
INTERNET FOR ALL

Frequently Asked Questions and Answers Version 5.0

Enabling Middle Mile Broadband
Infrastructure



U.S. Department of Commerce
National Telecommunications and Information Administration

Note

The Enabling Middle Mile Broadband Infrastructure Grant Program (Middle Mile Grant Program), authorized by the Infrastructure Investment and Jobs Act of 2021, Division F, Title IV, Section 60401, Public Law 117-58, 135 Stat. 429 (November 15, 2021) (Infrastructure Act or Act) also known as the Bipartisan Infrastructure Law, provides federal funding for grants on a technology-neutral, competitive basis to eligible entities for the construction, improvement, or acquisition of middle mile infrastructure. The following document is the second in a series of FAQ documents intended to clarify and provide guidance on information set forth in the Middle Mile Grant Program Notice of Funding Opportunity (NOFO) on May 13, 2022. Newly added questions from the first FAQ are indicated with an asterisk (*). Following the release of this document, further questions may be submitted to middlemile@ntia.gov for consideration to include in future FAQ documents.

The below FAQs are for informational purposes only and are intended solely to assist potential applicants in better understanding the National Telecommunications and Information Administration (NTIA) Enabling Middle Mile Broadband Infrastructure Program and the application requirements set forth in the 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



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1. Overview

1.1. What is middle mile infrastructure?

Middle mile infrastructure means any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution; and includes— (i) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and (ii) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links (NOFO Section I.B.9).

1.2. Why is middle mile infrastructure important, and how does middle mile infrastructure impact broadband services?

Middle mile infrastructure does not reach the end user’s location, but typically aggregates large quantities of traffic for carriage between points that can be relatively close together or far apart. Middle mile infrastructure might carry traffic via undersea cable to remote locations such as Hawaii or American territories and possessions elsewhere in the Pacific, may “backhaul” wireless traffic from an antenna mounted on a tower to the provider’s wired network, may bring the internet to previously unserved Tribal or Native lands, or may simply connect neighboring towns. Middle mile connections are crucial to broadband connectivity (NOFO Section I.A).

1.3. What types of entities offer middle mile services?

Middle mile services might be offered by a wide range of entities, from traditional Internet Service Providers, to large technology companies that do not offer retail broadband at all, or electric utilities that increasingly recognize their capability to transform the communications market (NOFO Section I.A).

1.4. What is the Enabling Middle Mile Broadband Infrastructure Program?

The Enabling Middle Mile Broadband Infrastructure Program (Middle Mile Grant Program) provides federal funding for grants on a technology-neutral, competitive basis to eligible entities for the construction, improvement, or acquisition of middle mile infrastructure (NOFO Section I).

1.5. Why is the federal government funding middle mile infrastructure?

Too many Americans are cut off from the opportunities that high-speed internet makes possible. Funded by the Bipartisan Infrastructure Law and administered by the Department of Commerce’s National Telecommunications and Information Administration (NTIA), the Middle Mile Grant Program is a program to expand middle mile infrastructure and reduce the cost of connecting unserved and underserved areas. Middle mile infrastructure broadly refers to the mid-section of Internet infrastructure that carries large amounts of data at high speeds over long distances. This program will also increase the resilience of internet infrastructure (NOFO Section I.A).



1.6. What is “open access” and how is it related to the Middle Mile Grant Program?

“Open access” refers to an arrangement in which the Eligible Entity offers nondiscriminatory access to and use of its network on a wholesale basis to other providers seeking to provide middle mile carriage using the eligible entity’s funded network at just and reasonable wholesale rates. While Middle Mile Grant program applicants are not required to offer open access, their proposals may earn up to 10 points (out of 100) during Merit Review if they do commit to offering open access.

1.7. What is the definition of an Anchor Institution?

The term “anchor institution” means a school, library, medical or healthcare provider, community college or other institution of higher education, or other community support organization or entity.

1.8. What are the definitions of “unserved” and “underserved” as it relates to the Middle Mile Grant Program?

The term “underserved,” with respect to an area, means an area— (A) that is designated as a Tribally underserved area through the process set forth in Section III.G.2 of the [Middle Mile Grant Program NOFO](#); or (B) that— (i) is of a standard size not larger than a census block, as established by the Commission; (ii) is not an unserved area; and (iii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with— (I) except as provided in (II) — (aa) a download speed of not less than 100 megabits per second; and (bb) an upload speed of not less than 20 megabits per second; or (II) minimum download and upload speeds established as benchmarks by the Commission for purposes of the Act after the date of enactment of the Act, if those minimum speeds are higher than the minimum speeds required under (I).

The term “unserved,” with respect to an area, means an area— (A) that is designated as a Tribally underserved area through the process set forth in Section III.G.2 of [Middle Mile Grant Program NOFO](#); or (B) that— (i) is of a standard size not larger than a census block, as established by the Commission; and (ii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with— (I) except as provided in (II)— (aa) a download speed of not less than 25 megabits per second; and (bb) an upload speed of not less than 3 megabits per second; or (II) minimum download and upload speeds established as benchmarks by the Commission for purposes of this Act after the date of enactment of this Act, if those minimum speeds are higher than the minimum speeds required under (I).

1.9. Will the Middle Mile Funds be received up front or via reimbursement?

Unless otherwise stated in a specific award condition, the advance method of payment will be authorized, and non-Federal entities (NFEs) must time advance payment requests so that Federal funds are on hand for a maximum of 30 calendar days before being disbursed by the NFE for allowable award costs. Payments from Department of Commerce (DOC) to recipients or pass-through entities will be made using the Department of Treasury’s Automated Standard Application for Payment (ASAP) system. Under the ASAP system, payments are made through preauthorized electronic funds transfers directly to the recipient’s bank account (not subrecipients). To receive payments under ASAP, recipients are required to enroll with the Department of Treasury, Financial Management Service, Regional Financial Centers, which

allows them to use the on-line and Voice Response System (VRS) method of withdrawing funds from their ASAP established accounts. Recipient requests payment via ASAP.gov and approved payments can settle as quickly as the same day. Only the prime recipient may directly draw down federal award funds. In this connection, it is the prime recipient's responsibility to review subrecipient and vendor invoices, and to make award payments to subrecipients and vendors.

1.10. What is the difference between an environmental impact versus climate resilience?

In the context of the Middle Mile Grant Program application, climate resilience refers to how applicants will account or design for current and future weather and climate risks to the infrastructure. Environmental impact refers to the effect an infrastructure project will have on the physical service area and its surroundings when deployed if the project includes construction or ground disturbing activities.

1.11. What is the difference between middle mile under the Broadband Equity Access and Deployment (BEAD) program and the Middle Mile Grant Program?

The BEAD program is a grant that may fund the totality of the broadband network, including middle mile (also called “backhaul”) facilities that are incidental to last-mile deployments. The Middle Mile Grant Program is dedicated exclusively to middle mile projects, which improve the broadband infrastructure that does not connect directly to an end-user.

1.12. What is the definition of a “Technology Company” and of a “Telecommunications Company/Co-op”?

A “Technology Company” is defined as a company that provides hardware, software, or other product or service, including cloud-computing services, primarily intended to fulfill or enable the function of information or data processing, storage, retrieval, or communication by electronic means (including electromagnetic, magnetic, and photonic), including through transmission, storage, or display.

A “Telecommunications Company” provides the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

A “Telecommunication Co-operative (Co-op)” refers to community-based telecommunication companies that collaborate in operating, deploying, and delivering communications services to their respective areas. They are most common in rural areas. Co-operatives, specifically, are businesses governed on the principle of one member, one vote.

1.13. How does NTIA define "wholly owned subsidiary"?

A "wholly owned subsidiary" is defined as a company whose stock is completely owned by another entity. All common stock is owned by the parent company of the wholly owned subsidiary, and there are no minority shareholders or publicly traded stock options.

1.14. How does NTIA define a small and minority business under the Middle Mile Grant Program?*



To be a small business, vendors must adhere to industry [size standards](#) established by the [U.S. Small Business Administration \(SBA\)](#). When small firms register as a government contractor in the [System for Award Management \(SAM\)](#), they also self-certify their business as small.

The SBA, for most industries, defines a “small business” either in terms of the average number of employees over the past 12 months, or average annual receipts over time.

A minority-owned business is an organization that is at least 51% unconditionally owned by one or more individuals who are socially or economically disadvantaged and whose management and daily business operation is controlled by one or more such individuals (see [Small Disadvantaged Business](#)).

1.15. Can an applicant request an application review prior to the application deadline?*

No, NTIA will not provide an application review prior to the deadline. Per Section V.A of the NOFO, the application review process will occur after submission of the grant application to NTIA and will entail an Administrative and Eligibility Review, Merit Review, Programmatic Review, and Office of Internet Connectivity and Growth (OICG) Associate Administrator Review.

1.16. Will Federal Program Officers (FPOs) be available for Middle Mile Grant Program applicants? What will be their role?*

No, FPOs are not assigned during the application phase. Successful applications will be assigned an FPO during the award process. State/Territory specific FPOs support the BEAD and DE programs and are not FPOs for the Middle Mile Grant (MMG) Program.

Applicants are encouraged to check the Internet For All website at <https://www.internetforall.gov/program/enabling-middle-mile-broadband-infrastructure-program/> for updates on the MMG Program, past webinars and additional FAQs.

1.17. What are 2 CFR Part 200 and 48 CFR Part 31 and how do they relate to the Middle Mile Grant Program?*

Title 2 of the Code of Federal Regulations (CFR) Part 200 also known as 2 CFR Part 200 are the uniform administrative requirements, cost principles, and audit requirements for Federal awards issued to a State, local or Federally Recognized Indian tribal governments and non-profit organization. In addition, Subparts A through D of 2 C.F.R. Part 200 applicable to commercial organizations that carry out a MMG award. Applicants must ensure that project costs and matching funds are allowable and consistent based on the cost principles identified in 2 CFR Part 200.

Title 48 of the CFR § 31 contains the federal cost principles and procedures for the allowability of costs for commercial organizations. Commercial organizations must use the provisions in 48 CFR § 31 to determine cost the allowability of project costs and matching funds unless the Grants Officer decides in writing to apply the cost principles in 2 CFR § 200, Subpart E, to commercial organizations pursuant to 2 CFR § 200.101(a)(2).



2. Eligibility and Program Details

2.1. Who can apply for funding under the Middle Mile Grant Program?

A State, political subdivision of a State, Tribal government, technology company, electric utility, utility cooperative, public utility district, telecommunications company, telecommunications cooperative, nonprofit foundation, nonprofit corporation, nonprofit institution, nonprofit association, regional planning council, Native entity, or economic development authority; or a partnership of two or more entities described above can apply for funding under the Middle Mile Grant Program as an eligible entity (NOFO Section I.B.9).

2.2. What is the cost sharing or matching requirement for eligible entities, and what type of matching funds count towards the cost sharing or matching requirement?

The amount of a middle mile grant awarded to an eligible entity may not exceed 70% of the total project costs. This means that there is a 30% match requirement. This is one of the law's threshold eligibility criteria for the Middle Mile Grant Program. Exceptions to matching requirements will not be entertained except for grants made to Tribal Governments and Native entities.

Matching funds may be in the form of either cash or in-kind contributions. In-kind contributions are non-cash donations of property, goods, or services, which benefit a federally assisted project. In-kind contributions could include employee or volunteer services; equipment; supplies; indirect costs; computer hardware and software; and use of facilities (NOFO Section III.C).

2.3. What are the requirements for eligible entities related to fair labor practices?

Applicants must have a demonstrated record of and plans to be in compliance with federal labor and employment laws and must provide:

- Information on the record of compliance with federal labor and employment laws for applicant and any other participating entities;
- Certification from Officer / Director-level employee evidencing consistent past compliance with applicable federal labor and employment laws;
- Written disclosure of any instances in which the applicant has been found to have violated applicable laws; and
- Written plan for ensuring compliance with Federal labor and employment laws across applicant and its contractors and subcontracts (NOFO Section III.H).

2.4. What are the requirements for eligible entities related to objectives for a highly skilled workforce?

Applicants must make appropriate investments to develop a skilled and diverse workforce, including:

- Description of how applicant will use a highly trained workforce capable of carrying out Middle Mile Grant Program work in a manner that is safe and effective;



- Description of the applicant's participation in partnerships that provide skills-based training and wrap-around services to support workers;
- Description of how the applicant will ensure job opportunities created by broadband funding programs are available to a diverse pool of workers; and
- Description of other workforce development activities (e.g., Registered Apprenticeships, hiring of local workers, etc.) (NOFO Section III.H).

2.5. What are the requirements for eligible entities related to climate resilience?

Applicants must demonstrate that they sufficiently account for current and future weather- and climate-related risks, including:

- Identifying geographic areas for an initial hazard screening and time scales for such screenings;
- Identifying the most important weather and climate hazards in these areas;
- Characterizing risks to new middle mile infrastructure for 20 years following deployment;
- Identifying how the proposed plan will avoid or mitigate the risks identified; and
- Detailing the applicant's plans for periodically repeating this process over the life of the project (NOFO Section III.K).

2.6. What are the requirements for connections to Anchor Institutions in the Middle Mile Grant Program?

Each applicant seeking an award to build middle mile infrastructure using fiber-optic technology must certify that the proposed project, upon completion, will include direct interconnection facilities that will facilitate the provision of broadband service, at speeds not less than 1 Gigabit per second for downloads and 1 Gigabit per second for uploads to Anchor Institutions located within 1,000 feet of the middle mile infrastructure.

2.7. Can an entity that is still in the information gathering or planning stages apply for a grant?

All Eligible Entities are encouraged to apply. However, all applications for the Middle Mile Grant Program must be complete, must follow the format described in NTIA's Application Portal, and must otherwise comply with the Middle Mile Program NOFO.

2.8. What are in-kind contributions?

In-kind contributions are non-cash donations of property, goods, or services that benefit a federally assisted project. In-kind contributions could include, consistent with federal cost principles, access to rights of way, pole attachments, conduits, easements, or access to other types of infrastructure. In many circumstances, in-kind contributions can be used to satisfy all or part of a non-federal match requirement. Recipients must comply with 2 C.F.R. § 200.306 cost sharing or matching. It is important to note that federal funds may not be used as non-federal match, except as expressly provided by federal statute.



2.9. Can states or local governments use funding from the American Rescue Plan Act (either State Fiscal Recovery dollars or Capital Projects Fund dollars) for the Middle Mile Grant Program match?

No. Federal funds, such as those stemming from the American Rescue Plan Act, may not be used to fulfill a non-federal match requirement except where expressly permitted by law.

(The Infrastructure Act provides that certain federal program funding may be used to satisfy the match requirement for the BEAD Program. The Infrastructure Act does not, however, contain equivalent language allowing such funds to be used toward the non-federal match in the Middle Mile Grant Program.)

2.10. Are interstate middle-mile builds eligible under the Middle Mile Grant Program?

Yes.

2.11. Will NTIA have an income eligibility and connectivity threshold requirements to qualify for a grant for a middle-mile broadband project?

There is no income requirement or unserved/underserved threshold that an Eligible Entity must meet. However, benefits to low-income communities, unserved areas, and Community Anchor Institutions are among the many factors considered during the review process.

2.12. Should applicants utilize the FCC Fixed Broadband Map to identify unserved, underserved, and served areas?

Yes, the FCC Fixed Broadband Map can be used as a tool to determine whether an area is classified as unserved, underserved, or served. “Unserved” and “underserved” areas can be determined in accordance with the FCC Fixed Broadband Map, as described in the NOFO.

Please note applicants must specify the date upon which they referenced the FCC Fixed Broadband Map in any application. If the updated FCC Fixed Broadband Map is not available, NTIA and the applicants may use the most recent mapping data available as set forth in Section 60401(e)(3)(B)(i) of the Infrastructure Act in connection with the application and review process.

In the case that the FCC Fixed Broadband Map is inaccessible prior to application deadlines, NTIA recommends exploring the respective state’s data compilation on the BroadbandUSA website under [Data & Mapping](#).

2.13. What is meant by a “census block, as established by the [Federal Communications] Commission”?

The quoted language is only a portion of the relevant definitions of the terms “unserved” and “underserved.” Sections 60401(a)(16) and (17) of the Infrastructure Act use the phrase “an area ... that is of a standard size not larger than a census block, as established by the Commission” when defining the terms “unserved” and “underserved.” This language is also used in the Definitions section of the NOFO. Under this language, the unserved or underserved area established by the Commission may not be larger than a census block.

According to the United States Census Bureau, census blocks are statistical areas bounded by visible features, such as streets, roads, streams, and railroad tracks, and by nonvisible boundaries, such as selected property lines and city, township, school district, and county limits and short line-or-sigh extensions of streets and roads. Census blocks are the smallest unit of geography defined by the Census Bureau and are assigned a 15-digit code and can be diverse in size. State counties are made up of census tracts, which are comprised of census blocks.

Below are available resources for determining an area's status per census block:

- [Geographic Terms and Concepts \(census.gov\)](#)
- [2010 Census Blocks by State | Federal Communications Commission \(fcc.gov\)](#)
- [Census Geocoder](#)

2.14. Will NTIA provide a list of census blocks and their status based on the definitions of served, underserved and unserved that is specific to the download and upload speeds?

NTIA provides a list of the [2010 census block codes](#) for each state and territory, as well as extensive data sources on the Broadband USA website that provide instructions on how to download the county, census tract, and census block level data used in the [Indicators of Broadband Need Map](#). The website also provides community reports that can be generated by state and county, providing relevant broadband and socioeconomic metrics for the areas selected. The list of census block codes does not indicate whether the census blocks are served or underserved, but “unserved” and “underserved” areas can be as determined in accordance with the FCC Fixed Broadband Map, as described in the NOFO.

2.15. Can the Authorized Organization Representative (AOR) be a consultant or other resource not directly affiliated with the applicant's organization?

The AOR is defined as the individual, named by the applicant organization, who is authorized to act for the applicant and to assume the obligations imposed by the Federal laws, regulations, requirements, and conditions that apply to grant applicants or grant awards. Only the AOR will be able to attest that all statements are true and submit the application. The AOR is also responsible for reviewing all Applicant Information Forms, Project Information Forms, and Budget Information Forms before final submission.

2.16. Does an applicant need to have a Corporate Motion / Resolution to be able to submit an application?

No. It is not a requirement to have a Corporate Motion or Resolution to be able to submit an application.

2.17. Do applicants have to report ownership information?

Yes, Eligible Entities are required to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7). Also, the Applicant will be asked to confirm if its Parent or Owner Company is a foreign entity. The Applicant will then check the appropriate box in the NTIA Grants Portal and identify the country.

2.18. Does a relay point for a wireless internet service provider (ISP) count as a middle mile infrastructure?



Yes. As defined in Section I.B.9 of the NOFO, middle mile infrastructure means any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution, and includes— (i) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and (ii) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links. The funding can be used for any interconnect activities to the last mile with the understanding that funds cannot be used for any last mile costs.

2.19. Is there a Davis-Bacon requirement for Middle Mile? How do I know if I'm subject to reporting Davis-Bacon compliance?

No. While not required, Middle Mile Grant Program recipients are suggested to comply with the Davis-Bacon Act of 1931 for any projects over \$5,000,000. Recipients may provide a certification that they are compliant with the Davis-Bacon Act. If such certification is not provided, an awardee must provide a project employment and local impact report detailing the items listed in Section VI.E.1.7 of the NOFO.

Additional information on how to remain compliant with the Davis-Bacon Act of 1931 can be found on the United States [Department of Labor website](#) and wage determinations can be found on the SAM.gov website at <https://sam.gov/content/wage-determinations>.

2.20. How should applicants determine the proposed service area(s)? What information should be included in the application on these service area(s)?*

Per Section IV.B of the NOFO, applicants should include an overview of the proposed route or service area(s), including information regarding rurality and socio-economic indicators in the area to be served by the proposed project and a description of need in the proposed service area(s), including communities considered unserved and/or underserved service area(s).

Please note that applications will be reviewed on how well they address each of the following criteria on the proposed service area(s) in the application which can score up to 10 points each out of a total of 60 points per Section V.A.2.a of the NOFO:

- Extent to which the project will otherwise benefit the proposed service area, including, but not limited to, by (a) facilitating development of carrier-neutral interconnection facilities; (b) improving the redundancy or resiliency of existing middle mile infrastructure; or (c) including direct interconnect facilities that will facilitate the provision of broadband service to anchor institutions located within 1,000 feet of the middle mile infrastructure at speeds of at least 1 Gbps symmetrical.
- The comprehensiveness and appropriateness of the proposed technical solution for meeting the community's needs, considering the offering's capacity and performance characteristics. Reviewers will consider the proposed network's ability to serve anticipated last mile networks, and to meet the increasing needs of the households, businesses, and anchor institutions in the areas linked by the middle mile facilities at issue. Reviewers will score favorably construction projects that are "shovel ready" and capable of completion within a two-year period.



The proposed service area should also meet the definition of either an unserved or underserved area. Per Section I.B of the NOFO, they are defined as follows:

Unserved.—The term “unserved,” with respect to an area, means an area— (A) that is designated as a Tribally underserved area through the process set forth in Section III.G.2 of the Middle Mile Grant Program NOFO; or (B) that— (i) is of a standard size not larger than a census block, as established by the Commission; and (ii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with— (I) except as provided in (II)— (aa) a download speed of not less than 25 megabits per second; and (bb) an upload speed of not less than 3 megabits per second; or (II) minimum download and upload speeds established as benchmarks by the Commission for purposes of this Act after the date of enactment of this Act, if those minimum speeds are higher than the minimum speeds required under (I).

Underserved.—The term “underserved,” with respect to an area, means an area— (A) that is designated as a Tribally underserved area through the process set forth in Section III.G.2 of the MMG Program NOFO; or (B) that— (i) is of a standard size not larger than a census block, as established by the Commission; (ii) is not an unserved area; and (iii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with— (I) except as provided in (II) — (aa) a download speed of not less than 100 megabits per second; and (bb) an upload speed of not less than 20 megabits per second; or (II) minimum download and upload speeds established as benchmarks by the Commission for purposes of the Act after the date of enactment of the Act, if those minimum speeds are higher than the minimum speeds required under (I).

In Section V.A.1 of the NOFO, additional information is given on the use of FCC fixed broadband maps and alternative mapping data to determine unserved and underserved areas. When referencing FCC fixed broadband maps, applicants must specify the date those maps are referenced. Other data sources applicants may use are specified in Section 60401(e)(3)(B)(i) of the Infrastructure Act, which states:

In mapping out gaps in broadband coverage, an eligible entity that uses a middle mile grant to build out terrestrial or fixed wireless middle mile infrastructure shall use the most recent broadband mapping data available from one of the following sources:

- (I) The FCC fixed broadband map.
- (II) The State in which the area that will be served by the middle mile infrastructure is located, or the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable).
- (III) Speed and usage surveys of existing broadband service that— (aa) demonstrate that more than 25 percent of the respondents display a broadband service speed that is slower than the speeds required for an area to qualify as unserved; and (bb) are conducted by
 - (AA) the eligible entity;
 - (BB) the State in which the area that will be served by the middle mile infrastructure is located; or
 - (CC) the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable).



2.21. What would constitute a previously federally funded geographic area that would be ineligible for funding under the Middle Mile Grant Program?*

Applicants may apply for funding under the Middle Mile Grant Program even if they have been previously federally funded for the same geographic area. However, in this situation, it is strongly recommended that applicants explain how Middle Mile Grant Program funds will be used to supplement, and not duplicate or overbuild, other federal, state, and local grant funds such as program costs being funded by FCC's Rural Digital Opportunity Fund (RDOF), USDA's ReConnect Loan and Grant Program, and other similar programs.

2.22. Can a waiver be requested for a project that doesn't have an anchor institution located within 1,000 feet of the middle mile infrastructure?*

Yes. Per Section III.F of the NOFO, an Eligible Entity applying for a Middle Mile Grant may seek, and the Assistant Secretary may grant, a waiver of the requirement to connect any Community Anchor Institution within 1000 feet, in full or in part, to the extent the Eligible Entity demonstrates that the requirement is not technically or economically feasible.

2.23. Can applicants that did not receive an award from the Broadband Infrastructure Program (BIP) submit a new application to the Middle Mile Grant Program to obtain funding?*

Yes. Applicants can submit the project they proposed in their BIP application to the Middle Mile Grant Program. To do so, applicants must submit a new application to the Middle Mile Grant Program at <https://grants.ntia.gov/> and follow the instructions in Section IV of the NOFO for compliance with grant submission requirements. Please note that the goals and requirements for BIP and MM are not the same so applicants are strongly encouraged to review MM guidance before submitted a BIP application that was not funded to ensure that it fits the MM program requirements and goals. In particular, BIP applicants were required to be a covered partnership, whereas the Middle Mile Grants Program allows for a diverse range of individual entities in addition to covered partnerships, per Section III.A of the NOFO.

2.24. Can a consortium of Tribal entities apply for the Middle Mile Grant Program? If so, what documentation would be required to show proof of eligibility? Would the consortium be eligible for the waiver of the cost-share requirement?*

Yes. The eligibility guidelines for the Middle Mile Grant Program allows for partnerships of two or more Tribal entities to apply for funding. Each Tribal entity within the partnership must provide documentation on letterhead confirming its status as a Tribal entity.

In addition, the partnership is eligible to apply for a waiver of the 30% matching requirement if it consists entirely of entities that would individually be permitted to seek a waiver of the matching funds. Any documentation confirming the Tribal entities eligibility to apply for funding should be attached to the cost share waiver that is uploaded to the application in the [NTIA Grants Portal](#).

NTIA recognizes that partnerships can take many forms, and the structure of each partnership will reflect the needs and circumstances of the members of the partnership and the project for which grant funds are sought. In some cases, the partnership may take the form of a single legal entity – in such case, the legal entity will be the Middle Mile Grant Program applicant and will

be responsible for all of the obligations associated with that application and any subsequent award.

Where the partnership does not take the form of a single legal entity, the partnership must designate one of its members as the Primary Applicant. That Primary Applicant will be responsible for all of the obligations associated with the partnership's application and would enter into the grant agreement with NTIA and assume primary operational and financial responsibility for completing the project should an award be made.

The extent to which obligations under such a grant agreement would flow down to other members of the partnership would depend on the nature of the legal relationship and agreements between the members of the partnership.

2.25. Is it permissible for an external company that assisted the applicant with preparing the grant application to also provide that same applicant with post-award reporting and procurement services?*

Yes. An external company may assist applicants with both pre and post award activities for compliance with Middle Mile Grant program activities. External companies that intend to assist Middle Mile Grant Program applicants should review and ensure compliance with 2 C.F.R § 200.319b, which states:

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

1. Placing unreasonable requirements on firms in order for them to qualify to do business;
2. Requiring unnecessary experience and excessive bonding;
3. Noncompetitive pricing practices between firms or between affiliated companies;
4. Noncompetitive contracts to consultants that are on retainer contracts;
5. Organizational conflicts of interest;
6. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
7. Any arbitrary action in the procurement process.

2.26. What information is required for the grant application to confirm that it has made a bona fide request to offer non-discriminatory interconnect to last mile broadband providers and any other party?*

Eligible Entities can confirm its ability to make a bona fide request by marking question 1.6.2 as “yes” under section 1.6 Statutory Purpose in the NTIA Grants Portal. If the Eligible Entity selects “yes” for question 1.6.2, then they must also provide a narrative detailing the nondiscrimination, interconnection, and network management practices that will be adopted for the project facilities in section 2.4 Interconnect Policy in the NTIA Grants Portal.



2.27. What types of entities can provide in-kind match for the Middle Mile Grant Program?*

In-kind for the Middle Mile Grant Program can be provided by any Eligible Entity, a subrecipient or any other organization that is able to contribute allowable resources to the project that meet the requirements of 2 CFR § 200.306 and 48 CFR § 31.

2.28. Can Middle Mile Grant funds be utilized for unserved or undeserved commercial area(s)?*

Yes, Middle Mile Grant funds can be utilized for unserved or underserved commercial areas, but please note that this does not mean directly connecting the middle mile infrastructure to end-user locations in question. Serving currently unserved or underserved areas, including those designated as commercial, is a component of scoring per Section V.A.2.a.5 of the Middle Mile Grant NOFO which identifies households, businesses, and anchor institutions as targeted beneficiaries of Middle Mile Grant projects. Overall, however, Middle Mile Grant projects are scored on a variety of factors beyond just serving unserved or underserved commercial or business areas, and applications are likely to be scored higher if they also prove that they serve households and anchor institutions and are fiscally sustainable beyond the award period, among other factors. Applicants are encouraged to review Sections V.A.2.a and V.A.2.b of the Middle Mile Grant NOFO for a detailed explanation of the scoring process for the Middle Mile Grant Program.



3. Uses of Funding

3.1. How much funding is available under the Middle Mile Grant Program, and how much funding will be awarded per grant?

NTIA will make up to \$980M available for federal assistance under the Middle Mile Grant Program. NTIA retains 2% of the appropriated funds to support the administration of the grant program, from pre-award, through application review, and post award.

NTIA expects to make awards under this program within \$5M to \$100M per grant. This range is not a required minimum or maximum, but eligible entities requesting amounts for projects outside of this range must provide a reasonable explanation for the variance in their project size (NOFO Section II.A and II.C).

3.2. What are the eligible uses of funding for Middle Mile grants?

Grants can be used for the construction, improvement, or acquisition of middle mile infrastructure. Examples of eligible uses of funds include the construction, improvement, and/or acquisition of facilities and telecommunications equipment, engineering design, permitting and work related to environmental, historical and cultural reviews, personnel costs, including salaries and fringe benefits for staff and consultants (e.g., project managers, subject matter experts, financial analysts, accountants, attorneys), select pre-application expenses <\$50,000 incurred after NOFO publication and before to grant award, and other costs necessary to programmatic activities, excluding ineligible costs. This list is not exhaustive (NOFO Section IV.I.1).

3.3. What is the program's period of performance?

The program's period of performance ends five years after funds are made available with a potential 1-year extension if the applicant certifies that:

- The eligible entity has a plan for use of the grant funds;
- The project to build out middle mile infrastructure is underway; or
- Extenuating circumstances require an extension of time to allow completion of the project to build out middle mile infrastructure.
- Requests for extensions will be granted at the sole discretion of the Assistant Secretary (NOFO Section II.B).

3.4. How quickly does the project need to be completed, and what are the buildup milestones during implementation?

The eligible entity must complete 40% of project miles by the end of the 2nd year after the award date, 60% of project miles by the end of the 3rd year after the award date, 80% of project miles by the end of the fourth year after the award date, and 100% of project miles by the end of the fifth year after the award date. If an extension for the period of performance is granted, the Assistant Secretary will modify any milestones as necessary (NOFO Section III.D).

3.5. What are the requirements for materials to be produced in the US?

All funds made available through the Middle Mile Grant Program for broadband infrastructure must comply with the Build America, Buy America Act. The Build America, Buy America Act



requires that all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States unless a waiver is granted (NOFO Section VI.D.6).

3.6.What are the reporting requirements related to the use of funds?

An eligible entity that receives an award shall submit a biannual report that:

- Describes how the eligible entity expended the funds and includes all required financial reporting information;
- Certifies that the eligible entity complied with the requirements of the Infrastructure Act and the Middle Mile Grant Program;
- Describes whether the Project prioritizes local hires;
- Describes whether the Project has a Community Benefit Agreements and includes a description of such agreement if present;
- Identifies each subrecipient that received a subgrant or subcontract from the eligible entity and a description of the specific project for which grant funds were provided;
- Provides technical progress reporting information; and
- For projects over \$5 million in expected total cost, there are additional reporting requirements.

The above biannual report requirements are in addition to (1) reporting requirements found in 2 CFR part 200 and (2) requirements that an applicant that receives a middle mile grant award shall share the location of all middle mile broadband infrastructure constructed, improved, or acquired using such grant with the Assistant Secretary, the Commission, any Tribal government with jurisdiction over the area that will be served by the infrastructure, and the State broadband office for the State in which the area that will be served by the middle mile infrastructure is located, in accordance with and subject to the provisions of Section 60401(e)(3)(B)(ii) of the Infrastructure Act (NOFO Section VI.E).

3.7. Can applicants seek funding from the Middle Mile Grant Program exclusively to support a public power electric grid functionality?

No. The purpose of the grant program is to expand and extend middle mile infrastructure to reduce the cost of connecting areas that are unserved or underserved to the internet backbone. A network that will "exclusively . . . support a public power electric grid functionality" does not meet that purpose and does not fall within the definition of "middle mile infrastructure" (NOFO Section I.B.9).

3.8. Can Middle Mile Grant Program funds be used to purchase equipment for consumers?

No. Eligible uses include the construction, improvement, and/or acquisition of facilities and telecommunications equipment required to deploy middle mile broadband facilities; engineering design, permitting and work related to environmental, historical and cultural reviews; personnel costs, including salaries and fringe benefits for staff and consultants required for the implementation of the Middle Mile Grant Program (such as project managers, program directors, subject matter experts, grant administrators, financial analysts, accountants, and attorneys); reasonable, post-NOFO, pre-application expenses in an amount not to exceed \$50,000; and certain other costs necessary to carrying out programmatic activities of an award.

3.9. Are Indefeasible Right of Use (IRU) costs eligible under the Middle Mile Grant program?

IRU costs are eligible under the Middle Mile Grant Program provided they meet the definition of middle mile Infrastructure. Middle mile infrastructure is defined as “(A) means any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution; and (B) includes— (i) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and (ii) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links” (NOFO Section I.B.9).

3.10. Is funding for the Middle Mile Grants Program required to be utilized solely for unserved or underserved communities?

Funding can be used for two broad purposes: one, to facilitate deployment of high-speed broadband to unserved or underserved areas, or two, to improve affordability in already-served markets (NOFO Section I.A, IV.B.2.a).

3.11. Would connecting to an existing end-user location, such as a Community Anchor Institution, to serve as Point of Presence qualify as an eligible expense in the Middle Mile Grant program?

Yes, the costs associated with establishing a Point of Presence at a Community Anchor Institution would qualify as an eligible expense.

3.12. Can funds from NTIA be coupled with other federal, state, and local grants?

Yes. It is strongly recommended that applicants explain how Middle Mile Grant Program funds will be used to supplement, not supplant, other federal, state, and local grant funds. An associated limitation is that applicants may not duplicate expenses or request funding from NTIA for expenses that are already being paid from another source. Also note that funds from other federal awards may not be used to satisfy the Middle Mile Grant Program’s non-federal matching requirement.

3.13. Can a grantee pay for procurement of land or placement of shelter?

Yes, eligible uses of funding include construction, improvement, or acquisition of facilities and telecommunications equipment required to deploy middle mile broadband facilities. In addition, eligible uses of program funds include other costs necessary to carrying out programmatic activities of an award. Allowable costs are determined in accordance with the cost principles identified in 2 C.F.R. Part 200, including Subpart E of such regulations for States and non-profit organizations, and in 48 C.F.R. Part 31 for commercial organizations, as well as in the grant program’s authorizing legislations. (NOFO Section IV.I.1).

3.14. What are the obligations of entities who receive the grant to provide access to others to the infrastructure?

During Merit and Programmatic Reviews, applications will be evaluated based on how well they demonstrate experience or plan to provide nondiscriminatory access to and use of its network



on a wholesale basis to other providers seeking to provide middle mile carriage at a just and reasonable wholesale rate.

3.15. Can Middle Mile funds be used to rebuild infrastructure that was destroyed by a natural disaster?

Yes, eligible uses of funding are construction, improvement, and/or acquisition of facilities and telecommunications equipment required to deploy middle mile broadband facilities. All costs should be reasonable to the project goals of the expansion and extension of middle mile infrastructure to reduce the cost of connecting areas that are unserved or underserved to the internet backbone. (See NOFO Section IV.I for further information on allowable costs).

In addition, applicants must also demonstrate that they have sufficiently accounted for current and future weather- and climate-related risks to new Middle Mile Grant Program infrastructure projects. At present, weather and climate-related risks to broadband networks include various types of natural disasters and most new broadband infrastructures are expected to withstand a lifetime of 20 years or more to account for this risk. (See NOFO Section III.K).

3.16. Can the grantee of the Middle Mile grant use the funds to provide the last mile services?

Middle Mile grant funds are dedicated to the middle mile infrastructure only and cannot be used to fund last mile infrastructure. While last mile services are not funded, splice points and interconnection points are funded, and as described in the NOFO, there are several reasons why the applicant should prioritize making certain their middle mile infrastructure project connects to last mile service:

- Per Section III.E of the NOFO, two of the five statutory criteria that can result in application prioritization relate directly to last mile:
 1. The eligible entity commits to offering non-discriminatory interconnection to terrestrial and wireless last mile broadband providers and any other party making a bona fide request.
 2. The eligible entity identifies specific terrestrial and wireless last mile broadband providers that (i) expressed interest in interconnecting with middle mile infrastructure planned to be deployed by the eligible entity; and (ii) demonstrated sustainable business plans or adequate funding sources with respect to such interconnection described in (i).
- As part of the Level of Need narrative in the application, applicants are requested to note any specific service providers that have expressed demonstrable interest (written, verbal, or other) in utilizing the network to provide last mile service.
- As part of the Pro Forma Projection and Analysis spreadsheet, applicants are instructed to include financial projection and analysis related to the project's sustainability, inclusive of subscribers of which last mile network connections can be critical.
- Per Section V.A.1 of the NOFO, as per the Act, each applicant must make a binding commitment to prioritize at least one of the three items listed via the funded middle mile network, of which one of the three is connecting middle mile infrastructure to last mile networks that provide or plan to provide broadband service to households in unserved areas.



Although last mile costs cannot be funded per the Middle Mile Grant Program, last mile service objectives should be a target of any proposed middle mile infrastructure to ensure a successful application and sustainable infrastructure project.

3.17. Can a Middle Mile Grant be used to acquire telecom assets from an existing utility?

Yes. Middle Mile Grant funds may be used to acquire assets, including real property, equipment, and intangible property (i.e., modifiers buying a relay point or dark fiber would count as an asset if connecting two points), in accordance with 2 CFR § 200.316. For example, modifiers buying a relay point or dark fiber would count as an asset if connecting two points. Certain administrative conditions must be met and maintained, including holding in a trust, recording award and specific asset information, and anticipated revenues associated with the acquisition (NOFO Sections VI.D.5 and VI.E.2).

3.18. Is it allowable for an applicant to contribute municipal revenue bond proceeds as matching funds for the Middle Mile grant?

The Infrastructure Investment and Jobs Act (Act) and Middle Mile NOFO include a maximum Federal share for Middle Mile grants of 70% of total project cost (see Section 60401(f) of the Act and NOFO Section III.C). Thus, an Eligible Entity must commit matching funds of at least 30% of total project costs (except in the case of a match waiver for a Tribal Government or Native entity under section 60401(g) of the Act). A non-Federal entity may contribute municipal revenue bond proceeds to meet its Middle Mile matching funds requirement, so long as the contributions meet the criteria laid out in 2 CFR § 200.306(b) and such use is consistent with the terms of the bond. Such a bond would be considered governmental revenue, and not program income under 2 CFR § 200.307(c).

3.19. Is it allowable for the Middle Mile applicant to use program income to repay the municipal revenue bond above?

A recipient may request that the Grants Officer and NTIA consider the repayment of the principal of the bond as an allowable cost. However, the repayment of the interest portion of the municipal revenue bond would not be allowable for the proposed project purpose. The Grants Officer would have to approve any such a proposal to use program income to repay revenue bonds, and may require special award conditions.

3.20. Can applicants include projects that were already planned but have not yet begun as part of their application? If so, can currently ongoing stages of such a project like network design and engineering activities still apply as part of the application's budget?

Applicants can submit potential projects for middle mile infrastructure that are in the midst of planning, designing, or other progressive stages that include but are not limited to environmental assessment and construction. Normal constraints on pre-application expenses continue to apply (NOFO Section IV.I.1), as all requests for reimbursement of pre-application and pre-award costs must be reviewed and approved by a Grants Officer since reimbursement is neither automatic nor guaranteed. All activities that have been conducted a priori are considered “work at risk.”

3.21. Can an applicant use the value of an existing primary connection path as a form of matching funds?*

Yes. Applicants may use an existing primary connection path as a form of matching funds if it would be considered in-kind, allowable, and allocable project expense. For those primary connection paths that are funded through federal funds, applicants may only use the existing primary connection path as a form of matching funds subject to the retained interests of the relevant federal agency and offices and if they are no longer in the period of performance for those funds. Federal funds may not be used as a form of matching funds except as provided by federal statute per Section III.C of the NOFO for the Middle Mile Grant Program. And recipients must ensure compliance with 2 CFR § 200.306 for cost sharing or match requirements.

3.22. Can Middle Mile Grant funds be used to support wireless or cellular services?*

Funds are to be used for the construction, improvement, and/or acquisition of facilities and telecommunications equipment required to deploy middle mile broadband facilities and other costs necessary to carry out the programmatic activities of the project. Applicants should refer to Section IV.B of the NOFO to ensure proposed services will meet the service requirements set out there. Applicants should also review Section V.A.2.a to ensure proposed services fulfill the scoring criteria.

3.23. Will funding from the Middle Mile Grant be considered taxable income if it is awarded to a for-profit company?*

Applicants should consult a tax advisor to determine if their entity would have to pay taxes on Middle Mile Grant funds.

3.24. Can funds be utilized solely for the purpose of promoting broadband connection resiliency through the creation of alternative network connection paths in an already developed metropolitan area?*

Yes, though proposing utilizing funding solely for promoting connection resiliency may impact the competitiveness of the application's score. Among other things, applications will be reviewed on how well they address each of the following criteria on the proposed service area(s) in the application out of a total of 60 points, per Section V.A.2.a of the NOFO:

1. Extent to which the project will either (a) facilitate deployment of high-speed broadband networks to currently unserved or underserved areas or (b) improve affordability in already-served markets (e.g., by reducing interconnection costs for last-mile providers or providing opportunities for competitive providers to offer last-mile service). (20 points)
2. Whether the project will offer non-discriminatory interconnection in perpetuity, where technically feasible without exceeding current or reasonably anticipated capacity limitations, on reasonable rates and terms to be negotiated with requesting parties. Such interconnection must include both the ability to connect to the public internet and physical interconnection for the exchange of traffic. (10 points)
3. Whether the provider commits to offering access to the funded middle mile infrastructure, in perpetuity, on an open access basis. (10 points)
4. Extent to which the project will otherwise benefit the proposed service area, including, but not limited to, by (a) facilitating development of carrier-neutral interconnection facilities; (b) improving the redundancy or resiliency of existing middle mile



- infrastructure; or (c) including direct interconnect facilities that will facilitate the provision of broadband service to anchor institutions located within 1,000 feet of the middle mile infrastructure at speeds of at least 1 Gbps symmetrical. (10 points)
5. Comprehensiveness and appropriateness of the proposed technical solution for meeting the community's needs, considering the offering's capacity and performance characteristics. Reviewers will consider the proposed network's ability to serve anticipated last mile networks, and to meet the increasing needs of the households, businesses, and anchor institutions in the areas linked by the middle mile facilities at issue. Reviewers will score favorably construction projects that are "shovel ready" and capable of completion within a two-year period. (10 points)

3.25. Can Middle Mile Grant funds be used to support asset insurance costs for deployed infrastructure?*

No. Middle Mile Grant Program funds cannot be used for previously incurred administrative costs or previously purchased equipment or construction activities, except as allowed in Section IV.I.1.d of the NOFO.

3.26. Can the legal costs to obtain easement agreements be considered in-kind donations?*

Yes, legal services can be provided as in-kind donations if the donation and services provided is compliant with 2 CFR § 200.306.

3.27. Does a state budget office have the authority to provide applicants with the Pre-Letter of Credit for the Middle Mile Grant Program?*

No. The Pre-Letter of Credit must be issued from a bank meeting eligibility requirement consistent with those set forth in 47 CFR § 54.804(c)(2).

3.28. Can applicants use the fair market value (FMV) calculation for in-kind contributions? What kind of documentation should be included in the grant application to support the FMV calculation?*

Yes. Applicants can use the fair market value calculation for in-kind contributions as set out in 2 CFR § 200.306.

3.29. Can the Rural Digital Opportunity Fund (RDOF) be used as a form of match for the Middle Mile Grant Program?*

No. The Rural Digital Opportunity Funds may not be used as matching funds for the Middle Mile Grant Program. Per Section III.C of the NOFO, federal funds may not be used as matching funds except as provided by federal statute.

3.30. Can land acquisition be considered an in-kind contribution?*

Yes. Applicants may use land as a form of in-kind contribution. Per Section III.C of the NOFO, in-kind contributions, which include third-party in-kind contributions, are non-cash donations of property, goods or services, which benefit a federally assisted project, and which may count toward satisfying the non-federal matching requirement of a project's total budgeted costs when such contributions meet certain criteria. In-kind contributions must be allowable and allocable project expenses per 2 CFR § 200.306 requirements. Applicants intending to use land as a form

of in-kind contribution should closely review the documentation and fair market value calculation requirements to ensure that the land is valued and documented appropriately.

3.31. Can grant funds be used to pay for National Environmental Policy Act (NEPA) review and approval costs?*

Yes. Middle Mile Grant Funds can be used to pay for costs associated with the NEPA review and approval process. For those projects that cannot receive a pre-award Categorical Exclusion, special award conditions will be applied to the award that allows the disbursement of funds to complete planning and analysis, including NEPA analysis, upon award.

3.32. What documentation should be included in the application to confirm matching funds?*

Applicants are asked to include a detailed account of all matching costs for the project in the Detailed Budget Justification.

For cash matches applicants should provide:

- a) the name of the party providing the match,
- b) the funding amount (and percentage of the total budget it represents),
- c) the type of funding (e.g., grant match, equity, debt, internal, other),
- d) the use of the funding (e.g., infrastructure), and
- e) any key financing terms and conditions.

For in-kind matches applicants should provide:

- a) the name of the party providing the match,
- b) the match value (and percentage of the total budget it represents),
- c) the nature of the in-kind contribution,
- d) an explanation of how the contribution qualifies as an eligible cost under MMG eligible cost rules, and
- e) if the contributor is not the Applicant(s), a description of any benefits the contributor will derive from the project (e.g., free or discounted access to the network).

Applicants should also include details on the valuation of in-kind funds and any such donations so they can be assessed against 2 CFR § 300.306 requirements.

3.33. On the Pro-Forma Projection and Analysis spreadsheet, does the Earnings Before Interest, Taxes, Depreciation, and Amortization (EBITDA) need to have a positive balance to show project sustainability?*

The EBITDA on the Pro Forma Projection and Analysis must be non-negative, meaning an EBITDA of zero is permissible. The EBITDA on the Pro Forma Projection and Analysis needs to accurately represent the depreciation and amortization expenses for the project. The revenue picture should reflect all direct revenues to be generated by the project's suite of services. The revenue in conjunction with the expense categories will help the Merit Reviewers and Program Officers understand the anticipated financial outcomes of the project with clarity and transparency to determine the sustainability of the project.

3.34. Can an indefeasible right of use (IRU) to access a federally funded network serve as an in-kind match?*

If the federally funded network is outside its period of performance then, subject to any retained property interests by relevant federal agencies and offices, the creation of such an IRU as an in-kind match is permissible.

If the federally funded network is still within its period of performance however, then no. Per 2 CFR § 300.306, for all federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions cannot be included as contributions for any other Federal award.

3.35. Can an Eligible Entity seek a waiver of the letter of credit (“LOC”) requirements set forth in section III.B.1.b of the NOFO?*

Yes. Per section VIII.E of the NOFO, NTIA may, under extraordinary circumstances and when it is in the best interest of the federal government, upon its own initiative or when requested, waive NOFO requirements that are discretionary and not mandated by statute or other applicable law. Any request for a waiver must set forth (1) the extraordinary circumstances justifying the grant of such a waiver, including an explanation for why the Eligible Entity is not able to obtain the necessary letter from a qualifying bank committing to issue an irrevocable standby LOC by September 30, 2022 (or the LOC itself by the relevant deadline), and (2) the grant of the waiver serves the best interests of the federal government as demonstrated by a description of any alternative arrangements the Eligible Entity would propose in lieu of the NOFO’s LOC requirements. The Eligible Entity’s provision of additional information to demonstrate its ability to meet the nonfederal share of the award or the existence of other methods of meeting the LOC requirement of the NOFO serves the best interest of the federal government.

3.36. The NOFO defines Middle Mile Infrastructure in part as, “any broadband infrastructure that does not connect directly to an end-user location[.]” Does this mean that when one or more specific components of a last-mile network does not connect directly to an end-user location, those components automatically deemed middle mile infrastructure for purposes of the Middle Mile Grant Program?*

No. Last-mile networks often include multiple components, not all of which connect directly to the end-user. For example, in a fiber-to-the-home arrangement, the household is often served from a pedestal. Many pedestals connect to a distribution hub, and these hubs all connect to a central office. In this case, the feeder cables from the central office to the pedestal (called the F1 and F2 cables) and the fiber distribution hubs, are part of the last-mile network and are not deemed “middle mile infrastructure” for purposes of the Middle Mile Infrastructure Grant program. While these specific components may not connect directly to an end-user location, they are part and parcel of the last-mile network, which does. Such components therefore are not eligible for funding under the Middle Mile Grant Program.



3.37. Can the operations and maintenance costs (O&M) on a dark fiber indefeasible right of use (IRU) be paid up-front for a period exceeding the 5-year period of performance, or are only the O&M costs for the 5-year period of performance eligible?*

An IRU is an eligible cost for Middle Mile projects whether it is treated as a purchase of assets or as a capital lease arrangement that qualifies as a capital lease under GAAP. The classification of the IRU, however, as either a purchased asset or capital lease has implications for how the O&M may be funded during the Middle Mile Grant Program performance period.

When the IRU qualifies as a purchase and ownership of the facilities is transferred to the grantee, the capital expenditure and O&M are distinctly separate expenses. Separate principles apply to these categories of expenses under OMB Cost Principles and are charged to the award in the period in which the expenditure is incurred, per 2 CFR § 200.403, 200.439 and 200.452. In this instance O&M would be allowable only during the five-year period of performance.

When the IRU qualifies as a capital lease, expenses such as maintenance, taxes and insurance are consolidated and included as part of the total lease payment. Since there is no specific cap on the length of time for long-term leases, so long as the cost and terms are reasonable, eligible under the NOFO, and the grantee makes full payment for the 20-year term during the grant's period of performance, O&M costs that are inseparable from the cost of the long-term lease would be considered allowable as part of the lease expenditure.

If an applicant intends to use grant funds in this way, the applicant must include a description of such proposed costs in its budget narrative and detailed budget justification, including the length of the proposed lease and the applicant's rationale for entering into such long-term lease. 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.

3.38. Can the full value of a fee waiver for annual contract fees that exceed the 5-year period of performance (i.e. 20 years) count as an in-kind match, or should only the 5-year period of performance count, and the remaining 15 years be listed in the pro forma as an operational expense?*

In-kind contributions, including access to rights of way, conduits, easements or access to infrastructure are eligible to be used as matching funds. The allowable match value would be the fair market value of the permit for the period of performance of the Middle Mile Grant Program.



4. Review and Scoring Process

4.1. What are the steps in the Middle Mile Grant Program review process?

The key steps in the Middle Mile Grant Program review process include:

- Administrative and Eligibility Review;
- Merit Review; and
- Programmatic Review (NOFO Section V.A)

4.2. What is the Administrative and Eligibility Review, and what eligibility criteria are assessed during this step?

During the Administrative and Eligibility Review, NTIA will ensure applicants are eligible by assessing (1) application completeness and (2) the Eligible Entity meets eligibility criteria.

The five eligibility criteria include:

- Demonstrate that it is capable of carrying out a proposed project in a competent manner, including by demonstrating that the eligible entity has the financial, technical and operational capability to carry out the proposed project and operate the resulting middle mile broadband network (detail below);
- Certify that the project will be capable of supporting retail broadband service;
- Commit to non-Federal cost share of no less than 30% of the total project cost; only Tribal governments and Native entities may request a partial or complete waiver;
- Make a binding commitment to prioritize at least one of the following: (1) Connect Middle Mile infrastructure to last mile networks in unserved areas, (2) connect non-contiguous trust lands; or (3) offer wholesale broadband service at reasonable rates on a carrier-neutral basis; and
- Offer interconnection in perpetuity, where technically feasible without exceeding current or reasonably anticipated capacity limitations, on reasonable rates and terms.

In order to demonstrate it can carry out the proposed project in a competent manner and has the capabilities to carry out the proposed project, each eligible entity must demonstrate they meet the following six program application qualifications:

- Financial capability: Certification attesting to financial qualification, a letter of credit, and financial statements for past 3 years;
- Managerial capability: Resumes for key personnel, org chart(s), and a narrative describing managerial readiness;
- Technical capability: Certification and other documentation attesting to and demonstrating technical qualification, a network design diagram, project costs, infrastructure build-out timeline and milestones for implementation, and a capital investment schedule;
- Compliance with laws: Certifications and other documentation attesting to and demonstrating compliance with all applicable federal, State, and local laws;
- Operational capability: Certification and other documentation attesting to and demonstrating operational qualification and additional certifications if applicant has operated select types of services in the past; and



- Ownership: Ownership information, including name address and citizenship of any party with >10% stock in applicant (NOFO Section V.A.1).

4.3. What is the Merit Review, and what criteria is assessed during Merit Review?

During the Merit Review, objective reviewers will evaluate applications across two categories of criteria and calculate the resulting score:

Project purpose and benefits (60 points)

- Deploy to un- or underserved areas or improve affordability in existing markets (20 points)
- Offer non-discriminatory interconnection in perpetuity, where feasible (10 points)
- Offer open access to the funded infrastructure in perpetuity (10 points)
- Provide other benefits (e.g., redundancy, direct interconnect facilities) (10 points)
- Meet community's needs and complete project in two-year period (10 points)

Project sustainability (40 points)

- Organizational capability to complete the specifical project proposed (5 points)
- Reasonableness of applicant's proposed budget (10 points)
- Project's fiscal sustainability beyond the award period (10 points)
- Contribute a non-federal cost share >30% based on a sliding scale with 5 points for 30-40%, 10 points for 41-50%, and 15 points for >50% (15 points)

These objective merit reviewers are federal employees or non-federal persons who have demonstrated expertise in the programmatic and technical aspects of the Middle Mile Grant Program (NOFO Section V.A.2).

4.4. What is the prioritization process for applications to proceed from Merit Review to Programmatic Review?

Applications will be prioritized for Programmatic Review as follows:

- Applications with score ≥ 80 during Merit Review and that meet at least two of the five statutory criteria, per Section 60401(d)(2);
- Other applications with score ≥ 80 during Merit Review; and then
- Applications with score < 80 during Merit Review but meet at least two of the five statutory criteria.

The five statutory criteria that impact prioritization of applications after merit review include:

- Fiscal sustainability;
- Non-discriminatory interconnect;
- Identification of last mile providers that have (i) expressed written interest in interconnection; and (ii) sustainable business plans or adequate funding for interconnection;
- Supplemental investments or in-kind support; and
- Benefits to national security interests of the US and the Department of Defense (NOFO Section V.A.3.a).



4.5. What is the Programmatic Review, and what criteria are assessed during Programmatic Review?

The Programmatic Review includes NTIA asking applicants to submit additional information to confirm eligibility or Merit Review score, if applicable. Then, NTIA calculates weighted scores (i.e., multiply Merit Review by 1.0x to 1.8x) to reflect project's ability to:

- Reduce end-user prices;
- Reduce latency in remote or insular areas;
- Benefit priority areas groups;
- Benefit unserved areas or Tribal Lands;
- Connect unserved anchor institutions;
- Comply with select requirements;
- Demonstrate climate resilience; and
- Proposed community benefit agreements (NOFO Section V.A.3.b).

4.6. How does open access impact the scoring process?

Offering open access, in perpetuity, to the funded middle mile infrastructure is worth 10 points out of the total 60 points in the Project Purpose and Benefits portion of the application, or 10 points out of the total 100 points available during the Merit Review phase as a whole.

4.7. When scoring, is there more weight allocated to higher dollar projects over lower dollar projects?

There is no weighting for project size or project value. However, NTIA will consider an appropriate diversity in project sizes and values in the final award slate.

4.8. What weight is given to a phase III SBIR user?

The NOFO does not afford weight to phase III SBIR users.

4.9. What are “anticipated last mile networks” in the Project Purpose and Benefits section of the Merit Review?

Last mile networks are networks that connect end users via an area node to a middle mile network. Anticipated last mile networks are those last mile networks that are anticipated to be served by a proposed Middle Mile project. For more information, see the [Broadband Network Deployment Engineering](#) document on the Middle Mile Grants Program page at BroadbandUSA.

4.10. How would leasing a portion of the proposed middle mile infrastructure, and therefore potentially not providing it in perpetuity, impact the scoring process?

10 of the total 100 points each application will be evaluated on “Whether the provider commits to offering access to the funded middle mile infrastructure, in perpetuity, on an open access basis.” If the middle mile infrastructure is not offered in perpetuity, applicants may not be awarded the full 10 points.



4.11. How do Tribal Entities request a full or partial waiver of matching funds?

A Tribal government or Native entity may request that the Assistant Secretary waive requirements such as matching funds. The Assistant Secretary may grant waivers in cases where a waiver would be necessary for (1) the effective delivery and administration of middle mile grants to Tribal governments or (2) the construction, improvement, or acquisition of middle mile infrastructure on trust land. A Tribal Government may certify that the areas for which middle mile infrastructure is proposed are unserved/underserved. If it chooses to do so, it must provide a statement on Tribal Letterhead validating this claim with supporting information. The Tribal government must also certify that it is not in a legally binding agreement with a broadband service provider committed to providing internet services at speeds of no less than 100 Mbps downstream and 20 Mbps upstream (NOFO Section III.G).

4.12. How would obtaining a waiver for the 30% match requirement impact the scoring process for Tribal Entities?

Tribal Entities obtaining a waiver will be scored out of a base of 85 rather than 100 and marked up by a factor of 1.1765 to have a base score of 100 in the Merit Review. This is to ensure that tribes are not penalized for requesting a waiver.

4.13. What benchmark is NTIA using to determine if construction costs are reasonable?

The Middle Mile Grant Program follows the Uniform Guidance regarding cost reasonableness guidance. 2 CFR 200 Subpart E provides Cost Principles, including a definition for reasonable costs in 2 CFR § 200.404: “A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.” NTIA will consider the additional factors list in 2 CFR § 200.404 when determining reasonableness. Additionally, NTIA will use publicly available benchmarks and do a standard deviation from the mean in order to account for supply chain and logistics issues.

If Build America, Buy America Act (BABA) applies to an award, then BABA requirements would be taken into consideration in analyzing whether the construction costs are reasonable, consistent with 2 CFR § 200.404 analysis. A recipient who is required to comply with BABA may request a waiver for construction costs where BABA requirements result in an increased cost of 25% or more. See NOFO Section VI.D.6.

4.14. Can an applicant be an award recipient of one application and be a subrecipient awardee on another funded application?*

Yes. Applicants are eligible to be an award recipient of Middle Mile Grant funds on one application and a subrecipient on a second one if the applications are submitted for different projects.

4.15. Can an applicant withdraw their grant application in the event it is funded by another program?*

Yes. Minimizing funding duplication is critical to the success of the Internet For All programs. Applicants should contact NTIA to request the withdrawal of their application in the event the federal government has already funded a broadband project in the same proposed areas.

4.16. How will NTIA handle grant submissions that do not include the 30% match requirement?*

Applicants must propose cost share of 30% or greater to proceed past the initial administrative and eligibility review phase, except for Tribal governments and Native entities that have requested and received a waiver of this requirement.



5. Application Components and Process

5.1. What are the components of the grant application, and how should eligible entities submit their applications and when are applications due?

NTIA is requesting from applicants key information in the following areas in submitted applications:

- An Executive Summary of the project;
- Project purpose, need, and beneficiaries;
- Proposed project technical details, including a description of planned offerings as well as network maps and diagrams;
- Project financials, e.g., project pro-forma, and organization financial capacity;
- Project implementation team and organizational capacity;
- Government and community involvement;
- A budget narrative and detailed budget justification; and
- Standard documentation such as the SF 424 and SF 424-C, and details on potential Environmental and Historic Preservation impacts.

For full details and other requirements, applicants are encouraged to consult the application packet which will be posted on the NTIA website at <https://grants.ntia.gov/>.

As described in Section IV.C of the NOFO, NTIA will only accept applications submitted electronically via its online application portal, NTIA Grants Portal, no later than 11:59 p.m. EDT on September 30, 2022. The NTIA Grants Portal (<https://grants.ntia.gov/>) will be open to accept Middle Mile applications beginning on June 21, 2022 (NOFO Section IV.B).

5.2. Who can I contact for more information?

Please send program questions to middlemile@ntia.gov. For any questions or technical support related to the NTIA Grants Portal (application portal), email ngphelpdesk@ntia.gov.

5.3. Will NTIA provide Application Guidance for the submission of application materials into the NTIA Grants Portal?

Yes. Application Guidance is accessible on the Internet for All website by visiting the Enabling Middle Mile Broadband Infrastructure Program page at <https://www.internetforall.gov/program/enabling-middle-mile-broadband-infrastructure-program/>.

5.4. Will applicants be permitted to assign access roles to employees within their organization to input application data into the portal?

Yes. Organizations can give access to collaborators to help complete the application. However, only the Authorized Organization Representative is authorized to submit applications on behalf of the organization.

5.5. Will NTIA manage the awards for the Middle Mile Grant Program?

The National Institute of Standards and Technology (NIST) will service the Middle Mile Grant awards for NTIA. NIST and NTIA will jointly manage the awards with different roles and



responsibilities in grants management. NIST oversees business management and compliance aspects of grants administration and NTIA oversees programmatic technical aspects of the programs/projects.

5.6. What is considered acceptable certification for timely filing of commission form 477?

If an applicant has provided a voice and/or broadband internet access service, it must supply a certification from an officer-level employee (or individual of comparable rank) attesting to filing FCC Form 477 and the Broadband DATA Act submission, if applicable, to the extent required during this time period and otherwise complied with the Commission's rules and regulations.

If the applicant has operated only an electric transmission or distribution service, it must submit qualified operating or financial reports showing that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the financial institution.

Applicants will upload the appropriate certification into the NTIA Grants Portal.

5.7. Will NTIA provide a template for the Detailed Budget Justification?

Yes, a template for the Detailed Budget Justification template is available for download on the Internet for All website by visiting the Enabling Middle Mile Broadband Infrastructure Program page at <https://www.internetforall.gov/program/enabling-middle-mile-broadband-infrastructure-program/>.

5.8. Will NTIA provide a template for the financial pro-forma?

Yes, a template is available for download on the Internet for All website by visiting the Enabling Middle Mile Broadband Infrastructure Program page at <https://www.internetforall.gov/program/enabling-middle-mile-broadband-infrastructure-program/>.

5.9. Will NTIA provide templates for self-certifications regarding financial and operational experience?

No. Applicants will need to upload some documents that lack a standardized template. These non-template uploads include:

- Resumes of Key Personnel
- Management Team and Organizational Chart
- Certificate of Operational Capability
- Certification of Technical Capability
- Tribal Certification
- Certification of Financial Capability
- Letter of Credit
- Network Route Map
- Network Logical Diagram
- Negotiated Indirect Cost Rate Agreement
- Financial Statements
- Certification of Compliance with Federal Labor and Employment Laws
- Last Mile Service Provider Letters of Commitment



- Proposed Service Offerings
- SAM.gov Registration

In general, NTIA recommends applicants upload these files in PDF format, and applicants should ensure that their uploaded files are not password protected.

5.10. What sources will be accepted to define unserved/underserved areas?

The definitions of unserved and underserved in the statute and in the Middle Mile Grant Program NOFO refer to the FCC's Broadband DATA Maps, referred to in the statute as the FCC Fixed Broadband Map. NTIA will rely on those maps to the extent that they are available.

If the FCC's Broadband DATA Maps are not available, NTIA and the applicants may use the most recent mapping data available as set forth in Section 60401(e)(3)(B)(i) of the Infrastructure Act in connection with the application and review process.

5.11. Can applicants submit tax returns in lieu of audited financial statements?

No. As described in Section III.B.1.c of the NOFO, each applicant shall submit financial statements from the three prior fiscal years that are audited by an independent certified public accountant. If the applicant is not audited in the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the three prior fiscal years and certify that it will provide financial statements from the three prior fiscal years that are audited by an independent certified public accountant by an NTIA specified deadline. The Assistant Secretary will not approve any Middle Mile Grant Program award unless the Assistant Secretary determines that the documents submitted demonstrate the applicant's financial capability with respect to the proposed project.

5.12. Can separate applications be submitted in areas that require different partners and collaborators or solutions?

Yes. Applicants may submit separate applications in the Middle Mile Grant Program to cover different partnerships or multiple areas.

5.13. Does a narrative addressing climate risks to new middle mile infrastructure meet the application requirements, or are applicants required to include a supplemental report or printout of supporting data?

Applicants need only to provide information in a narrative form which demonstrates that they have accounted for current and future weather- and climate-related risks to new Middle Mile Grant Program infrastructure projects. The narrative response should clearly demonstrate how the applicant is conducting the items listed in Section III.K of the NOFO.

5.14. What type of information is required to document government and community involvement (e.g., meeting minutes)?

To describe all government and local community participation in the proposed project, applicants should:

- Identify organizations from the public, non-profit, and private sectors, with particular attention to community anchor institutions that will be involved in the project
- Outline each organization's planned role in the project and any financial or equipment contributions



- Clarify any potential benefits that the community participants will receive from the project (e.g., free or discounted access to dark fiber)
- Discuss the project's general approach to involving local communities in the project area

Applicants are encouraged to submit documentation, such as letters of support, from each of the organizations that will be involved in the project as a community stakeholder.

This documentation should be described in the Government and Community Involvement narrative.

5.15. What examples and/or data are required to prove a record of compliance with federal labor and employment laws?

Applicants should provide information on their record of compliance with federal labor and employment laws, as well as the records of any other entities participating in the project, including contractors and subcontractors. This information must include, at a minimum, information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years.

For example, the applicant should provide data on its historical use of contracting and subcontracting arrangements, including staffing plans, and at least one example of each contractor and subcontractor's past performance in the context of a similar project.

The Fair Labor Practices narrative should describe an Applicant's demonstrated record of and plans to be in compliance with federal labor and employment laws, each Applicant must provide examples of items described below:

- a. A description of how it will incorporate strong labor standards, including but not limited to: incorporating local project labor agreements and community benefit agreements (and respecting any such agreements already in place), offering wages at or above the prevailing wage, and adhering to local hiring provisions.
- b. A description of how it will ensure that its work provides "quality" jobs, as defined by the Economic Development Administration's Good Jobs Challenge.
- c. A description of any prior legal determination by any court, administrative body, or other adjudicator that the Applicant has failed to satisfy governing wage or labor mandates.
- d. A description of how, if at all, it expects to rely on subcontracting arrangements in completing the project.¹

The plan for fair labor practices should include the information described in III.H in the NOFO.

¹ A "quality job" is defined as a job that (1) exceeds the local prevailing wage for an industry in the region, includes basic benefits (e.g., paid leave, health insurance, retirement/savings plan), and/or is unionized and (2) helps the employee develop the skills and experiences necessary to advance along a career path. See generally <https://eda.gov/files/arpa/webinars/Good-Jobs-webinar-slides.pdf>

5.16. In the event that the Assistant Secretary authorizes more aggressive buildout benchmarks, what timeframe would applicants have to make the revisions and determine that there is adequate staffing to meet the required revised benchmarks?

The establishment and negotiation of new buildout benchmarks will take place after application submission and during programmatic review. Applicants will have five calendar days to respond to requests made during the programmatic review.

5.17. Do applicants need to begin the bid process for subcontractors or other contracted entities prior to applying for funding in order to secure information from contractors? Or, would a narrative of explanation regarding the intended bid/RFQ process and commitment to obtain said documents suffice for submission of the application?

No. Applicants do not need to begin the bid process or select subcontractors prior to applying for Middle Mile Grant Program funding. However, applicants must submit a plan to ensure that the project workforce will be appropriately skilled and credentialed including each of its contractors and subcontractors, and applicants must provide a resume for each key personnel significant to the project's success. The organizational narrative section of the application should describe how the applicant management team is experienced and qualified to undertake the proposed project, and if applicable, should demonstrate relevant experience in past bid or RFQ processes.

5.18. Are applications subject to Executive Order 12372 (Field 19 of the SF-424)?

All State and political subdivisions of state applicants are subject to Executive Order 12372, while Tribal Entities are excluded from Executive Order 12372 "Intergovernmental Review of Federal Program." Applicants should contact their State Single Point of Contact (SPOC) to determine how to complete the Intergovernmental Review process.

5.19. Will each member of a consortium be required to submit individual financial statements?

It is recommended, but not required, that each member of a consortium who plans to operate a proposed broadband network submits its last three fiscal years of financial statements alongside its key partners. However, in the event that partners come together to form a new LLC that will serve as the primary applicant, individual financial statements from each member of the consortium will be accepted, as a newly formed LLC will have none. Applicants are encouraged to consult their accountant or financial advisor in preparing these financial statements for submission.

5.20. Will applicants need to submit separate applications for projects that are in non-contiguous areas?

No, separate applications are not required for non-contiguous areas. However, an applicant could also submit multiple applications for projects in non-contiguous areas if, for example, the projects involved different project partners, different construction firms, etc.

Under Section 60401(e) of the Infrastructure Act, each applicant is required to make a binding commitment to prioritize at least one of the following with Middle Mile Grant funding: (1) connection of middle mile infrastructure to last mile networks that provides or plans to provide



broadband services to households in unserved areas, (2) the connecting non-contiguous trust lands, or (3) the offering of wholesale broadband services at reasonable rates on a carrier-neutral basis.

5.21. Can public sector entities submit a bond in place of a letter of credit?

No, public entities may not submit a bond in lieu of a letter of credit. During the application process, each applicant must submit a letter from a bank meeting eligibility requirements consistent with those set forth in 47 C.F.R. § 54.804(c)(2) committing to issue an irrevocable standby letter of credit, in the required form, to the applicant. The letter shall at a minimum provide the dollar amount of credit offered and the issuing bank's agreement to follow the terms and conditions of NTIA's model letter of credit. If an applicant needs assistance or additional clarification as to the required information needed to complete their letter of credit, they are encouraged to submit all questions to middlemile@ntia.gov.

5.22. Can firms which have existing contracts with an applicant manage the network design and construction post-award, or are recipients required to put out a bid for the project post-award?

Grant recipients must follow the procurement standards laid out in at 2 CFR 200.318-327 for any procurement under a Federal award or subaward. Generally, grant funds may not be used to pay for contracts signed prior to the issuance of the Federal award.

5.23. Are partner entities required to submit application materials such as letter(s) of credit, operational capabilities, etc.?

No, if the partner entity is applying as part of an informal partnership of two (2) or more of the eligible entities listed in the NOFO, only the primary applicant is required to provide a letter of credit, certification of operational capabilities, financial statements, and a certification of financial capability. However, if partner entities are applying as a newly created LLC, then each partner in the LLC should submit application materials.

NTIA may ask applicants to submit additional information, as appropriate, to clarify or to further substantiate the representations made in their applications.

5.24. Should the pro-forma financial projection be at the applicant-level or the project-level?

The Pro-Forma Financial Projection and Analysis spreadsheet should only reflect the project level information, and not the Applicant's organizational financial projections. NTIA will use this information to substantiate the sustainability of the proposed project. Only the historical financial statements should reflect the entire organization.

5.25. If an applicant has no prior record of federal labor and employment law compliance, is it sufficient to provide a plan as to how the applicant intends to adhere to federal labor and employment laws?

Applicants must have a demonstrated record of and plans to be in compliance with federal employment laws where applicable. To meet the NOFO requirements, applicants are required to submit the following with their application:



1. Information on their record of compliance with federal labor and employment laws, as well as the records of any other entities participating in the project, including contractors and subcontractors. This information must include, at a minimum, information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years. For example, the applicant should provide data on its historical use of contracting and subcontracting arrangements, including staffing plans, and at least one example of each contractor and subcontractor's past performance in the context of a similar project.
2. A certification from an Officer/Director-level employee (or equivalent) of the applicant evidencing consistent past compliance with federal labor and employment laws by the applicant, as well as contractors and subcontractors.
3. Written disclosure of any instances in which the applicant, contractors, or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.
4. A written plan for ensuring compliance with federal labor and employment laws. These plans must address, at a minimum, how the applicant will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including (1) information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network and (2) how the applicant will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects (NOFO Section III.H).

If applicants have no history of compliance with federal labor and employment laws as described in (1), a certification from an Officer/Director-level employee (2) in combination with a written plan for ensuring compliance with federal labor and employment laws (4) will be sufficient.

5.26. Are application materials that are “Inputted into the NTIA Grants Portal” typed directly into the portal?

Yes, application materials that are noted as “Inputted into the NTIA Grants Portal” in the Middle Mile Grant Program Application Checklist must be typed directly into the open field in the NTIA Grants Portal. Fields that require text insertion may have character limits and formatting limitations, therefore it is recommended to compose narrative responses separately, then copy and paste into the open narrative text fields. Applicants should save and archive narrative responses for record keeping purposes.

For additional guidance regarding the submission of application materials, please reference the [Middle Mile Broadband Infrastructure Grant Program Application Guidance](#).

5.27. If an entity submits multiple applications, does each application require a separate letter of credit, or can a single letter of credit be utilized more than once if all requirements of the letter are met with respect to each application?

Each applicant must submit a letter from a bank that meets the eligibility requirements consistent with those set forth in 47 C.F.R. § 54.804(c)(2) committing to issue an irrevocable standby letter of credit, in the required form. A separate and distinct letter of credit must be

provided for each application and should be specific to the individual application; however, the letter of credit could come from the same financial institution. The letter shall at a minimum provide the dollar amount of credit offered and the issuing bank's agreement to follow the terms and conditions of NTIA's model letter of credit.

NTIA will ensure, prior to issuing a middle mile grant award, that each eligible entity obtains an acceptable, irrevocable standby letter of credit in a value of no less than 25 percent of the award amount (NOFO Section III.B.1.b).

5.28. Are the Audited Financial Statements required to cover three prior fiscal years, or one year?

Three prior fiscal years of audited financial statements by an independent certified public accountant are to be submitted in the application. If the applicant is not audited in the ordinary course of business, in lieu of submitting audited financial statements it must submit unaudited financial statements from the three prior fiscal years and certify that it will provide financial statements from the three prior fiscal years that are audited by an independent certified public accountant by an NTIA specified deadline (NOFO Section III.B.1.c.)

5.29. Is a formal Environmental Assessment/Environmental Narrative document required in addition to the 1,000 character narrative?

A formal environmental assessment is not required at the application stage. The Environmental Narrative (1,000 Character Limit) requires a service-area environmental description of the physical project area and its surroundings (e.g., disturbed or developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forestlands; and any protected lands or resources in or near the project area), including site photographs and aerial photographs (e.g., Google Earth or Google Maps images), if the project includes construction and/or ground disturbing activities.

If NTIA makes an award but additional environmental information is required, NTIA will withhold grant funds under a specific award condition until the recipient submits additional environmental compliance information sufficient for the agency to make an assessment of any impacts that a project may have on the environment.

5.30. Are applicants required to provide details on funding received from other federal broadband deployment programs even if they are not related to the middle mile project area(s)?

Applicants are not required at this point to provide details on other federal funds, but it is strongly recommended that they do so. NTIA may ask for this information in the future, depending on the application, so it is encouraged that the applicant already include that information in their Organizational Details narrative.

5.31. Will the Open Fields in the web portal be able to accept charts/tables and pictures?

Applications may include charts/tables and pictures. Narrative fields in the portal are text-only with stated character limits. Images will not be accepted in the narrative fields but may be attached where the web portal has an upload/drop file feature.



5.32. Will a notarized letter of self-certification be sufficient to prove financial and operational experience?

No. A notarized letter of self-certification is not sufficient.

The Financial Capability certification must be an attestation from an officer-level employee (or individual of comparable rank) stating the applicant is financially qualified to meet the obligations associated with a project, will have available funds for all project costs that exceed the amount of the grant, and will comply with all Middle Mile Grant Program requirements, including service milestones. As the Grants Officer disburses funding upon completion of the associated tasks, each applicant must certify that it has and will continue to have sufficient financial resources to cover the project's eligible costs until the Grants Officer authorizes additional disbursements (NOFO Section III.B.1).

The Operational Capability certification must be an attestation from an officer-level employee (or individual of comparable rank) stating the applicant's operational capability to complete and operate the proposed project. If applicable, the applicant must submit a certification from an officer-level employee (or individual of comparable rank) that it has operated a middle mile broadband network for at least two years or that it is a wholly owned subsidiary of such an entity and must specify the number of years the applicant or its parent company has been operating. If the applicant has provided a voice and/or broadband service, it must certify that it has timely filed Federal Communications Commission (FCC) Form 477s and the Broadband Deployment Accuracy and Technological Availability (DATA) Act submission, if applicable, as required during this time period, and otherwise has complied with the FCCs rules and regulations. Alternatively, it must explain any pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to comply with FCC rules or regulations (NOFO Section III.B.5).

If the applicant has operated only an electric transmission or distribution service, it must submit qualified operating or financial reports that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

5.33. What mapping data can the applicants use to ensure a good planning for the Middle Mile infrastructure?

Applicants can access the FCC Fixed Broadband Map at <https://broadbandmap.fcc.gov/#/>. If the FCC Fixed Broadband Map is inaccessible prior to application deadlines, it is recommended to explore the respective state's data compilation on the BroadbandUSA website under [Data Mapping](#).

In addition, several states have developed their own tools. On the BroadbandUSA website at <https://broadbandusa.ntia.doc.gov/resources/states>, the State broadband Leaders Network (SBLN) provides contacts and links to each of those states that can provide helpful resources.

Lastly, as described in Section III.K of the NOFO, applicants must demonstrate that they have sufficiently accounted for current and future weather-and climate-related risks to new Middle Mile Grant Program infrastructure projects and are advised to make use of the following user-friendly resources and tools:

- In assessing current weather-related risks for specific regions, applicants can use NOAA's disaster and risk mapping tool (<https://www.ncdc.noaa.gov/billions/mapping>), and NOAA's storms event database (<https://www.ncdc.noaa.gov/stormevents/>).
- The NOAA tools Climate Explorer and Digital Coast (updated with recently published regional sea level rise scenarios) allow users to look up historic and future projected environmental variables (e.g., changes in temperature thresholds, sea level rise) for their region.
- Federal Emergency Management Agency (FEMA) National Risk Index (<https://hazards.fema.gov/nri/learn-more>) provides a composite risk index for all regions across the United States, incorporating a range of natural hazards (most of which, but not all, are weather- and climate-related). FEMA's flood risk maps (<https://msc.fema.gov/portal/home>) for current conditions and for specific locations.
- Applicants are also encouraged to consult FEMA-approved Hazard Mitigation Plans prepared by states in which they propose to build middle mile infrastructure to help identify key risks and hazards.

5.34. What is the liability of the Primary Applicant through a partnership application?

When multiple organizations are involved in a project, the Primary Applicant must be able to enter into a Grant Agreement with NTIA and be willing to assume financial and operational responsibility for the project. If the project is awarded a Middle Mile Grant award, the Primary Applicant becomes the prime recipient. The prime recipient will be held responsible for meeting all terms and conditions of the award agreement.

5.35. Can the requested certification letters be consolidated into one letter?

No. Per the Middle Mile Broadband Infrastructure Application Guidance, the certification letters are to be uploaded as separate documents within the NTIA Grants Portal.

- The Tribal Certification and Supplemental Information: uploaded into the Tribal Certification and Supplemental Information section under Tribal Question 2, Tribal Land Certification.
- The Certification of Technical Capability: uploaded into the Technical Capabilities section under Technical Capabilities Question 1, Certification of Technical Capability
- The Certification of Operational Capability: be uploaded into the Required Project Documents section under Required Project Documents Question 3, Certificate of Operational Capability.
- The Certification of Financial Capability: uploaded into the Financial Information section under Financial Information Question 1, Certification of Financial Capability.

5.36. What are pre-award costs and can an applicant that intends to submit multiple applications seek the \$50K pre-award costs for each application?

Yes. If an applicant chooses to submit multiple applications and incur separate, reasonable pre-application costs independently relevant to each application, the applicant may recover expenses not to exceed \$50,000 for each application submission. Pre-application expenses, which include expenses related to preparing an application, may be reimbursed if they are incurred after the publication date of the NOFO and prior to the date of issuance of the grant award from NTIA. These costs should be clearly identified in the proposed project budget and must be approved by NTIA and the Grants Officer in writing to be considered allowable.

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. Lobbying costs and contingency fees are not reimbursable from grant funds.

5.37. What type of documentation will satisfy the last mile requirement related to the Middle Mile grant requirements?

Per the Project Details and Narrative section in the Middle Mile Grant Application Guidance (*see Section IV.B*), applicants are asked to describe targeted last mile service objectives, including last mile service provider letters of commitment, agreements, or contracts; and a description of the proposed service offerings, including the pricing of the services to be offered over the proposed facility.

5.38. Can a narrative of explanation for the sub-contractor bidding process and commitment be sufficient to submit an application?

No. Applicants must submit a plan to ensure that the project workforce will be appropriately skilled and credentialed, including each of its contractors and subcontractors. This includes providing resumes of key personnel significant to the project's success, and a separate organizational narrative detailing how the applicant's management team is experienced and qualified for the proposed project. While a narrative explanation of the subcontractor bidding processes and commitments to relevant labor laws and requirements is helpful and necessary, it is not sufficient for all of the requirements surrounding contractors, subcontractors, and project management. For further specifics, see Sections III.H, III.I, and III.J of the NOFO.

5.39. Can applicants extend the Pro-Forma timeline to show cash flow positive?

Yes. NTIA is revising the Pro-Forma Financial Projection and Analysis spreadsheet that will allow for extended timelines.

5.40. How can an applicant use the SF-424 template without double-counting depreciation?

SF-424A and SF-424C do not require depreciation be directly identified. Instead, the Detailed Budget Narrative, Detailed Budget Justification Spreadsheet, and the Pro Forma Projection and Analysis should capture any expected depreciation along with the methodologies used to determine the value of the depreciation. The Estimated Funding section of the SF-424 should reflect the amount of funding requested and the value of matching funds on the appropriate lines. The budget entries for the SF-424C should match the figures for each cost classification on the Detailed Budget Narrative and Detailed Budget Justification Spreadsheet.

5.41. How should an applicant show that it is reducing end user costs if the applicant is not selling directly to the end user?

When describing planned actions and developments the applicant should directly explain how those actions and developments contribute to the project's overall goals. Applicants are encouraged to explore partnerships with other eligible entities, particularly targeted internet service providers (ISPs) that will sell directly to the end user. These partnerships allow for agreements that help ensure the flow-down of savings to the end user. Applicants should consider approaches like letters of commitment from last mile providers that describe the collaboration.

5.42. Are Tribes eligible for a waiver of the 30% non-federal share requirement for Middle Mile. Is this waiver discretionary or mandatory?

Yes, Tribal Governments and Native Entities may request a partial or complete waiver of the non-federal cost share of no less than 30% of the total project cost for (i) the effective delivery and administration of middle mile grants to Tribal Governments; or (ii) the construction, improvement, or acquisition of middle mile infrastructure on trust land (NOFO Section III.G.1).

Please note, this waiver is discretionary and must be properly documented and submitted through the NTIA Grants Portal and approved by the Assistant Secretary.

5.43. Can resumes, letters of support, Memorandums of Understanding (MOUs), and other documents be aggregated into multi-page documents rather than individually submitting each resume, letter, MOU, and so on?

Yes, documents can be assembled into one file for upload into the NTIA Grants Portal website at <https://grants.ntia.gov/>. The system functionality for documentation upload depends on the item being included in the application. Where only one document is required, the upload feature will grey out once a file has been uploaded. Otherwise, the upload feature will allow for multiple documents to be added to an upload field.

5.44. What happens if the AOR does not respond to NTIA within the required seven days for any curing issues?

During the initial administrative and eligibility review of complete application packets, NTIA will conduct an initial review of timely received applications submitted in response to the NOFO to determine eligibility, completeness, and responsiveness to the minimum threshold requirements and programmatic requirements of the program including a review of the project narrative and budget justification (NOFO Section V.A.1).

NTIA may notify the applicant's AOR during initial review for an application that was submitted on time but may require non-material clarifications, revision, or submission for completeness. 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. An eligible applicant's failure to remedy in a timely manner may result in NTIA's denial of the application.

5.45. Can eligible entities revise application content that has been submitted?

Yes, an applicant may revise its application until the submission deadline (September 30, 2022). An applicant may not make any material revisions after the submission deadline, and it is up to NTIA to determine whether a revision is material or not. After the submission deadline, only NTIA may request or accept clarifications, revisions, or submissions for completeness that are non-material.

5.46. How should applicants depict and submit proposed network route maps?

Any attribute information, such as text, callouts, symbology, etc., should be stored in the shapefiles attribute table (.dbf). When a shapefile is created, the creator needs to specify whether the shapefile is going to be a point shapefile, a line shapefile or a polygon shapefile. This shape classification is built into the file and is immediately visible in viewing programs like ArcGIS Pro and QGIS. For networks, multiple shapefiles should be used to show the different parts of the network.

5.47. Can applicants use the 10% de minimis rate for indirect costs if a Negotiated Indirect Cost Rate Agreement (NICRA) is not provided with the application?

If the entity has never had a NICRA (or a provisional rate), the applicant can charge the 10% de minimis indirect cost rate pursuant to 2 C.F.R. § 200.414(f). However, they cannot use the 10% de minimis rate if 1) they currently have or previously had a NICRA and just didn't provide it with their application, or 2) they are a State, Local or Tribe that receives more than \$35 Million in direct Federal funding. In that case they must submit an indirect cost rate proposal to their cognizant agency pursuant to 2 C.F.R. 200 Appendix VII (D)(1)(b) and (c).

5.48. How should an entity provide notification to NTIA if it undergoes a change to its legal status or name change after the grant application has been submitted? Is this permissible?*

Per Section IV.K.2 of the NOFO, an applicant shall not be permitted to make any material revision to an application after the submission deadline. NTIA may, however, request or accept clarifications, revisions or submissions for completeness that are non-material. It is in the Assistant Secretary's sole discretion whether a revision is material or not. Therefore, applicants should contact NTIA if there is a change to its legal status or name prior to issuance of an award. NTIA will resolve any changes in legal status or name on a case-by-case basis, in consultation with the National Institute of Standards and Technology (NIST), once an applicant provides NTIA with information regarding any such change.

5.49. What information must be included in the application to demonstrate the projects' ability to benefit high priority areas and groups?*

For demonstrating benefit specifically to high priority areas and groups, per NOFO Section V.A.3.b, applications will be scored based on:

1. Applicant's ability to demonstrate likelihood of material reduction in end-user broadband prices resulting from funded middle mile infrastructure (e.g., by demonstrating decline in middle mile costs that are likely to flow through to consumer broadband prices).
2. Applicant's ability to demonstrate likelihood of material reduction in latency experienced by end users in remote or insular areas (e.g., Hawaii and Pacific Ocean territories) resulting from funded middle mile infrastructure.
3. Applicant's ability to demonstrate that substantial benefits stemming from funded middle mile infrastructure will accrue to (a) high-poverty counties, (b) persistent poverty counties, and/or (c) a substantial number of end users/households that meet any of the following criteria:
 - a. Household income for the most recently completed calendar year was at or below 200 percent of the Federal Poverty Guidelines;
 - b. Any member of the household meets the qualifications of the Supplemental Nutrition Assistance Program, Medicaid, Federal Public Housing Assistance, Supplemental Security Income, Veterans and Survivors Pension benefit, or Special Supplemental Nutrition Program for Women, Infants, and Children;
 - c. Any member of the household meets the qualifications of Tribal specific assistance programs, such as Bureau of Indian Affairs General Assistance, Tribal TANF, Tribal Head Start, or Food Distribution Program on Indian Reservations;



- d. Any member of the household has applied for and been approved to receive benefits under the National School Lunch Program or the School Breakfast Program, including through the USDA Community Eligibility Provision;
 - e. Any member of the household received a Federal Pell Grant during the current award year;
 - f. The household meets the eligibility criteria for a participating provider's existing low-income internet program.
4. Applicant's ability to demonstrate that substantial benefits stemming from funded middle mile infrastructure will accrue to (a) previously unserved locations, and/or (b) Tribal Lands.
 5. Applicant's ability to demonstrate that the route of the proposed middle mile infrastructure is designed to enable connection of unserved anchor institutions, including Tribal anchor institutions.
 6. Applicant's ability to demonstrate compliance with requirements set forth in Sections III.H, III.I, III.J, and III.L related to Fair Labor Practices, Highly Skilled Workforce, Advancing Equitable Workforce Development and Job Quality Objectives, and Civil Rights and Non-Discrimination Law Compliance.
 7. Applicant's ability to demonstrate the climate resilience of the project in accordance with Section III.K.
 8. Applicant's proposed use of community benefit agreements.

5.50. How should information be reflected on the SF-424 in congressional district field 16 if the project will be in two separate districts?*

Applicants should enter the primary district that will be affected by the program or project in field 16b on the SF-424 form. A list of additional program/project congressional districts can be uploaded to this section of the form if needed.

5.51. How can applicants request documents that are submitted in the grant application be treated as proprietary information?*

Applicant should be aware that NTIA may make all or portions of their applications publicly available as required under applicable federal laws. The NOFO identifies the following sections of the grant application that will be made public:

1. Executive Summary

If an applicant's proposal is selected for funding, NTIA may use all or a portion of the Executive Summary as part of a press release issued by NTIA, or for other public information and outreach purposes. Applicants are advised not to incorporate information that concerns business trade secrets or other confidential commercial or financial information as part of the Executive Summary.

2. Primary Applicant Contact Information

All information provided in the contact section of the grant application for the primary applicant will be made public.

3. Advancing Equitable Workforce Development and Job Qualities Objectives

A description of how the applicant will ensure that the job opportunities created by the Middle Mile Grant Program and other broadband funding programs are available to a diverse pool of workers, including by engaging in targeted outreach to populations that have



traditionally been underrepresented in broadband and information technology jobs, including but not limited to women and people of color. Applicants should be prepared to report on the demographics of the workforce (including contractors and subcontractors) that is engaged on a project utilizing Middle Mile Grant Program grant funding (this will be aggregate workforce data only, not personally identifiable information), and should expect that this data will be made public.

Per Section VIII.B of the NOFO, the Department of Commerce may use information and data contained in MMG applications, as well as information and data contained in financial, performance, and other reports submitted by the applicant, in conducting reviews and evaluations of its financial assistance programs and for statistical purposes. For this purpose, information and data may be accessed, reviewed, and evaluated by Department of Commerce employees, other federal employees, federal agents and contractors, and/or by non-federal personnel, all of whom enter into appropriate confidentiality and nondisclosure agreements covering the use of such information. In accordance with 2 C.F.R. § 200.303(e), applicants are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a Department of Commerce financial assistance award.

NTIA will protect confidential and proprietary information from public disclosure to the extent authorized by applicable law, including the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552), the Trade Secrets Act, as amended (18 U.S.C. 1905), and the Economic Espionage Act of 1996 (18 U.S.C. 1831 et seq.). Applications submitted in response to this NOFO may be subject to requests for release under the FOIA.

If an application contains information or data that the Applicant deems to be confidential commercial information that is exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information. Based on these markings, the confidentiality of the contents of those pages will be protected to the extent permitted by law.

5.52. What entities would be considered unfunded collaborators?*

An unfunded collaborator could be a partner, match provider, or any other entity that will have a substantial role in achieving the goals of the project.

5.53. Does the applicant need to complete the grant application in the NTIA Grants Portal in one session or can it be saved and completed at another time before the deadline?*

The grant application does not need to be completed in one session in the NTIA Grants Portal. Applicants can log back into the NTIA Grants Portal before the September 30, 2022, deadline to make updates if they have not completed the Attestation and Submission section of the application. Once the application has been submitted to NTIA, it is presumed that the application is final.



5.54. What information should be included in the “MMG Total Project Costs from SF-424” line on the Pro Forma Projection and Analysis spreadsheet?*

The “MMG Total Project Costs from the SF-424” line on the Pro Forma Projection and Analysis spreadsheet should represent just non-capitalized costs to prevent double-counting of project costs already included elsewhere in the Pro Forma Projection and Analysis.

5.55. Do applicants with less than three years of financial history need to be granted a waiver of the Financial Statements?*

No. Applicants that have less than three years of financial history do not require a waiver of the Financial Statements. Applicants with less than three years of financial history should explain why and provide all available financial information in the grant application.

5.56. Where can applicants find the SF-424C template? Where should applicants show in-kind contributions on the SF-424C?*

The SF-424C template is available for download on the Internet For All website by visiting the Enabling Middle Mile Broadband Infrastructure Program page at <https://www.internetforall.gov/program/enabling-middle-mile-broadband-infrastructure-program/>.

The SF-424C does not include a separate column to capture in-kind costs, therefore applicants should incorporate the value of any in-kind contributions into the total cost for the appropriate cost classification category. Applicants should also identify the non-federal sources of in-kind match in the Detailed Budget Justification and Budget Narrative.

5.57. Are subrecipients required to provide a copy of their Negotiated Indirect Cost Rate Agreement (NICRA) with the grant application?*

No. Subrecipients are not required to provide a copy of their NICRA with the grant application. Only the primary applicant is required to include a copy of their NICRA if indirect costs are included in the proposed budget.

Please make note that subrecipients that do not have a NICRA (or a provisional rate) can charge the 10% de minimis indirect cost rate to the project. But they cannot use the 10% de minimis rate if 1) they currently have or previously had a NICRA and just didn't provide it with their application, or 2) they are a State, Local or Tribe that receives more than \$35 Million in direct Federal funding. In that case they must submit an indirect cost rate proposal to their cognizant agency pursuant to 2 CFR 200 Appendix VII (D)(1)(b) and (c).

5.58. Can firms which have existing contracts with an applicant manage the network design and construction post-award, or are recipients required to put out a bid for the project post-award?*

Grant recipients must follow the procurement standards in 2 CFR § 200.317-200.327 for any procurement under a Federal award or subaward. 2 CFR § 200.320(c)(4) allows the Federal awarding agency or pass-through entity expressly to authorize a noncompetitive procurement in response to a written request from a non-state grantee. (State recipients must follow the same policies and procedures it uses for procurements from its non-Federal funds when procuring property and services under a federal award. See 2 CFR 200.317.) NTIA recognizes that existing

supply and labor contracts may facilitate the overall goals of the program and will consider these requests and accompanying justifications post award for successful applicants.



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6. Environmental Protection and Historical Preservation

6.1. Where can applicants find more information on categorical exclusions?*

The U.S. Department of Commerce (DOC) has published a list of Categorical Exclusions (CATEX) the agency has determined do not individually or cumulatively have a significant effect on the human environment and should be categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement under NEPA.

The federal notice issued by the DOC with this list of Categorical Exclusions can be found in 74 Federal Register 3304, published on July 10. 2009 on the following webpage

<https://www.federalregister.gov/documents/2009/07/10/E9-16394/national-environmental-policy-act--categorical-exclusions>.

These eleven (11) Categorical Exclusions are presented below along with examples of the types of actions typical for broadband infrastructure programs.

DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
A-1	<p>Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in the functional use of the real property (e.g. realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an environmental assessment or environmental impact statement for the installation). This Categorical Exclusion does not apply where the project must be submitted to the National Capital Planning Commission (NCPC) for review and NCPC determines it does not have an applicable categorical exclusion.</p>	<ul style="list-style-type: none"> • Minor renovations and additions to buildings, roads, grounds, equipment, and other facilities that do not result in a change in functional use of the real property (e.g., realigning interior spaces of an existing building, extending an existing roadway in a developed area a short distance, installing a small antenna on an already existing antenna tower, adding a small storage shed to an existing building, etc.) (Routine repair and maintenance of buildings, roads, grounds, equipment, and other facilities which do not result in a change in functional use, or an impact on a historically significant element or setting. (US Coast Guard) • Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current codes and standards, or replacement of any facility in a manner that substantially conforms to the pre-existing design, function, and location. • Remodeling; replacement of building systems and components; maintenance and operations repairs and general improvements when such projects do not significantly alter the initial occupancy and program of the facility or significantly impact upon the environment.



DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
		<ul style="list-style-type: none"> Repair and/or replacement of a radio tower and improvements to the existing access road leading to the tower site.
A-2	<p>New construction upon or improvement of land where all of the following conditions are met:</p> <ul style="list-style-type: none"> (a) The site is in a developed area and/or a previously disturbed site, (b) The structure and proposed use are compatible with applicable Federal, tribal, state, and local planning and zoning standards and consistent with federally approved state coastal management programs, (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area, (d) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings, and, (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.). <p>This Categorical Exclusion does not apply where the project must be submitted to the NCPC for review and NCPC determines that it does not have an applicable categorical exclusion.</p>	<ul style="list-style-type: none"> 60X60 sq ft area of land, with an approximate 4-foot-high fence and wind shield, surrounding 2 sets of instruments within the site area. A concrete pad (3 x 3 foot) to anchor a 10-foot-high instrument tower with a second pad (2 x 2 foot) used to anchor the precipitation gauge. Power to a site via underground cable with the burial depth dependent on local code requirements. The structure and proposed uses are substantially in compliance with prevailing local planning and zoning standards and on heavily developed property and/or located on a previously disturbed site in a developed area. The proposed use will not substantially increase the number of motor vehicles at the facility. The site and scale of construction are consistent with those of existing, adjacent, or nearby buildings. Proposed facilities - an administration building, parking, perimeter chain link fence, landscaping with irrigation 40-foot radio tower with satellite dish. Project where Construction and renovation would occur on land already heavily disturbed and within the highway rights-of-way. Construction involving clearing, grading, and development on a minimum of three and a maximum of four acres for building space and parking lots. The repair/upgrade of approximately 150 miles (241 kilometers) of existing roads
A-3	<p>Software development, data analysis, or testing, including but not limited to computer modeling in existing facilities.</p>	<ul style="list-style-type: none"> Research, development, testing, and evaluation activities or laboratory operations contemplated by this categorical exclusion are those that would be undertaken within facilities that are operated under stringent requirements designed to protect the quality of the human environment.



DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
		<ul style="list-style-type: none"> • Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities. • Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public. - Studies that involve no commitment of resources other than manpower and associated funding. • Information gathering (including, but not limited to, literature surveys, inventories, audits), data analysis (including computer modeling), document preparation (such as conceptual design or feasibility studies, and dissemination (including, but not limited to, document mailings, publication, and distribution; and classroom training and informational programs), but not including site characterization or environmental monitoring. • Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity; Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation. • Studies, data, and information gathering that involve no permanent physical change to the environment (e.g., topographic surveys, wetlands mapping, surveys for evaluating environmental damage, and engineering efforts to support environmental analyses.
A-4	Siting/construction/operation of microwave/radio communication towers less than 200 feet in height without guy wires on previously disturbed ground.	<ul style="list-style-type: none"> • Siting, construction, and operation of microwave and radio communication towers and associated facilities, if the towers and associated facilities would not be in an area of great visual value. (Department of Energy) • Acquisition, installation, or operation of utility and communication systems that use existing distribution systems or



DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
		facilities, or currently used infrastructure rights-of-way.
A-5	Retrofit/upgrade existing microwave/radio communication towers that do not require ground disturbance.	<ul style="list-style-type: none"> Replacing old, slow, or failing network equipment Add cellular boosters and public Wi-Fi for mobile users Tower retrofits The installation of Wi-Fi equipment on existing towers. Utilize existing tower to place Omni directional towers for signal transmission. The construction of a new service tower which will require the need for new fiber drops from the local phone company and a serviceable outdoor cabinet for networking equipment to handle internet service provider (ISP) traffic.
A-6	Adding fiber optic cable to transmission structures or burying fiber optic cable in existing transmission line rights-of-way.	<ul style="list-style-type: none"> X miles of inground subsidiary fiber optic lines connected to the proposed regional loop
A-7	Acquisition, installation, operation, and removal of communications systems, data processing equipment, and similar electronic equipment.	<ul style="list-style-type: none"> An upgraded data acquisition system. Acquisition, installation, and operation of utility (e.g., water, sewer, electrical) and communication systems (e.g., data processing cable and similar electronic equipment) which use existing rights of way, easements, distribution systems, and/or facilities.
A-8	Planning activities and classroom-based training and classroom-based exercises using existing conference rooms and training facilities.	<ul style="list-style-type: none"> Planning, classroom-based training and field-based exercises, to train broadband. NOTE: Field-based exercises to be conducted at previously undisturbed sites that would involve ground disturbance of one acre or more are not included in the action. (NTIA)
A-9	Purchase of mobile and portable equipment and infrastructure which is stored in previously existing structures or facilities.	<ul style="list-style-type: none"> Acquiring, storing, and deploying subscriber units and similar equipment, including but not limited to, mobile and handheld radios and satellite phones, laptops, and other mobile devices. The projects involving acquiring, storing, and deploying non-fixed infrastructure equipment. Routine procurement activities and actions for goods and services, including office supplies, equipment, mobile assets, and utility services for routine



DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
		administration, operation, and maintenance.
A-10	Siting, construction (or modification), and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). This Categorical Exclusion does not apply where the project must be submitted to the NCPC for review and NCPC determines that it does not have an applicable categorical exclusion.	<ul style="list-style-type: none"> • Covered support buildings and structures include those for office purposes; parking; cafeteria services; education and training; visitor reception; computer and data-processing services; employee health services or recreation activities; routine maintenance activities; storage of supplies and equipment for administrative services and routine maintenance activities; security (including security posts); fire protection; and similar support purposes. • Trailers for computer maintenance facilities/ maintenance shop/storage area.
A-11	Personnel, fiscal, management, and administrative activities, such as recruiting, processing, paying, recordkeeping, resource management, budgeting, personnel actions, and travel.	<ul style="list-style-type: none"> • Routine personnel, fiscal, and administrative activities, actions, procedures, and policies which clearly do not have any environmental impacts, processing, paying, and record keeping. • Routine procurement of goods and services conducted in accordance with applicable procurement regulations, executive orders, and policies; • Routine personnel actions; • Relocation of personnel into existing space that does not involve a substantial change affecting the supporting infrastructure (e.g., no increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase). • Routine financial transactions including such things as salaries and expenses, procurement contracts (in accordance with applicable procedures and Executive Orders) procurement), guarantees, financial assistance, income transfers, audits, fees, bonds, and royalties. (Department of the Interior) • Routine and continuing business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).



DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
		<ul style="list-style-type: none"> • Payment of broadband subscription fees for a set amount of time.

If your proposed action is included in the description provided for a listed Categorical Exclusions established by the DOC, DOC must check to make sure that no environmental considerations exist that may cause the proposed action to have a significant effect in a particular situation.

Environmental considerations typically include such matters as effects to endangered species, protected cultural sites, and wetlands. If there are no environmental considerations indicating that the effects of the action may be significant, then the agency can proceed with the action. If the proposed action is not included in the description provided in the Categorical Exclusion established by the DOC, or there are environmental considerations, an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) must be prepared when it is not clear whether significant impacts are expected, an EA should be prepared to determine if there are significant environmental effects. If an EA or an EIS are required, it is recommended that grantees engage the services of a qualified consultant to develop the analysis. The cost associated with hiring a consultant is an allowable use of grant funds.

6.2. How are applicants to handle the environmental impact and approval process that may fall outside of the grant timeline?*

NTIA encourages applicants to submit viable projects that will facilitate broadband expansion efforts and meet the program requirements. For projects that cannot obtain a pre-award Categorical Exclusion or that require additional time to meet NEPA requirements, NTIA may issue award notices with specific conditions that allows for the disbursement of funds to complete the NEPA analysis. Award terms may also specify that remaining grant funds would be withheld until all compliance requirements are met by the applicant.

6.3. Will NTIA submit Tribal consultations on behalf of consultants conducting NEPA on behalf of a private entity (fulfilling government to government communication requirements)?*

Yes, NTIA is responsible for conducting government to government consultation. After NTIA reaches out to Tribal entities, it expects applicants to work with Tribes to provide project-specific information for inclusion in grant applications.

6.4. When in the application process should Eligible Entities or grant recipients conduct initial consultations with State Historic Preservation Officers (SHPO) or Tribal Historic Officers (THPO) and U.S. Fish and Wildlife Service (USFWS)?*

Grant applicants may initiate informal consultation with the USFWS to determine whether listed species and/or critical habitat are present in the proposed project area. They may also initiate consultation with the SHPO or THPO, however please see above for requirements for government-to-government consultation with THPOs. Applicants are to include information on the results of these consultations in the project description. Consultation does not need to be

initiated or completed in order to submit a grant application. If applicants are unable to initiate or complete consultation with the SHPO or THPO, or formal consultation with the USFWS is required, those requirements will be addressed post-award as part of EHP compliance activities. The required consultations must be completed before the award project can begin construction.

6.5. What technical assistance and templates will NTIA provide to assist applicants with the development and completion of the Environmental Assessment?*

NTIA will provide applicants with guidance and technical assistance to help facilitate the development of the Environmental Assessment, engage in consultation, and coordinate with other federal agencies, if required. An Environmental Assessment template will be made available on the Internet For All website and NTIA will continue to publish other resources and templates for applicant use to help meet NEPA requirements.

6.6. What are the timelines for the Categorical Exclusion, Environmental Assessment, and Environmental Impact Statement? Are these documents to be submitted with the Middle Mile grant application or can they be submitted post-award?*

NTIA will determine the appropriate level of NEPA analysis required for the project. Grant applicants are not encouraged to develop an EA to submit with their grant applications in anticipation of the requirement. EA development is discussed further below.

NTIA will use the information provided by the applicant in the project description and supporting documentation to determine whether a CATEX may be applied to the project. NTIA documents the application of a CATEX in a memorandum after reviewing the information provided by the applicant. If a CATEX applies and no environmental considerations exist, then NTIA estimates approximately 30-45 days to develop and deliver the CATEX memorandum, provided that sufficient information has been provided to NTIA. This timeline does not include any other outstanding agency approvals needed and may be exceeded depending on the unique circumstances of the applicant's project.

The grant recipient will develop the EA with review by NTIA. NTIA is responsible for approving the EA and writing the Finding of No Significant Impact (FONSI). The EA will take between 3-12 months or more for completion and approval by NTIA. The total time to develop an EA will depend on the complexity of the project and its potential to impact sensitive resources.

The Environmental Impact Statements, also developed by the applicant in coordination with NTIA to include any extensive public involvement and comment, will take approximately 12-24 months or more for completion and approval by NTIA. It is strongly recommended that grantees engage a qualified consulting firm if an Environmental Assessment or Environmental Impact Statement is required.

NTIA anticipates that NEPA compliance activities will be completed post-award for the majority of grantees.

6.7. What information on the environmental impact should be included in the Project Details and Narrative section of the Middle Mile Grant Program?*

Per Section IV.B of the NOFO, applicants are to include a service-area environmental description that describes the physical project area and its surroundings (e.g., disturbed or



developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forestlands; and any protected lands or resources in or near the project area), including site photographs and aerial photographs (e.g., Google Earth or Google Maps images, or similar), if the project includes construction and/or ground disturbing activities.

Applicants are encouraged to include as much information as possible on any potential project impacts to the environment to provide NTIA with enough information to decide if a Categorical Exclusion can be applied to the project or if additional NEPA review will be needed. This includes providing detailed information on what type of project will be performed, the location of the project, a physical description of the site and surrounding areas, and how the project will be implemented.



7. Climate Resiliency

7.1. Where can applicants find a list of climate resiliency resources? Where can applicants find resources that provide guidance or methods on how to make networks climate resilient?*

Applicants can find a list of climate resiliency resources in Section III.K. of the NOFO. This section also provides webpage links for each resource as well as applicability to the program.

Additional resources on natural disasters, wildfires, and earthquakes can be found on the following webpages:

1. Natural Disasters

Environmental Protection Agency perspective on natural disasters including drought, flooding, wildfires, tornadoes, and extreme heat.

<https://epa.gov/natural-disasters>

2. Wildfires

National Aeronautics and Space Administration (NASA) and United States Forest Service Fire Information for Resource Management System (FIRMS) US/Canada-Interactive Map provides current location as well as historic (up to 1 month) information on the extent and intensity of wildfire activity and its effects.

<https://firms.modaps.eosdis.nasa.gov/usfs/>

3. Earthquake

United States Geological Survey (USGS) Interactive maps of earthquake faults and scenarios.

<https://www.usgs.gov/programs/earthquake-hazards/maps>

7.2. Is there a difference between emergency preparedness and climate resiliency? Is addressing emergency preparedness a requirement? If so, where can applicants find guidance on what to address for emergency preparedness?*

Yes, emergency preparedness is a requirement of the program and there is a difference between emergency preparedness and climate resiliency.

Emergency preparedness is defined as the steps that are taken to ensure safety before, during and after an emergency or natural disaster. Climate resiliency is the capacity of social, economic, and environmental ecosystems to cope with a hazardous event, trend or disturbance resulting from climate change. Climate resiliency also accounts for long-term sustainability and maintenance and responding to changes consistently over a long period of time.

Section III.K of the NOFO requests that applicants describe how they will address specific weather emergencies and other near-term emergencies. This includes hazard screening, identifying highest-risk hazards, characterizing those risks in the near-term, and identifying how the proposed plan will avoid or mitigate these risks. For flooding hazards, the eligible entity should consider the Federal Flood Risk Management Standard and Implementing Guidelines referenced in this section of the NOFO.

Additional general information on emergency preparedness can be found on the NTIA Emergency Planning and Public Safety Division website at



<https://www.ntia.doc.gov/legacy/osmhome/pubsafe/index.html> and on the Federal Emergency Management Agency (FEMA) Disasters and Emergencies website at <https://www.ready.gov/be-informed>.

7.3. Who should applicants contact regarding climate resiliency questions for the Middle Mile Grant Program?*

Applicants are encouraged to submit all questions regarding climate resiliency to the middlemile@ntia.gov email address for the Middle Mile Grant Program.

7.4. How should applicants demonstrate they have addressed climate resilience in the Middle Mile Grant application?*

Middle Mile Grant Program applicants can demonstrate that they have addressed climate resilience by carefully reviewing Section III.K of the NOFO and ensuring they have provided sufficient information in the grant application that proves the applicant is conducting the five listed activities referenced that are needed to meet the minimum requirements of the program.



Appendix: *New Questions & Answers as of Version 5.0

How does NTIA define a small and minority business under the Middle Mile Grant Program?

To be a small business, vendors must adhere to industry [size standards](#) established by the [U.S. Small Business Administration \(SBA\)](#). When small firms register as a government contractor in the [System for Award Management \(SAM\)](#), they also self-certify their business as small.

The SBA, for most industries, defines a “small business” either in terms of the average number of employees over the past 12 months, or average annual receipts over time.

A minority-owned business is an organization that is at least 51% unconditionally owned by one or more individuals who are socially or economically disadvantaged and whose management and daily business operation is controlled by one or more such individuals (see [Small Disadvantaged Business](#)).

Can an applicant request an application review prior to the application deadline?

No, NTIA will not provide an application review prior to the deadline. Per Section V.A of the NOFO, the application review process will occur after submission of the grant application to NTIA and will entail an Administrative and Eligibility Review, Merit Review, Programmatic Review, and Office of Internet Connectivity and Growth (OICG) Associate Administrator Review.

Will Federal Program Officers (FPOs) be available for Middle Mile Grant Program applicants? What will be their role?

No, FPOs are not assigned during the application phase. Successful applications will be assigned an FPO during the award process. State/Territory specific FPOs support the BEAD and DE programs and are not FPOs for the Middle Mile Grant (MMG) Program.

Applicants are encouraged to check the Internet For All website at <https://www.internetforall.gov/program/enabling-middle-mile-broadband-infrastructure-program/> for updates on the MMG Program, past webinars and additional FAQs.

What are 2 CFR Part 200 and 48 CFR Part 31 and how do they relate to the Middle Mile Grant Program?

Title 2 of the Code of Federal Regulations (CFR) Part 200 also known as 2 CFR Part 200 are the uniform administrative requirements, cost principles, and audit requirements for Federal awards issued to a State, local or Federally Recognized Indian tribal governments and non-profit organization. In addition, Subparts A through D of 2 C.F.R. Part 200 applicable to commercial organizations that carry out a MMG award. Applicants must ensure that project costs and matching funds are allowable and consistent based on the cost principles identified in 2 CFR Part 200.

Title 48 of the CFR § 31 contains the federal cost principles and procedures for the allowability of costs for commercial organizations. Commercial organizations must use the provisions in 48 CFR § 31 to determine cost the allowability of project costs and matching funds unless the

Grants Officer decides in writing to apply the cost principles in 2 CFR § 200, Subpart E, to commercial organizations pursuant to 2 CFR § 200.101(a)(2).

How should applicants determine the proposed service area(s)? What information should be included in the application on these service area(s)?

Per Section IV.B of the NOFO, applicants should include an overview of the proposed route or service area(s), including information regarding rurality and socio-economic indicators in the area to be served by the proposed project and a description of need in the proposed service area(s), including communities considered unserved and/or underserved service area(s).

Please note that applications will be reviewed on how well they address each of the following criteria on the proposed service area(s) in the application which can score up to 10 points each out of a total of 60 points per Section V.A.2.a of the NOFO:

- Extent to which the project will otherwise benefit the proposed service area, including, but not limited to, by (a) facilitating development of carrier-neutral interconnection facilities; (b) improving the redundancy or resiliency of existing middle mile infrastructure; or (c) including direct interconnect facilities that will facilitate the provision of broadband service to anchor institutions located within 1,000 feet of the middle mile infrastructure at speeds of at least 1 Gbps symmetrical.
- The comprehensiveness and appropriateness of the proposed technical solution for meeting the community's needs, considering the offering's capacity and performance characteristics. Reviewers will consider the proposed network's ability to serve anticipated last mile networks, and to meet the increasing needs of the households, businesses, and anchor institutions in the areas linked by the middle mile facilities at issue. Reviewers will score favorably construction projects that are "shovel ready" and capable of completion within a two-year period.

The proposed service area should also meet the definition of either an unserved or underserved area. Per Section I.B of the NOFO, they are defined as follows:

Unserved.—The term “unserved,” with respect to an area, means an area— (A) that is designated as a Tribally underserved area through the process set forth in Section III.G.2 of the Middle Mile Grant Program NOFO; or (B) that— (i) is of a standard size not larger than a census block, as established by the Commission; and (ii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with— (I) except as provided in (II)— (aa) a download speed of not less than 25 megabits per second; and (bb) an upload speed of not less than 3 megabits per second; or (II) minimum download and upload speeds established as benchmarks by the Commission for purposes of this Act after the date of enactment of this Act, if those minimum speeds are higher than the minimum speeds required under (I).

Underserved.—The term “underserved,” with respect to an area, means an area— (A) that is designated as a Tribally underserved area through the process set forth in Section III.G.2 of the MMG Program NOFO; or (B) that— (i) is of a standard size not larger than a census block, as established by the Commission; (ii) is not an unserved area; and (iii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with— (I) except as provided in (II) — (aa) a download speed of not less than 100 megabits per



second; and (bb) an upload speed of not less than 20 megabits per second; or (II) minimum download and upload speeds established as benchmarks by the Commission for purposes of the Act after the date of enactment of the Act, if those minimum speeds are higher than the minimum speeds required under (I).

In Section V.A.1 of the NOFO, additional information is given on the use of FCC fixed broadband maps and alternative mapping data to determine unserved and underserved areas. When referencing FCC fixed broadband maps, applicants must specify the date those maps are referenced. Other data sources applicants may use are specified in Section 60401(e)(3)(B)(i) of the Infrastructure Act, which states:

In mapping out gaps in broadband coverage, an eligible entity that uses a middle mile grant to build out terrestrial or fixed wireless middle mile infrastructure shall use the most recent broadband mapping data available from one of the following sources:

- (IV) The FCC fixed broadband map.
- (V) The State in which the area that will be served by the middle mile infrastructure is located, or the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable).
- (VI) Speed and usage surveys of existing broadband service that— (aa) demonstrate that more than 25 percent of the respondents display a broadband service speed that is slower than the speeds required for an area to qualify as unserved; and (bb) are conducted by—
 - (AA) the eligible entity;
 - (BB) the State in which the area that will be served by the middle mile infrastructure is located; or
 - (CC) the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable).

What would constitute a previously federally funded geographic area that would be ineligible for funding under the Middle Mile Grant Program?

Applicants may apply for funding under the Middle Mile Grant Program even if they have been previously federally funded for the same geographic area. However, in this situation, it is strongly recommended that applicants explain how Middle Mile Grant Program funds will be used to supplement, and not duplicate or overbuild, other federal, state, and local grant funds such as program costs being funded by FCC's Rural Digital Opportunity Fund (RDOF), USDA's ReConnect Loan and Grant Program, and other similar programs.

Can a waiver be requested for a project that doesn't have an anchor institution located within 1,000 feet of the middle mile infrastructure?

Yes. Per Section III.F of the NOFO, an Eligible Entity applying for a Middle Mile Grant may seek, and the Assistant Secretary may grant, a waiver of the requirement to connect any Community Anchor Institution within 1000 feet, in full or in part, to the extent the Eligible Entity demonstrates that the requirement is not technically or economically feasible.

Can applicants that did not receive an award from the Broadband Infrastructure Program (BIP) submit a new application to the Middle Mile Grant Program to obtain funding?

Yes. Applicants can submit the project they proposed in their BIP application to the Middle Mile Grant Program. To do so, applicants must submit a new application to the Middle Mile Grant Program at <https://grants.ntia.gov/> and follow the instructions in Section IV of the NOFO for compliance with grant submission requirements. Please note that the goals and requirements for BIP and MM are not the same so applicants are strongly encouraged to review MM guidance before submitted a BIP application that was not funded to ensure that it fits the MM program requirements and goals. In particular, BIP applicants were required to be a covered partnership, whereas the Middle Mile Grants Program allows for a diverse range of individual entities in addition to covered partnerships, per Section III.A of the NOFO.

Can a consortium of Tribal entities apply for the Middle Mile Grant Program? If so, what documentation would be required to show proof of eligibility? Would the consortium be eligible for the waiver of the cost-share requirement?

Yes. The eligibility guidelines for the Middle Mile Grant Program allows for partnerships of two or more Tribal entities to apply for funding. Each Tribal entity within the partnership must provide documentation on letterhead confirming its status as a Tribal entity.

In addition, the partnership is eligible to apply for a waiver of the 30% matching requirement if it consists entirely of entities that would individually be permitted to seek a waiver of the matching funds. Any documentation confirming the Tribal entities eligibility to apply for funding should be attached to the cost share waiver that is uploaded to the application in the [NTIA Grants Portal](#).

NTIA recognizes that partnerships can take many forms, and the structure of each partnership will reflect the needs and circumstances of the members of the partnership and the project for which grant funds are sought. In some cases, the partnership may take the form of a single legal entity – in such case, the legal entity will be the Middle Mile Grant Program applicant and will be responsible for all of the obligations associated with that application and any subsequent award.

Where the partnership does not take the form of a single legal entity, the partnership must designate one of its members as the Primary Applicant. That Primary Applicant will be responsible for all of the obligations associated with the partnership's application and would enter into the grant agreement with NTIA and assume primary operational and financial responsibility for completing the project should an award be made.

The extent to which obligations under such a grant agreement would flow down to other members of the partnership would depend on the nature of the legal relationship and agreements between the members of the partnership.

Is it permissible for an external company that assisted the applicant with preparing the grant application to also provide that same applicant with post-award reporting and procurement services?

Yes. An external company may assist applicants with both pre and post award activities for compliance with Middle Mile Grant program activities. External companies that intend to assist



Middle Mile Grant Program applicants should review and ensure compliance with 2 C.F.R. § 200.319b, which states:

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

1. Placing unreasonable requirements on firms in order for them to qualify to do business;
2. Requiring unnecessary experience and excessive bonding;
3. Noncompetitive pricing practices between firms or between affiliated companies;
4. Noncompetitive contracts to consultants that are on retainer contracts;
5. Organizational conflicts of interest;
6. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
7. Any arbitrary action in the procurement process.

What information is required for the grant application to confirm that it has made a bona fide request to offer non-discriminatory interconnect to last mile broadband providers and any other party?

Eligible Entities can confirm its ability to make a bona fide request by marking question 1.6.2 as “yes” under section 1.6 Statutory Purpose in the NTIA Grants Portal. If the Eligible Entity selects “yes” for question 1.6.2, then they must also provide a narrative detailing the nondiscrimination, interconnection, and network management practices that will be adopted for the project facilities in section 2.4 Interconnect Policy in the NTIA Grants Portal.

What types of entities can provide in-kind match for the Middle Mile Grant Program?

In-kind for the Middle Mile Grant Program can be provided by any Eligible Entity, a subrecipient or any other organization that is able to contribute allowable resources to the project that meet the requirements of 2 CFR § 200.306 and 48 CFR § 31.

Can Middle Mile Grant funds be utilized for unserved or undeserved commercial area(s)?

Yes, Middle Mile Grant funds can be utilized for unserved or underserved commercial areas, but please note that this does not mean directly connecting the middle mile infrastructure to end-user locations in question. Serving currently unserved or underserved areas, including those designated as commercial, is a component of scoring per Section V.A.2.a.5 of the Middle Mile Grant NOFO which identifies households, businesses, and anchor institutions as targeted beneficiaries of Middle Mile Grant projects. Overall, however, Middle Mile Grant projects are scored on a variety of factors beyond just serving unserved or underserved commercial or business areas, and applications are likely to be scored higher if they also prove that they serve households and anchor institutions and are fiscally sustainable beyond the award period, among other factors. Applicants are encouraged to review Sections V.A.2.a and V.A.2.b of the Middle Mile Grant NOFO for a detailed explanation of the scoring process for the Middle Mile Grant Program.

Can an applicant use the value of an existing primary connection path as a form of matching funds?

Yes. Applicants may use an existing primary connection path as a form of matching funds if it would be considered in-kind, allowable, and allocable project expense. For those primary connection paths that are funded through federal funds, applicants may only use the existing primary connection path as a form of matching funds subject to the retained interests of the relevant federal agency and offices and if they are no longer in the period of performance for those funds. Federal funds may not be used as a form of matching funds except as provided by federal statute per Section III.C of the NOFO for the Middle Mile Grant Program. And recipients must ensure compliance with 2 CFR § 200.306 for cost sharing or match requirements.

Can Middle Mile Grant funds be used to support wireless or cellular services?

Funds are to be used for the construction, improvement, and/or acquisition of facilities and telecommunications equipment required to deploy middle mile broadband facilities and other costs necessary to carry out the programmatic activities of the project. Applicants should refer to Section IV.B of the NOFO to ensure proposed services will meet the service requirements set out there. Applicants should also review Section V.A.2.a to ensure proposed services fulfill the scoring criteria.

Will funding from the Middle Mile Grant be considered taxable income if it is awarded to a for-profit company?

Applicants should consult a tax advisor to determine if their entity would have to pay taxes on Middle Mile Grant funds.

Can funds be utilized solely for the purpose of promoting broadband connection resiliency through the creation of alternative network connection paths in an already developed metropolitan area?

Yes, though proposing utilizing funding solely for promoting connection resiliency may impact the competitiveness of the application's score. Among other things, applications will be reviewed on how well they address each of the following criteria on the proposed service area(s) in the application out of a total of 60 points, per Section V.A.2.a of the NOFO:

1. Extent to which the project will either (a) facilitate deployment of high-speed broadband networks to currently unserved or underserved areas or (b) improve affordability in already-served markets (e.g., by reducing interconnection costs for last-mile providers or providing opportunities for competitive providers to offer last-mile service). (20 points)
2. Whether the project will offer non-discriminatory interconnection in perpetuity, where technically feasible without exceeding current or reasonably anticipated capacity limitations, on reasonable rates and terms to be negotiated with requesting parties. Such interconnection must include both the ability to connect to the public internet and physical interconnection for the exchange of traffic. (10 points)
3. Whether the provider commits to offering access to the funded middle mile infrastructure, in perpetuity, on an open access basis. (10 points)
4. Extent to which the project will otherwise benefit the proposed service area, including, but not limited to, by (a) facilitating development of carrier-neutral interconnection facilities; (b) improving the redundancy or resiliency of existing middle mile infrastructure; or (c) including direct interconnect facilities that will facilitate the



- provision of broadband service to anchor institutions located within 1,000 feet of the middle mile infrastructure at speeds of at least 1 Gbps symmetrical. (10 points)
5. Comprehensiveness and appropriateness of the proposed technical solution for meeting the community's needs, considering the offering's capacity and performance characteristics. Reviewers will consider the proposed network's ability to serve anticipated last mile networks, and to meet the increasing needs of the households, businesses, and anchor institutions in the areas linked by the middle mile facilities at issue. Reviewers will score favorably construction projects that are "shovel ready" and capable of completion within a two-year period. (10 points)

Can Middle Mile Grant funds be used to support asset insurance costs for deployed infrastructure?

No. Middle Mile Grant Program funds cannot be used for previously incurred administrative costs or previously purchased equipment or construction activities, except as allowed in Section IV.I.1.d of the NOFO.

Can the legal costs to obtain easement agreements be considered in-kind donations?

Yes, legal services can be provided as in-kind donations if the donation and services provided is compliant with 2 CFR § 200.306.

Does a state budget office have the authority to provide applicants with the Pre-Letter of Credit for the Middle Mile Grant Program?

No. The Pre-Letter of Credit must be issued from a bank meeting eligibility requirement consistent with those set forth in 47 CFR § 54.804(c)(2).

Can applicants use the fair market value (FMV) calculation for in-kind contributions? What kind of documentation should be included in the grant application to support the FMV calculation?

Yes. Applicants can use the fair market value calculation for in-kind contributions as set out in 2 CFR § 200.306.

Can the Rural Digital Opportunity Fund (RDOF) be used as a form of match for the Middle Mile Grant Program?

No. The Rural Digital Opportunity Funds may not be used as matching funds for the Middle Mile Grant Program. Per Section III.C of the NOFO, federal funds may not be used as matching funds except as provided by federal statute.

Can land acquisition be considered an in-kind contribution?

Yes. Applicants may use land as a form of in-kind contribution. Per Section III.C of the NOFO, in-kind contributions, which include third-party in-kind contributions, are non-cash donations of property, goods or services, which benefit a federally assisted project, and which may count toward satisfying the non-federal matching requirement of a project's total budgeted costs when such contributions meet certain criteria. In-kind contributions must be allowable and allocable project expenses per 2 CFR § 200.306 requirements. Applicants intending to use land as a form

of in-kind contribution should closely review the documentation and fair market value calculation requirements to ensure that the land is valued and documented appropriately.

Can grant funds be used to pay for National Environmental Policy Act (NEPA) review and approval costs?

Yes. Middle Mile Grant Funds can be used to pay for costs associated with the NEPA review and approval process. For those projects that cannot receive a pre-award Categorical Exclusion, special award conditions will be applied to the award that allows the disbursement of funds to complete planning and analysis, including NEPA analysis, upon award.

What documentation should be included in the application to confirm matching funds?

Applicants are asked to include a detailed account of all matching costs for the project in the Detailed Budget Justification.

For cash matches applicants should provide:

- a) the name of the party providing the match,
- b) the funding amount (and percentage of the total budget it represents),
- c) the type of funding (e.g., grant match, equity, debt, internal, other),
- d) the use of the funding (e.g., infrastructure), and
- e) any key financing terms and conditions.

For in-kind matches applicants should provide:

- a) the name of the party providing the match,
- b) the match value (and percentage of the total budget it represents),
- c) the nature of the in-kind contribution,
- d) an explanation of how the contribution qualifies as an eligible cost under MMG eligible cost rules, and
- e) if the contributor is not the Applicant(s), a description of any benefits the contributor will derive from the project (e.g., free or discounted access to the network).

Applicants should also include details on the valuation of in-kind funds and any such donations so they can be assessed against 2 CFR § 300.306 requirements.

On the Pro-Forma Projection and Analysis spreadsheet, does the Earnings Before Interest, Taxes, Depreciation, and Amortization (EBITDA) need to have a positive balance to show project sustainability?

The EBITDA on the Pro Forma Projection and Analysis must be non-negative, meaning an EBITDA of zero is permissible. The EBITDA on the Pro Forma Projection and Analysis needs to accurately represent the depreciation and amortization expenses for the project. The revenue picture should reflect all direct revenues to be generated by the project's suite of services. The revenue in conjunction with the expense categories will help the Merit Reviewers and Program Officers understand the anticipated financial outcomes of the project with clarity and transparency to determine the sustainability of the project.



Can an indefeasible right of use (IRU) to access a federally funded network serve as an in-kind match?

If the federally funded network is outside its period of performance then, subject to any retained property interests by relevant federal agencies and offices, the creation of such an IRU as an in-kind match is permissible.

If the federally funded network is still within its period of performance however, then no. Per 2 CFR § 300.306, for all federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions cannot be included as contributions for any other Federal award.

Can an Eligible Entity seek a waiver of the letter of credit (“LOC”) requirements set forth in section III.B.1.b of the NOFO?

Yes. Per section VIII.E of the NOFO, NTIA may, under extraordinary circumstances and when it is in the best interest of the federal government, upon its own initiative or when requested, waive NOFO requirements that are discretionary and not mandated by statute or other applicable law. Any request for a waiver must set forth (1) the extraordinary circumstances justifying the grant of such a waiver, including an explanation for why the Eligible Entity is not able to obtain the necessary letter from a qualifying bank committing to issue an irrevocable standby LOC by September 30, 2022 (or the LOC itself by the relevant deadline), and (2) the grant of the waiver serves the best interests of the federal government as demonstrated by a description of any alternative arrangements the Eligible Entity would propose in lieu of the NOFO’s LOC requirements. The Eligible Entity’s provision of additional information to demonstrate its ability to meet the nonfederal share of the award or the existence of other methods of meeting the LOC requirement of the NOFO serves the best interest of the federal government.

The NOFO defines Middle Mile Infrastructure in part as, “any broadband infrastructure that does not connect directly to an end-user location[.]” Does this mean that when one or more specific components of a last-mile network does not connect directly to an end-user location, those components automatically deemed middle mile infrastructure for purposes of the Middle Mile Grant Program?

No. Last-mile networks often include multiple components, not all of which connect directly to the end-user. For example, in a fiber-to-the-home arrangement, the household is often served from a pedestal. Many pedestals connect to a distribution hub, and these hubs all connect to a central office. In this case, the feeder cables from the central office to the pedestal (called the F1 and F2 cables) and the fiber distribution hubs, are part of the last-mile network and are not deemed “middle mile infrastructure” for purposes of the Middle Mile Infrastructure Grant program. While these specific components may not connect directly to an end-user location, they are part and parcel of the last-mile network, which does. Such components therefore are not eligible for funding under the Middle Mile Grant Program.

Can the operations and maintenance costs (O&M) on a dark fiber indefeasible right of use (IRU) be paid up-front for a period exceeding the 5-year period of performance, or are only the O&M costs for the 5-year period of performance eligible?

An IRU is an eligible cost for Middle Mile projects whether it is treated as a purchase of assets or as a capital lease arrangement that qualifies as a capital lease under GAAP. The classification of the IRU, however, as either a purchased asset or capital lease has implications for how the O&M may be funded during the Middle Mile Grant Program performance period.

When the IRU qualifies as a purchase and ownership of the facilities is transferred to the grantee, the capital expenditure and O&M are distinctly separate expenses. Separate principles apply to these categories of expenses under OMB Cost Principles and are charged to the award in the period in which the expenditure is incurred, per 2 CFR § 200.403, 200.439 and 200.452. In this instance O&M would be allowable only during the five-year period of performance.

When the IRU qualifies as a capital lease, expenses such as maintenance, taxes and insurance are consolidated and included as part of the total lease payment. Since there is no specific cap on the length of time for long-term leases, so long as the cost and terms are reasonable, eligible under the NOFO, and the grantee makes full payment for the 20-year term during the grant's period of performance, O&M costs that are inseparable from the cost of the long-term lease would be considered allowable as part of the lease expenditure.

If an applicant intends to use grant funds in this way, the applicant must include a description of such proposed costs in its budget narrative and detailed budget justification, including the length of the proposed lease and the applicant's rationale for entering into such long-term lease. 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 the full value of a fee waiver for annual contract fees that exceed the 5-year period of performance (i.e. 20 years) count as an in-kind match, or should only the 5-year period of performance count, and the remaining 15 years be listed in the pro forma as an operational expense?

In-kind contributions, including access to rights of way, conduits, easements or access to infrastructure are eligible to be used as matching funds. The allowable match value would be the fair market value of the permit for the period of performance of the Middle Mile Grant Program.

Can an applicant be an award recipient of one application and be a subrecipient awardee on another funded application?

Yes. Applicants are eligible to be an award recipient of Middle Mile Grant funds on one application and a subrecipient on a second one if the applications are submitted for different projects.



Can an applicant withdraw their grant application in the event it is funded by another program?

Yes. Minimizing funding duplication is critical to the success of the Internet For All programs. Applicants should contact NTIA to request the withdrawal of their application in the event the federal government has already funded a broadband project in the same proposed areas.

How will NTIA handle grant submissions that do not include the 30% match requirement?

Applicants must propose cost share of 30% or greater to proceed past the initial administrative and eligibility review phase, except for Tribal governments and Native entities that have requested and received a waiver of this requirement.

How should an entity provide notification to NTIA if it undergoes a change to its legal status or name change after the grant application has been submitted? Is this permissible?

Per Section IV.K.2 of the NOFO, an applicant shall not be permitted to make any material revision to an application after the submission deadline. NTIA may, however, request or accept clarifications, revisions or submissions for completeness that are non-material. It is in the Assistant Secretary's sole discretion whether a revision is material or not. Therefore, applicants should contact NTIA if there is a change to its legal status or name prior to issuance of an award. NTIA will resolve any changes in legal status or name on a case-by-case basis, in consultation with the National Institute of Standards and Technology (NIST), once an applicant provides NTIA with information regarding any such change.

What information must be included in the application to demonstrate the projects' ability to benefit high priority areas and groups?

For demonstrating benefit specifically to high priority areas and groups, per NOFO Section V.A.3.b, applications will be scored based on:

1. Applicant's ability to demonstrate likelihood of material reduction in end-user broadband prices resulting from funded middle mile infrastructure (e.g., by demonstrating decline in middle mile costs that are likely to flow through to consumer broadband prices).
2. Applicant's ability to demonstrate likelihood of material reduction in latency experienced by end users in remote or insular areas (e.g., Hawaii and Pacific Ocean territories) resulting from funded middle mile infrastructure.
3. Applicant's ability to demonstrate that substantial benefits stemming from funded middle mile infrastructure will accrue to (a) high-poverty counties, (b) persistent poverty counties, and/or (c) a substantial number of end users/households that meet any of the following criteria:
 - a. Household income for the most recently completed calendar year was at or below 200 percent of the Federal Poverty Guidelines;
 - b. Any member of the household meets the qualifications of the Supplemental Nutrition Assistance Program, Medicaid, Federal Public Housing Assistance, Supplemental Security Income, Veterans and Survivors Pension benefit, or Special Supplemental Nutrition Program for Women, Infants, and Children;



- c. Any member of the household meets the qualifications of Tribal specific assistance programs, such as Bureau of Indian Affairs General Assistance, Tribal TANF, Tribal Head Start, or Food Distribution Program on Indian Reservations;
 - d. Any member of the household has applied for and been approved to receive benefits under the National School Lunch Program or the School Breakfast Program, including through the USDA Community Eligibility Provision;
 - e. Any member of the household received a Federal Pell Grant during the current award year;
 - f. The household meets the eligibility criteria for a participating provider's existing low-income internet program.
- 4. Applicant's ability to demonstrate that substantial benefits stemming from funded middle mile infrastructure will accrue to (a) previously unserved locations, and/or (b) Tribal Lands.
 - 5. Applicant's ability to demonstrate that the route of the proposed middle mile infrastructure is designed to enable connection of unserved anchor institutions, including Tribal anchor institutions.
 - 6. Applicant's ability to demonstrate compliance with requirements set forth in Sections III.H, III.I, III.J, and III.L related to Fair Labor Practices, Highly Skilled Workforce, Advancing Equitable Workforce Development and Job Quality Objectives, and Civil Rights and Non-Discrimination Law Compliance.
 - 7. Applicant's ability to demonstrate the climate resilience of the project in accordance with Section III.K.
 - 8. Applicant's proposed use of community benefit agreements.

How should information be reflected on the SF-424 in congressional district field 16 if the project will be in two separate districts?

Applicants should enter the primary district that will be affected by the program or project in field 16b on the SF-424 form. A list of additional program/project congressional districts can be uploaded to this section of the form if needed.

How can applicants request documents that are submitted in the grant application be treated as proprietary information?

Applicant should be aware that NTIA may make all or portions of their applications publicly available as required under applicable federal laws. The NOFO identifies the following sections of the grant application that will be made public:

1. Executive Summary
If an applicant's proposal is selected for funding, NTIA may use all or a portion of the Executive Summary as part of a press release issued by NTIA, or for other public information and outreach purposes. Applicants are advised not to incorporate information that concerns business trade secrets or other confidential commercial or financial information as part of the Executive Summary.
2. Primary Applicant Contact Information
All information provided in the contact section of the grant application for the primary applicant will be made public.
3. Advancing Equitable Workforce Development and Job Qualities Objectives



A description of how the applicant will ensure that the job opportunities created by the Middle Mile Grant Program and other broadband funding programs are available to a diverse pool of workers, including by engaging in targeted outreach to populations that have traditionally been underrepresented in broadband and information technology jobs, including but not limited to women and people of color. Applicants should be prepared to report on the demographics of the workforce (including contractors and subcontractors) that is engaged on a project utilizing Middle Mile Grant Program grant funding (this will be aggregate workforce data only, not personally identifiable information), and should expect that this data will be made public.

Per Section VIII.B of the NOFO, the Department of Commerce may use information and data contained in MMG applications, as well as information and data contained in financial, performance, and other reports submitted by the applicant, in conducting reviews and evaluations of its financial assistance programs and for statistical purposes. For this purpose, information and data may be accessed, reviewed, and evaluated by Department of Commerce employees, other federal employees, federal agents and contractors, and/or by non-federal personnel, all of whom enter into appropriate confidentiality and nondisclosure agreements covering the use of such information. In accordance with 2 C.F.R. § 200.303(e), applicants are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a Department of Commerce financial assistance award.

NTIA will protect confidential and proprietary information from public disclosure to the extent authorized by applicable law, including the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552), the Trade Secrets Act, as amended (18 U.S.C. 1905), and the Economic Espionage Act of 1996 (18 U.S.C. 1831 et seq.). Applications submitted in response to this NOFO may be subject to requests for release under the FOIA.

If an application contains information or data that the Applicant deems to be confidential commercial information that is exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information. Based on these markings, the confidentiality of the contents of those pages will be protected to the extent permitted by law.

What entities would be considered unfunded collaborators?

An unfunded collaborator could be a partner, match provider, or any other entity that will have a substantial role in achieving the goals of the project.

Does the applicant need to complete the grant application in the NTIA Grants Portal in one session or can it be saved and completed at another time before the deadline?

The grant application does not need to be completed in one session in the NTIA Grants Portal. Applicants can log back into the NTIA Grants Portal before the September 30, 2022, deadline to make updates if they have not completed the Attestation and Submission section of the application. Once the application has been submitted to NTIA, it is presumed that the application is final.



What information should be included in the “MMG Total Project Costs from SF-424” line on the Pro Forma Projection and Analysis spreadsheet?

The “MMG Total Project Costs from the SF-424” line on the Pro Forma Projection and Analysis spreadsheet should represent just non-capitalized costs to prevent double-counting of project costs already included elsewhere in the Pro Forma Projection and Analysis.

Do applicants with less than three years of financial history need to be granted a waiver of the Financial Statements?

No. Applicants that have less than three years of financial history do not require a waiver of the Financial Statements. Applicants with less than three years of financial history should explain why and provide all available financial information in the grant application.

Where can applicants find the SF-424C template? Where should applicants show in-kind contributions on the SF-424C?

The SF-424C template is available for download on the Internet For All website by visiting the Enabling Middle Mile Broadband Infrastructure Program page at <https://www.internetforall.gov/program/enabling-middle-mile-broadband-infrastructure-program/>.

The SF-424C does not include a separate column to capture in-kind costs, therefore applicants should incorporate the value of any in-kind contributions into the total cost for the appropriate cost classification category. Applicants should also identify the non-federal sources of in-kind match in the Detailed Budget Justification and Budget Narrative.

Are subrecipients required to provide a copy of their Negotiated Indirect Cost Rate Agreement (NICRA) with the grant application?

No. Subrecipients are not required to provide a copy of their NICRA with the grant application. Only the primary applicant is required to include a copy of their NICRA if indirect costs are included in the proposed budget.

Please make note that subrecipients that do not have a NICRA (or a provisional rate) can charge the 10% de minimis indirect cost rate to the project. But they cannot use the 10% de minimis rate if 1) they currently have or previously had a NICRA and just didn't provide it with their application, or 2) they are a State, Local or Tribe that receives more than \$35 Million in direct Federal funding. In that case they must submit an indirect cost rate proposal to their cognizant agency pursuant to 2 CFR 200 Appendix VII (D)(1)(b) and (c).

Can firms which have existing contracts with an applicant manage the network design and construction post-award, or are recipients required to put out a bid for the project post-award?

Grant recipients must follow the procurement standards in 2 CFR § 200.317-200.327 for any procurement under a Federal award or subaward. 2 CFR § 200.320(c)(4) allows the Federal awarding agency or pass-through entity expressly to authorize a noncompetitive procurement in response to a written request from a non-state grantee. (State recipients must follow the same policies and procedures it uses for procurements from its non-Federal funds when procuring property and services under a federal award. See 2 CFR 200.317.) NTIA recognizes that existing



supply and labor contracts may facilitate the overall goals of the program and will consider these requests and accompanying justifications post award for successful applicants.

Where can applicants find more information on categorical exclusions?

The U.S. Department of Commerce (DOC) has published a list of Categorical Exclusions (CATEX) the agency has determined do not individually or cumulatively have a significant effect on the human environment and should be categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement under NEPA.

The federal notice issued by the DOC with this list of Categorical Exclusions can be found in 74 Federal Register 3304, published on July 10. 2009 on the following webpage

<https://www.federalregister.gov/documents/2009/07/10/E9-16394/national-environmental-policy-act--categorical-exclusions>.

These eleven (11) Categorical Exclusions are presented below along with examples of the types of actions typical for broadband infrastructure programs.

DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
A-1	<p>Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in the functional use of the real property (e.g. realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an environmental assessment or environmental impact statement for the installation). This Categorical Exclusion does not apply where the project must be submitted to the National Capital Planning Commission (NCPC) for review and NCPC determines it does not have an applicable categorical exclusion.</p>	<ul style="list-style-type: none"> • Minor renovations and additions to buildings, roads, grounds, equipment, and other facilities that do not result in a change in functional use of the real property (e.g., realigning interior spaces of an existing building, extending an existing roadway in a developed area a short distance, installing a small antenna on an already existing antenna tower, adding a small storage shed to an existing building, etc.) (Routine repair and maintenance of buildings, roads, grounds, equipment, and other facilities which do not result in a change in functional use, or an impact on a historically significant element or setting. (US Coast Guard) • Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current codes and standards, or replacement of any facility in a manner that substantially conforms to the pre-existing design, function, and location. • Remodeling; replacement of building systems and components; maintenance and operations repairs and general improvements when such projects do not significantly alter the initial occupancy and program of the facility or significantly impact upon the environment.



DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
		<ul style="list-style-type: none"> Repair and/or replacement of a radio tower and improvements to the existing access road leading to the tower site.
A-2	<p>New construction upon or improvement of land where all of the following conditions are met:</p> <ul style="list-style-type: none"> (a) The site is in a developed area and/or a previously disturbed site, (b) The structure and proposed use are compatible with applicable Federal, tribal, state, and local planning and zoning standards and consistent with federally approved state coastal management programs, (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area, (d) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings, and, (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.). <p>This Categorical Exclusion does not apply where the project must be submitted to the NCPC for review and NCPC determines that it does not have an applicable categorical exclusion.</p>	<ul style="list-style-type: none"> 60X60 sq ft area of land, with an approximate 4-foot-high fence and wind shield, surrounding 2 sets of instruments within the site area. A concrete pad (3 x 3 foot) to anchor a 10-foot-high instrument tower with a second pad (2 x 2 foot) used to anchor the precipitation gauge. Power to a site via underground cable with the burial depth dependent on local code requirements. The structure and proposed uses are substantially in compliance with prevailing local planning and zoning standards and on heavily developed property and/or located on a previously disturbed site in a developed area. The proposed use will not substantially increase the number of motor vehicles at the facility. The site and scale of construction are consistent with those of existing, adjacent, or nearby buildings. Proposed facilities - an administration building, parking, perimeter chain link fence, landscaping with irrigation 40-foot radio tower with satellite dish. Project where Construction and renovation would occur on land already heavily disturbed and within the highway rights-of-way. Construction involving clearing, grading, and development on a minimum of three and a maximum of four acres for building space and parking lots. The repair/upgrade of approximately 150 miles (241 kilometers) of existing roads
A-3	<p>Software development, data analysis, or testing, including but not limited to computer modeling in existing facilities.</p>	<ul style="list-style-type: none"> Research, development, testing, and evaluation activities or laboratory operations contemplated by this categorical exclusion are those that would be undertaken within facilities that are operated under stringent requirements designed to protect the quality of the human environment.



DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
		<ul style="list-style-type: none"> • Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities. • Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public. - Studies that involve no commitment of resources other than manpower and associated funding. • Information gathering (including, but not limited to, literature surveys, inventories, audits), data analysis (including computer modeling), document preparation (such as conceptual design or feasibility studies, and dissemination (including, but not limited to, document mailings, publication, and distribution; and classroom training and informational programs), but not including site characterization or environmental monitoring. • Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity; Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation. • Studies, data, and information gathering that involve no permanent physical change to the environment (e.g., topographic surveys, wetlands mapping, surveys for evaluating environmental damage, and engineering efforts to support environmental analyses.
A-4	Siting/construction/operation of microwave/radio communication towers less than 200 feet in height without guy wires on previously disturbed ground.	<ul style="list-style-type: none"> • Siting, construction, and operation of microwave and radio communication towers and associated facilities, if the towers and associated facilities would not be in an area of great visual value. (Department of Energy) • Acquisition, installation, or operation of utility and communication systems that use existing distribution systems or



DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
		facilities, or currently used infrastructure rights-of-way.
A-5	Retrofit/upgrade existing microwave/radio communication towers that do not require ground disturbance.	<ul style="list-style-type: none"> Replacing old, slow, or failing network equipment Add cellular boosters and public Wi-Fi for mobile users Tower retrofits The installation of Wi-Fi equipment on existing towers. Utilize existing tower to place Omni directional towers for signal transmission. The construction of a new service tower which will require the need for new fiber drops from the local phone company and a serviceable outdoor cabinet for networking equipment to handle internet service provider (ISP) traffic.
A-6	Adding fiber optic cable to transmission structures or burying fiber optic cable in existing transmission line rights-of-way.	<ul style="list-style-type: none"> X miles of inground subsidiary fiber optic lines connected to the proposed regional loop
A-7	Acquisition, installation, operation, and removal of communications systems, data processing equipment, and similar electronic equipment.	<ul style="list-style-type: none"> An upgraded data acquisition system. Acquisition, installation, and operation of utility (e.g., water, sewer, electrical) and communication systems (e.g., data processing cable and similar electronic equipment) which use existing rights of way, easements, distribution systems, and/or facilities.
A-8	Planning activities and classroom-based training and classroom-based exercises using existing conference rooms and training facilities.	<ul style="list-style-type: none"> Planning, classroom-based training and field-based exercises, to train broadband. NOTE: Field-based exercises to be conducted at previously undisturbed sites that would involve ground disturbance of one acre or more are not included in the action. (NTIA)
A-9	Purchase of mobile and portable equipment and infrastructure which is stored in previously existing structures or facilities.	<ul style="list-style-type: none"> Acquiring, storing, and deploying subscriber units and similar equipment, including but not limited to, mobile and handheld radios and satellite phones, laptops, and other mobile devices. The projects involving acquiring, storing, and deploying non-fixed infrastructure equipment. Routine procurement activities and actions for goods and services, including office supplies, equipment, mobile assets, and utility services for routine



DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
		administration, operation, and maintenance.
A-10	Siting, construction (or modification), and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). This Categorical Exclusion does not apply where the project must be submitted to the NCPC for review and NCPC determines that it does not have an applicable categorical exclusion.	<ul style="list-style-type: none"> • Covered support buildings and structures include those for office purposes; parking; cafeteria services; education and training; visitor reception; computer and data-processing services; employee health services or recreation activities; routine maintenance activities; storage of supplies and equipment for administrative services and routine maintenance activities; security (including security posts); fire protection; and similar support purposes. • Trailers for computer maintenance facilities/ maintenance shop/storage area.
A-11	Personnel, fiscal, management, and administrative activities, such as recruiting, processing, paying, recordkeeping, resource management, budgeting, personnel actions, and travel.	<ul style="list-style-type: none"> • Routine personnel, fiscal, and administrative activities, actions, procedures, and policies which clearly do not have any environmental impacts, processing, paying, and record keeping. • Routine procurement of goods and services conducted in accordance with applicable procurement regulations, executive orders, and policies; • Routine personnel actions; • Relocation of personnel into existing space that does not involve a substantial change affecting the supporting infrastructure (e.g., no increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase). • Routine financial transactions including such things as salaries and expenses, procurement contracts (in accordance with applicable procedures and Executive Orders) procurement), guarantees, financial assistance, income transfers, audits, fees, bonds, and royalties. (Department of the Interior) • Routine and continuing business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).



DOC CATEX ID	CATEGORY EXCLUSION DESCRIPTION	Applicability to Broadband Grant Actions
		<ul style="list-style-type: none"> • Payment of broadband subscription fees for a set amount of time.

If your proposed action is included in the description provided for a listed Categorical Exclusions established by the DOC, DOC must check to make sure that no environmental considerations exist that may cause the proposed action to have a significant effect in a particular situation.

Environmental considerations typically include such matters as effects to endangered species, protected cultural sites, and wetlands. If there are no environmental considerations indicating that the effects of the action may be significant, then the agency can proceed with the action. If the proposed action is not included in the description provided in the Categorical Exclusion established by the DOC, or there are environmental considerations, an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) must be prepared when it is not clear whether significant impacts are expected, an EA should be prepared to determine if there are significant environmental effects. If an EA or an EIS are required, it is recommended that grantees engage the services of a qualified consultant to develop the analysis. The cost associated with hiring a consultant is an allowable use of grant funds.

How are applicants to handle the environmental impact and approval process that may fall outside of the grant timeline?

NTIA encourages applicants to submit viable projects that will facilitate broadband expansion efforts and meet the program requirements. For projects that cannot obtain a pre-award Categorical Exclusion or that require additional time to meet NEPA requirements, NTIA may issue award notices with specific conditions that allows for the disbursement of funds to complete the NEPA analysis. Award terms may also specify that remaining grant funds would be withheld until all compliance requirements are met by the applicant.

Will NTIA submit Tribal consultations on behalf of consultants conducting NEPA on behalf of a private entity (fulfilling government to government communication requirements)?

Yes, NTIA is responsible for conducting government to government consultation. After NTIA reaches out to Tribal entities, it expects applicants to work with Tribes to provide project-specific information for inclusion in grant applications.

When in the application process should Eligible Entities or grant recipients conduct initial consultations with State Historic Preservation Officers (SHPO) or Tribal Historic Officers (THPO) and U.S. Fish and Wildlife Service (USFWS)?

Grant applicants may initiate informal consultation with the USFWS to determine whether listed species and/or critical habitat are present in the proposed project area. They may also initiate consultation with the SHPO or THPO, however please see above for requirements for government-to-government consultation with THPOs. Applicants are to include information on the results of these consultations in the project description. Consultation does not need to be initiated or completed in order to submit a grant application. If applicants are unable to initiate

or complete consultation with the SHPO or THPO, or formal consultation with the USFWS is required, those requirements will be addressed post-award as part of EHP compliance activities. The required consultations must be completed before the award project can begin construction.

What technical assistance and templates will NTIA provide to assist applicants with the development and completion of the Environmental Assessment?

NTIA will provide applicants with guidance and technical assistance to help facilitate the development of the Environmental Assessment, engage in consultation, and coordinate with other federal agencies, if required. An Environmental Assessment template will be made available on the Internet For All website and NTIA will continue to publish other resources and templates for applicant use to help meet NEPA requirements.

What are the timelines for the Categorical Exclusion, Environmental Assessment, and Environmental Impact Statement? Are these documents to be submitted with the Middle Mile grant application or can they be submitted post-award?

NTIA will determine the appropriate level of NEPA analysis required for the project. Grant applicants are not encouraged to develop an EA to submit with their grant applications in anticipation of the requirement. EA development is discussed further below.

NTIA will use the information provided by the applicant in the project description and supporting documentation to determine whether a CATEX may be applied to the project. NTIA documents the application of a CATEX in a memorandum after reviewing the information provided by the applicant. If a CATEX applies and no environmental considerations exist, then NTIA estimates approximately 30-45 days to develop and deliver the CATEX memorandum, provided that sufficient information has been provided to NTIA. This timeline does not include any other outstanding agency approvals needed and may be exceeded depending on the unique circumstances of the applicant's project.

The grant recipient will develop the EA with review by NTIA. NTIA is responsible for approving the EA and writing the Finding of No Significant Impact (FONSI). The EA will take between 3-12 months or more for completion and approval by NTIA. The total time to develop an EA will depend on the complexity of the project and its potential to impact sensitive resources.

The Environmental Impact Statements, also developed by the applicant in coordination with NTIA to include any extensive public involvement and comment, will take approximately 12-24 months or more for completion and approval by NTIA. It is strongly recommended that grantees engage a qualified consulting firm if an Environmental Assessment or Environmental Impact Statement is required.

NTIA anticipates that NEPA compliance activities will be completed post-award for the majority of grantees.

What information on the environmental impact should be included in the Project Details and Narrative section of the Middle Mile Grant Program?

Per Section IV.B of the NOFO, applicants are to include a service-area environmental description that describes the physical project area and its surroundings (e.g., disturbed or developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forestlands; and any protected lands or resources in or near the project area), including site

photographs and aerial photographs (e.g., Google Earth or Google Maps images, or similar), if the project includes construction and/or ground disturbing activities.

Applicants are encouraged to include as much information as possible on any potential project impacts to the environment to provide NTIA with enough information to decide if a Categorical Exclusion can be applied to the project or if additional NEPA review will be needed. This includes providing detailed information on what type of project will be performed, the location of the project, a physical description of the site and surrounding areas, and how the project will be implemented.

Where can applicants find a list of climate resiliency resources? Where can applicants find resources that provide guidance or methods on how to make networks climate resilient?

Applicants can find a list of climate resiliency resources in Section III.K. of the NOFO. This section also provides webpage links for each resource as well as applicability to the program.

Additional resources on natural disasters, wildfires, and earthquakes can be found on the following webpages:

1. Natural Disasters

Environmental Protection Agency perspective on natural disasters including drought, flooding, wildfires, tornadoes, and extreme heat.

<https://epa.gov/natural-disasters>

2. Wildfires

National Aeronautics and Space Administration (NASA) and United States Forest Service Fire Information for Resource Management System (FIRMS) US/Canada-Interactive Map provides current location as well as historic (up to 1 month) information on the extent and intensity of wildfire activity and its effects.

<https://firms.modaps.eosdis.nasa.gov/usfs/>

3. Earthquake

United States Geological Survey (USGS) Interactive maps of earthquake faults and scenarios.

<https://www.usgs.gov/programs/earthquake-hazards/maps>

Is there a difference between emergency preparedness and climate resiliency? Is addressing emergency preparedness a requirement? If so, where can applicants find guidance on what to address for emergency preparedness?

Yes, emergency preparedness is a requirement of the program and there is a difference between emergency preparedness and climate resiliency.

Emergency preparedness is defined as the steps that are taken to ensure safety before, during and after an emergency or natural disaster. Climate resiliency is the capacity of social, economic, and environmental ecosystems to cope with a hazardous event, trend or disturbance resulting from climate change. Climate resiliency also accounts for long-term sustainability and maintenance and responding to changes consistently over a long period of time.

Section III.K of the NOFO requests that applicants describe how they will address specific weather emergencies and other near-term emergencies. This includes hazard screening, identifying highest-risk hazards, characterizing those risks in the near-term, and identifying



how the proposed plan will avoid or mitigate these risks. For flooding hazards, the eligible entity should consider the Federal Flood Risk Management Standard and Implementing Guidelines referenced in this section of the NOFO.

Additional general information on emergency preparedness can be found on the NTIA Emergency Planning and Public Safety Division website at <https://www.ntia.doc.gov/legacy/osmhome/pubsafe/index.html> and on the Federal Emergency Management Agency (FEMA) Disasters and Emergencies website at <https://www.ready.gov/be-informed>.

Who should applicants contact regarding climate resiliency questions for the Middle Mile Grant Program?

Applicants are encouraged to submit all questions regarding climate resiliency to the middlemile@ntia.gov email address for the Middle Mile Grant Program.

How should applicants demonstrate they have addressed climate resilience in the Middle Mile Grant application?

Middle Mile Grant Program applicants can demonstrate that they have addressed climate resilience by carefully reviewing Section III.K of the NOFO and ensuring they have provided sufficient information in the grant application that proves the applicant is conducting the five listed activities referenced that are needed to meet the minimum requirements of the program.

