one-year completion deadline effectively mean that any program initiated to reduce the monthly cost of qualifying broadband services to consumers can only last a period of one year (that it must conclude at the end of the one year "completion" period)? Or could monthly reduced pricing, discounts continue for a longer period?

Broadband service costs are allowable beyond the one-year timeframe as 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.

Can consultants who help eligible entities with the application process also participate in grant implementation?

Yes, if the consultants' services fall under the eligible costs specific to either the Broadband Adoption and Use activities or the Broadband Infrastructure Deployment activities. *See* Section D.7 of the NOFO for additional information on eligible costs. Please remember that reimbursement of reasonable costs associated with preparing the grant application may not to exceed five (5) percent of the award. Further, Section 905(c)(6) of the Act prohibits an eligible entity from using more than two (2) percent of grant funds received under the TBCP for administrative expenses.

Can eligible entities use these funds to subsidize Tribal members' commercial broadband service? What if Tribal members do not live on reservation or Tribal Land, but are still in economic distress?

Yes, funds for Broadband Use and Adoption Projects may be used to provide affordable broadband programs, including providing free or reduced-cost broadband service and preventing disconnection of existing broadband service. *See* Section D.7 of the NOFO for additional information on eligible costs. Broadband Use and Adoption Projects are not required to be implemented only on Tribal Lands, but level of impact on Tribal Lands is an important evaluation criterion for these projects (worth 45 of 100 total points). *See* NOFO Section E.1.a, Project Purpose and Benefits.

The program's definition of Tribal Lands includes, but is not limited to, any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, 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. Additionally, Tribal Lands means those areas or lands 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. *See* NOFO Section A.2, Definitions, for more information.

Are virtual private networks (VPNs) considered with the type of connection?

The purpose of this funding is to expand the availability of qualifying broadband service by deploying new or upgraded broadband infrastructure on Tribal Lands. If an applicant intends to use grant funds to implement a VPN, the applicant must include a description of how the activity is necessary to carrying out eligible programmatic activities. VPN-related costs must also be justified in the budget. *See* Section D.7 of the NOFO for additional information on eligible costs.

Would fixed and wireless broadband be an option for types of broadband connectivity?

Yes, both fixed and wireless broadband is an option for applicants. Wireless includes, but is not limited to, satellite, radio, and LTE or 2.5 GHz frequency. Further, NTIA encourages applicants to use technology solutions that best meet their communities' needs in deploying broadband infrastructure. Regardless of the technology that the applicant chooses to use, the project must deliver qualifying broadband service. Section A.2.j of the NOFO defines qualifying broadband service as 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.

Can you use the funding to pay for cultural monitors if installing fiber?

Yes, if cultural monitors are required for construction, they are an eligible expense. If the applicant intends to utilize cultural monitors, the applicant must describe why cultural monitors are necessary to carry out eligible activities. The applicant must also justify the costs for cultural monitors in the budget narrative and detailed budget justification.

Application Process

Does NTIA have a template for an application that can be used for reference?

NTIA is working on a template, and when completed, it will be posted on the BroadbandUSA website. Additionally, on July 21, 2021, NTIA hosted a webinar on the TBCP application process. During this webinar, NTIA staff presented to potential applicants the standard forms and related documentation required for a complete TBCP grant application.

Link: <https://broadbandusa.ntia.doc.gov/resources/tribal-nations>.

Can an applicant ask for both planning support and infrastructure support in the same application?

Yes, NTIA encourages applicants to apply for planning and infrastructure funding in the same application if these activities are required to implement its project proposal. (An eligible entity may only submit a single application for funding pursuant to this program.) NTIA will accept proposals to conduct planning, engineering, feasibility, or sustainability studies as part of the necessary steps to develop a technological solution for broadband deployment. However, funds

being used for planning, feasibility, and sustainability studies may not exceed one percent of the total project costs. *See* NOFO Section A.1.a, Broadband Infrastructure Deployment.

Can a project for broadband infrastructure and digital inclusion and use be submitted in one application?

Combined applications are encouraged as an eligible entity may submit only one application. Applicants proposing both types of projects will submit the forms and documentation enumerated in both NOFO Section D.2.b, Required Forms and Documentation for Broadband Use and Adoption Projects (for non-construction components), and Section D.2.c, Required Forms and Documentation for Broadband Infrastructure Deployment Projects (for construction components), as well as the documents described in Section D.2.a. Forms and Documentation Required for ALL Applicants for a Tribal Broadband Connectivity Program Grant.

Are any certifications, such as Competitive Local Exchange Carrier (CLEC), needed to apply for infrastructure funding?

No, NTIA does not require an applicant to be certified as a CLEC to apply for Broadband Infrastructure Deployment Project funding.

Does a Tribe's FCC TPW application shape file define tribal lands under the NTIA Tribal Broadband Connectivity Program NOFO? How are NOFO tribal lands defined for a Tribe with no TPW application shape file?

A Tribe's FCC shape file does not define Tribal Lands for this program. Tribal Lands includes, but is not limited to, any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, 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. Additionally, Tribal Lands includes 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. Applicants are encouraged to send in shape files of their proposed service area and the service area must be within *Tribal Lands*, as defined in Section A.2.m of the NOFO.

How much detail is required for the application? Does all of the engineering and design work need to be complete before application?

Applications for the TBCP must follow the format described in this NOFO and must include a project narrative and a project budget and other items as specified in the NOFO. Applications must be timely submitted in accordance with the application deadlines set forth in Section D.4 of this NOFO. NTIA prefers that applicants use Grants.gov to submit their application. Applications submitted by mail may be in hard copy (paper) or electronic format (e.g., CD-ROM, disk, or thumb drive). NTIA will also accept applications submitted by email to broadbandusa@ntia.gov. Applications submitted by email should be machine-readable and should not be copy-protected. *See* NOFO Section D.2, Content and Form of Applications, for more information. The costs of engineering and network design are eligible costs for Broadband Infrastructure Deployment Projects. *See* NOFO Section D.7.b, Eligible Costs Specific to Broadband Infrastructure Deployment Activities.

Can the ISP assist the eligible entity with applying for these broadband grants or does the eligible entity have to complete?

An ISP can assist in the preparation of the grant application, however, the applicant must be one of the following eligible entities listed in the Act: a Tribal Government, a Tribal College or University, the Department of Hawaiian Homelands on behalf of the Native Hawaiian Community, a Tribal Organization, or an Alaska Native Corporation. An ISP may not serve as the applicant unless it fits in one of these eligible entity categories. Additionally, the NOFO states that an eligible entity may enter into a contract or subaward with a subgrantee, including a non-Tribal entity, as part of its use of grant funds under this program. *See* NOFO Section D.7.d, Subgrantees, for more information.

Please also note that reimbursement of reasonable costs associated with preparing the grant application may not 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 unallowable under the TBCP and not reimbursable from grant funds. *See* Section D.7.e of the NOFO. 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

Application for Extension

If asking for an extension, should we include the longer timeline provided in the application? Meaning, when showing our timeline, can we present one for longer than one year?

The Act requires eligible entities to complete their projects within one year of their receipt of grant funds. Therefore, applicants in their proposals should plan to spend funds within one year. The Assistant Secretary, however, may extend the award period for broadband infrastructure construction projects if the eligible entity certifies that: (1) it has a plan for the use of the grant funds, (2) the construction project is underway, or (3) extenuating circumstances require an extension of time to allow the project to be completed. With respect to broadband infrastructure projects, 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. The eligible entity should explain in its extension request how much additional time it will need to fully complete its broadband infrastructure project. Please note that NTIA cannot grant any extensions of the September 1, 2021 application deadline.

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 this NOFO must be completed with one year of an eligible entity receiving grant funds from NTIA.

Evaluation of Applications

Will there be a challenge process for self-certification?

The TBCP does not have a challenge process.

Is there an advantage to applying either as a consortium or to submitting an independent application?

Applicants should choose the approach that best meets their needs. NTIA encourages a regional consortium approach to Broadband Infrastructure Deployment Projects that cover regional infrastructure gaps in the most cost-effective manner and encourages a consortium approach for Broadband Use and Adoption Projects that increases collaboration. From an evaluation point of view, reviewers will consider the cost effectiveness of the proposed project, specifically any economies of scale associated with a consortium (among other factors). *See* NOFO Section C.3.b, Encouragement of Consortium or Regional Applications, and NOFO Section E.2.b.i, Technical Approach and Related Network Planning, Capacity and Performance.

Could you address in more detail what counts toward project sustainability as far as the evaluation process goes? Specifically, would Tribal ownership of infrastructure be considered as part of sustainability?

For Broadband Adoption and Use projects, reviewers will assess the extent to which the project builds digital skills and workforce capacity in Native American/Alaska Native/Native Hawaiian communities to enable the work initiated by the project to continue beyond the award period. Reviewers will also assess the extent to which the project gathers data and conducts evaluation of the digital inclusion and broadband adoption programs funded by the grant to determine their effectiveness and develop best practices to facilitate digital inclusion and broadband adoption in Native American/Alaska Native/Native Hawaiian communities. For infrastructure projects, evaluators will look at the long-term financial viability of the project. *See* NOFO Section E.1.c, Project Budget and Sustainability, and NOFO Section E.2.c.ii, Sustainability of the Project.

If multiple departments and entities of the tribe jointly submit one comprehensive application, how are each of these needs scored? Will NTIA approve all or nothing, or just fund parts of an application?

NTIA encourages the submission of one comprehensive application. The evaluation criteria that will be used by the Merit Reviewers to review and analyze applications for Broadband Use and Adoption Projects and for Broadband Infrastructure Deployment Projects are grouped into three categories: (1) Project Purpose and Benefits; (2) Project Viability; and (3) Project Budget and Sustainability.

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. Depending on the outcome of the application review process, NTIA may make an award that reflects the original application, make an award that reflects modifications to the application, or not select an application for funding. *See* NOFO Section E.3, Review Process for the Tribal Broadband Connectivity Program, for more information.

The NOFO mentions grants being awarded on a rolling basis. Does this mean applications should be submitted as soon as possible so they are not disadvantaged?

So long as applicants file complete applications by the September 1, 2021, deadline, the specific date on which they submit the application will not advantage or disadvantage them in the review process. NTIA will conduct an initial review of all 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.

Grant Award and Reporting Requirements

Will federal agencies expedite the permitting process required within the National Environmental Policy Act (NEPA) that this grant requires?

NTIA is continuing its work with other federal agencies to fulfill the permitting requirements in a timely manner. NTIA's BroadbandUSA website includes links to all the federal agencies permitting websites. Additionally, on July 22, 2021, NTIA and the Department of Interior's Bureau of Indian Affairs (BIA) co-hosted a webinar on "hot topics" pertaining to the TBCP application. During this webinar, the NTIA Tribal Broadband Specialist Team covered topics including, but not limited to, the National Historic Preservation Act (NHPA), National Environmental Policy Act (NEPA), and permitting.

To access these links, please click here: <https://broadbandusa.ntia.doc.gov/resources/tribal-nations>.

Is there a limit to the number of partners and or providers that can be included in an application and are there any requirements on partners after the grant is awarded?

There are no limits on the number of partners and/or providers that can be included in a TBCP grant application. Partners that are subgrantees will have to comply with federal grant regulations in 2 C.F.R. part 200 and with the terms and conditions of a TBCP award.. See NOFO Section C.7.d, Subgrantees, and NOFO Section F.4, Administrative and National Policy Requirements. The evaluation criteria for all TBCP applications include assessment of the strength of the applicant's partnership and/or subrecipient strategy, including how it complements the applicant's organizational capability.

Does the interoperability requirement of the NOFO Sec F.4 require both a "common carrier" backbone/middle mile type interoperability and does it apply to open standards for last mile distribution such as Open-Ran (e.g., radio spectrum interoperability standards)?

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 the TBCP 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: 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. Recipients shall also 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. NTIA encourages recipients to offer wholesale broadband service at rates and terms that are reasonable and nondiscriminatory.

Will restrictions be placed on service providers as tribal partners (liens, other requirements, for example)?

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. *See* Section F.4 of the NOFO.

Other Federal Funding and Proposed Service Areas

Can NTIA funds can be used as match for other federal funding?

Generally, federal funds may not be used to provide the non-federal cost share of a federal award, except as expressly authorized by federal statute. (*See* 2 C.F.R. § 200.306(b)(5).) The Consolidated Appropriations Act, 2021, which authorized the TBCP, does not expressly authorize funds to be used as the non-federal cost share for another federal award. Therefore, funds awarded under the TBCP may not be used as match for other federal funding.

If a tribe entered into an Enforceable Buildout Commitment in the past, but that contract has expired, is the tribe correct in certifying to the NTIA that no Enforceable Buildout Commitment exists?

Yes, however, a Tribal Government must disclose whether it has terminated an existing agreement qualifying as an Enforceable Buildout Commitment in anticipation of receiving funding under the TBCP. *See* Section D.2.c.vii of the NOFO.