INTERNET FOR ALL

Tribal Broadband Connectivity Program

Grant Recipient Handbook

V4

U.S. Department of Commerce

National Telecommunications and Information Administration

Last Updated: January 9, 2025

Introduction

Congratulations on becoming a National Telecommunications and Information Administration (NTIA) grant award Recipient under the Tribal Broadband Connectivity Program (TBCP). Your award will be serviced by the National Oceanic and Atmospheric Administration (NOAA) Grants Management Division (GMD). Together, NTIA Federal Program Officers (FPOs) and NOAA GMD Grants Officers are here to support your transition from applicant to Recipient and provide support as you begin implementing your grant. In addition, this Grant Recipient Handbook is provided as a quick reference tool. The goal of assembling this Grant Recipient Handbook is to ensure that you have information and resources on hand to successfully carry out your award in accordance with the federal and agency terms and regulations.

This Recipient Handbook is intended to be used by TBCP I and II Recipients. Variations between the two funding rounds have been called out via blue text boxes.

Notes on Grants Online to eRA Transition:
- *TBCP I Recipients used the NOAA Grants Online system until September 22, 2023. The eRA grants management system opened for Recipient use on October 1, 2023. Some Recipients were awarded in Grants Online in September 2023 but accepted their award in eRA Commons.*
- *Due to severe eRA access issues for federal staff, contractors, and Recipients, Annual and Baseline Reports originally due between 9/30/2023-4/30/2024 were extended by the Department of Commerce to be due 4/30/2024.*
- *The 10/30/23 Federal Financial Report (FFR) requirement was waived. The 4/30/24 FFR due date was extended to 5/31/24.*
- *As of November 2024, Recipients are unable to submit semi-annual FFRs in the FFR module of eRA Commons. FFRs are submitted via the Terms and Conditions Module (TCM) instead.*

__Disclaimer:__ This guidance document is for informational purposes only and is intended solely to assist grant Recipients in better understanding the NTIA Tribal Broadband Connectivity Program (TBCP) and the requirements set forth in the award terms and conditions for this program. This resource is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, the specific requirements set forth in program Notice of Funding Opportunities (NOFOs), existing [DOC Grants and Cooperative Agreements Manual](#) (Grants Manual) requirements, or other Departmental Administrative Orders (DAOs) and Federal Circulars. Similarly, this guidance document does not supersede or supplement NOAA GMD policy and procedures related to their work on financial assistance awards. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this guidance.

Change Log

Version	Date	Summary of Changes
V2	June 2023	Section 1: • Added key dates for Planning projects and requirement to use the required reporting templates Section 2: • Clarified that Planning projects should complete SF-424C budgets Section 6: • Added section b.3. No-Cost Extension AAR • Added section b.4. Subawards, Transfer, or Contract Out Work AAR Section 7: • Renamed section b. to "Award Conditions: and clarified difference between standard and special award conditions • Added section b.1. Expenditure Plans • Revised section g. Program Income • Renamed section j. to "Human Subjects Research (HSR)" and clarified requirements Section 10: • Added closeout requirements Appendix A: • Added new resources and updated links Appendix B: • Added Standard Award Conditions Appendix C: • Added additional points of contact
V2.1	November 2023	Appendix B: • Updated indirect cost information with current DOC resources Appendix C: • Updated agency contacts
V3	June 2024	Overall handbook update to reflect transition from Grants Online to eRA Commons
V4	December 2024	Overall handbook update to include TBCP II requirements and updated 2 CFR 200 links

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1. What are the Key Dates for the Tribal Broadband Connectivity Program?

The TBCP grants are awarded on a rolling basis by NTIA and NOAA GMD. NTIA funds three types of projects through TBCP awards: Broadband Infrastructure Deployment (ID) projects, Broadband Use and Adoption (UA) projects, and Planning, Engineering, Feasibility, or Sustainability Studies. These projects have different requirements, as outlined in the program's Standard and Specific Award Conditions (SACs).

> Planning, Engineering, Feasibility, and Sustainability Study projects are **not an allowable project type for TBCP II Recipients.**

As of 2024, there are two TBCP funding rounds. Throughout this Handbook, awards made under the Fiscal Year (FY) 2021 Notice of Funding Opportunity (NOFO) (Round 1) will be referred to as "TBCP I" and awards made under the FY 2023 NOFO (Round 2) will be referred to as "TBCP II."

Table 1: Eligible TBCP Project Types

Project Type	Purpose/Goal	Eligibility	Specific Requirements	Notes
Broadband Infrastructure Deployment	Construction of middle-mile or last-mile networks to improve connectivity.	TBCP I and II Recipients	Must address both middle-mile and last-mile network construction if relevant	Can include planning, engineering, feasibility, or sustainability studies as part of the necessary steps to develop a technological solution for broadband deployment (capped at 2.5% of funds).
Broadband Use and Adoption	Expanding adoption of broadband services, enabling institutions to provide affordable broadband options to underserved areas.	TBCP I and II Recipients	Intended to expand internet access in communities, provide training, and improve access to essential services	Funding can be used to build capacity for tribal communities.

Project Type	Purpose/Goal	Eligibility	Specific Requirements	Notes
Planning, Engineering, Feasibility, or Sustainability Studies	Intended to assist in planning and developing technological solutions for broadband infrastructure.	TBCP I Recipients Only	Planning studies must be part of the necessary steps to develop a technological solution for broadband deployment.	Not allowed for TBCP II Recipients, who must focus on direct deployment activities rather than preliminary studies.
Tribal Consortium	Allows groups of eligible entities (such as tribal governments) to apply together for broader access and funding.	Tribal entities that are members of a consortium and provide a tribal resolution confirming participation in consortium	Requires a governing body and an agreement among entities. Each entity in the consortium must meet eligibility requirements for TBCP awards.	A consortium project may be any of the eligible project types, including dual projects. TBCP II consortium Recipients have additional award conditions (SACs) they must satisfy.

Following the acceptance of a TBCP award, Recipients should determine their period of performance (PoP) and report due dates. This information can be found in the Notice of Award (NoA)[1] and SACs of the grant and will help to determine key dates and reporting requirements. See Figure 1 and Table 2 below for key deadlines that should be tracked. Both NTIA and NOAA GMD will send helpful reminders and technical assistance, as needed.

Figure 1: Key TBCP Deadlines

Receipt of Grant Funds	Due 45 Days After the Close of the 1st Calendar Quarter of the Award	30 Days After Receiving Environmental Clearances	April 30th	October 30th	1 Year After Receipt of Grant Funds; Annually Thereafter	90 Days Before Project Period Ends	End of Project Period	120 Days After Project Ends
	Baseline Report Due - *Use and Adoption; Planning*	Baseline Report Due - *Infrastructure Deployment*	Semi-Annual* Financial & Performance Reports Due	Semi-Annual* Financial & Performance Reports Due	Annual Report Due	Last Day to Petition for Extension		Final Financial & Performance Reports Due

📌 The "Planning" indicator in Figure 1 **only applies to TBCP I Recipients.**

TBCP Recipients must use the required report templates in order to satisfy their reporting award conditions. Reports that do not use the required templates will not be accepted. See Section 9. a. for additional information on reporting and contact your FPO if you have any questions.

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[1] Previously known as a CD-450 for TBCP I awards.

Table 2: TBCP Reporting

Report Type	Reporting Period	Report Deadline	Submission Method[2]	Data Submitted
Baseline Report	Baseline	**ID Projects:** Within 30 calendar days after the issuance of a Categorical Exclusion (CE) decision memorandum or the publication of a signed Finding of No Significant Impact (FONSI) **UA Projects:** Within 45 calendar days of the close of the first calendar quarter of the award	**Form**: Baseline Report Template (OMB Control No. 0660-0047) Submit via eRA Commons as an "Other" type Revision Request (RR) in Status Module with signed PDF attached. **AND** Submit Excel version to the FPO via email.	Baseline project plans and details regarding key outputs and outcomes from the project.
Semi-Annual Federal Financial Report	Oct. 1 – Mar. 31 Apr. 1 – Sept. 30	Every April 30 Every October 30	**Form**: SF-425 Federal Financial Report (FFR)	Performance on key financial indicators.
Semi-Annual Performance (Technical) Report	Oct. 1 – Mar. 31 Apr. 1 – Sept. 30	Every April 30 Every October 30	**Form**: Performance (Technical) Report Template (OMB Control No. 0660-0047) Submit via eRA Commons Terms and Conditions Module (TCM) as an Excel file.	Performance on key programmatic indicators and budget.
Annual Report	1 year period preceding report date	No later than one year after receiving grant funds; annually thereafter	**Form**: Annual Report Template (OMB Control No. 0660-0047) Submit via eRA Commons as an "Other" type RR in Status Module with signed PDF attached. **AND** Submit Excel version to the FPO via email.	Describe how funds were expended, certify that the covered partnership complied with all requirements, and identify each subrecipient that received a subgrant, with a description of the specific project.

Report Type	Reporting Period	Report Deadline	Submission Method[2]	Data Submitted
				TBCP II Consortiums: The Recipient is required to submit documentation demonstrating coordination and communication with Tribal governments that the award is serving.
Final Financial Report	Cumulative; Entire Period of Performance	120 days after the end of project period	**Form**: SF-425 FFR Complete within eRA Commons Closeout Module.	Performance on key financial indicators.
Final Performance (Technical) Report	Cumulative award period	120 days after end of project period	**Form**: Final Performance (Technical) Report Template (OMB Control No. 0660-0047) Submit via eRA Commons Closeout Module with signed PDF attached. **AND** Submit Excel version to the FPO via email.	Performance on key programmatic indicators and budget.

a. PDF Flattening of Reports

All PDFs uploaded to eRA Commons must be flattened in order to be readable. A flattened PDF is one in which all layers of content have been combined into one single layer. When submitting Annual and Baseline Reports as PDFs to eRA Commons, use the following steps to ensure the PDF is flat.

Steps for Flattening a PDF:

To flatten a PDF using Adobe Acrobat Pro, follow these steps:

1. Open the PDF file in Adobe Acrobat Pro.
2. Click on "File" in the top-left corner of the window.
3. Select "Open" from the dropdown menu and select the PDF document you want to flatten.
4. Select the "Print Production" tool under "Tools".
5. In the "Print Production" menu, click on the "Flattener Preview".
6. Review and customize the settings in the dialogue box according to your preferences, for example, if you only want to flatten specific pages in the document.
7. Click the "Apply" button and click "Yes" when the confirmation prompt appears.
8. Once the document is flattened, save it in your desired location by clicking on "File" and then "Save As".

If you do not have access to Adobe Acrobat Pro, follow these steps to flatten a PDF:

1. Open the PDF file in your preferred program that allows you to view, open, and print PDFs; for example, Adobe Acrobat Reader, Google Chrome, or Microsoft Edge.
2. Find and select "Print" from the window's menu.
3. In the "Printer" dropdown, select "Adobe PDF", "Microsoft Print to PDF" or "Save as PDF" as the printer.
4. Click "Print" or "Save" to create a new PDF.

2. What are the Required Documents?

The Recipient is required to submit the documents listed in Table 3 below to NOAA GMD.

Table 3: TBCP Required Documents

Document Type	Purpose	Project Type
NoA	Official Notice of Award issued by the NOAA Grants Officer electronically through eRA Commons. Must be electronically accepted by the Recipient.	All
Revised NoA	Amends the award as a result of an approved award amendment (such as a no cost extension).	All
SF-425 (FFR)	Used by TBCP Recipients to submit reports on their grant's financial progress semi-annually and during closeout.	All
SF-424A	Used by non-construction TBCP Recipients to create and submit their budget and may be requested during the life of the award in conjunction with any requests for budget revisions.	Broadband Use and Adoption
SF-424C	Used by construction TBCP Recipients to create and submit their budget and may be requested during the life of the award in conjunction with any requests for budget revisions.	Broadband Infrastructure Deployment; Planning, Engineering, Feasibility, or Sustainability Studies
Form SF-429 (Real Property Status Report)	Used by TBCP Recipients to report real property status or to request agency instructions on real property that was/will be provided as Government Furnished Property (GFP) or acquired in whole or in part under a federal financial assistance award. This will be collected during the closeout process, if applicable.	Broadband Infrastructure Deployment
Form SF-428 (Tangible Personal Property Report)	Used by NOAA GMD to collect information related to tangible personal property when required by a federal financial assistance award. This will be collected during the closeout process, if applicable.	Broadband Infrastructure Deployment
Baseline Report	This form provides NTIA and NOAA GMD a better understanding of TBCP Recipients' project plan as a baseline.	All
Semi-Annual Performance (Technical) Report	This form is used for TBCP Recipients to report activities and financial information conducted on a semi-annual basis.	All

Document Type	Purpose	Project Type
Final Performance (Technical) Report	This final report captures all activities, federal funds expended, and lessons learned during the entire PoP.	All
Annual Report	Recipients report on their project challenges, contractors, and subrecipients narratively on an annual basis. Infrastructure Deployment Recipients must also report data on households, businesses, and community anchor institutions (CAIs) connected with TBCP funds.	All
Cybersecurity Risk Mitigation Plan (CRMP)	See Section 7. k. 1.	All TBCP II Recipients
Supply Chain Risk Management (SCRM)	See Section 7. l.	All TBCP II Recipients

3. What Should I Do First?

After receiving a TBCP grant, follow these steps to accept your award and begin project work:
1. **Accept Award:** The NOAA GMD develops and distributes the NoA to the Recipient via eRA Commons.
2. **Sign NoA:** The Recipient Signing Official (SO) logs into eRA Commons to accept the award.
3. **Assign eRA Commons Roles:** There are several key eRA Commons roles that will need to be assigned. Users with the SO and Account Administrator (AA) roles can create additional accounts for users within the Recipient's organization. Key roles to assign include additional SOs (if needed), Principal Director/Principal Investigators (PD/PI), and Financial Status Reporters (FSR)[3]. See Section 3a for a full list of key Recipient roles.
4. **Enroll in ASAP:** The Recipient needs to provide the required information to the NOAA ASAP Coordinator to enroll in the Department of the Treasury's Automated Standard Application for Payments (ASAP).
5. **Assign ASAP Roles:** There are several key ASAP roles that will need to be assigned including the Payment Requestor, Point of Contact, Head of Organization, Authorizing Official, and Financial Officer.
6. **Create Grant File:** Once the award and roles have been accepted and assigned, the Recipient should create an internal grant file for the grant award, amendments, and other supporting documentation.
7. **Review Award Conditions:** The Recipient should review award conditions by reading the DOC Financial Assistance Standard Terms and Conditions, and SACs.
8. **Establish Processes:** The Recipient should establish grant processes, including for tracking personnel charges and equipment/property management policies and systems.

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[3] As of November 2024, TBCP Recipients are unable to submit semi-annual FFRs via the FFR module. Semi-annual FFRs for the 4/30/2024 and 10/30/2024 reporting periods were submitted via the TCM instead of the FFR Module and did not require the FSR role.

a. Key Recipient Roles

TBCP Recipients should have the following key roles designated: SO, Project Director/Project Investigator (PD/PI), and ASAP Payment Requestor. In addition, Recipients may assign additional roles in eRA Commons and ASAP, as outlined in Table 4.

Recipients should provide their FPO with the **eRA Commons User ID** of all personnel assigned to the TBCP grant. If there are personnel changes, the Recipient should first ensure the new personnel has an eRA account and is assigned to the correct role. Then, the Recipient must submit an RR that includes the new personnel's eRA Commons User ID. See the [Recipient Revision Request Guidance](#) document for more information on submitting a Change in Key Personnel RR.

Table 4: Key Recipient Roles

User Role	Description	System & Module Access	Notes
SO (Signing Official)	Has authority to legally bind an institution in grant administration matters. The SO can register the institution; create and modify the institutional profile; and create user accounts. The Authorized Official Representative (AOR) should have the SO role in eRA Commons.	**eRA Commons**: Account Management Module (AMM), Personal Profile (PPF), Institutional Profile (IPF), Status Module	The SO role cannot be combined with the PD/PI role. Separate accounts must be created if one person will hold both the SO and PD/PI roles.
Project Director / Principal Investigator (PD/PI)	Directs a project or program supported by a DOC grant and completes the grants administration process. The PD/PI can only access information pertaining to the grant(s) for which they are the designated PD/PI. The PD/PI can submit Performance (Technical) Reports to the agency.	**eRA Commons**: Personal Profile (PPF), Institutional Profile (IPF), Status	The PD/PI role cannot be combined with the SO, AO, AA or FSR roles. Separate accounts must be created if one person will hold the SO, AO, AA or FSR role in addition to the PD/PI role.
Account Administrator (AA)	An administrative role designated by the SO that facilitates the administration of the organization's eRA Commons accounts except for the SO role.	**eRA Commons**: Account Management Module (AMM), Personal Profile (PPF), Institutional Profile (IPF)	The AA role cannot be combined with the PD/PI role. Separate accounts must be created if one person will hold both the AA and PD/PI roles.
Financial Status Reporter (FSR)	An administrative role that is responsible for reporting a grant's statement of expenditures through the FFR module. Depending on an organization's workflow, it is possible for the SO or the AO to also have FSR responsibilities; the FSR role	**eRA Commons**: Federal Financial Report (FFR), Personal Profile (PPF), Institutional Profile (IPF)	The FSR role cannot be combined with the PD/PI role. Separate accounts must be created if one person will hold

User Role	Description	System & Module Access	Notes
	may be added to a single SO or AO account.		both the FSR and PD/PI roles.
Administrative Official (AO)	An administrative role that can create and manage all organizational accounts except for the SO role. Depending on an institution's workflow process, the SO and AO may be the same person.	**eRA Commons**: Account Management Module (AMM), Personal Profile (PPF), Institutional (IPF), Status	The AO role cannot be combined with the PD/PI role. Separate accounts must be created if one person will hold both the AO and PD/PI roles.
Payment Requestor–ASAP	Personnel responsible for drawing down grant funds in the ASAP System by initiating payment requests. They may also reconcile all financial data.	**ASAP**	
Point of Contact (POC)–ASAP	Responsible for adding, modifying, and deleting Recipient officials in ASAP.	**ASAP**	
Head of Organization (HOO)–ASAP	Recipient management official who approves or rejects the officials named by the Point of Contact. The HOO can add officials but not delete officials.	**ASAP**	Only one person shall be designated as the HOO.
Re-Delegated Head of Organization (RHOO)–ASAP	Can act on behalf of the HOO to approve officials.	**ASAP**	
Authorizing Official (AO)–ASAP	Confirms the Recipient's information and identifies users (*e.g.,* payment requestor) who need access to ASAP.	**ASAP**	This role is not synonymous with, and must not be confused with, the AOR identified in the award agreement.
Financial Official (FO)–ASAP	Enters the bank account information for the non-federal entity.	**ASAP**	
Payment Requestor (PR)–ASAP	May request funds from the non-federal entity's ASAP account.	**ASAP**	

4. Who Should I Contact?

For additional information on topics such as monitoring, eRA Commons, award modifications, or other specific grant related topics, please use the TBCP contact tree below. The contact tree shows the Point of Contact for topics pertaining to the grant.

Table 5: TBCP Program Office Contact Tree

Topic	Person of Contact	Notes
Approval for programmatic activities	NTIA FPO and NOAA Grants Management Specialist (GMS)	Certain programmatic activities including reports and RRs require FPO consultation and/or approval.
Environmental requirements	NTIA FPO and Environmental Program Officer (EPO)	Recipients who must conduct an environmental assessment will have an assigned EPO in addition to their FPO.
eRA Commons	NOAA GMS	Recipients must maintain an active eRA Commons account for reporting and managing grant-related submissions.
Grants monitoring activities	NTIA FPO and NOAA GMS	Regular monitoring ensures Recipients meet performance goals and comply with program requirements.
Program compliance	NTIA FPO	Recipients must adhere to all terms and conditions of the award, including timely submission of reports and compliance with all applicable federal regulations and guidelines.
Records and record retention schedule	NTIA FPO	Costs require supporting documentation. It is a good strategy to maintain as much documentation as necessary.
Reimbursement-only (ASAP)	NOAA GMS	Recipients will be notified in the SACs if they are identified as requiring reimbursement-only drawdown procedures and what those procedures are.
RR processing	NTIA FPO and NOAA GMS	Recipients must get approval from their FPO before submitting RRs to eRA Commons.
Substantive award changes	NTIA FPO and NOAA GMS	Example: Personnel changes, project changes.

5. How Do I Drawdown Funds via ASAP?

The ASAP SAC is a program-wide SAC requiring Recipients to provide enrollment data to the NOAA Grants Officers within 10 days of the award. Recipients receive TBCP payments using the Department of the Treasury's ASAP system. Under the ASAP system, payments are made through preauthorized Electronic Funds Transfers. To receive payments under ASAP, Recipients are required to enroll with the Department of Treasury, Financial Management Service, and Regional Financial Centers, which allows them to use the online and Voice Response System (VRS) method of withdrawing funds from ASAP accounts.

Awards paid under the ASAP system will contain a SAC describing enrollment requirements and any controls or withdrawal limits set in the ASAP system. Typically, Recipients will withdraw funds through one of two methods:

- **Funding Advances**: Unless otherwise specified in the terms of an award, withdrawal of funds through the ASAP system is considered funding advances. **Advances are limited to the minimum amounts necessary to meet immediate disbursement needs, but in no case should exceed the amount of cash required for a 30-day period.** Recipients make requests for advances through ASAP without intervention by the TBCP Program Office or NOAA GMD. However, the ASAP Helpdesk can assist Recipients with making these requests as needed. The terms of some awards limit the types of activities for which funds can be drawn down.

- **Funding Reimbursement**: Reimbursement is used in cases where the TBCP Program Office or the NOAA GMD has limited information about the financial soundness of a Recipient, or when there are other circumstances or risk factors that indicate the need for added controls in disbursing cash. Some Recipients may have reimbursement payment provisions in the original award terms and conditions, or they may be added later through an award amendment if monitoring or compliance findings reveal financial or administrative inadequacies.

Recipients with a SAC requiring an Environmental Assessment (EA) can draw down funds from ASAP for certain costs while the EA is underway if they receive approval for a submitted Initial Expenditure Plan (IEP). Funds for environmental documentation can be accessed, but funds for construction activities or material acquisition (not approved as part of the IEP) cannot be accessed until the environmental documentation is completed.

a. ASAP Registration

If your organization is already registered in ASAP, you will still need to provide the ASAP Coordinator with information so they can manually link your account to TBCP. To enroll in ASAP, the Recipient should have several pieces of information ready, including:

Table 6: ASAP Registration Information

	Recipient Information Needed for ASAP Registration
☐	Organization name and organization type
☐	Point-of-contact and title of contact
☐	Mailing address
☐	Point-of-contact email address
☐	Fax number
☐	Telephone number

	Recipient Information Needed for ASAP Registration
☐	Unique Entity Identifier (UEI)
☐	Employer Identification Number (EIN)
☐	AOR name and contact information. The HOO designates the AOR. The AOR defines the Recipient Organization (RO) profile and identifies the RO users (*i.e.,* payment requestor).
☐	Financial Official (FO) name and contact information. The FO defines the banking information and links to the NTIA Agency Location Code (ALC) (13060001) and Region Code (02). The FO certifies and signs the banking information form.

b. ASAP Step by Step Tutorial

To register with ASAP, the Recipient should:

Step 1: If the Recipient does not yet have an ASAP account, the Recipient should complete steps two through four below and email the following grant information to the NOAA ASAP Coordinator.

- Recipient's organization name and organization type
- Recipient's point of contact and title of contact
- Recipient's mailing address
- Recipient's point of contact email address
- Recipient's fax number
- Recipient's telephone number
- Recipient's UEI
- Recipient's EIN

Step 2: Within five business days of sending the GMS the information listed above, the Recipient should receive an email confirmation from ASAP along with user identification (ID). Within seven days, the Recipient will receive a password via U.S. mail.

Step 3: Upon receiving an ASAP ID and password, log into ASAP at www.asap.gov using the user ID and password and enter the required information on the organization's officials.

- **Designated HOO:** The HOO will designate the AO and FO designees.
- **Designated AO:** The AO defines the RO profile and the RO users (*e.g.,* primary requestor).
- **Designate FO:** The FO defines the banking information and links to the NTIA (ALC) (13060001) and Region Code (RC) (02). The FO certifies and signs the banking information form.

Step 4: Receive ASAP enrollment confirmation email. The Recipient enrollment steps in ASAP are complete when the AO and FO designees are approved, and banking information is certified and submitted. The Grants Offices will email the Recipient to notify them that enrollment is complete, and funds are available to draw down.

Recipients should use the following resources for assistance:

- NOAA Grants Officer: See the award package for contact information

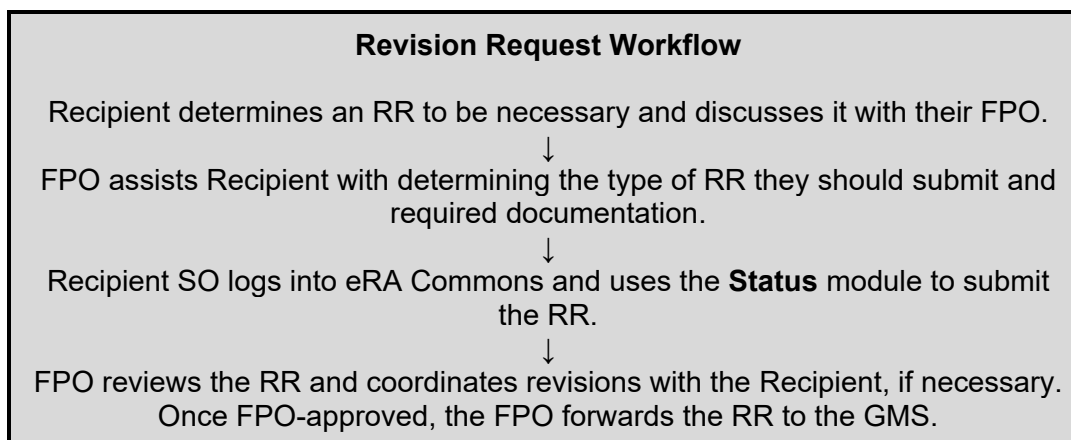- General guidance on the Department of Treasury's website: https://fiscal.treasury.gov/asap/

Table 7: ASAP Contact Information

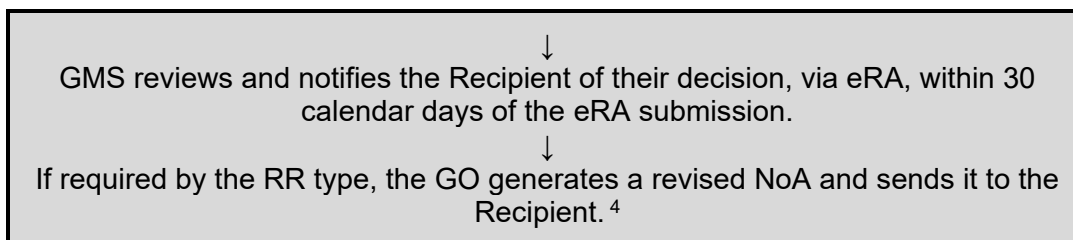| Department	Time Zone	Method	Business Hours	Email and Number
Accounts and Authorizations	Eastern	Online Batch	Monday–Friday, 8:00 AM - 9:00 PM 24 hours a day	asaphelpdesk@fiscal.treasury.gov (855) 868-0151
Payments	Eastern	ACH Payments (Same Day) Fedwire Payments ACH Payments (Next Day)	Same Day Settlement, 8:00 AM - 4:30 PM Same Day Settlement, 8:00 AM - 5:45 PM Next Day Settlement, 8:00 AM - 11:59 PM	asaphelpdesk@fiscal.treasury.gov (855) 868-0151
Reports	Eastern	Online End-of Day via Batch	Monday–Friday, 8:00 AM - 11:59 PM Monday–Friday,10:00 PM	asaphelpdesk@fiscal.treasury.gov (855) 868-0151

6. What are Revision Requests?

a. Revision Requests Overview

TBCP Revision Requests (RRs) are modifications to a Recipient's project, such as changes to contact information, project scope, or budget. Depending upon the type of change, an RR may result in an amendment to the award (known as a revised NoA) signed by the Grants Officer. This section describes types of acceptable project modifications and instructions for submitting an RR in eRA Commons.

Figure 2: RR Workflow in eRA Commons

Revision Request Workflow

Recipient determines an RR to be necessary and discusses it with their FPO.
↓
FPO assists Recipient with determining the type of RR they should submit and required documentation.
↓
Recipient SO logs into eRA Commons and uses the **Status** module to submit the RR.
↓
FPO reviews the RR and coordinates revisions with the Recipient, if necessary. Once FPO-approved, the FPO forwards the RR to the GMS.

↓ GMS reviews and notifies the Recipient of their decision, via eRA, within 30 calendar days of the eRA submission. ↓ If required by the RR type, the GO generates a revised NoA and sends it to the Recipient. [4]	

b. Types of Revision Requests

The list below describes common types of acceptable project modifications. **Recipients must consult with their FPO before submitting an RR to eRA Commons**. Only the Grants Officer may provide final approval of an RR. Changes should be reported to the TBCP Program Office in accordance with 2 CFR § 200.308[5]. It is important to note that prior approval from the Grants Officer is required to effectuate any of the below actions, although certain actions do not require the Grants Officer to issue a formal award amendment via a revised NoA.

Please also refer to the Recipient Revision Request Guidance and No Cost Extension Guidance available on the Broadband USA website.

Table 8: TBCP Revision Requests

Action Requested	Description	Revised NoA?
ASAP Drawdown Request (ASAP Vendors Only)	Request to drawdown funds in ASAP proportionately with the amount of project completed (applicable to Recipients with Reimbursement SACs only).	No
Change in Key Person Specified in the Application	Addition or modification of key personnel (*e.g.,* SO) beyond those specified in the original or modified application.	No
Change in Principal Investigator / Project Director	Change in the PI/PD specified in the original or modified application.	No
Change in Scope	Modification to the project program or budget from the original or modified application. Changes are considered on a case-by-case basis and may be requested at any time prior to the completion of the award closeout process but must be made prior to the Recipient implementing the changes. Changes in Scope may also require a modification to the budget.	Yes
Disengagement for More Than 3 Months, or 25% Reduction by Project Director or PI	Absence of the approved project director for more than three months, or a 25% reduction in his or her time devoted to the project.	No

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[4] NOAA may choose to generate a revised NoA for an RR, even if generally one is not required.
[5] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.308
  TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.308

Action Requested	Description	Revised NoA?
Inclusion of Costs Requiring Prior Approval in Cost Principles	The inclusion, unless waived by DOC, of costs that require prior approval in accordance with the applicable Office of Management and Budget (OMB) cost principles listed in 2 CFR Part 200, Subpart E[6].	No
No Cost Extension – Prior Approval Required	Modification of PoP end date. This request cannot change or increase the award amount.	Yes
Other	Other types of RRs not listed above may be submitted and reviewed as needed.	Varies
Rebudget – Prior Approval Required	This type of RR must be submitted if the modification of budget categories results from a change in scope or objective of the award or a revision is desired which involves specific costs for which prior written approval is required by applicable OMB cost principles listed in 2 CFR Part 200, Subpart E[7]. The Recipient must submit an adjusted SF-424A or SF-424C, budget detail, and narrative.	Yes
Satisfy Specific Conditions	Completion of activities required to fulfill a Recipient's SACs, such as completion of an EA or resolution of a duplication SAC.	No
Subaward, Transfer or Contract Out Work Under the Award if Not Described in the Approved Application	Transfer of work or award to a subrecipient not described in the approved application.	Yes
Transfer of Funds Budgeted for Participant Support Costs to Other Categories of Expense	Transfer of funds allotted for training allowances (direct payment to trainees) to other expense categories.	No[8]

c. Revision Request Submission Requirements and Notification

All TBCP RRs begin with consultation with the TBCP Program Office. Before submitting an RR, the Recipient should contact their FPO and GMS for assistance in determining the type of RR that is needed.

The Recipient submits an RR in eRA Commons. Then, the NTIA FPO and NOAA GMD reviews the request and notifies the Recipient in eRA Commons within 30 calendar days of the request if no additional revisions by the Recipient are required. All RRs must be submitted prior to the award's PoP end date. After the closeout period has expired, only the following RRs will only be available for submission: (1) Request to extend the closeout period; and (2) Submit Additional Closeout Documents.

Figure 3: RR Submission Process

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[6] TBCP I: https://www.ecfr.gov/on/2021-04-28/title-2/subtitle-A/chapter-II/part-200/subpart-E
 TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-E
[7] TBCP I: https://www.ecfr.gov/on/2021-04-28/title-2/subtitle-A/chapter-II/part-200/subpart-E
 TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-E
[8] This request does not typically result in an amendment to the award. However, NOAA reserves the right to determine if the request results in an amendment.

To submit an RR, Recipient SO should do the following:

1. Consult with the FPO to determine which type of RR should be submitted.
2. Log into eRA Commons (https://www.era.nih.gov).
3. Navigate to the **Status** module.
4. The SO uses the **Status search** options to search for the award.
5. In Status search results, click the award's **three dot … menu** and select **Revision Request**.
6. Access the Revision Request for an award. The *Revision Request List* screen appears. If there are Revision Requests in progress, they are listed here.
7. Click the **Initiate a New Revision Request** button to initiate a new request. Choose the correct request type from the **Revision Request Sub type** dropdown and click the **Go** button. Note that **Description** and **Justification Document** fields are required for all requests.
8. Fill out the required fields (which have a red asterisk) and any option fields. The **Justification Document** is required. You can upload up to 10 files per upload type. Request History contains a record of when you or other colleagues previously save the request.
9. Save or Submit the request:
    1. To save the information and come back to it later, click **Save**. If you save it, you can edit and submit it later.
    2. To submit it to the awarding agency for consideration, click **Submit**.
10. A *Confirmation* popup appears; click **Yes**. A green bar appears on the *Revision Request List* screen indicating successful submission.

The NOAA GMD will confer with the FPO and make a final decision on the RR request.

7. What are my Award Compliance Requirements?

By accepting the TBCP award funds, the Recipient agrees to fulfill the reporting and other requirements mandated by federal regulations and SACs referenced in and/or attached to the Recipient's grant award. Therefore, the Recipient should carefully read and understand the SACs and federal regulations referenced in and/or attached to the NoA. Recipients must comply with federal laws and regulations, DOC policies, Executive Orders, and Office of Management and Budget (OMB) requirements that are incorporated into the terms and conditions of the award.

Consistent with the statutory purposes of TBCP and according to DOC regulations and authorities, NTIA makes specific requirements with which the Recipient must comply for any post-award modification.

a. Allowable vs. Unallowable Costs

Basic financial management cost principles define any charges incurred by the federal grant as either allowable or unallowable. Allowable costs are charges incurred by a program that can be covered with the TBCP grant. Unallowable costs are charges incurred by a program that cannot be covered or reimbursed by the TBCP grant.

Allowable costs are those costs consistent with the principles set out in 2 CFR Part 200, Subpart D (for TBCP I awards) or 2 CFR Part 200, Subpart E (for TBCP II awards), and those permitted by the grant program authorizing legislation.

The fact that a cost requested in a budget is awarded does not ensure a determination of allowability.

The organization is responsible for consistently presenting costs. To be allowable under federal awards, costs must be reasonable, allocable, and necessary to the project, and they must also comply with the funding statute and agency requirements (see 2 CFR § 200.403[9]).

Section D.7.a-c of the FY 2021 NOFO and FY 2023 NOFO outlines the eligible uses of funds for TBCP. General categories of eligible uses of funds are

- Broadband infrastructure deployment
- Affordable broadband programs
- Distance learning
- Telehealth
- Digital inclusion efforts

This is not an exhaustive list of allowable costs, and it is always advisable to consult the FPO and GMS with any questions about uses of funds. The specific eligible costs for your award will depend on whether you have received a TBCP award for Broadband Infrastructure Deployment or Broadband Use and Adoption (or both).

Unallowable costs are those costs that do not meet the criteria of reasonableness, allowability, and allocability. Non-federal entities must not use federal awards or match funding for unallowable costs under the award. As defined by 2 CFR 200, *"Disallowed costs means those charges to a Federal award that the Federal awarding agency or pass-through entity determines to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the Federal award."*

It is important that each TBCP Recipient applies the allowable cost test when deciding on spending grant funds. Per 2 CFR § 200.410[10], *"Payments made for costs determined to be unallowable by either the Federal awarding agency, cognizant agency for indirect costs, or pass-through entity, either as direct or indirect costs, must be refunded (including interest) to the Federal Government in accordance with instructions from the Federal agency that determined the costs are unallowable unless Federal statute or regulation directs otherwise."* See also 2 CFR § 200.346[11], Collection of amounts due.

Recipients should only maintain funds on hand needed to cover 30 calendar days' worth of expenses and draw down proportionately based on percentage of project completion.

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[9] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRea20080eff2ea53/section-200.403
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRea20080eff2ea53/section-200.403
[10] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRea20080eff2ea53/section-200.410
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRea20080eff2ea53/section-200.410
[11] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR1b58ad86a04a1d3/section-200.346
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR1b58ad86a04a1d3/section-200.346

Per 2 CFR § 305[12], *"Advance payments to a non-Federal entity must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the non-Federal entity in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-Federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The non-Federal entity must make timely payment to contractors in accordance with the contract provisions."*

Section D.7.e- of the NOFO (FY 2021) and NOFO (FY 2023) describes the ineligible uses of TBCP funds. Recipients and subrecipients must familiarize themselves with this section of the NOFO to ensure that federal funds are not inappropriately expended. Examples of ineligible uses include: covered communications; equipment or services as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608); profits and fees, and funding infrastructure that was completed prior to the grant award period.

b. Award Conditions

NOAA GMD and NTIA apply both standard and specific award conditions (SACs) on TBCP grants.

> SACs vary depending on a Recipient's funding round (TBCP I or II) and project type. Refer to your NoA for an exact list of SACs applicable to your project.

The Standard Award Conditions (otherwise known as bureau-specific Standard Award Conditions) are programmatic requirements that are applied to all TBCP grants. The Standard Award Conditions document is included with a Recipient's award and also summarized in Table 9.

Table 9: TBCP Standard Award Conditions

Category	SAC Name	TBCP I	TBCP II
Reporting Requirements	Financial Reporting	Yes	Yes
	Performance Reporting	Yes	Yes
	Annual Reports	Yes	Yes
	Reporting Subawards and Executive Compensation	Yes	Yes
	Property Reports and Disposition	Yes	Yes
	Baseline Project Plan for Broadband Infrastructure Deployment Projects	Yes	Yes
	Baseline Project Plan for Broadband Use and Adoption Projects	Yes	Yes
Administrative and National	Incorporation of TBCP Notice of Funding Opportunity	Yes	No

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[12] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.305

TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.305

Category	SAC Name	TBCP I	TBCP II
Policy Requirements	Incorporation of Second TBCP Notice of Funding Opportunity	No	Yes
	Uniform Administrative Requirements, Cost Principles, and Audit Requirements	Yes	Yes
	Department of Commerce Financial Assistance Standard Terms and Conditions	Yes	Yes
	Pre-Award Notification Requirements	Yes	Yes
	Property Trust Relationship and Public Notice Filings for Grant-Acquired Property	Yes	Yes
	No Duplication of Federal Funding	Yes	Yes
	Audit Requirements	Yes	Yes
	Prevention of Waste, Fraud and Abuse	Yes	Yes
	Protection of Whistleblowers	Yes	Yes
	Tribal Employment Rights Ordinances (TERO)	Yes	Yes
	Domestic Preference for Procurements (Buy American)	Yes	No
	Build America, Buy America Act	No	Yes
	Contracting with Small Businesses, Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms	Yes	No
	Contracting with Small Businesses, Minority Businesses, Women's Business Enterprises, Veteran-owned Businesses, and Labor Surplus Area Firms	No	Yes
Environmental Compliance Requirements (*ID Projects only*)	Environmental Assessment	Yes	Yes
	National Historic Preservation Act	Yes	Yes
TBCP Programmatic SACs	Project Management Conference	Yes	Yes
	Two Percent (2%) Cap on Administrative Expenses	Yes	Yes
	Open Network Requirements (*ID Projects only*)	Yes	Yes
	Land, Easements, and Rights of Way (*ID Projects only*)	Yes	Yes

Category	SAC Name	TBCP I	TBCP II
	Prohibition on Use for Covered Communications Equipment or Services	Yes	Yes
	Human Subjects Research Protection Requirements	Yes	Yes
	Subgrantees	Yes	Yes
	Post Award Actions Requests	Yes	Yes
	Consortium Awards (For All Consortium Recipients)	No	Yes
	Project Signage and Public Acknowledgements	No	Yes
	Cybersecurity	No	Yes
	Supply Chain Risk Management	No	Yes

NOAA GMD and NTIA may impose additional specific award conditions on a TBCP grant in accordance with 2 CFR § 200.208[13] or take other appropriate actions when the FPO determines that the specific conditions or actions are necessary to:

- Require a change or action that will remedy current non-compliance or reduce the risk of future non-compliance; and/or
- Help ensure a TBCP Recipient's success in implementing its project in accordance with the terms and conditions of a TBCP award.

Examples of common specific award conditions include:

- Contractual Restriction
- Corrective Action Plan (CAP) Submissions
- Delinquent Audit
- Post-Award National Environmental Policy Act (NEPA) Review Process
- Restriction on Equipment Purchase
- Tangible Property Reporting and Disposition
- Duplication SAC

For assistance locating the standard and specific award conditions in eRA, contact your FPO.

A Recipient's failure to comply with the SACs may cause NOAA GMD and NTIA to take one or more actions depending on the severity and duration of the non-compliance in accordance with applicable statutes, regulations, and policies. Depending on the specific circumstances, NOAA GMD and NTIA may allow the Recipient to correct the deficiencies prior to action; however, even if a Recipient is taking corrective action, NOAA GMD and NTIA may take proactive actions to protect the government's interest in the award. They may also take actions designed to prevent future non-compliance, such as additional monitoring activities.

b.1. Expenditure Plans

Infrastructure Deployment projects are required to submit an expenditure plan per the SACs.

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[13] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.208
 TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.208

The expenditure plan review process for Recipients with independent utility is similar to the review process for non-independent utility Recipients.

The expenditure plan consists of an Initial Expenditure Plan (IEP) which outlines how a Recipient intends to spend funds while their environmental review process is ongoing. The IEP is designed to remain in effect for six months but should be extended until the Recipient's EA is complete.

Activities that are **allowable** in the IEP include:
- The allowable use of planning and design funds prior to beginning project implementation includes, but is not limited to, activities necessary for the completion of the following:
  - Pre-construction project planning, including collecting environmental-related information
  - Applications for environmental permits;
  - Studies, including EAs, and any wetland delineations, biological assessments, archaeological surveys, or other required analyses;
  - Administrative and legal expenses;
  - Pre-award application costs; and/or
  - Required consultation activities.
- The allowable use of funds for limited, preliminary procurements prior to beginning project implementation includes, but is not limited to, the initiation of activities necessary to meet the project completion requirements as specified in the award, including the following:
  - Purchase or lease of equipment, or entering into binding contracts to do so, including for the purpose of completing environmental, historical preservation, or cultural preservation related activities;
  - Purchase of applicable or conditional insurance; and/or
  - Funds used to secure land or building leases, including right-of-way easements.

Activities that are **not allowable** in the initial expenditure plan include:
- Site preparation work
- Demolition
- Construction
- Ground disturbing activities

TBCP Recipients should carefully consider the potential legal and financial risks that could affect the use of grant funds for preliminary procurements prior to receiving environmental clearance. A Recipient may only use grant funds to pay for allowable costs under the TBCP. Using TBCP funds for acquiring equipment or materials through preliminary procurements that may not ultimately be necessary or allocable to the project once the environmental approvals are issued creates the risk that these expenditures may be disallowed, and the TBCP Recipient would then have an obligation to the federal government to return these funds.

Upon the completion of the environmental review, Recipients submit a Revised Expenditure Plan (REP) which describes how Recipients intend to spend the remainder of their grant funds.

The IEP and REP are submitted via eRA Commons as "Other" type Revision Requests. However, a Recipient should receive approval from their FPO before submitting the RR.

The TBCP Program Office has created a combined initial and revised expenditure plan template and highly recommends Recipients use it.

b.2. Project Signage

Signage is used to identify that a project is funded with federal funds. TBCP I Recipients and non-construction TBCP II Recipients are encouraged, but not required to post project signage.

> **TBCP II construction projects** are required to comply with project signage requirements. TBCP I Recipients and TBCP II non-construction projects are encouraged to post project signage, but not required.

Per the TBCP II SACs, TBCP II construction projects are required to post project signage and to include public acknowledgements in published and other collateral materials (*e.g.*, press releases, marketing materials, website, etc.) satisfactory in form and substance to NTIA that identifies the nature of the project and indicates that "the project is funded by the Infrastructure Investment and Jobs Act." In addition, a Recipient employing project signage is required to use the official Investing in America Emblem Style Guide: https://www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-Brand-Guide.pdf.

Costs associated with signage and public acknowledgements must be reasonable and limited. Signs or public acknowledgements should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or Recipient burden. The Recipient is encouraged to use recycled or recovered materials when procuring signs.

For additional guidance, refer to these resources:
- TBCP I Consolidated Appropriations Act (CAA) Signage Guidance: https://broadbandusa.ntia.gov/technical-assistance/NTIA_CAA_Signage_Guidance
- TBCP II Bipartisan Infrastructure Law (BIL) Signage Guidance: https://broadbandusa.ntia.gov/technical-assistance/NTIA_BIL_Signage_Guidance

c. Classification of Costs

Costs may be classified as direct or indirect.

Direct Costs: Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a federal award, other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

Examples of direct costs include:
- Salaries and fringe for grant administrative personnel
- Program coordination and project execution
- Equipment required to administer the program
- Office supplies
- Postage

Indirect Costs: Indirect costs, also known as Facilities & Administration (F&A) costs, represent the expenses of doing business that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general operation of the organization and the conduct of activities it performs.

Examples of indirect costs include:
- Depreciation of facilities
- Facility occupancy costs
- General liability insurance
- General legal services

- Taxes
- Rent and utilities
- Indirect salaries
- Accounting fees

It is essential that each item of cost incurred for the same purpose be treated consistently in like circumstances either as a direct or an indirect cost in order to avoid possible double-charging of federal awards.

d. Records Retention Requirements

After the award program and performance period have ended, supporting documentation, financial records, and other documents may be subject to future review. TBCP Recipients must provide NOAA and/or NTIA Inspectors General (IG) access to all records that are pertinent to the federal award to make audits, examinations, and transcripts. NOAA and/or NTIA will provide advance notice in a timely and reasonable manner to allow the Recipient time to engage in interviews and discussions related to the award documentation (2 CFR § 200.337[14]). Per 2 CFR § 200.334[15], *"...records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient..."* and may be required to be retained for a longer period in accordance with the exceptions listed in 2 CFR § 200.334(a)-(f)[16].

Figure 4: Records Retention Documents

TBCP Recipients are advised to retain these documents after closeout, to include but may not be limited to:
- Award package;
- Financial records;
- Evidence of program accomplishments;
- Progress reports;
- Audit follow-up records;
- Monitoring records;
- Written determinations and preapprovals between NOAA and/or NTIA and TBCP Recipient;
- Records supporting all costs charge to the award;
- Procurement records;

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[14] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR4acc10e7e3b676f/section-200.337
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR4acc10e7e3b676f/section-200.337
[15] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR4acc10e7e3b676f/section-200.334
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR4acc10e7e3b676f/section-200.334
[16] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR4acc10e7e3b676f/section-200.334
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR4acc10e7e3b676f/section-200.334

- Subawards issued by the Recipient and all documentation supporting the management and oversight of the subawards;
- Final closeout letter;
- Record of reconciliation; and
- Property disposition forms.

e. Single Audit Requirements

> **For TBCP I Recipients**, awards that expend $750,000 or more in a year must undergo an audit to be submitted to the Federal Audit Clearinghouse (FAC).
>
> **For TBCP II Recipients,** awards that expend $1,000,000 or more in a year must undergo an audit to be submitted to the FAC.

A Single Audit is when a qualified auditor reviews a Recipient's financial management processes, including its financial management system and compliance with all of its federal grant requirements. A Single Audit combines one audit covering all of a Recipient's federal grants. The purpose is to ensure that Recipients receiving federal grant funds use the funds in compliance with the government's requirements. It was created to promote sound financial management, uniform guidelines for audits, and efficiently deploy audit resources. This cost-effective option replaces the need for the federal government to audit the same Recipient multiple times for different federal awards.

The audit requirements for TBCP awards are contained in Section D. of the Department of Commerce Financial Assistance Standard Terms and Conditions (1 October 2024), which are incorporated by reference into every TBCP grant award.

Recipients that are subject to the provisions of Subpart F of 2 CFR Part 200[17] and that meet certain federal funds expenditure thresholds during their fiscal year must have an audit conducted for that year in accordance with the requirements contained in Subpart F of 2 CFR Part 200[18]. Single Audit requirements monetary thresholds vary between TBCP I and II.

For **TBCP I**, that threshold is **$750,000** or more expended in a year in federal awards.

For **TBCP II**, that threshold is **$1,000,000** or more expended in a year in federal awards.[19]

A copy of the audit report must be submitted to the Federal Audit Clearinghouse (FAC) through the FAC's Internet Data Entry System (IDES) (https://harvester.census.gov/facides/) within 30 calendar days after receipt from the auditor, or nine months after the end of the Recipients audit fiscal year end date, whichever comes first. In accordance with 2 CFR § 200.425[20] (Audit

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[17] TBCP I: https://www.ecfr.gov/on/2021-05-11/title-2/subtitle-A/chapter-II/part-200/subpart-F
  TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-F
[18] TBCP I: https://www.ecfr.gov/on/2021-05-11/title-2/subtitle-A/chapter-II/part-200/subpart-F
  TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-F
[19] The difference in audit thresholds for TBCP I and TBCP II ($750,000 and $1,000,000, respectively) reflect updated guidelines and implementation date changes made in the Code of Federal Regulations.
[20] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72/section-200.425
  TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72/section-200.425

services), the Recipient may include a line item in the budget for the allowable costs associated with the audit, which is subject to the approval of the Grants Officer.

Unless otherwise specified in the terms and conditions of the award, entities that are not subject to Subpart F of 2 CFR § 200[21] (*e.g.,* for-profit entities, foreign public entities and foreign organizations) and that **expend greater than $750,000 (for TBCP I Recipients) or $1,000,000 (for TBCP II Recipients)** in DOC funds during their fiscal year (including both as a Recipient and a subrecipient) must submit to the Grants Officer either:

- A financial related audit of each DOC award or subaward in accordance with Generally Accepted Government Auditing Standards (GAGAS); or
- A project specific audit for each award or subaward in accordance with the requirements contained in 2 CFR § 200.507[22].

Within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period, unless a different period is specified in a program-specific audit guide, a copy of the audit must be submitted to the Grants Officer. In accordance with 2 CFR § 200.425[23], the Recipient may include a line item in the budget for the allowable costs associated with the audit, which is subject to the approval of the Grants Officer.

Entities that are not subject to Subpart F of 2 CFR Part 200[24] and that expend less than **$750,000 (TBCP I)** or **$1,000,000 (TBCP II)** in DOC funds in a given fiscal year are not required to submit an audit(s) for that year, but must make their award-related records available to DOC or other designated officials for review and audit.

Generally, the objectives of a Single Audit are to determine if the Recipient receiving federal funds has engaged in the following activities:

- Established an accounting system with adequate internal controls that provide full accountability for revenues, expenditures, assets, and liabilities.
- Prepared financial statements which are presented fairly and in accordance with generally accepted accounting principles (GAAP).
- Submitted financial reports (including Federal Finance Reports), cash reports, and claims for advances and reimbursements contain accurate and reliable financial data and are presented according to the terms of applicable agreements.
- Expended federal funds in accordance with the terms of award agreements and those provisions of federal law or regulations that could have a material effect on the financial statements or the awards tested.

When a Recipient has an audit finding, it must develop a Corrective Action Plan (CAP) to respond to each finding. The CAP must provide the name(s) of the contact person(s) responsible for the plan, the actions taken, and the anticipated completion date. If the Recipient

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[21] TBCP I: https://www.ecfr.gov/on/2021-05-11/title-2/subtitle-A/chapter-II/part-200/subpart-F
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-F
[22] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-F/subject-group-ECFRfd0932e473d10ba/section-200.507
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-F/subject-group-ECFRfd0932e473d10ba/section-200.507
[23] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72/section-200.425
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72/section-200.425
[24] TBCP I: https://www.ecfr.gov/on/2021-05-11/title-2/subtitle-A/chapter-II/part-200/subpart-F
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-F

disagrees with the findings, the Recipient provides an explanation and specific reasons for disagreement in its CAP.

f. Internal Controls

Internal controls are the processes and systems through which Recipients ensure that they operate effectively, accurately handle their finances and accounting, report reliable data, and comply with their policies and procedures, and applicable laws and regulations. Internal controls detect fraud, waste, abuse, and mismanagement of federal funds. Recipients must establish and maintain effective internal controls over the federal award, thereby providing reasonable assurance that its awards are managed in compliance with federal statutes and the terms and conditions of the award (see 2 CFR § 200.303(a)[25]).

A system of internal control includes written policies and procedures designating specific roles for various individuals. When possible, someone other than the person posting transactions should reconcile bank accounts. Someone who does not reconcile should always review the reports. Another critical element of an effective internal control system is the separation of duties. To ensure effective internal controls, no individual should perform two consecutive tasks in an accounting procedure. Recipients can plan for a separation of duties by developing a chart providing each step of the accounting procedure for a specific area, such as cash receipts or payroll. Each accounting procedure should be developed to ensure that no individual is assigned two consecutive tasks.

Recipients' internal controls plans should consist of five key elements:
1. Control environment,
2. Risk assessment,
3. Control activities,
4. Information and communication, and
5. Monitoring activities.

To ensure effective internal controls are in place, Recipients should develop policies and procedures.

g. Program Income

Recipients and subrecipients of TBCP grants may generate and receive program income as a result of these federally funded projects. Program income means "gross income earned by the non-federal entity that is directly generated by a supported activity or earned as a result of the federal award during the period of performance."

To ensure allowability, a TBCP Recipient must track and spend program income in an allowable manner. Generally, non-federal entities are encouraged to earn income to defray program costs where appropriate (2 CFR § 200.307[26]).

Program income includes but is not limited to:
- Income from fees for services performed;
- The use or rental of real or personal property acquired under federal awards;

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[25] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.303#p-200.303(a)
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.303#p-200.303(a)
[26] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.307
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.307

- The sale of commodities or items fabricated under a federal TBCP Recipient award, license fees, and royalties on patents and copyrights; and
- Principal interest on loans made with federal award funds.

Program income does not include rebates, credits, discounts, and interest earned on them. Nor does it include interest earned on advances of federal funds or the sale of real property, equipment, or supplies.

Program income must be treated the same as federal funds and spent on project-related activities approved in the federal grant award. Program income cannot be used to purchase anything considered unallowable. For example, if food is an unallowable expense, program income cannot be used to purchase food.

Recipients are expected to manage program income in a consistent, documented manner that is consistent with their accounting methodology and all applicable regulations. Program income requirements flow down from Recipients to subrecipients. All of the responsibilities relating to program income also apply to all subrecipients of an award. Recipients also must monitor their subrecipients' receipt and expenditures of program income. Program income requirements do not, however, flow down to vendors or apply to third parties who happen to earn income as a result of the TBCP project.

Recipients must calculate program income according to a methodology listed in 2 CFR § 200.307(e)[27].

Table 10: Program Income Methodologies

Method	Description	Conditions/Requirements
Addition	Program income is added to the federal award to increase the total project funding.	Must be used for purposes and under the conditions of the federal award. See 2 CFR § 200.307(e)(2)[28].
Cost Sharing or Matching	Program income may be used to meet the cost-sharing or matching requirements of the federal award.	Program income can offset federal funds needed for matching; the total federal award amount remains the same. See 2 CFR § 200.307(e)(3)[29].
Deduction	Program income is deducted from the total allowable project costs to determine the net allowable costs, effectively reducing the federal award.	Used for current costs unless otherwise authorized; must reduce federal funds rather than increase project funds. Unanticipated income must also reduce the federal award. See 2 CFR § 200.307(e)(1)[30].

Recipients must report program income semi-annually on the FFR (SF-425). How program income is reported on the SF-425 depends upon whether the Recipient uses the Additive, Cost-Sharing, or Deductive Method for utilizing program income.

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[27] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.307#p-200.307(e)
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.307#p-200.307(e)
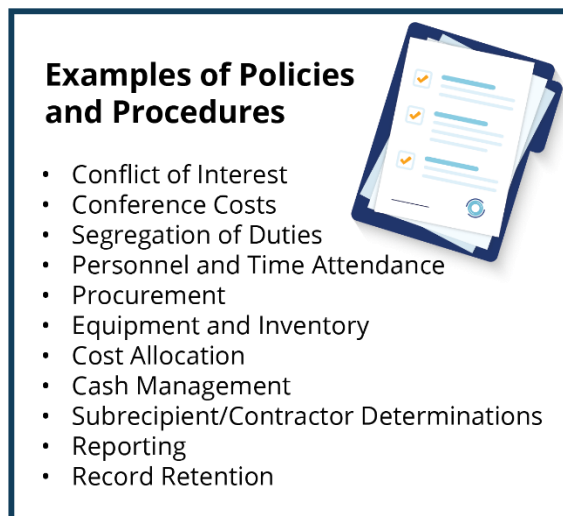[28] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.307#p-200.307(e)(2)
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.307#p-200.307(b)(2)
[29] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.307#p-200.307(e)(3)
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.307#p-200.307(b)(3)
[30] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.307#p-200.307(e)(1)
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.307#p-200.307(b)(1)

h. Procurement

Procurement is the process of obtaining goods and services for a TBCP Recipient's organization. As part of procurement, Recipients select vendors and establish the payment terms. When used correctly, procuring goods or services can help the organization implement a successful project or program.

Figure 5: Procurement Policies

Examples of Policies and Procedures

- Conflict of Interest
- Conference Costs
- Segregation of Duties
- Personnel and Time Attendance
- Procurement
- Equipment and Inventory
- Cost Allocation
- Cash Management
- Subrecipient/Contractor Determinations
- Reporting
- Record Retention

General procurement requirements for Recipients and subrecipients are located in 2 CFR § 200.317-327[31]. The regulations require that procurement activities be performed in an equitable and competitive manner to promote equal treatment, efficiency, and economy in federal grant activities. To ensure objective contractor performance and eliminate an unfair competitive advantage, contractors should be excluded from competing for such procurements, if they develop or draft grant applications or contract specifications, requirements, statements of work, invitations for bids, and/or requests for proposals. In addition, Recipients should have an internal control or documented process to check for organizational conflict of interest with potential contractors. The Uniform Guidance sets strict requirements around procurement and guarding against conflicts of interest that can occur when purchasing goods and services under federally funded grants and contracts.

Noncompetitive (sole source) procurement is allowed only under specific circumstances, as prescribed in 2 CFR 200.320(c)[32]. Any noncompetitive procurement must be approved via a revision request. The circumstances that allow for noncompetitive procurement are:

- The acquisition of property or services does not exceed the micro-purchase threshold;
- The item is only available from a single source;
- The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
- The federal awarding agency authorizes a noncompetitive procurement; or
- After solicitation of a number of sources, competition is deemed inadequate.

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[31] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d/section-200.317
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d/section-200.317
[32] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.320#p-200.320(c)
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.320#p-200.320(c)

Figure 6: Procurement Tips

Tips for Successful Procurement
- Make reasonable requirements for the competitive purchases. For example, do not require excessive experience or bonding.
- Pay attention to and avoid possible entity conflicts of interest, such as buying goods from a family member.
- Compare price, quality, and/or performance of "brand" name items with equivalent items.
- Learn about (and practice) checking the debarment list.
- Compare lease to purchase costs for equipment; sometimes leasing is more economical.

i. Property and Equipment

The equipment threshold **for TBCP I Recipients** is $5,000.

The equipment threshold **for TBCP II Recipients** is $10,000.

Tangible personal property means property of any kind that has physical existence and includes equipment and supplies. It does not include copyrights, patents, or securities. Property may be provided by NTIA or acquired by the Recipient with award funds. Federally owned property consists of items that were furnished by the federal government. Equipment includes tangible personal property (including information technology systems) having a useful life of more than one year and per-unit acquisition costs that **equal to or exceed $5,000 (for TBCP I Recipients) or $10,000 (for TBCP II Recipients).** A computing device is a supply if the acquisition cost is **less than $5,000 (TBCP I) or $10,000 (TBCP II),** [33]regardless of the length of its useful life.

Equipment must be used for the authorized purposes of the project during the PoP or until the property is no longer needed for the purposes of the project. Recipients may use the equipment for the program or project for as long as needed, whether the project or program continues to be supported by the federal award.

Figure 7: **Equipment Data Elements**

Equipment Data Elements
- Description of equipment
- Manufacturer's serial number, model number, or other identification number
- Source of equipment, including grant/award number
- Acquisition date (or date received) and cost
- Information noting the equipment was acquired using Federal funding

The Grants Officer may require a non-federal entity (*i.e.,* a Recipient or Subrecipient) to execute and to record (as applicable) a statement of interest, financing statement (Form UCC-1), lien, mortgage or other public notice of record to indicate that real or personal property acquired or improved in whole or in part pursuant to a TBCP award is subject to the Federal Interest, and

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[33] The difference in equipment thresholds for TBCP I and TBCP II ($5,000 and $10,000, respectively) reflect updated guidelines and implementation date changes made in the Code of Federal Regulations.

that certain use and disposition requirements apply to the property. The statement of interest, financing statement (Form UCC-1), lien, mortgage or other public notice must be acceptable in form and substance to NTIA and to the NOAA GMD and must be placed on record in accordance with applicable State and local law, with continuances re-filed as appropriate. In such cases, the Grants Officer may further require the non-federal entity to provide NTIA and the NOAA GMD with a written statement from a licensed attorney in the jurisdiction where the property is located, certifying that the Federal Interest has been protected, as required under the award and in accordance with applicable State and local law. The attorney's statement, along with a copy of the instrument reflecting the recordation of the Federal Interest, must be promptly returned to the Grants Officer. The non-federal entity may use model documentation made available by NTIA.

The Uniform Guidance establishes specific rules for disposing of equipment, depending on what the equipment will be used for and its value (see 2 CFR § 200.313(e)[34]). The Recipient must request disposition instructions from the federal awarding agency. If the equipment has a current per-unit fair market value of **$5,000 (TBCP I)** or **$10,000 (TBCP II) or less**, the Recipient may keep the equipment, sell it, or otherwise dispose of it with no further responsibility to the federal government (see 2 CFR § 200.313(e)(1)[35]). However, if the equipment has a current, per-unit fair market value **in excess of $5,000 (TBCP I)** or **$10,000 (TBCP II)** and NOAA GMD, in coordination with NTIA, fails to provide disposition instructions within 120 days after receiving a disposition request from a Recipient, the Recipient may keep or sell the equipment but must repay the federal government its federal share based on a percentage of federal participation in the initial acquisition (2 CFR § 200.313(e)(2)[36]).

In addition, Recipients must capture the acquisition costs of equipment in their accounting system and report it in their financial statements and financial report to NTIA. The SF-428 form is a standard form to collect information related to tangible personal property.

Recipients of federal assistance awards may be required to provide federal awarding agencies with information concerning property in their custody annually, at award closeout, or when the property is no longer needed. Specific requirements will vary based on award provisions, the type of property (equipment or supplies), and whether the property is federally-owned.

j. Human Subjects Research (HSR)

Recipients of TBCP grants must comply with the DOC regulations relating to Human Subjects Research (HSR) protection requirements for any research conducted or supported with grant funds. The HSR standard award condition must be satisfied by the end of the PoP. Guidelines for protecting the information of human subjects, which may be collected as a result of project implementation, can be found in 15 CFR Part 27. In addition, NTIA has provided detailed compliance guidance for Recipients in Appendix A of this handbook.

While it is unlikely any TBCP Recipients will be conducting HSR, all TBCP Recipients must submit a completed HSR memo within eRA Commons as an "Other" type Revision Request. **You must have an approved HSR Memo on file by your PoP end date** in order to satisfy the SAC and be able to close out your grant.

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[34] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.313#p-200.313(e)
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.313#p-200.313(e)
[35] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.313#p-200.313(e)(1)
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.313#p-200.313(e)(1)
[36] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.313#p-200.313(e)(2)
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.313#p-200.313(e)(2)

k. Cybersecurity Requirement

📌 The Cybersecurity Requirement **<u>only applies to TBCP II Recipients</u>**.

All TBCP II Recipients are required to submit an executed copy of the Certification Regarding Compliance with Cybersecurity and Supply Chain Management Requirements contained in Appendix A of the NOFO. In the case of a consortium, each Eligible Entity participating in the consortium must submit its own executed certification.

k.1. Cybersecurity Risk Mitigation Plan (CRMP)

The Cybersecurity Risk Mitigation Plan (CRMP) is a requirement for TBCP II Recipients to ensure protection of broadband infrastructure on Tribal lands. It involves assessing cybersecurity practices and addressing risks using the Cybersecurity and Infrastructure Security Agency (CISA) guidelines while mitigating and closing security gaps. The purpose of this plan is to ensure networks and projects are protected against cyber threats while adhering to program standards.

<u>Initial Steps (Within 12 months of Grant Award)</u>

1. **Review CISA Cybersecurity Performance Goals (CPGs)**
   - Access the **Error! Bookmark not defined.** CISA Cybersecurity Performance Goals (CPGS) report
   - Ensure these goals are relevant and applicable across critical infrastructure sectors in your project

2. **Conduct Cybersecurity Assessment**
   - Use the **CISA CPG Checklist Adapted for Grant Awards while including**
     - All cyber assets controlled as part of the project execution
     - The cybersecurity practices of the **primary organization** and **any partners or subgrantees**

3. **Develop a Cybersecurity Risk Mitigation Plan (CRMP)**
The plan **MUST** address both your organization and prospective or actual subgrantees. The following key components must be included:
   - **Assessment Summary:** Current cybersecurity status of the project's cyber assets
   - **Gap Identification:** Create a **prioritized list** of CPG gaps affecting –
     - Cyber assets within the project
     - Your organization, partners, or subgrantees (if applicable)
   - **Mitigation Plan Documentation:**
     - Provide **timelines** for each mitigation effort
     - Document mitigation efforts addressing all identified CPG gaps

4. **Submit and Maintain the CRMP:**
   - Ensure the **CRMP** is submitted to the NTIA within **12 months** of the grant award
   - Address potential risks if the CRMP is NOT submitted:
     - **Corrective actions** may be enforced by NTIA
     - NTIA may impose **performance improvement plans** or restrict access to grant funds

I. Supply Chain Risk Management (SCRM)

> 📌 The SCRM Requirement **only applies to TBCP II Recipients**.

The Supply Chain Risk Management Plan (SCRM) is a requirement for TBCP II Recipients to ensure the security and integrity of broadband infrastructure on Tribal lands. The plan identifies potential supply chain vulnerabilities and outlines strategies to mitigate associated risks. The plan should encompass the entire lifecycle of the broadband project including procurement, deployment, and maintenance phases. The purpose of this plan is to enhance the resilience and reliability of broadband services provided to Tribal communities.

1. **SCRM Plan Requirements**
   - Ensure the **SCRM Plan** is **operational** at the time of grant award if currently offering telecommunications service or ready to be operationalized if providing services later
   - Include both **your organization's practices** and those of **subgrantees or third-party providers**
   - Align with National Institute of Standards and Technology (**NIST)** guidelines:
     - **NISTIR 8276** – Key Practices in Cyber Supply Chain Risk Management: Observations from Industry
     - **NIST 800-161** – Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations

2. **Maintain and Update the SCRM Plan**
   - Review and update the SCRM Plan **periodically** and **as needed** based on events or risks
   - Submit the **SCRM Plan to NTIA upon request**
   - If the subgrantees make **substantive changes**, provide the updated SCRM Plan to your organization within **30 calendar days**

3. **Ensure Compliance Across the Supply Chain**
   - Obtain attestations from **third parties** (*e.g.* wholesale carriers) confirming compliance with **cybersecurity and SCRM practices**
   - Document any reliance on **third-party network facilities** for critical services

4. **Submission Timeline**
   - Submission is not required <u>unless</u> requested by NTIA. However, the SCRM must be ready and available.

8. What are the Requirements if I have Subrecipients?

> 📌 **For TBCP I Recipients,** you must report subawards exceeding $25,000.
>
> **For TBCP II Recipients,** you must report subawards exceeding $30,000.

A subrecipient is a "non-federal" entity such as a nonprofit organization, government agency, or group that receives a subaward from a Recipient to carry out part of a federal program. The pass-through entity is the organization that received a grant.

Recipients are required to have policies and procedures for monitoring all subrecipients (2 CFR § 200.332). Subrecipient performance is measured against the objectives of the program, responsibility for programmatic decision making, adherence to applicable program compliance requirements, and uses of federal funds to carry out their portion of the programmatic effort of

the project. In addition, Recipients must report subawards of **greater than $25,000 (TBCP I)** or **$30,000 (TBCP II)[37]** to www.fsrs.gov.

Including a subrecipient monitoring policy as part of a Recipient's financial management policies and procedures is necessary to ensure all federal dollars are utilized for authorized purposes in compliance with applicable laws, regulations, and provisions to complete the objectives of the funded project. The procedures to implement the policy include making legal agreements with subrecipients and using a formal subrecipient monitoring plan.

To ensure that there is compliance between the pass-through entity and subrecipient, an agreement must be in place. It is important that each party signs the agreement. An effective agreement is required to include all elements identified in accordance with 2 CFR § 200.332[38], some of which include:

- Subrecipient name (which must match the name associated with its unique entity identifier);
- Subrecipient's unique entity identifier;
- Federal Award Identification Number (FAIN);
- Federal Award Date (see the definition of federal award date in § 200.1 of this part) of award to the Recipient by the federal agency;
- Subaward Period of Performance Start and End Date;
- Subaward Budget Period Start and End Date;
- Amount of federal funds obligated by this action by the pass-through entity to the subrecipient;
- Total Amount of federal funds obligated to the subrecipient by the pass-through entity including the current financial obligation;
- Total Amount of the federal award committed to the subrecipient by the pass-through entity;
- Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);
- Name of federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity;
- Assistance Listings Number and Title; the pass-through entity must identify the dollar amount made available under each federal award and the Assistance Listings Number at time of disbursement;
- Identification of whether the award is Research and Development (R&D)
- Indirect cost rate for the federal award (including if the de minimis rate is charged) per 2 CFR § 200.414[39].
- All requirements imposed by the pass-through entity on the subrecipient so that the federal award is used in accordance with federal statutes, regulations and the terms and conditions of the federal award; and

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[37] The difference in subaward thresholds for TBCP I and TBCP II ($25,000 and $30,000, respectively) reflect updated guidelines and implementation date changes made in the Code of Federal Regulations.
[38] TBCP I: https://www.ecfr.gov/on/2021-02-22/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR031321e29ac5bbd/section-200.332
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR031321e29ac5bbd/section-200.332
[39] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRd93f2a98b1f6455/section-200.414
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRd93f2a98b1f6455/section-200.414

- Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the federal awarding agency, including identification of any required financial and performance reports.

As a best practice, monitoring plans include a tool for assessing the risk of the subrecipient's compliance with the agreement and a detailed list of monitoring activities. Risk assessment begins with determining the subrecipient's risk of not meeting the grant award terms and conditions, including all federal rules and regulations associated with grant management.

Table 11: Subrecipient Risk Assessment

	Low Risk	Medium Risk	High Risk
Recommended Assessment of Risk Levels	• Less than $100,000 in pass through dollars • Experienced subrecipient with no prior performance issues	• New to the program • Turnover in key staff positions • Previous compliance or performance • New or substantially changed system • More than $100,000, but less than $749,999 in pass through dollars	• **$750,000 (TBCP I)** or **$1,000,000 (TBCP II)** or more in pass through dollars requires a review of the subrecipient's single audit
Minimum Recommended Monitoring Schedule	Two times/year	Quarterly	Monthly

9. How will NTIA Monitor Grants and Provide Technical Assistance?

a. What are my Reporting Requirements?

Under 2 CFR § 200.329(a)[40], the Recipient is responsible for oversight of the operations of the federal award supported activities. As a Recipient receiving federal funds, it is the Recipient's responsibility to ensure that all reports are submitted timely, documents are maintained properly, and if questions arise pertaining to the grant, FPOs are immediately contacted for further guidance. Two CFR § 200.329(a)[41] states: *"The non-Federal entity must monitor its activities under Federal awards to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring by the non-Federal entity must cover each program, function, or activity."*

TBCP Recipients are required to follow the reporting guidelines in the SACs associated with the award. TBCP Recipients will submit a Baseline Report, Semi-Annual Reports (Performance [Technical] and Financial), Annual Report(s), and Final Reports (Performance [Technical] and Financial).

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[40] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.329#p-200.329(a)
    TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.329#p-200.329(a)
[41] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.329#p-200.329(a)
    TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.329#p-200.329(a)

All reports will be submitted to NTIA via eRA Commons. Submission varies based on the report type; see Table 2.

NTIA is required to review the submission of Performance (Technical) and Financial Reports. NTIA ensures that the reports are submitted on time and that they demonstrate how the Recipient has carried out the grant. The Performance (Technical) Reports should document that Recipients fulfill all program requirements. NTIA compares the Performance (Technical) Report to the Financial Report to assess whether reported spending areas align with the activities performed. NTIA will review costs incurred with drawdowns to ensure both sets of documentation match. In addition, the Financial Reports are reviewed for alignment with the proposed budget and, to the extent possible, for compliance with federal cost principles.

b. Desk Reviews and Site Visits

Desk Reviews and Site Visits are monitoring activities which may occur over the course of your award. You will be notified by your FPO if your organization has been selected for a site visit or desk review.

Desk Reviews are typically conducted virtually, while Site Visits occur at a Recipient's office or program location. All staff who work on the TBCP grant should be available to participate in the site visit or desk review; your FPO will provide an agenda ahead of time and coordinate with you to ensure all staff can participate.

Desk Reviews and Site Visits can also be executed by the Grants Office with proper notification to the Recipients. This is noted in the Recipient's assurances as part of the DOC Financial Assistance Terms and Conditions of the award.

During desk reviews and site visits, NTIA examines the Recipient's compliance with all aspects of the Uniform Guidance, program guidelines, and any additional administrative requirements placed on the award. NTIA will review the Recipient's administrative policies and procedures, including:

- **Internal controls**: Key controls, documented business processes, and policies and procedures governing business cycles involved in award execution.
- **Accounting systems:** Sampling may be conducted, which would involve sampling transactions included in the financial reports. NTIA may request expenditure source documentation such as canceled checks, paid bills, and payroll.
- **Allowability:** Written procedures for determining the allowability of costs will be examined. In addition, sample transactions in recent financial reports will be examined to look for documentation supporting each transaction's compliance with internal policies and procedures and the requirements at 2 CFR § 200.403[42] that costs are necessary, reasonable, and allocable to federal awards.
- **Procurement system:** NTIA will most likely review a sample of procurements to ensure that the procurement requirements of 2 CFR § 200.317–200.327[43] have been met.

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[42] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRea20080eff2ea53/section-200.403
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRea20080eff2ea53/section-200.403
[43] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d/section-200.317
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d/section-200.317

- **Inventory process:** NTIA may review the Recipient's property management and inventory controls.
- **Audit resolution process:** NTIA will confirm and review any required audits and review a copy of the most recent audit report. If there are audit findings, NTIA may request a copy of any corrective action plans submitted, any records detailing the implementation of the corrective action plan, and any records demonstrating resolution of the underlying concern.
- **Records retention:** NTIA will confirm if the Recipient has or follows any policies and procedures governing the retention of records, and that those policies and procedures meet the minimum federal requirements (2 CFR § 200.334[44]).

If an organization is selected for a desk review or site visit, it is critical to have the necessary documentation organized and readily available, as NTIA may request it for review. Documentation which may be requested during a Site Visit or Desk Review includes, but is not limited to:

- Copies of written policies and procedures
- Current negotiated indirect cost rate agreement
- Employee handbook
- Evidence of budget or scope changes
- Description of account system and chart of accounts
- Financial reports from the Recipient's accounting system and supporting payment requests and reported expenditures
- Most recent single audit report (if applicable)
- Organizational charts
- Records of necessary prior approvals
- Records of payments and reported expenditures
- Records supporting actions required in specific conditions
- Results and status of audits or monitoring reviews that have been conducted on the Recipient's award
- Standard and Specific Award Conditions

ID Recipients may be asked to conduct service or infrastructure validation in order to ensure Recipients have constructed networks in compliance with NOFO requirements. If selected for service or infrastructure validation, your FPO will be in contact with you to explain the process.

c. Additional Technical Assistance

NTIA offers technical assistance on a broad set of topics, including infrastructure development, grants financial management, and governance and policy. This support includes but is not limited to the following: technical assistance on engineering, construction and broadband topics, regulatory compliance requirements related to Environmental and Historical Preservation (EHP), financial reporting, and digital literacy and inclusion activities. Technical Assistance will be delivered through various methods (Tiers 1-3) including workshops and webinars, self-service materials such as templates and FAQs, as well as one-one-one assistance tailored to specific situations.

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[44] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR4acc10e7e3b676f/section-200.334
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR4acc10e7e3b676f/section-200.334

Environmental and National Historical Preservation Requirements: Recipients are required to comply with the environmental and historic preservation requirements listed in the SACs, including the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 *et seq.*). NTIA will provide guidance regarding how to meet these requirements. Additionally, in accordance with Section 2(a)(1) of Executive Order 11988, as amended by Executive Order 13690, before taking an action, the applicant, in coordination with NTIA, must determine whether a proposed action will occur in a floodplain.

Applicants with projects containing construction and/or ground disturbing activities are required to submit all required environmental documentation with their application package or describe in their project narrative the physical project location and include photographs, as described above, and how they will comply with applicable environmental and national historical preservation requirements. It is the Recipient's responsibility to obtain all necessary federal, State, Tribal, and local governmental permits and approvals necessary for the work to be conducted, whether the Recipient receives a CE (the project does not significantly affect the quality of the human environment), needs to prepare an EA (effects are unknown), or must prepare an Environmental Impact Statement (EIS) (project is expected to significantly affect the quality of the human environment).

NTIA expects Recipients to design their projects to minimize the potential for adverse impacts on the environment. Impacts required to be assessed include those to environmental (*e.g.*, wetland, endangered species, and others), historic, or cultural resources. Recipients should work with FPOs and NTIA EHP staff to identify feasible measures to reduce or avoid any identified adverse environmental or cultural impacts of projects.

Project Management Conference: After the award start date, NTIA will contact the Recipient to arrange a project management conference. The purpose of the project management conference is to explain to the Recipient its post-approval responsibilities for the administration of the award, including its responsibilities with respect to the terms and conditions of the award and applicable federal requirements. The Recipient's authorized representative, architect/engineer (as applicable), and the Recipient's financial representative should attend. Following the Project Management Conference, the Recipient is responsible for submitting an "Other" type RR to satisfy the SAC.

Open Network Requirements: The Recipient must comply with NTIA's open network requirements, which allows all other broadband service providers to interconnect with networks and other broadband infrastructure deployed using funds from this grant program on fair and non-discriminatory terms and conditions. The requirement to interconnect will apply to Recipients that deploy middle mile networks or submarine cable landing stations and not last mile networks.

Interconnection: Recipients shall allow interconnection to grant-funded facilities at any technically feasible point along the network (without exceeding current or reasonably anticipated capacity limitations). This duty includes, at a minimum, the physical interconnection of the Recipient's facilities to a requesting party's facilities for the exchange of traffic. In addition, Recipients shall connect to the public Internet directly or indirectly and provide requesting parties with an ability to connect to the Internet. Rates and terms for interconnection shall be reasonable and nondiscriminatory.

Negotiate in Good Faith: Recipients shall negotiate in good faith with all requesting parties (*i.e.,* public, private, non-profit, or other parties) making a bona fide request for interconnection or wholesale services.

Wholesale Broadband Service: NTIA encourages Recipients to offer wholesale broadband service at rates and terms that are reasonable and nondiscriminatory.

Land, Easements, and Rights of Way: The Recipient must disclose all encumbrances to NTIA. NTIA will not accept any encumbrance that interferes with the construction, intended use, operation, or maintenance of the project.

Prohibition on Use for Covered Communications Equipment or Services: Pursuant to section 905(e)(4) of Consolidated Appropriations Act, 2021, a Recipient may not use grant funds received under the TBCP to purchase or support any covered communications equipment or service (as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608).

d. Fraud, Waste, Abuse, and Mismanagement, and Whistleblower Protections

As a Recipient of federal funds, TBCP Recipients are required to use the funds only for the intended purpose and within the established guidelines. Recipients are responsible for providing adequate safeguards to prevent fraud, waste, abuse, and mismanagement of federal funds. Proper management of award funds prevents misuse of funds.

The definitions of fraud, waste, abuse, and mismanagement are as follows:
- **Fraud** is an attempt to obtain something valuable through intentional misrepresentation. An example of fraud would be an individual stealing money by directing contracts to bogus companies.
- **Waste** is the misuse of funds or resources through excessive or nonessential expenditures. An example of waste is a program manager purchasing overpriced equipment that could have been purchased for a lesser price at a different company.
- **Abuse** occurs when there is an intentional and unacceptable use of grant funds or misuse of one's position.
- **Mismanagement** is failure to appropriately manage budgets, expenditures, or documentation for grant funds.

Misuse of grant funds can occur in many different ways. However, the common types of misuse of grant funds are:
- **Conflict of interest**: When an individual has a personal or business interest that conflicts with their professional obligations or responsibilities to the organization.
- **Failure to properly support the use of award funds**: When an individual deliberately re-budgets funds in a manner different from the purpose outlined in the award agreement.
- **Theft**: The embezzlement of the funds that are awarded to the organization.

Committing fraud can have drastic consequences. If a Recipient or subrecipient is found guilty of grant fraud, waste, abuse, and mismanagement, the consequences could be any or all of the following:
- The Recipient or subrecipient is banned from receiving future federal funding.
- The Recipient or subrecipient is responsible for the administrative recoveries of the funds.
- The Recipient or subrecipient has a civil lawsuit or criminal prosecution brought against them.

Recipients or subrecipients of award funds should develop and implement preventative measures and processes to decrease the risk of fraud, waste, abuse, and mismanagement. The following examples show ways to reduce fraud, waste, abuse, and mismanagement.

- Examine existing operations and internal controls to identify if they are vulnerable to fraud. Examples of vulnerabilities include:
  - Lack of separation of duties;
  - Unclear authorization for transactions;
  - Outdated or ineffective accounting systems;
  - Improperly collected and stored documentation; and
  - Incomplete, unclear, or not implemented conflict of interest policies.
- Implement fraud prevention measures and have regular trainings to educate staff and volunteers on risks.
- Review and test internal control systems regularly for vulnerabilities and areas of improvement.
- Verify that all financial and progress reports are sufficiently supported with the required documentation.
- Develop and implement procurement processes that are reasonable, fair, and transparent.
- Conduct monthly bank reconciliations to identify errors or irregularities in bank statements and detect fraud.

Whistleblower Protections: All TBCP awards are subject to the whistleblower protections afforded by 41 U.S.C. § 4712 (Enhancement of contractor protection from reprisal for disclosure of certain information), which generally provide that an employee or contractor (including subcontractors and personal services contractors) of a non-federal entity may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body information that the employee reasonably believes is evidence of gross mismanagement of a federal award, subaward, or a contract under a federal award or subaward, a gross waste of federal funds, an abuse of authority relating to a federal award or subaward or contract under a federal award or subaward, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal award, subaward, or contract under a federal award or subaward. These persons or bodies include:

b. A Member of Congress or a representative of a committee of Congress.
c. An Inspector General.
d. The Government Accountability Office.
e. A federal employee responsible for contract or grant oversight or management at the relevant agency.
f. An authorized official of the Department of Justice or other law enforcement agency.
g. A court or grand jury.
h. A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

Non-federal entities and contractors under federal awards and subawards must inform their employees in writing of the rights and remedies provided under 41 U.S.C. § 4712, in the predominant native language of the workforce. See Section F.05 of the Department of Commerce Financial Assistance Standard Terms and Conditions (1 October 2024).

10. How Do I Close Out My Grant?

Closeout is the process by which the NTIA and NOAA determine that the Recipient has completed all applicable administrative actions, and all required work associated with its award. The FPO works with the Recipient to verify that all mandatory final documentation required by federal regulations is submitted.

a. Closeout Timeline

In accordance with the FY 2021 and FY 2023 NOFOs, the TBCP closeout period is 120 calendar days. Per the TBCP Standard Award Conditions, subrecipients must submit all closeout reports to the pass-through entity no later than 90 calendar days after the PoP end date. NOAA may extend the closeout period if requested and justified by the Recipient (see 2 CFR § 200.344[45]).

Table 12: Closeout Timeline

Timeline	Task
90 calendar days before PoP end date	TBCP Recipient meets with their FPO to assess outstanding SACs and financial and programmatic responsibilities. Recipients request an extension to the PoP if needed.
30 calendar days before PoP end date	NOAA sends a letter to the Recipient outlining the specific documents required for the closeout process and any associated deadlines and submission instructions.
Period of Performance Ends **120 Calendar Day Closeout Period Begins**	
90 calendar days after PoP end date	Subrecipients must submit all required reports to the pass-through entity.
120 calendar days after the PoP end date	Recipients must submit all closeout documents to the eRA Commons Closeout Module. Per 2 CFR § 200.344[46], NOAA may extend the closeout period if requested and justified by the Recipient.
All final documentation is submitted	NOAA de-obligates any remaining funds and closes out the award. When the award has been closed, no further transactions will be permitted, and no reports may be submitted or replaced.
Closeout is complete	eRA Commons sends notification of closeout 30 calendar days prior to the PoP end date.

b. Closeout Requirements

TBCP Recipients must follow the requirements under 2 CFR § 200.344[47] to ensure a proper closeout process. These requirements include:

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[45] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR682eb6fbfabcde2/section-200.344
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR682eb6fbfabcde2/section-200.344

[46] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR682eb6fbfabcde2/section-200.344
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR682eb6fbfabcde2/section-200.344

[47] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR682eb6fbfabcde2/section-200.344
   TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR682eb6fbfabcde2/section-200.344

- Submitting all financial and performance reports (see Table 13: Closeout Documentation)
- Liquidating all financial obligations;
- Refunding any unobligated cash balances; and
- Accounting for real and personal property.

The Recipient and its subrecipients and/or contractors cannot charge for work conducted or incur programmatic costs for federal reimbursement after the PoP end date. Reasonable, necessary, allowable, and allocable administrative award closeout costs are authorized during the closeout period. In accordance with DOC Financial Assistance Standard Terms and Conditions, closeout activities are limited to the preparation of final performance, financial, and required project audit reports, unless otherwise approved in writing by the Grants Officer.

NOAA will de-obligate any remaining funds and close out the award after the final reports are submitted. When the award has been closed, no further transactions will be permitted, and no reports may be submitted or replaced.

Once the closeout process is complete, eRA Commons will send the TBCP Recipient a notification informing them that all items have been satisfied and the award is officially closed. Remember that even after award closeout, Recipients are still advised to retain documentation. See section 7. d. Records Retention Requirements for a list of documents TBCP Recipients are advised to retain. The retention period starts the day the Recipient submits their Final Financial Report. Supporting documentation, financial records, and other documents may be subject to future review.

Table 13: Closeout Documentation

Document Type	Description	Applicable To:
Final Performance (Technical) Report	The Final Performance (Technical) Report should be cumulative of all activities conducted by the Recipient. Please note, since the Performance (Technical) Reports are cumulative, the final report should mirror the information in the Recipient's last submitted Semi-Annual Performance (Technical) Report.	All TBCP Recipients
Form SF-425 (Final FFR)	The Final SF-425 should include all financial transactions that occurred during the life of the award. The Grant Closeout Module will appear for the Recipient in eRA Commons after the PoP has ended. The Final SF-425 details all financial transactions from award inception through completion, including costs that may be incurred during closeout (*i.e.*, wrap-up activities such as paying salaries). The Final SF-425 may not include any unliquidated obligations or cash on hand.	All TBCP Recipients
Annual Report	Annual Reports are due one year after the PoP start date, and annually thereafter. Due to No Cost Extensions (NCEs), a Recipient's PoP end date might not end on a year increment. In this case, the Recipient must submit an Annual Report covering the months since their last Annual Report was due.	All TBCP Recipients

Document Type	Description	Applicable To:
	For example, a Recipient received a NCE and has a PoP of 1/1/2022 – 6/30/2024 (one year, six months). • Their first Annual Report is due 1/1/2023 (one year). • At closeout, they would submit a report covering 1/1/2023 – 6/30/2024 (six months).	
Form SF-428 (Tangible Personal Property Report)	The SF-428 forms are for equipment acquisition and/or an aggregate sum of supplies of **$5,000 (TBCP I) or $10,000 (TBCP II)** or greater, purchased with federal funds that remain in the organization's possession. If you do not have equipment or supplies acquired or remaining that is at the threshold indicated in the "Applicable To:" column, complete the cover page indicating "no tangible personal property (equipment or supplies) valued at [$5,000 or $10,000] or greater" on line #8 in the Comment section and mark "No" in line #7. If you do have equipment (or supplies) valued at the threshold indicated in the "Applicable To:" column, complete the remainder of the form. You must also complete the SF-428-B and SF-428-S.	All TBCP Recipients must complete the cover page TBCP Recipients with equipment/supplies of: • **TBCP I:** $5,000 or greater to report • **TBCP II:** $10,000 or greater to report must complete the entire form.
Form SF-428-B (Tangible Personal Property Report Final Report)	The SF-428-B must be completed by Recipients with a residual inventory of equipment or unused supplies exceeding the threshold listed in the "Applicable To: column" in total aggregate value. Please note if the institution wants to transfer tangible property to a different award, they must ask for permission. This can be found under section 2a of this form.	TBCP Recipients with equipment/supplies of: • **TBCP I:** $5,000 or greater to report • **TBCP II:** $10,000 or greater to report
Form SF-428-S (Tangible Personal Property Report Supplemental Sheet)	The SF-428-S must be completed by Recipients with a residual inventory of equipment or unused supplies exceeding the threshold listed in the "Applicable To: column" in total aggregate value. Please note, under section 2b. option (i) "Request unconditional transfer of title with no further obligation to the Federal Government" is NOT an allowable option. This is an error on the form.	TBCP Recipients with equipment/ supplies of: • **TBCP I:** $5,000 or greater to report • **TBCP II:** $10,000 or greater to report
Form SF-429 (Real Property Status Report)	This is a standard report to be used by Recipients of federal financial assistance to report real property status (Attachment A) or to request agency instructions on real property (Attachments B, C) that was/will be provided as GFP or acquired (*i.e.*, purchased or constructed) in whole or in part under a federal financial assistance award.	ID Recipients that acquired or improved real property with TBCP funds

Document Type	Description	Applicable To:
	This includes real property that was improved using federal funds and real property that was donated to a federal project in the form of a match or cost share donation. This report is to be used for awards that establish a Federal Interest on real property.	

APPENDICES

Appendix A: Helpful Resources

Resource	Website Location	Description	TBCP I	TBCP II
Advisory Council on Historic Preservation	http://www.achp.gov/	▪ This website provides information regarding compliance with Section 106 of NHPA.	Yes	Yes
ASAP Website	http://www.asap.gov	▪ This website is maintained by the U.S. Department of Treasury and is used by the Recipient to draw down award funds.	Yes	Yes
Code of Federal Regulations (CFR)	https://www.govinfo.gov/app/collection/cfr/	▪ This website contains the codification of the Uniform Administrative Requirements with which all TBCP Recipients must comply. ▪ TBCP II Recipients should use the 2 CFR 200 update published on October 1, 2024. TBCP I Recipients should use the previous version of the CFR (accessible via archived links).	Yes	Yes
Council on Environmental Quality (CEQ)	http://www.whitehouse.gov/administration/eop/ceq/	▪ This website is for guidance and information concerning NEPA requirements.	Yes	Yes
eRA Commons	https://www.era.nih.gov/	▪ National Institutes of Health (NIH) grants management processing tool used by NOAA to administer TBCP grants. Recipients submit reports and RRs via eRA Commons.	Yes	Yes
TBCP BroadandUSA Website	https://www.ntia.doc.gov/page/tribal-broadband-connectivity-program	▪ Homepage of TBCP which contains all publicly available guidance on compliance and program requirements, as well as descriptions of each award.	Yes	Yes
Technical Assistance (TA) Hub	https://broadbandusa.ntia.gov/technical-assistance-hub	▪ Hub for TA resources. Ensure you select "Tribal Broadband Connectivity Program" in the Funding Program column to filter to just TBCP resources.	Yes	Yes

Resource	Website Location	Description	TBCP I	TBCP II
Department of Commerce Financial Assistance Standard Terms and Conditions (dated 10/01/2024)	https://www.commerce.gov/sites/default/files/2024-09/Department%20of%20Commerce%20Federal%20Financial%20Assistance%20Manual%202024-vF.pdf	■ Sets out the standard terms and conditions applicable to U.S. Department of Commerce financial assistance awards.	Yes	Yes
eRA Commons User Guide	https://www.era.nih.gov/docs/Commons_UserGuide.pdf	■ Step-by-step guidance for navigating and using eRA Commons.	Yes	Yes
Human Subjects Research Protection Guidance	https://broadbandusa.ntia.doc.gov/sites/default/files/2023-04/Guidance_for_Human_Subjects_Research_Protection_-_Tribal_Broadband_Connectivity_Program.pdf	■ Overview of HSR requirements required by the DOC regulations.	Yes	Yes
No Cost Extension Guidance	https://broadbandusa.ntia.doc.gov/technical-assistance/No_Cost_Extensions_Guidance	■ Overview of NCE process.	Yes	Yes
TBCP Fiscal Year 2021 NOFO	https://www.ntia.gov/sites/default/files/File%20Uploads/2024-05/Internet%20For%20All/TBCP/ntia.tribal_broadband_connectivity_program.final.omb_cleared.pdf	■ Outlines the requirements that TBCP I Recipients must abide by.	Yes	No
TBCP Fiscal Year 2023 NOFO	https://ntia.gov/sites/default/files/2023-07/ntia-tbcp-round2-nofo.pdf	■ Outlines the requirements that TBCP II Recipients must abide by.	No	Yes
Recipient Revision Request Guidance	https://broadbandusa.ntia.doc.gov/technical-assistance/TBCP_Recipient_Revision_Request_Guidance	■ Outlines process for requesting certain Revision Requests (RRs) in the National Institutes of Health (NIH) eRA Commons system	Yes	Yes
Annual Report Template	https://broadbandusa.ntia.doc.gov/node/8145	■ Required report template for completing the Annual Report.	Yes	Yes

Resource	Website Location	Description	TBCP I	TBCP II
Baseline Report Template	https://broadbandusa.ntia.doc.gov/node/8147	■ Required report template for completing the Baseline Report.	Yes	Yes
Performance (Technical) Report Template	https://broadbandusa.ntia.doc.gov/technical-assistance/TBCP_Round_One_Performance_Technical_Report_Template	■ Required report template for completing the semi-annual Performance (Technical) Report.	Yes	Yes
Reporting Guidance and Instructions	https://broadbandusa.ntia.doc.gov/sites/default/files/2022-12/TBCP_Reporting_Guidance_and_Instructions.pdf	■ Detailed instructions for completing and submitting the required TBCP reports.	Yes	Yes
Infrastructure Deployment Report Sample	https://broadbandusa.ntia.doc.gov/sites/default/files/2022-12/TBCP_Sample_Infrastructure_Deployment_Report.xlsx	■ Example of completed Baseline, Performance (Technical), and Annual Report showing which fields ID projects should complete and how.	Yes	Yes
Use and Adoption Report Sample	https://broadbandusa.ntia.doc.gov/sites/default/files/2022-12/TBCP_Sample_Use_and_Adoption_Report.xlsx	■ Example of completed Baseline, Performance (Technical), and Annual Report showing which fields UA projects should complete and how.	Yes	Yes
Categorical Exclusion (CE) Questionnaire	https://broadbandusa.ntia.doc.gov/sites/default/files/2022-12/IFA_Categorical_Exclusion_Questionnaire.pdf	■ Answers questions related to environmental considerations for determining the applicability of a categorical exclusion.	Yes	Yes
National Historic Preservation Act, Section 106, Consultation Process Fact Sheet	https://broadbandusa.ntia.doc.gov/sites/default/files/2022-12/NHPA_Sect_106_Consultation_Process_Fact_Sheet.pdf	■ Overview of NHPA Section 106 requirements for consultation.	Yes	Yes
Endangered Species Act (ESA) Section 7 Consultation Fact Sheet	https://broadbandusa.ntia.doc.gov/sites/default/files/2022-12/Endangered_Species_Act_Section_7_Consultations_Fact_Sheet.pdf	■ Overview of ESA Section 7 requirements for consultation.	Yes	Yes

Resource	Website Location	Description	TBCP I	TBCP II
Wetland Regulatory Authority Fact Sheet	https://broadbandusa.ntia.doc.gov/sites/default/files/2022-12/Wetland_Regulatory_Authority_Fact_Sheet.pdf	▪ Overview of permits required by the Wetland Regulatory Authority.	Yes	Yes

Appendix B: Glossary of Acronyms and Key Terms

Letter	Glossary Terms
A	● **Advance Payment:** Advance on grant funds limited to the minimum amount necessary to meet immediate monetary needs (limited to a 30-day period). ● **Advisory Council on Historic Preservation (ACHP):** Independent agency of the U.S. government that promotes the preservation, enhancement, and productive use of the nation's historic resources. ● **Allocable Cost:** Cost chargeable to the award in accordance with benefits received by the project. ● **Allowable Cost:** Cost that may legitimately be charged to an award, per the terms of the award, applicable laws, and applicable regulations. ● **Audit:** Evaluation of an organization's compliance, internal controls, and financial management. Audits are a tool to demonstrate effective stewardship of federal funds and to prevent waste, fraud, and abuse. See Section 7. e. of this handbook for further information. ● **Authorized Organization Representative (AOR):** Individual authorized by an award Recipient to act for the Recipient organization and to assume the obligations imposed by the federal laws, regulations, requirements, and conditions that apply to a grant application or grant award. An AOR submits a grant on behalf of a company, organization, institution, or government. Only an AOR has the authority to sign and submit grant applications.
C	● **Community Anchor Institution (CAI):** Schools, libraries, medical and healthcare providers, public safety entities, public housing authorities, institutes of higher education and other community support organizations that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by the entire population and local governments.
D	● **Deobligation of Award:** Withdrawal of awards made to Recipients that demonstrate an insufficient level of performance or wasteful or fraudulent spending. Awards may also be deobligated for non-performance reasons, such as when a Recipient de-scopes an award or terminates for convenience. ● **Direct Costs:** Costs identified specifically with a particular project or activity, or that can be directly assigned to such projects or activities relatively easily with a high degree of accuracy. For budget purposes, line items listed as specific project expenses are direct costs. Direct costs of a project may be charged to the award if they are allowable costs and are included within approved budget categories.
E	● **Eligible Costs:** Project costs that may be paid for using NTIA grant funds consistent with the cost principles identified in the applicable OMB circulars and in the grant program's authorizing legislation. ● **Environmental Assessment (EA):** Document that determines whether a proposed action has the potential to significantly impact the human environment based on context and intensity and proposes approaches to mitigate impacts.

Letter	Glossary Terms
	● **Environmental Program Officer (EPO):** The Environmental Program Officers (EPOs) are the main reviewers of environmental assessments (EAs) and approvers of categorical exclusion (CE) and Findings of No Significant Impact (FONSI) memos. EPOs work with both the program and grants offices to ensure grant Recipient compliance with environmental, historical, and cultural preservation regulations and standards, and assist with the enforcement of EHP related SACs. ● **eRA Commons:** National Institutes of Health (NIH) grants management processing tool used by NOAA to administer TBCP awards. eRA Commons is located at https://www.era.nih.gov/.
F	● **Federal Program Officer (FPO):** Department of Commerce official responsible for the technical, scientific, or other programmatic aspects of an award/program. He/she oversees a specified subset of grant awards within each TBCP project area and serves as the primary NTIA point-of-contact for a subset of TBCP Recipients. The FPOs are responsible for the administration, performance, and compliance monitoring of the work conducted under their respective projects, including evaluation of financial and progress reports, and identification of Recipient needs and provision of technical assistance. ● **Financial Accounting Standards:** Statements of financial accounting standards, which are set by the Financial Accounting Standards Board (FASB) and are part of Generally Accepted Accounting Principles (GAAP). ● **Federal Financial Report (FFR):** Report that must be submitted on a semi-annual basis using the OMB FFR Standard Form-425 for the periods ending March 31 and September 30. Reports must be submitted to Grants Offices no later than 30 days following the end of each reporting period. A Final FFR must be submitted after the expiration date of the award. ● **Fiscal Year:** Twelve-month period for which financial results are prepared and reported. It may be identical to or different from the calendar year. The federal government's fiscal year is from October 1 to September 30 of the next calendar year. The Recipient's fiscal year may not correspond to the federal government's fiscal year. ● **For-Profit:** Commercial organization whose primary function is to generate profit. Some large non-profits are treated as profit makers for federal grant purposes and are required to follow the cost principles in 2 CFR § 200.401(c)[48]. ● **Fringe Benefits:** Personnel-related costs such as medical and life insurance, pension contributions, and vacation leave. These costs typically are reflected in the budget as a percentage of salary or wage costs.
G	● **Generally Accepted Accounting Principles (GAAP):** Uniform minimum standards of, and guidelines for, financial accounting and reporting. ● **Grants Office:** Department of Commerce staff responsible for awarding, administering, and closing out all OICG grants. In this case, the Grants Office is NOAA.

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[48] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/part-200/section-200.401#p-200.401(c)
TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/part-200/section-200.401#p-200.401(c)

Letter	Glossary Terms
	Grants Officer (GO): Department of Commerce official with delegated authority to award, amend, administer, closeout, suspend, and/or terminate grants and cooperative agreements, and make related decisions and findings. **Grants Management Specialist (GMS):** Department of Commerce staff who reports to the Grants Officer and who handles the administration of Recipients on a daily basis.
I	**Indirect Costs:** Costs incurred for common or joint objectives and cannot be identified readily and specifically with a particular project or activity. See Section 7. c. of this handbook. **Indirect Cost Rate:** Percentage of grant funds that can be used for indirect costs. For more information on establishing an indirect cost rate, refer to page 50 of the DOC Financial Assistance Standard Terms and Conditions. For memorandums of any approved deviations from indirect cost rates for DOC programs, refer to https://www.commerce.gov/oam/policy/financial-assistance-policy. Recipients cannot use more than two percent (2%) of grant funds received under the TBCP for administrative expenses. For this purpose, the two percent limitation on administrative expenses includes the combined total of indirect costs and direct administrative costs charged to an award. **Ineligible Costs:** Project costs that may not be paid using NTIA grant funds. If a Recipient's budget proposes to use any portion of the grant funds for any ineligible cost, the Recipient must revise its budget to remove such costs. **In-Kind Contribution:** Non-cash donations to a project that may count toward satisfying the non-federal matching requirement of a project's total budgeted costs. In-kind contributions, including third party in-kind contributions, must be allowable project expenses.
N	**National Environmental Policy Act (NEPA):** Act requiring federal agencies to consider the environmental impacts of their proposed actions and reasonable alternatives to those actions (42 U.S.C. 4321 *et seq.*). **Notice of Award (NoA):** Document the Grants Officer uses to authorize and issue the TBCP award (sometimes referred to as the CD-450).
P	**Performance (Technical) Report:** Semi-annual report that documents details regarding key project outputs and outcomes. Performance (Technical) Reports must be submitted on a semi-annual basis for periods ending March 31 and September 30 to the Recipient's Program Officer, unless stated by the Program Officer. **Program Income:** See 2 CFR § 200.307[49]. For further information, see Section 7. g. of this handbook.

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[49] TBCP I: https://www.ecfr.gov/on/2020-11-12/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.307

TBCP II: https://www.ecfr.gov/on/2024-10-01/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.307

Letter	Glossary Terms
	● **Program Office:** NTIA works with the Grants Office in the post-award management of TBCP grants, including administrative tasks, performance tracking, and Recipient monitoring for award compliance on a daily basis.
R	● **Reasonable Costs:** Costs based on one or more of the following principles: ordinary and necessary, market prices, prudent person, or established practices. A reasonable cost does not exceed what a prudent person would incur under the circumstances prevailing at the time the decision was made to incur the cost. Please see the cost principles applicable to the Recipient or subrecipient for the relevant definition. ● **Recipient:** Organization(s) awarded a grant to implement a TBCP Project. Recipient or Award Recipient is the preferred term in place of Awardee or Grantee.
S	● **Standard Form-424 (SF-424):** Core government-wide standard data sets and forms for grant application packages. Use of the SF-424 Form Families reduces the administrative burden to the federal grants community, including applicants, Recipients, and federal staff involved in grants-related activities. ● **Specific Award Conditions (SACs):** Specific conditions attached to an award that may amend or take precedence over DOC standard terms and conditions on a case-by-case basis when allowed by the Department's standard terms and conditions. ● **Standard Award Conditions (SACs):** Standard award conditions applied to all TBCP grants, including reporting requirements. ● **State Historic Preservation Officer (SHPO):** Administers the national historic preservation program at the State level, including consultations with federal agencies during Section 106 review. ● **Subrecipient:** Entity that receives funds when a Recipient makes a subaward to carry out a federal program. Subrecipients do not include individuals who are beneficiaries of a project.
T	● **Tribal Historic Preservation Officer (THPO):** Administers the national historic preservation program with respect to tribal lands including consultations with federal agencies during Section 106 review. ● **Tribal Organization:** the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: provided, that in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.
U	● **Unserved Household:** (A) the household lacks access to qualifying broadband service; and (B) no broadband provider has been selected to receive, or is otherwise receiving, federal or state funding subject to enforceable build out commitments to deploy qualifying broadband service in the specific area where the household is located by dates certain, even if

Letter	Glossary Terms
	such service is not yet available, provided that the federal or state agency providing the funding has not deemed the service provider to be in default of its buildout obligations under the applicable federal or state program. Qualifying broadband service is defined as 25/3 Mbps or greater.

Appendix C: Agency Contacts List

Office	Title	Name	Email
OICG Grants Management, Administration, and Compliance (GMAC) Office	Director	Jennifer Duane	jduane@ntia.gov
TBCP Program Office	Division Chief	Margaret Gutierrez	mgutierrez@ntia.gov
	Post-Award Team Lead	Isabel Lopez	ilopez@ntia.gov
	Pre-Award Team Lead	Nick Courtney	ncourtney@ntia.gov
	Mapping Team Lead	Andrew Orosco	aorosco@ntia.gov
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	Audits	Victoria Canales	vcanales@ntia.gov
NOAA Grants Management Division	Grants Officer	Nicola Bell	nicola.bell@Noaa.gov
	Grants Team Lead	Angela Carpenter	angela.carpenter@Noaa.gov
	Grants Management Specialists	William R. Ball	william.r.ball@Noaa.gov
		Mikayla Lyons	Mikayla.lyons@Noaa.gov
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		Helen Pham	Helen.Pham@Noaa.gov

Table last updated 12/30/2024

D.1.

TOP 10 MONITORING FINDINGS

1. Procedures not documented or need improvement
2. Federal Funding Accountability & Transparency Act (FFATA) reporting requirements not met
3. Internal control weakness – procedure not followed
4. Federal Financial Reports (SF-425s) do not reconcile to grantee's accounting records
5. Specific Award Condition (SAC) Violated – Unauthorized Expenditures/Drawdowns

TOP MONITORING FINDINGS 10

6. Inadequate subrecipient files and/or documentation
7. Authorized signing official or contact information not current
8. Indirect costs charged improperly
9. Excess cash-on-hand recorded
10. Audit report package not received at Federal Audit Clearinghouse (FAC)

Avoid monitoring findings by coordinating with your National Telecommunications and Information Administration (NTIA) Federal Program Officer (FPO).

PREVENTING WASTE, FRAUD, ABUSE, AND MISMANAGEMENT

WASTE
Squandering grant funds or resources through excessive or non-essential spending.

Example: Buying overpriced or unnecessary equipment

Example: Inflating hours billed to the project

FRAUD
Attempting to obtain something of value through willful misrepresentation.

ABUSE
Misusing one's position or grant funds intentionally or unacceptably.

Example: Writing specifications to favor a specific contractor

Example: Renewing the license for a software that is no longer needed

MISMANAGEMENT
Failing to appropriately manage grant funds.

ALLEGATIONS OF WASTE, FRAUD, ABUSE, OR MISMANAGEMENT CAN RESULT IN OFFICE OF INSPECTOR GENERAL (OIG) AUDITS OR INVESTIGATIONS.

TIPS FOR MITIGATION

- ⊘ Develop and implement fair, transparent, and effective processes, including a system of accounting, procurement policies, internal controls, records control, and records retention.
- ⊘ Examine existing processes and internal controls to identify areas vulnerable to fraud.
- ⊘ Host regular trainings to educate staff on risks.
- ⊘ Implement an internal compliance and ethics program that encourages the recognition and reporting of waste, fraud, abuse, and mismanagement.
- ⊘ Check that all financial and performance reports are supported with the required documentation.
- ⊘ Conduct monthly bank reconciliations to identify errors or irregularities.

Allegations of waste, fraud, abuse, and mismanagement may be made anonymously through the OIG Hotline at 1-800-424-5197.

D.3.

TRACKING ADMINISTRATIVE COSTS

☑ Total administrative costs are capped at 2% of award funds received and include the combined total of indirect costs and direct administrative costs charged to an award.

Direct Administrative Costs
Costs associated with specific work for the effective grant administration, but not specific to the project.
Examples: Salaries and fringe for grant administrative personnel | Office supplies | Postage | Program coordination and project execution | Required equipment

Indirect Administrative Costs
Costs incurred by the organization during execution of the project, but not clearly identifiable to the project.
Examples: Depreciation of facilities | Facility occupancy costs | General liability insurance | General legal services | Taxes | Rent and utilities | Indirect salaries | Accounting fees

Strategies for Tracking Administrative Costs

☐ Identify the 2% cap amount first to understand your budget for administrative costs.*

☐ Track when direct administrative costs are incurred and retain documentation.

☐ Identify key personnel associated with administering the program. Record their salaries and fringe.

☐ Report operating expenses of facilities required to administer the program.

☐ Check spent administrative costs against the 2% cap estimate on a monthly basis.

☐ Contact FPO if you have any questions about costs that may qualify as administrative costs.

The 2% cap on administrative costs is calculated based on total award funds received. Award amounts can be used to determine an estimate for budgeting purposes.

D.4.
Allowable & Unallowable Costs

- ★ Recipients need to know what they can and cannot use grant funds for in order to maximize impact and minimize risk.
- ★ **Allowable costs** are reasonable, allocable, and necessary costs that may be paid for by the Federal grant. They must be allowable as defined by the terms of the award and 2 CFR Part 200.
- ★ **Unallowable costs** cannot be paid for by the grant. They include excessive or unreasonable costs and those expressly unallowable by the terms of the award and 2 CFR Part 200.

DO'S ✔

Personnel Costs
Salaries, wages, & fringe for personnel working directly on the grant

Travel Expenses
For key project staff & consultants

Equipment & Devices
Directly related to project activity

Sub-Awards
As well as third-party contractor costs

Training and Outreach
For purposes necessary to meet the requirements of the award

Reasonable Pre-Application Expenses
Except lobbying & contingency fees

Other Allowable Costs
Refer to the Notice of Funding Opportunity (NOFO)

❌ DON'TS

Personnel Costs
For non-project staff

Completed Infrastructure
Funding for infrastructure completed prior to the grant award period

Duplicative/Redundant Costs
Example: Last mile deployment to the same building

Profits & Fees
Or other incremental charge above actual cost

Covered Communications Equipment/Services
As defined in 47 U.S.C. 1608

Repaying Loans
Or as collateral for new loans

Other Unallowable Costs
Refer to the NOFO and 2 CFR Part 200, Subpart E

Contact your assigned Federal Program Officer (FPO) if you are unsure if a cost is allowable.

WHAT IS PROCUREMENT?

Procurement is the process of obtaining goods and services for your organization. As part of procurement, recipients select vendors and establish the payment terms.

– METHODS OF PROCUREMENT –

MICRO-PURCHASES

The acquisition of supplies or services where the aggregate dollar amount of which does not exceed the Micro-Purchase Threshold, currently set at $10,000.*

- To the extent practical, purchases must be distributed equitably among qualified suppliers with reasonable prices.
- Purchases can be awarded without competition if the price is reasonable.

SMALL PURCHASES

Relatively simple and informal procurement method for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold, currently set at $250,000.*

- Bids must be obtained from an adequate number of qualified sources.

COMPETITIVE SEALED BIDDING

Bids are publicly solicited and a firm-fixed-price contract is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

COMPETITIVE PROPOSAL (NEGOTIATED PROCUREMENT)

Normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded.

- Generally used when conditions are not appropriate for the use of sealed bids.

PROCUREMENT BY NONCOMPETITIVE PROPOSALS

Procurement through the solicitation of a proposal from only one source. This method may be used only under specified circumstances:

- Single source
- Emergency or exigent circumstances
- Federal agency authorizes non-competitive procurement
- Competitive procurement did not yield an adequate number of vendors

The current micro-purchase and small purchase thresholds were set on 8/31/20 by FAR-2018-0011 and are subject to change.

Refer to 2 CFR Part 200.317-326 (General procurement standards) for the Federal requirements for procurement.

TIPS FOR SUCCESSFUL PROCUREMENT

- ✓ Maintain written standards of conduct covering conflicts of interest and governing the performance of employees engaged in the selection, award, and administration of contracts.

- ✓ Establish and maintain written procurement policies and procedures that reflect applicable State, tribal, or local laws and regulations, as well as conform to applicable Federal law.

- ✓ Make reasonable requirements for your competitive purchases. For example, do not require excessive experience or bonding.

- ✓ Pay attention to real or apparent entity conflicts of interest, such as buying goods from a family member.

- ✓ Compare price, quality, and/or performance of "brand" name items with equivalent items.

- ✓ Learn about (and practice) checking the contractor debarment list on SAM.gov.

- ✓ Compare lease to purchase costs for equipment; sometimes leasing is more economical.

- ✓ When selecting a contractor, consider contractor integrity, compliance with public policy, record of past performance, financial and technical resources, responsive bid, and exclusion record.

- ✓ Retain sufficient records detailing every procurement transaction related to the project.

- ✓ Use the Dynamic Small Business Search tool to view databases for minority businesses, women-owned businesses, and small businesses. Document these searches to demonstrate compliance with 2 CFR Part 200.321 (Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms).

- ✓ A State must follow the same policies and procedures it uses for procurements from its non-Federal funds and adhere to applicable Federal standards. If there is a conflict, follow the most strict requirement.

Refer to 2 CFR Part 200.317-326 (General procurement standards) for the Federal requirements for procurement.

Appendix E: Checklists

In this section of the Appendix, you will find helpful checklists to guide you through the post-award reporting and compliance process.

Allowable and Unallowable Costs Checklist

Allowable costs are reasonable, allocable, and necessary costs that may be paid for by the Federal grant. They must be allowable as defined by the terms of the award and 2 CFR § 200 and approved by the Grants Officer as part of the project budget.

Unallowable costs cannot be paid for by the grant. If a cost is not reasonable, allocable, or necessary, then the cost is unallowable. They include excessive or unreasonable costs and those expressly unallowable by the terms of the award and 2 CFR § 200.

This checklist generally outlines allowable and unallowable costs under the NTIA Tribal Broadband Connectivity Program (TBCP). Refer to the approved project budget, Notice of Funding Opportunity and 2 CFR § 200 Subpart E (Cost Principles) for additional information on how grant funds can be spent. Please contact your assigned Federal Program Officer (FPO) or Grants Specialist if you have any questions.

Allowable Costs Checklist

	Type	Description
☐	**Personnel Costs**	Salaries, wages, and fringe for staff and consultants providing services directly connected to the implementation of the grant.
☐	**Travel Expenses**	For key project staff and consultants. Requires prior written approval from the awarding agency.
☐	**Equipment**	Must be directly related to project activities and identified in the approved project budget. Allowable equipment varies by project type.
☐	**Subawards and Third-Party Contractor Costs**	Associated with carrying out programmatic activities, including program implementation and consulting services.
☐	**Administrative Costs**	Including indirect costs. The combined total of direct and indirect administrative costs is limited to no more than 2% of the grant funds received. Examples of administrative costs include costs attributable to: accounting, auditing, contracting, budgeting, and general legal services; facility occupancy costs, e.g., rent, utilities, insurance, taxes, and maintenance; general liability insurance that protects the organization (not directly related to a program); depreciation on buildings and equipment; general office supplies; and general and administrative salaries and wages.
☐	**Reasonable Pre-Application Expenses**	Not to exceed 5% of the award. May be reimbursed if incurred after the publication date of the NOFO and prior to the date of issuance of the grant award.

Type	Description
☐ Other Necessary Costs	Costs necessary to carry out programmatic activities of an award.
Broadband Infrastructure Deployment Allowable Costs	
☐ Construction, Improvement, Replacement, Extension, or Acquisition of Facilities and Telecommunications Equipment	Must be required to provide qualifying broadband service, including infrastructure for backhaul, middle, and last mile networks, as well as for submarine cable landing stations.
☐ Long-Term Leases of Facilities	Leases must be for terms greater than one year. Facilities must be required to provide qualifying broadband service, including indefeasible right-of-use (IRU) agreements.
☐ Planning, Feasibility, and Sustainability Studies	Not to exceed 1% of the total project cost.
☐ Engineering and Network Design	Including route mapping for broadband infrastructure, permitting, and work related to environmental, historical, and cultural reviews.
☐ Performance Bonds or ILOCs	The costs of performance bonds, irrevocable Letters of Credit (ILOCs), or other surety.
☐ Workforce Training	Workforce training and development costs.
Broadband Adoption and Use Allowable Costs	
☐ Broadband-Related Equipment	Acquire broadband-related equipment, instrumentation, networking capability, hardware, software, and other digital technology for broadband services, telehealth, and remote education.
☐ Provide Affordable Broadband Programs	Including providing free or reduced-cost broadband service and preventing disconnection of existing broadband service.
☐ Training and Outreach	Provide digital training, education, technology support, outreach, and awareness programs, including curricula and web-based resources. Includes design and printing for training and outreach materials.
☐ Facilitate Access to Broadband Services	Including public computer centers; public WiFi networks; broadband in public housing; improvement of broadband services and equipment in schools, libraries, health centers, workforce development centers, and other Tribal anchor institutions.
☐ Implement Affordable Broadband Programs	Programs must facilitate greater access to broadband services, devices, and equipment, and prevent disconnection of existing broadband services.
☐ Needs Assessment	Conduct needs assessment and develop plans for increasing broadband adoption, digital inclusion, online education, telehealth, and digital workforce.

☐	Evaluate Digital Inclusion and Broadband Adoption	Gather data and conduct an evaluation of the digital inclusion and broadband adoption programs funded by the grant to determine their effectiveness and develop best practices to facilitate digital inclusion and broadband adoption on Tribal Lands.
☐	Equipment and Devices	Must support connectivity for telehealth and remote education, such as laptops, tablets, and hotspots.
☐	Internships and Fellowships	Including stipends.

Unallowable Costs Checklist

	Type	Description
☐	Administrative Expenses Over 2% Cap	Limited to no more than 2% of the grant funds received.
☐	Infrastructure Completed Prior to Grant Award Period	Projects that were started but not completed or that deploy upgraded broadband infrastructure may be funded under this program, not to include costs associated with activities that occurred prior to the grant award period.
☐	Profits and Fees	Or any other incremental charge above actual cost.
☐	Unauthorized Activities	Costs attributable to any other activities not authorized by the eligible use categories specified in the Consolidated Appropriations Act, 2021.
☐	Covered Communications Equipment or Services	Cannot purchase or support any covered communications equipment or service, as defined in 47 U.S.C. 1608.
☐	Personnel Costs	For non-project staff.
☐	Duplicative or Redundant Costs	For example, last mile deployment to the same building.
☐	Repaying Loans	Or as collateral for new loans.
☐	Lobbying Costs and Contingency Fees	These pre-application expenses are not reimbursable.

Internal Controls Checklist

This checklist provides specific tasks and measures for effective internal control as well as steps to establish them if they are not in place. For additional guidance, please see 2 CFR 200.303.

Accounting System
☐ Accounting system identifies the receipt and expenditure of program funds separately for each contract/grant.
☐ Accounting system has provisions to record expenditures for each grant/contract by the component project and budget cost categories shown in the approved budget.
☐ Time distribution records are maintained for an employee when his/her effort can be specifically identified to a particular cost objective.
☐ Recipients have an approved indirect cost rate with the Federal Government.
☐ Accounting/financial system include budgetary controls to preclude incurring obligations in excess of: a. Total funds available for a grant   b. Total funds available for a budget cost category (e.g., Personnel, Travel)
☐ Recipients are generally familiar with the existing regulations and guidelines containing the cost principles and procedures for the determination and allowance of costs in connection with Federal contracts/grants.
☐ Federal grant/contract funds and related costs and expenses can be distinctly accounted for if grant/contract funds are commingled with recipient's funds.

Financial Capabilities
☐ An independent certified public accountant (CPA) has examined the financial statements.
☐ The recipient has retained copies of the CPA's latest report and any management letters issued.
☐ The recipient is generally familiar with the existing regulations and guidelines containing the cost principles and procedures for the determination and allowance of costs in connection with Federal contracts/grants.
☐ The recipient files audits with the Federal Audit Clearinghouse in a timely manner, if applicable.

Property Management	
☐	The recipient's property management system provides for maintaining: ☐ a description of the property; ☐ an identification number; ☐ source of the property; ☐ where the title vests; ☐ the acquisition date; ☐ the Federal share of property cost; ☐ the location and condition; ☐ the acquisition cost; and ☐ the ultimate disposition information.
☐	The recipient's property management system provides for a physical inventory and reconciliation of property at least every two years.
Procurement Management	
☐	The recipient maintains written procurement procedures to: ☐ promote competition; ☐ avoid unnecessary purchases; ☐ provide an analysis of lease vs. purchase alternatives; and ☐ provide a process for soliciting goods and services.
☐	There is a written code of conduct covering conflicts of interest for procurement staff.
☐	Conflict of interest rules are in place to apply to the recipient's procurement system.
☐	Employees sign a conflict of interest statement annually.
☐	The recipients include the Federal clauses in contracts and sub-grants.
☐	The recipient's procurement system provides for the conduct and documentation of cost or price analysis for each procurement action.
☐	The recipient assesses the financial capability of a contractor to perform the contract.
☐	The recipient conducts internal reviews of the procurement files for adherence to statutes, regulations, and organization policies.
☐	Duties and functions are segregated within a recipient's organization to ensure that adequate checks and balances exist.
☐	Policies regarding subrecipient suspension or debarment are in place.

Subrecipient Management	
☐	There is a subrecipient monitoring system in place (i.e., written policies).
☐	There is regular communication with subrecipients.
☐	A process for recipient review of the costs contained in a sub-grant Application is in place.
☐	A schedule for subrecipients to submit required financial and progress reports to the recipient is in place.
☐	The recipient conducts subrecipient site visits and site visit criteria are in place.
Contractor Management	
☐	A contract administration system is in place (i.e., written policies).
☐	There is regular communication with the contractor.
☐	Recipient reviews invoices submitted by the contractor.
☐	The recipient verifies contract deliverables.

ASAP / Draw Down Funds Checklist		Completion Dates
☐	Understand payment policies, allowable costs, and restrictions on use of TBCP funds.	Before drawing down TBCP funds.
☐	Register with ASAP (if not registered already).	As soon as possible.
☐	Draw down funds from ASAP into an insured, interest-bearing account.	Monthly, or as needed.
☐	Return any unused funds or interest accrued to ASAP.	Monthly, or as needed.
☐	ASAP funds should be drawn proportionately with the amount of project completed.	When drawdowns occur.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FACT SHEET

TRIBAL BROADBAND CONNECTIVITY PROGRAM AWARD OVERVIEW

WHAT IS THE PURPOSE OF THIS PROGRAM?

The Department of Commerce (DOC) National Telecommunications and Information Administration (NTIA) Tribal Broadband Connectivity Program (TBCP) provides grants to expand access to and adoption of broadband service on Tribal Land. TBCP grants support programs promoting broadband use and providing digital training and inclusion programs to Native American communities for remote learning, telework, and telehealth.

HOW MUCH FUNDING HAS NTIA AWARDED?

Under CAA, NTIA made up to $980,000,000 available for Federal assistance, with not less than $90,000,000 of the funds allocated for the benefit of Native Hawaiians. NTIA allocated up to $500,000 to each of the Federally Recognized Tribes delineated by the Department of the Interior's Bureau of Indian Affairs. BIL appropriated an additional $2 billion in new funding for grants under this program.

WHICH LEGISLATION ESTABLISHED THE TBCP?

The TBCP was authorized by the Consolidated Appropriations Act (CAA) of 2021 and the Bipartisan Infrastructure Law (BIL) of 2021.

HOW MAY FUNDS BE USED?

The program consists of two funding categories:

- **Broadband Infrastructure Deployment:** Projects that expand the availability of broadband services by deploying new or upgraded broadband infrastructure on Tribal Lands.
- **Broadband Use and Adoption:** Projects that expand the adoption of broadband services by Tribal communities, including enabling anchor institutions to provide affordable broadband programs, remote learning, telework, or telehealth services. Funds can also be used to build the capacity of Tribal communities to access and fully benefit from online services.

WHAT ARE THE REPORTING REQUIREMENTS?

The recipient of Federal funds is responsible for ensuring all reports are submitted on time and complete. TBCP recipients have the following reporting requirements:

- **Baseline Report:** Due date varies by project type
- **Federal Financial Report (SF-425):** Due semi-annually every April 30th and October 30th
- **Performance (Technical) Report:** Due semi-annually every April 30th and October 30th
- **Annual Report:** Due one year after receiving grant funds and annually thereafter
- **Final Performance (Technical) and Financial Reports:** Due 120 days after the end of the project period

TRIBAL BROADBAND CONNECTIVITY PROGRAM AWARD OVERVIEW CONTINUED

WHAT STATUTES, RULES, AND REGULATIONS NEED TO BE FOLLOWED?

- 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements
- DOC Financial Assistance Standard Terms and Conditions
- Environmental and National Historical Preservation Requirements
- Property Trust Relationship and Public Notice Filings for Grant-Acquired Property
- Tribal Laws, including Tribal Employment Rights Ordinance, Environmental Protections Ordinances, and other applicable laws
- Open Network Requirements
- Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms
- Build America, Buy America (BABA) Domestic Content Procurement Preference Requirements
- Cybersecurity and Supply Chain Risk Management

HOW DO RECIPIENTS ACCESS AWARD FUNDS?

Recipients drawdown funds using the Department of the Treasury Automated Standard Application for Payment (ASAP) system. Recipients must enroll in ASAP within 10 days of award. Payments are made through pre-authorized Electronic Funds Transfers withdrawn online or via the Voice Response System (VRS). Unless otherwise specified in the award terms, withdrawal of funds through ASAP is considered a funding advance.

HOW WILL NTIA MONITOR GRANTS AND PROVIDE TECHNICAL ASSISTANCE?

NTIA, in coordination with the National Oceanic and Atmospheric Administration (NOAA) Grants Office, will conduct monitoring and oversight activities of awards. Recipients should ensure they are fulfilling the requirements mandated by Federal regulations and any specific award conditions (SACs).

NTIA offers technical assistance on a broad set of topics, including engineering, construction, financial management, and regulatory compliance requirements. In addition, NTIA will select some awardees for desk reviews or site visits.

WHERE DO RECIPIENTS GO FOR HELP?

Resources:

- Broadband USA Website
- TBCP Post-Award Recipient Handbook

Agency Contacts:

- Assigned Federal Program Officer (FPO)
- Assigned NOAA Grants Specialist
- eRA Help Desk (available Monday-Friday 7am-8pm EST)
  - 1-866-504-9552
  - helpdesk@od.nih.gov
- ASAP (Available between 7:30 a.m. and 4:00 p.m.)
  - Philadelphia ASAP Regional Office (Eastern Time): 215-516-8021
  - Kansas City ASAP Regional Office (Central Time): 816-414-2100
  - San Francisco ASAP Regional Office (Pacific Time): 510-594-7182

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FACT SHEET

SUBRECIPIENTS AND CONTRACTORS

Recipients may work with subrecipients and contractors (vendors) for assistance throughout the course of the awarded projects. The roles of each entity in a Federal assistance award are characterized below:

- A **subrecipient** is involved in the substantive activities of the awarded project to accomplish program objectives. Terms and conditions from the grant award flow down to the subrecipient.

- A **contractor** provides goods and services to benefit the grant recipient. A contractor does not seek to accomplish a public benefit; rather, it pursues its own commercial objectives.

SUBRECIPIENT AND CONTRACTOR DETERMINATIONS (2 CFR § 200.331)

Use the checklist below in determining whether grant payments expected to be made to a project participant constitute a Federal award or a payment for goods and services.

SUBRECIPIENT

Characteristics that indicate a Federal award received by a subrecipient are when the organization:

- ☐ Determines who is eligible to receive Federal financial assistance.
- ☐ Has its performance measured against whether the objectives of the Federal program are met.
- ☐ Has responsibility for programmatic decision making.
- ☐ Has responsibility for adherence to applicable Federal program compliance requirements.
- ☐ Uses the Federal funds to carry out a program of the organization as compared to providing goods or services for a program of the recipient.

CONTRACTOR

Characteristics that indicate a payment for goods and services received by a vendor are when the organization being paid:

- ☐ Provides the goods and services within normal business operations.
- ☐ Provides similar goods or services to many different purchasers.
- ☐ Operates in a competitive environment, subject to procurement requirements.
- ☐ Provides goods or services that are ancillary to the operation of the Federal program.
- ☐ Is not subject to compliance requirements of the Federal program.

WHAT NEEDS TO BE PRESENT IN A SUBAWARD? (2 CFR § 200.332)

Recipients ensure that every subaward is clearly identified to the subrecipient as a subaward (as opposed to a contract) and includes the following Federal award identification information at the time the subaward is made:

- Subrecipient name (which must match the name associated with its unique entity identifier) and unique entity identifier
- Federal Award Identification Number (FAIN) and Federal Award Date
- Subaward Period of Performance Start and End Date
- Subaward Budget Period Start and End Date
- Amount of Federal Funds Obligated by this action by the recipient to the subrecipient
- Total Amount of Federal Funds Obligated to the subrecipient by the recipient including the current financial obligation
- Total Amount of the Federal Award committed to the subrecipient by the recipient
- Federal award project description, as required by the Federal Funding Accountability and Transparency Act (FFATA)
- Name of Federal awarding agency, recipient, and contact information for awarding official of the recipient
- Assistance Listings number and Title: The recipient must identify the dollar amount made available under each Federal award and the Assistance Listings Number at time of disbursement
- Identification of whether the award is R&D
- Indirect cost rate for the Federal award (including if the de minimis rate is charged)
- All requirements imposed by the pass-through entity on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations, and the terms and conditions of the Federal award
- Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the Federal awarding agency, including any required financial and performance reports

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FACT SHEET

SUBRECIPIENT MONITORING (2 CFR § 200.332)

SUBRECIPIENT RISK ASSESSMENT

Recipients must evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions. Recipients should consider the following:

- o The subrecipient's prior experience with the same or similar subawards.
- o The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with Subpart F of this part, and the extent to which the same or similar subaward has been audited as a major program.
- o Whether the subrecipient has new personnel or new or substantially changed systems.
- o The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).

Recipients may also impose additional requirements upon subrecipients in the terms of the subaward agreement.

SUBRECIPIENT MONITORING

Recipients must monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes. Recipient monitoring of the subrecipient must include:

- o Reviewing financial and performance reports required by the recipient.
- o Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the recipient.
- o Issuing a management decision for applicable audit findings pertaining only to the Federal award provided to the subrecipient from the pass-through to clearly state whether or not the audit finding is sustained, the reasons for the decision, and the expected auditee action to repay disallowed costs, make financial adjustments, or take other action. The management decision should describe any appeal process available to the auditee.

Recipients may choose to take additional actions to ensure subrecipient compliance depending upon the recipient's assessment of risk posed by the subrecipient. The following monitoring tools may be useful for the Recipient to ensure proper accountability and compliance:

- o Providing subrecipients with training and technical assistance on program-related matters.
- o Performing on-site reviews of the subrecipient's program operations.
- o Arranging for agreed-upon-procedures engagements and establishing standard operating procedures for subrecipient activities.

SUBRECIPIENT AUDIT REQUIREMENTS

The Recipient is responsible for verifying that every subrecipient is audited as required by Subpart F of 2 CFR § 200 when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the Single Audit threshold of $750,000 (for TBCP I Recipients) or $1,000,000 (for TBCP II Recipients).

AUDIT REQUIREMENTS FOR FOR-PROFIT SUBRECIPIENTS

The recipient is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients (see section D.01.c. of the DOC Financial Assistance Standard Terms and Conditions). The agreement with the for-profit subrecipient must describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-profit subrecipients may include pre-award audits, monitoring during the agreement, and post-award audits.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SPECIFIC AWARD CONDITIONS

WHAT ARE SACS?

Specific Award Conditions (SACs) are standardized terms of Federal awards supporting project execution, grant administration, and regulatory compliance. SACs are established by the Program and Grants Offices and must be followed by all recipients. While there are some general SACs applicable to all grant recipients, some recipients may have additional SACs imposed depending on administrative burdens and project complexity. Examples of SACs include, but are not limited to:

- o **Period of Performance and Funding Limitations**
- o **Department of Commerce Financial Assistance Standard Terms and Conditions**
- o **Incorporation of the Notice of Funding Opportunity**
- o **Reporting Requirements and Timeline**
- o **Domestic Preferences for Procurements (Buy American):** Recipients must, to the greatest practical extent, provide a preference for materials, goods, and services produced in the United States.
- o **Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms:** Recipients must take affirmative steps to ensure that small and minority owned-businesses, women-owned businesses, and labor surplus area firms are used whenever possible.

DO ALL RECIPIENTS HAVE THE SAME SACS?

No, not all recipients will have the same SACs. Though most SACs will be consistent across a grant program, some will be specific to certain subsets of awards or to certain recipients. For example, all recipients will have to comply with SACs such as *Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms*. Only Infrastructure Deployment projects have to comply with the SAC mandating that they complete an environmental assessment before project work can begin. The Program and Grants Offices determine recipient-specific SACs during the application review phase. These SACs will be communicated to the recipient directly.

WHERE CAN RECIPIENTS FIND THE SACS THAT APPLY TO THEIR AWARD?

Recipients should consult their CD-540 to determine the full spectrum of SACs that apply to their project. If recipients have any questions about SACs, they should contact their FPO.

HOW DO RECIPIENTS REMAIN SAC COMPLIANT?

To remain compliant with SACs, recipients should:

- o Read and understand the SACs associated with your award (read your CD-450).
- o Ensure that your organization has adequate policies and procedures to verify and validate compliance. If not, establish procedures to monitor compliance with SACs.
- o Always maintain records, written communications, and correspondence with the FPO and Grants Office.

The FPOs and Grants Specialists will continue to monitor programmatic and regulatory compliance. If recipients deviate from the SACs, the Grants Office may implement corrective actions to bring delinquent recipients into compliance.

Guidance for Human Subjects Research Protection[1]

Human Subjects Research Protection Requirements for the Tribal Broadband Connectivity Program

All Tribal Broadband Connectivity Program (TBCP) grant recipients must comply with Department of Commerce (DOC or Department) regulations relating to the protection of human subjects for all research conducted or supported pursuant to a NTIA grant award. The Department's policies related to the protection of human subjects are found in 15 CFR § 27.[2]

While the TBCP Notice of Funding Opportunity (NOFO) does allow for certain data collection activities, we believe it is unlikely that any TBCP recipient-conducted data collection activities would involve human subjects.[3] Nevertheless, because the requirements in 15 CFR § 27 apply to TBCP grants, recipients must review the following information and make an independent assessment of their planned activities and act in accordance with the Human Subjects Research (HSR) protection requirements.

Below are a few key concepts that apply to HSR:

Research: The systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalized knowledge. Examples of systematic investigations include surveys, interviews, observations, research development of testing, and evaluations that are designed to develop or contribute to the generalized knowledge. Factors that may be used to evaluate whether research will develop or contribute to generalized knowledge include:

- The information collected will be applied beyond a particular program or individual.
- The activity is conducted to examine whether the program had the desired effect on program participants, <u>and</u> that evaluation can inform other programs.
- The activity is conducted with the intent to replicate the program.
- The activity is designed to draw general conclusions.

Human Subject: A living individual about whom an investigator (whether professional or student) conducting research obtains: (1) Data through intervention or interaction with the individual; or (2) Identifiable private information.

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[1] This guidance document is intended to assist recipients of TBCP awards with understanding and navigating the Human Subjects Research Protection requirements applicable to such awards. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements pertaining to Human Subjects Research Protection. In all cases, statutory and regulatory mandates and the requirements set forth in the terms and conditions of a TBCP award shall prevail over any inconsistencies or inaccuracies contained in this document.

[2] 15 CFR § 27, available at https://www.ecfr.gov/current/title-15/subtitle-A/part-27.

[3] See TBCP Notice of Funding Opportunity at https://broadbandusa.ntia.doc.gov/sites/default/files/2021-06/NTIA.Tribal%20Broadband%20Connectivity%20Program.Final_.OMB%20Cleared.pdf.

For the purposes of the HSR policy, NTIA is particularly concerned about protecting certain populations from being subject to research without their informed consent and that human subjects should not incur increased risk of harm from their research involvement beyond the normal risks inherent in everyday life. To that end, NTIA requires grant recipients to take special precautions if HSR involves certain populations. These populations include pregnant women, children, fetuses, and prisoners as set forth in the Code of Federal Regulations, 45 CFR § 46 Subparts B, C, and D.[4]

TBCP Program Office Expectations

Some TBCP recipients may conduct surveys of individuals as part of their TBCP-funded activities. Although it is unlikely these activities will qualify as HSR, NTIA must ensure that all TBCP recipients understand and comply with the appropriate HSR protection classifications, policies, and requirements by obtaining written assurances from and certifying that any TBCP recipient research activities comply with the requirements set forth in 15 CFR § 27 (Protection of Human Subjects), as incorporated into every TBCP award through a Specific Award Condition and the DOC Standard Terms and Conditions:

1. All proposed research involving human subjects must be conducted in accordance with 15 CFR § 27. **No research involving human subjects is permitted under this award unless expressly authorized by specific award condition, or otherwise in writing by the Grants Officer.**
2. Federal policy defines a human subject as a living individual about whom an investigator (whether professional or student) conducting research: (1) Obtains information or biospecimens through intervention or interaction with the individual, and uses, studies, or analyzes the information or biospecimens; or (2) Obtains, uses, studies, analyzes, or generates identifiable private information or identifiable biospecimens. Research means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.
3. Fifteen CFR § 27 requires that non-Federal entities maintain appropriate policies and procedures for the protection of human subjects. In the event it becomes evident that human subjects may be involved in this project, the non-Federal entity (generally through the recipient) must submit appropriate documentation to the Federal Program Officer (FPO) for approval by the appropriate DOC officials. As applicable, this documentation must include:
    i. Documentation establishing approval of an activity in the project by an Institutional Review Board (IRB) under a Federal-wide Assurance issued by the Department of Health and Human Services or other Federal agency guidelines (see also 15 CFR § 27.103);
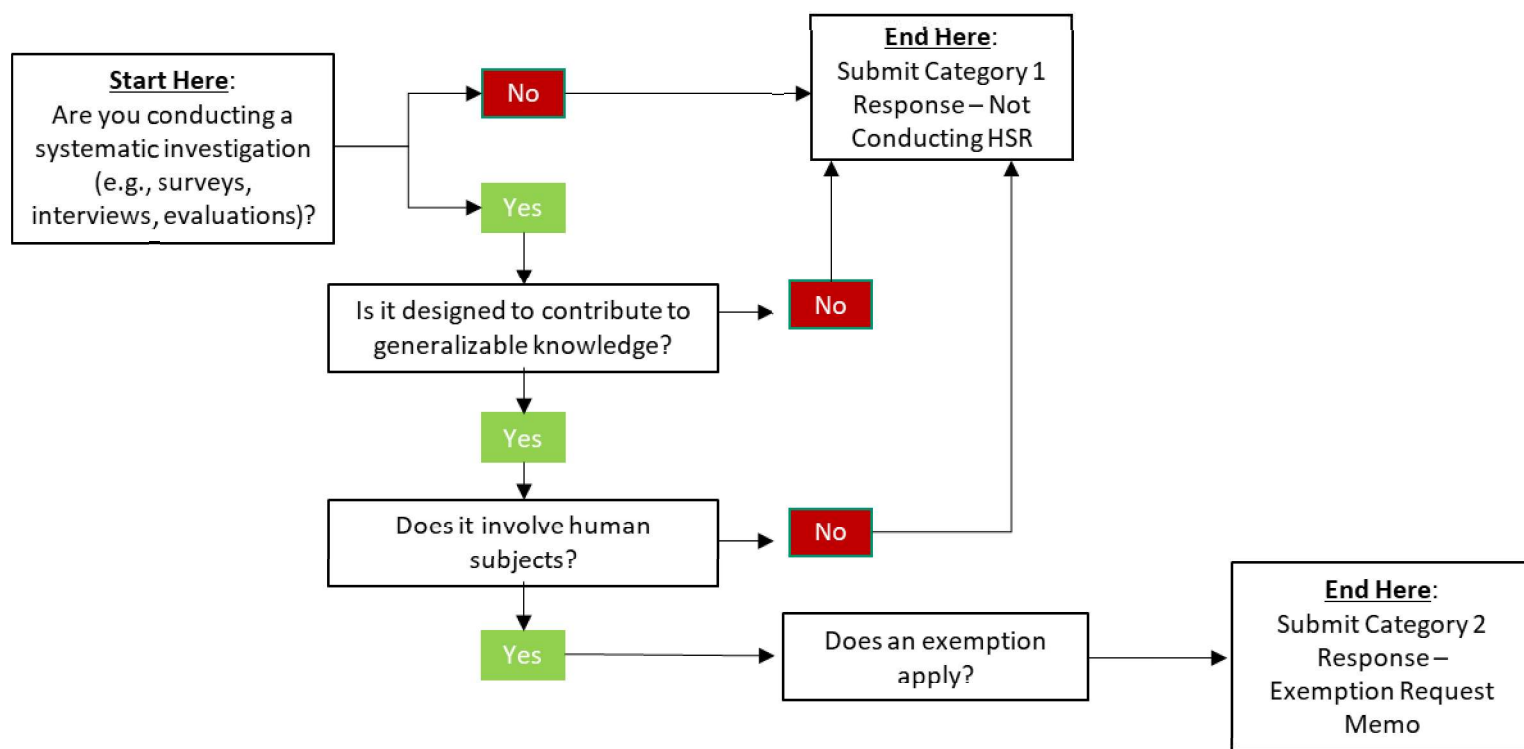
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[4] 45 CFR § 46, Subparts B, C, and D available at https://www.ecfr.gov/current/title-45/subtitle-A/subchapterA/part-46.

     ii.   Documentation to support an exemption for an activity in the project under 15 CFR § 27.104(d);

     iii.   Documentation of IRB approval of any modification to a prior approved protocol or to an informed consent form;

     iv.   Documentation of an IRB approval of continuing review approved prior to the expiration date of the previous IRB determination; and

     v.   Documentation of any reportable events, such as serious adverse events, unanticipated problems resulting in risk to subjects or others, and instances of noncompliance.

4. **No work involving human subjects may be undertaken or conducted, and no costs may be incurred and/or charged for human subjects research, until the appropriate documentation is approved in writing by the Grants Officer.** In accordance with 15 CFR § 27.118, if research involving human subjects is proposed after an award is made, the non-Federal entity must contact the FPO and provide required documentation. Notwithstanding this prohibition, work may be initiated or costs incurred and/or charged to the project for protocol or instrument development related to human subjects research.

TBCP recipients should review the *TBCP HSR Classification – Decision Tree* below and consider the TBCP planned activities to determine which HSR category applies to their grants.

TBCP HSR Classification – Decision Tree

The decision tree included below can be used by TBCP recipients to determine if human subjects are involved in their research, and, if the research does involve human subjects, whether it may be exempt under current Department of Commerce regulations on the protection of human subjects. Please note that because of TBCP's programmatic focus and allowable grant activities and expenditures, as defined in the NOFO, TBCP recipients will not be likely engaging in research that would require review and approval by an Institutional Review Board (IRB). Therefore, information on the IRB review approval process is not included in the decision tree.

Start Here: Are you conducting a systematic investigation (e.g., surveys, interviews, evaluations)?

No → **End Here**: Submit Category 1 Response – Not Conducting HSR

Yes → Is it designed to contribute to generalizable knowledge?

No → **End Here**: Submit Category 1 Response – Not Conducting HSR

Yes → Does it involve human subjects?

No → **End Here**: Submit Category 1 Response – Not Conducting HSR

Yes → Does an exemption apply? → **End Here**: Submit Category 2 Response – Exemption Request Memo

TBCP HSR Classification Categories and Determination Criteria

After completing the decision tree, all TBCP recipients should be able to determine their HSR classification categories (defined below). TBCP recipients should contact their Federal Program Officer (FPO) if they have questions about the categories.

HSR Classification Category	Determination Criteria[5]
Category 1: Not Conducting Human Subjects Research	• The activity does not qualify as research, as defined in 15 CFR § 27.102(l), because it does not follow a systematic investigation designed to develop or contribute to generalizable knowledge. • The activity does not involve human subjects as defined in 15 CFR § 27.102(e)(1).
Category 2: Exemption Request[6]	• The research is conducted in established or commonly accepted educational settings involving normal education practices, such as (1) research on regular and special education instructional strategies, or (2) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods. *See* 15 CFR § 27.104(d)(1). • The research involves the use of educational tests (i.e., cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (1) the information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (2) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability, or be damaging to the subjects' financial standing, employability, or reputation. If research involves survey or interview procedures, it does not involve children under the age of 18 as subjects. If research involves observation of public behavior and children under the age of 18 as subjects, the investigator(s) will not participate in the activities being observed. See 15 CFR § 27.104(b)(3), (d)(2). • The research will involve benign behavioral interventions in conjunction with the collection of information from an adult subject through verbal or written responses (including data entry) or audiovisual recording if the subject prospectively agrees to the intervention and information collection. The information collected is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects, or disclosure of the subjects' responses outside the

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[5] Determinations only remain valid so long as the activities on which the determination is based remain unchanged.

[6] The listed exemptions are those most likely to be relevant to TBCP grant recipient activities. For the full list of exempt research categories, grant recipients should review 15 CFR § 27.104(d).

	research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation. See 15 CFR § 27.104(d)(3).
	• Secondary research for which consent is not required: Secondary research uses of identifiable private information or identifiable biospecimens, if at least one of the following criteria is met:
	   o (i) The identifiable private information or identifiable biospecimens are publicly available;
	   o (ii) Information, which may include information about biospecimens, is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained directly or through identifiers linked to the subjects, the investigator does not contact the subjects, and the investigator will not re-identify subjects. See 15 CFR § 27.104(d)(4).

Required Grant Recipient Action

Recipients must provide an HSR memo to their TBCP FPO prior to conducting any research or administration of any surveys funded with TBCP funds. To satisfy the TBCP HSR requirements, recipients must state which HSR classification category is applicable and the examples of planned TBCP project activities that justify inclusion in that category.

If research activities require an exemption request, a recipient may not conduct any research involving human subjects until NTIA has approved the recipient's request substantiating an HSR exemption. If a recipient conducts research before receiving NTIA approval of an exemption, recipients will be considered in material non-compliance with award terms and conditions, and any costs incurred to conduct the research could be disallowed.

The templates provided below are samples that may help recipients complete an HSR memo.

For Category 1 Grant Recipients:

Provide an email or letter to FPO certifying the following (*recommended text*):

> Based on our review of the policy described in Part 27 of Title 15 of the Code of Federal Regulations, the Common Rule for Protection of Human Subjects, we advise the National Telecommunications and Information Administration (NTIA) that the activities we expect to perform under our TBCP project grant number **[INCLUDE GRANT NUMBER HERE]** do not include human subjects research as defined in 15 CFR § 27.102(e).
>
> We understand that the protection of human subjects is an ongoing activity. If our planned activities under the grant change, then we will advise our assigned Federal Program Officer (FPO) and seek approval from the Department of Commerce prior to any work involving human subjects research being undertaken or any charges for activities involving human subjects being incurred and/or charged to the project. We will also submit appropriate documentation to allow NTIA to certify that the research and evaluation activities we will undertake are either: (1) **exempt** from Human Subjects Research Protections under one of the exemptions listed in 15 CFR § 27.104(d); or (2) **approved** by an outside Institutional Review Board in accordance with 15 CFR § 27.109.

For Category 2 Grant Recipients:

Recipients requesting an Exemption from the Human Subjects Research Policy should submit a request in letter format that resembles in form and substance the sample language set forth below. Please note, only the DOC can confer a Research Exemption.

[Federal Program Officer]
Tribal Broadband Connectivity Program
U.S. Department of Commerce
National Telecommunications and Information Administration
1401 Constitution Avenue, NW
Room 4078
Washington, DC 20230

Dear [NAME OF THE FEDERAL PROGRAM OFFICER]:

Based on review of the policy described in Part 27 of Title 15 of the Code of Federal Regulations, the Common Rule for Protection of Human Subjects, we request an exemption for the proposed research for our TBCP project grant number **[INCLUDE GRANT NUMBER HERE]**.

As described in 15 CFR § 27.104(d), we believe that the following exemption(s) listed below apply to our proposed evaluation:

[From the exemptions listed below, INCLUDE ONLY THE EXEMPTION(S) THAT APPLY TO YOUR RESEARCH. Please discuss your planned activities with your FPO to decide which exemptions apply to your planned activities.]

> The research is conducted in established or commonly accepted educational settings involving normal educational practices, such as: (1) research on regular and special education instructional strategies, or (2) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods. 15 CFR § 27.104(d)(1).

> The research involves the use of educational tests (*i.e.*, cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (1) the information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (2) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability, or be damaging to the subjects' financial standing, employability, or reputation. If research involves survey or interview procedures, it does not involve children under the age of 18 as subjects. If research involves observation of public behavior and children under the age of 18 as subjects, the investigator(s) will not participate in the activities being observed. 15 CFR § 27.104(d)(2).

The research involves benign behavioral interventions in conjunction with the collection of information from an adult subject through verbal or written responses (including data entry) or audiovisual recording if the subject prospectively agrees to the intervention and information collection and at least one of the following criteria is met: (1) the information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained, directly or through identifiers linked to the subjects; or (2) any disclosure of the human subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation. 15 CFR § 27.104(d)(3).

The research will involve the collection or study of existing data, documents, or records. The information collected is publicly available, or the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects. 15 CFR § 27.104(d)(4).

Our research will involve:

[In this section you should summarize your research plan. Please describe:
- What information do you plan to collect?
- What type of research instrument you will use to collect the information (e.g., survey, focus groups, interviews)?
- Who will participate in the research (e.g., public safety professionals, government officials, individuals who work for utility companies)?
- Who will administer the research (e.g., a contracted vendor, an internal state agency that conducts similar types of surveys/evaluation)?
- How will you use the information that you collect?
- As applicable, how will you ensure that information obtained from subjects is recorded in such a manner that the subjects cannot be readily identified?

There must be sufficient information to determine how the research will be conducted.]

I believe the exemption is warranted because:

[Example 1: The investigator will not record the names of survey participants, and the information that will be collected could not reasonably place the participants at risk of criminal or civil liability, or be damaging to their financial standing, employability, or reputation.
Moreover, there will be no participants under the age of 18. Exemption Available: 15 CFR § 27.104(d)(2).

Example 2: The research relies on sources that are publicly available and can be found at [list locations where the data is publicly available]. Exemption Available: 15 CFR § 27.104(d)(4).

Example 3: The research relies on existing data, documents, and records that are not publicly available. However, the investigator will record the information in such a manner that subjects cannot be identified directly or through identifiers linked to the subject. Exemption Available: 15 CFR § 27.104(d)(4).

Recipient should clearly specify that procedures you will employ to ensure that certain populations (*e.g.*, prisoners) will be excluded from your research.]

[Please note that if your research cannot qualify for an exemption or includes certain populations, you will need to subject your research protocol to Institutional Review Board (IRB) review and approval as described in 15 CFR § 27.109 and 45 CFR § 46.109.]

[In addition, you should include as attachments any items (including your evaluation plan, evaluation contracts, evaluator strategies, evaluator qualifications, sample questions to be used in surveys or focus groups, etc.) that will support your request for an exemption.]

I request an exemption based on the research information submitted at this time. I recognize that we cannot proceed with any research activities that involve human subjects until this exemption is approved. If our planned activities under the grant change, then we will advise our assigned Federal Program Officer (FPO) and seek approval from the Department of Commerce before conducting any work involving human subjects research being undertaken or any charges for activities involving human subjects being incurred and/or charged to the project. If applicable, we will also submit appropriate documentation to allow NTIA to certify that the research and evaluation activities we will undertake are either: (1) exempt from Human Subjects Research protections under one of the exemptions listed in 15 CFR § 27.104(d); or (2) approved by an outside IRB in accordance with 15 CFR § 27.109.

[Signed by Authorized Organization Representative, including their title]