

## **Tribal Broadband Connectivity Program**

### **Fourth Set of Frequently Asked Questions (FAQ) (August 27, 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 (TBCP) 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 definition of “commercial grade equipment and speeds?”**

As stated in the NOFO, for the TBCP’s Broadband Infrastructure Deployment projects, NTIA requires construction of networks that use commercial grade equipment that will meet current needs and be scalable to meet future needs. Section E.2.b of the NOFO, under the Project Viability category, indicates that those networks that propose a design that can be scaled to accommodate commercial grade equipment and speeds will receive 2 points. The NOFO does not expressly define the term “commercial grade equipment.” For purposes of this program, commercial grade equipment means equipment that is interoperable, able to connect to middle mile and last mile networks, capable of delivering qualifying broadband service, and scalable to meet the applicant’s future needs. NTIA encourages the submission of project proposals that deploy future-proof infrastructure, to the extent feasible, *e.g.* fiber.

#### **Application Process**

##### **May an applicant propose an infrastructure project that would require funds in addition to the anticipated TBCP grant award, such as the Coronavirus Capital Projects Fund, for completion and/or to provide benefits to 100% of the unserved/underserved population within the applicants Tribal Lands?**

Applicants should only submit applications to TBCP that can be completed with TBCP funding, if awarded. (The eligible entity may propose to contribute matching funds, but this is not a TBCP requirement and NTIA will not give additional consideration for applications proposing to contribute matching funds.) To the extent that your project could be expanded and/or supplemented using other grant funds, applicants may provide NTIA with that information in the application. But the application will be evaluated based on whether the project can be completed with TBCP funds, and the project budget submitted to NTIA should reflect the project that can be completed with TBCP funding. Under the Project Purpose and Benefits evaluation criteria in Section E.2.a.1 of the NOFO, only applications that propose to connect 100% of unserved households, businesses and Community Anchor Institutions in the proposed

service area described in the application to NTIA, and utilizing grant funds requested from NTIA, will receive 20 points.

Tribal Government applicants that are interested in receiving funding from the U.S. Department of the Treasury's (Treasury's) Coronavirus Capital Projects Fund, referenced in Section B.1 of the NOFO, can include the following short statement either in its project narrative or as a separate attachment giving permission for NTIA to share its complete application package with Treasury: "[Authorized Representative of Tribal Government] authorizes NTIA to provide its Tribal Broadband Connectivity Program application and supporting documents to Treasury for consideration in connection with an award from Treasury's Coronavirus Capital Projects Fund." If NTIA receives an application that includes this authorization, it will then transmit a copy of the application package to Treasury, which may use this information to assess more quickly the applicant's eligibility for funding under the Treasury program.

**Would an applicant earn all the points for serving the 100% of the population if funds outside of the TBCP funds are required and not yet guaranteed?**

No. Reviewers will evaluate the project as submitted to NTIA for NTIA funding. As stated above, under the Project Purpose and Benefits evaluation criteria in Section E.2.a.1 of the NOFO, applications that propose to connect 100% of unserved households, businesses and Community Anchor Institutions in the proposed service area described in the application to NTIA, and utilizing grant funds requested from NTIA, will receive 20 points. (The eligible entity may propose to contribute matching funds, but this is not a TBCP requirement and NTIA will not give additional consideration for applications proposing to contribute matching funds.) To the extent that your project could be expanded and/or supplemented using other grant funds, applicants may provide NTIA with that information in the application. But the application will be evaluated based on whether the project can be completed with TBCP funds, and the project budget submitted to NTIA should reflect the project that can be completed with TBCP funding. As further stated in section E.2.c.i of the NOFO, reviewers will consider whether the applicant has demonstrated adequate and appropriate budget resources to successfully execute the proposed project activities.

**May an eligible entity submit only one single application for the TBCP, or may an eligible applicant submit other applications for the TBCP as a member of a consortium or regional application?**

An eligible entity may only submit one single application for the TBCP. However, an eligible entity may be a lower tier participant with respect to an application put forward by a consortium. Pursuant to Section C.3.c of the NOFO, NTIA encourages a regional approach to Broadband Infrastructure Deployment Projects through the submission of an application on behalf of a consortium or of multiple Tribal partners (each of which must be an eligible entity).

Similarly, NTIA encourages eligible entities to collaborate or participate as part of a consortium for Broadband Use and Adoption Projects.

**Will NTIA provide all available scoring points to a single application proposing last mile distribution and customer premise equipment (CPE) for tribal lands when the internet connectivity is predicated on a Consortium application? Or must a Single or Consortium application include all infrastructure and last mile distribution & CPE in order to receive maximum point awards?**

NTIA strongly encourages applicants to submit a single application that encompasses the entire project (which may include infrastructure, middle and last mile networks, and equipment), such that the entire project can be completed if NTIA makes an award. In other words, an application will score most highly if it can show that it will connect the most unserved households, businesses and Community Anchor Institutions in the service area to qualifying broadband service. NTIA encourages eligible applicants to describe in their proposal's project narrative where coordination with other eligible entities is purposeful. See section E.2 of the NOFO for the evaluation criteria for Broadband Infrastructure Deployment projects.

**If an eligible entity ensures that there is no duplication in target services areas, can that eligible entity submit an application for itself, while also participating in multiple consortia as a partner or subordinate entity?**

Yes. Pursuant to Section C.3.c of the NOFO, NTIA encourages a regional approach to Broadband Infrastructure Deployment Projects through the submission of an application on behalf of a consortium or of multiple Tribal partners (each of which must be an eligible entity) that cover regional infrastructure gaps or other eligible projects in the most cost-effective manner, while providing access to those communities that meet the definition of "unserved" per the statute. Similarly, NTIA encourages eligible entities to collaborate or participate as part of a consortium for Broadband Use and Adoption Projects.

**If an eligible applicant that is a federally recognized Tribal Government is eligible to receive a \$500,000 allocation and is permitted to submit a Single Application and a Consortium or Regional Application, may an applicant Tribe determine which of the applications receives the \$500,000 allocation?**

Yes, a Tribal Government may request which of the applications would receive the \$500,000 minimum allocation and can identify this in a Tribal Resolution or a Letter of Consent signed by an elected tribal body and include this documentation in the application.

**Will "equitable distribution" be considered in grant awards or scoring among applicants or is this term exercised only for the \$500k allocation?**

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

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 in accordance with Section B.3 of the NOFO. 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 will award the remaining funds available under the TBCP in accordance with the process described in Section E of the NOFO.

**Will an applicant's proposal to serve areas, where the costs of fiber optic media or fixed wireless are too great and not viable, will GEO/LEO satellite services be considered compliant with the NOFO and, if so, receive all available points in scoring the application?**

NTIA will not assess the merits a specific project proposal prior to application submission. Proposed networks will be evaluated based on whether they would provide qualifying broadband service (i.e., 25 Mbps download, 3 Mbps upload, latency at or below 100 milliseconds). Under the Project Viability evaluation criterion in Section E.2.b.i of the NOFO, proposed networks offering higher end-user speeds will be viewed more favorably. Proposed networks with high latency will be viewed less favorably. However, reviewers will consider the extent to which a proposed technological solution with or without higher latency offers the only viable service option given the characteristics of the proposed service area.

**How will an applicant determine when to propose high-cost broadband infrastructure (NOFO 1.a.) or proposed "project proposals to conduct planning, engineering, feasibility, or sustainability studies as part of the necessary steps to develop a technological solution for broadband deployment..." at the risk of proposal that does not satisfy TBCP goals at a lesser total cost or satisfies TBCP goals at a high cost that is less competitive with other applications?**

Eligible entities are encouraged to determine and submit an application that provides the most cost effective technological solution for broadband connectivity appropriate for their proposed service areas. Recognizing the importance of building future-proof networks, the NOFO encourages the submission of project proposals that deploy future-proof infrastructure, to the extent feasible, e.g. fiber. It also awards more points to projects that provide higher speed services.

If an applicant is not at the stage where it can submit a construction proposal, reviewers will consider eligible projects, such as engineering, planning/feasibility/sustainability studies as a part of the necessary steps to develop a technological solution. Reviewers will give additional consideration to applications that include workforce training for Native American/Alaska Native/Native Hawaiian communities as a component of the network planning project.

**Due to the vast geography and difficult topology of Alaska, applications will likely exhaust all available funding to deploy infrastructure that will not connect 100% of unserved households etc. and be unable to future proof infrastructure. Will an applicant's proposal that is unable to serve 100% of unserved households receive a full 20 points available of the 35 points under Level of Need on the Tribal Land? If not, how many points would an applicant receive?**

NTIA will not assess the merits of a specific project proposal prior to application submission. Reviewers will consider several criteria to assess the level of need and the positive impact of the project on the Native American/Alaska Native/Native Hawaiian community covered by the project. Only applications that propose to connect 100% of unserved households, businesses and Community Anchor Institutions in the proposed service area will receive the full 20 points allocated for this purpose. Applicants will determine their own proposed service areas. See Section E.2. of the NOFO for the evaluation criteria for Broadband Infrastructure Deployment projects.

**Is the meaning of connect in "connect 100% of unserved households" etc. mean connect at speeds higher than 25/3? Will an applicant receive a full 20 points available of the 35 points under Level of Need on the Tribal Land if the proposal is to connect less than 100% of unserved households etc. at speeds higher than 25/3?**

NTIA will not assess the merits of a specific project proposal prior to application submission. See Section E.2 of the NOFO for details as to how NTIA will evaluate applications for Broadband Infrastructure Deployment projects.

**Is the TBCP grant award excluded from the Tribal Self-Governance cost pool used for the National Indirect Cost Rate Agreement?**

Yes. 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. See Sections D.2.b.vi and D.7.e of the NOFO for more information on indirect cost rates. Questions related to a Tribe's indirect cost rate or indirect cost pool should be addressed to the Tribe's cognizant federal agency for indirect costs.

**For required demographic information, can Department of Commerce's Census Bureau's "American Community Survey" data be used as authoritative data?**

Yes, eligible entities may use the Department of Commerce's Census Bureau's data as authoritative data.

**Along with the definition of "unserved", is the self-certification sufficient, or is anything else required?**

NTIA will permit Tribes to self-certify the underserved status of proposed service areas within Tribal Lands, and lands providing service to Tribal Members, with a description of how the Tribe determined that area is unserved.

**Please provide a target timeline for evaluation of all proposals and a date-certain completion target.**

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.

**Would applications that propose networks delivering end-use speeds less than 1000 Mbps or 100/20 Mbps, or even less than 25/3, due to a lack of project viability, be eligible to receive the maximum 10 points?**

NTIA will not provide funding for deployment projects that fail to provide qualifying broadband service. The NOFO encourages the submission of project proposals that deploy future-proof infrastructure, to the extent feasible, e.g. fiber. It also awards more points to projects that provide higher speed services. See Section E.2 of the NOFO for details as to how NTIA will evaluate applications for Broadband Infrastructure Deployment projects.

**Grant Award and Reporting Requirements**

**Will the authorization of funding to NTIA expire per legislation or will it be extended until all applications are reviewed?**

As established in section 905(c)(4)(B) of the Act, the award period for the Tribal Broadband Connectivity Program 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 Tribal Broadband Connectivity Program. 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) of the Act. 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.

NTIA will make any grant funds not expended by an eligible entity by the end of the one-year award period set forth in the Act available to other eligible entities for the purposes provided in the Tribal Broadband Connectivity Program, unless the eligible entity has received an extension from NTIA to complete its broadband infrastructure project.

NTIA will initiate a second notice and application process to reallocate any funds that remain available after awarding grants to eligible entities that submitted approved applications during this round of funding for the TBCP.

### **Other Federal Funding and Proposed Service Areas**

#### **How will Alaska Tribal governments receive allocations of the Coronavirus Capital Projects Fund allocated to the State of Alaska, in what amounts, and when? Will NTIA direct or inform an allocation of a portion of the state allocation of funds?**

Tribal Government applicants that are interested in receiving funding from the Treasury's Coronavirus Capital Projects Fund, referenced in Section B.1 of this NOFO, should include the following short statement either in its project narrative or as a separate attachment giving permission for NTIA to share its complete application package with Treasury: "[Authorized Representative of Tribal Government] authorizes NTIA to provide its Tribal Broadband Connectivity Program application and supporting documents to Treasury for consideration in connection with an award from Treasury's Coronavirus Capital Projects Fund." If NTIA receives an application that includes this authorization, it will then transmit a copy of the application package to Treasury, which may use this information to assess more quickly the applicant's eligibility for funding under the Treasury program. NTIA recommends that interested parties to contact the Department of Treasury with questions about how it will use this information or how the Department of Treasury will evaluate potential projects.

#### **Can TBCP proposals serve as a "pre-application" for the Department of Treasury's Coronavirus Capital Projects Fund?**

No, a Tribal Government's project proposal for the TBCP will not serve as a pre-application to the Department of Treasury's Coronavirus Capital Project Fund. Eligible entities seeking TBCP funding should submit a complete application meeting all NOFO requirements by the application deadline. Tribal Government applicants that are interested in receiving funding from the Treasury's Coronavirus Capital Projects Fund, referenced in Section B.1 of the TBCP NOFO, should include the following short statement either in its project narrative or as a separate attachment giving permission for NTIA to share its complete application package with Treasury: "[Authorized Representative of Tribal Government] authorizes NTIA to provide its Tribal Broadband Connectivity Program application and supporting documents to Treasury for consideration in connection with an award from Treasury's Coronavirus Capital Projects Fund." If NTIA receives an application that includes this authorization, it will then transmit a copy of the application package to Treasury, which may use this information to assess the applicant's eligibility for funding under the Treasury program. NTIA recommends that interested parties contact the Department of Treasury with questions about how it will use this information or how the Department of Treasury will evaluate potential projects.