



Broadband Infrastructure Program Grant Recipient Handbook



U.S. Department of Commerce

National Telecommunications and Information Administration

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Document Change Record

Version	Date	Description of Change
1.0	8/17/2022	Final Draft of BIP Grant Recipient Handbook
2.0	10/10/2022	Removal of Appendix F.4, <i>Endangered Species Act (ESA) Section 7 Consultation</i> Fact Sheet. Removal of Appendix F.5., <i>State Historic Preservation Office (SHPO)/Tribal Historic Preservation Office (THPO) National Historic Preservation Act (NHPA), Section 106 Consultation</i> Fact Sheet. Removal of Appendix F.6., <i>U.S. Army Corps of Engineers (USACE) Section 404 Clean Water Act (CWA), Wetlands Permitting</i> Fact Sheet. Removal of Appendix G, Additional Environmental Materials, including Appendix G.1. <i>Environmental Assessment Template</i>; Appendix G.2. <i>Environmental Considerations for Determining the Applicability of a Categorical Exclusion</i>; and Appendix G.3. <i>Categorical Exclusion Questionnaire</i>. These sections were removed in order to be compiled into a future standalone environmental and historic preservation (EHP) review resource manual.
3.0	6/8/2023	Updates to the Section 7g, Program Income to conform the language to the <i>Department of Commerce Financial Assistance Standard Terms and Conditions</i>. Updates to Section 10: <i>How Do I Close Out My Grant?</i> to include additional information for Grant Recipients to reference when approaching closeout. Updates to Section 7e, Audit Requirements to include additional language and context for Grant Recipients to reference when navigating the audit requirements. Updates to Section 7i, Property and Equipment, added content about the UCC-1 Form and the Federal Interest for property. Updates to Section 8 to include additional content around the subrecipient monitoring requirements. Updates to Table 11: Closeout Documentation to correct the description for Form SF-428-S. Updated contact information in Appendix C.

Introduction

Congratulations on becoming a National Telecommunications and Information Administration (NTIA) grant award recipient under the Broadband Infrastructure Program (BIP). The National Institute of Science and Technology (NIST) Grants Management Division (GMD) will service your award. Together, NTIA Federal Program Officers (FPOs) and NIST GMD are here to support your transition from applicant to grant 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 guidance document is for informational purposes only and is intended solely to assist grant recipients in better understanding the NTIA Broadband Infrastructure Program (BIP) and the requirements set forth in the award terms and conditions for this program. This guidance does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, DOC Grants and Cooperative Agreements Manual requirements, or the specific requirements set forth in the terms and conditions of a BIP grant award. In all cases, statutory and regulatory mandates, and the requirements set forth in the terms and conditions of a BIP award, shall prevail over any inconsistencies contained in this guidance.

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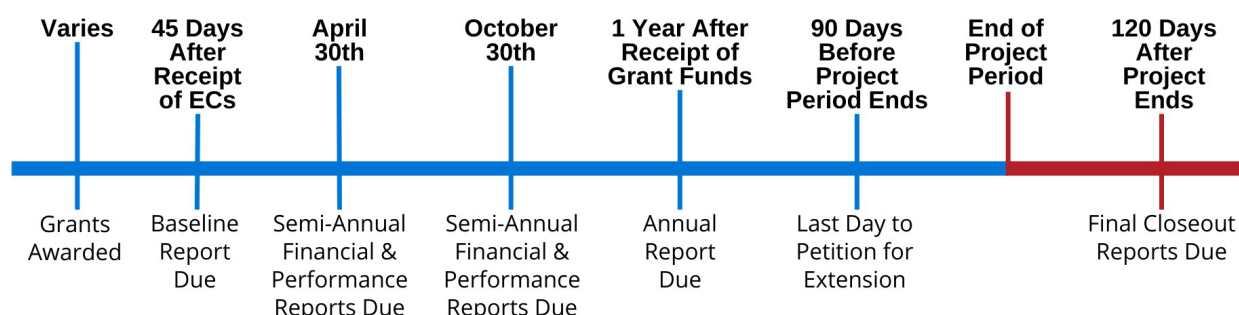


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1. What are the Key Dates for BIP?

NTIA made its first award announcement for BIP in late February, with a proposed start date of March 1, 2022. Following the acceptance of a BIP award, recipients will need to track their award date to determine their period of performance and report due dates. This information can be found in the CD-450 (Financial Assistance Award) and Standard and Specific Award Conditions (SACs) of the grant and will help to determine key dates and reporting requirements. See the chart and table below for key deadlines that should be tracked. Both NTIA and NIST GMD will send helpful reminders and technical assistance, as needed, to ensure recipients meet the key dates listed in their SAC.

Figure 1: Key BIP Deadlines



BIP 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.

Table 1: BIP Reporting

Broadband Infrastructure Program Reporting				
Report Type	Reporting Period	Reporting Deadline	Submission Method	Data Submitted
Baseline Report	Baseline	Within 45 days from the issuance of a Categorical Exclusion (CE) memorandum or the publication of a signed Finding of No Significant Impact (FONSI)	Form: Baseline Report Template (OMB Control No. 0660-0049) Submit via email to bbinfra@ntia.gov CC: greports@nist.gov	Baseline project plans and details regarding key outputs and outcomes from the project.

Semi-Annual Financial Report	Oct. 1 – Mar. 31 Apr. 1 – Sept. 30	Every April 30 Every October 30	Form: SF-425 Federal Financial Report (FFR) Submit via email to greports@nist.gov CC: bbinfra@ntia.gov	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. 0660-0049) Submit via email to greports@nist.gov CC: bbinfra@ntia.gov	Performance on key programmatic indicators and budget.
Final Financial Report	Cumulative award period	120 days after end of project period	Form: SF-425 FFR Submit via email to greports@nist.gov CC: bbinfra@ntia.gov	Performance on key financial indicators.
Final Performance (Technical) Report [Closeout Report]	Cumulative award period	120 days after end of project period	Form: Performance (Technical) Report Template (OMB Control No. 0660-0049) Submit via email to greports@nist.gov CC: bbinfra@ntia.gov	Performance on key programmatic indicators and budget.
Annual Report	1 year period preceding report date	No later than 1 year after receiving grant funds; annually thereafter	Form: Annual Report Template (OMB Control No. 0660-0049) Submit via email to bbinfra@ntia.gov CC: greports@ntia.gov	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.

2. What are the Required Documents?

The grant recipient is required to submit the documents listed in Table 2 to NIST GMD.

Table 2: BIP Required Documents

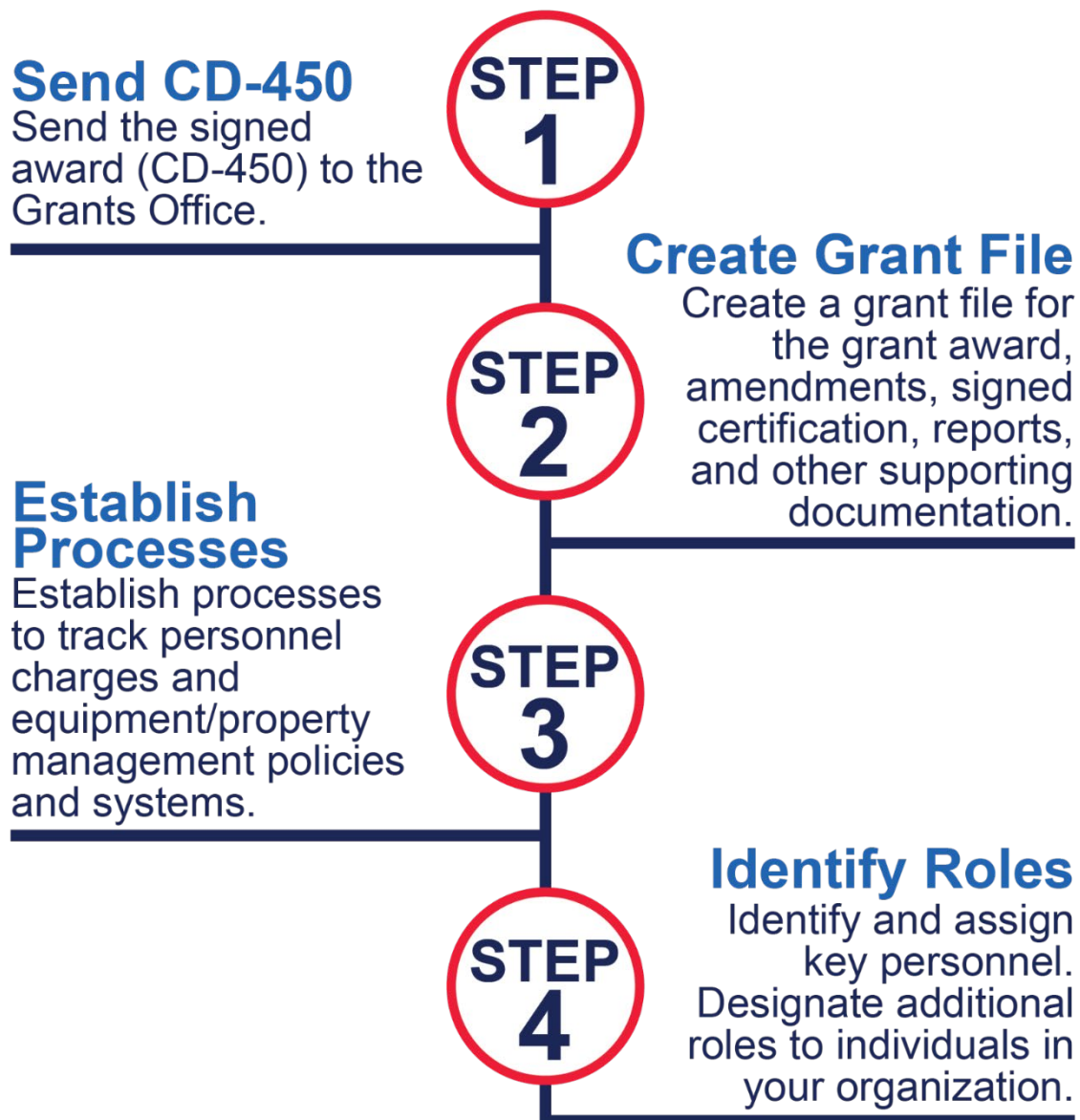
Document Type	Purpose
CD-450 (Financial Assistance Award document)	This form is the official notice of award issued by the NIST Grants Officer by email.
CD-451 (Amendments)	This form amends the award and must be accepted by the recipient via email.
SF-425 (Federal Financial Report)	This form is used by BIP recipients to submit reports on their grant's financial progress.
SF-424C	This form is used by BIP 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.
Form SF-429 (Real Property Status Report)	This form is used by BIP recipients to report real property status or to request agency instructions on real property that was or 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.
Form SF-428 (Tangible Personal Property Report)	This form is used by NIST 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.
Baseline Report	This form provides NTIA and NIST GMD a better understanding of BIP recipients' project plan as a baseline.
Semi-Annual Performance (Technical) Report	This form is used for BIP recipients to report activities and financial information conducted on a semi-annual basis.
Annual Performance (Technical) Report	This form allows BIP recipients to report cumulative activities conducted and Federal finances expended.
Final Performance (Technical) Report	This final report captures all activities, Federal funds expended, and lessons learned during the entire period of performance.

3. What Should I Do First?

Figure 2: First Steps

FIRST STEPS

Getting started and accepting your award.



a. Key Recipient Roles

BIP recipients should have the following key roles designated: Authorized Organization Representative (AOR), Project Director (PD), and Automated Standard Application for Payments (ASAP) Payment Requestor. In addition, recipients may assign additional roles in ASAP, as outlined in Table 3 below.

Table 3: Recipient Key Personnel and ASAP Roles

User Role	Description	Notes
AOR/Recipient Authorized Representative (RAR)	Has signatory authority for all official grant documents and can also countersign Award Documents. AORs ensure overall grant compliance.	Requires an Unfunded Grant Action (UGA) to amend. Submit changes to UGAM@nist.gov after consulting with the FPO.
PD /Project Investigator (PI)	Manages the project timeline, activities, and reporting process. They can be the same staff member as the AOR. The PD can initiate UGAs with the NIST Grants Specialist.	Requires a UGA to amend. Submit changes to UGAM@nist.gov after consulting with the FPO.
Key Personnel	Can view assigned awards for their organization and initiate UGAs. A person with this role cannot submit directly to NTIA.	Requires a UGA to amend. Submit changes along with a resume or cover letter for the new key personnel to UGAM@nist.gov after consulting with the FPO.
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.	
Point of Contact (POC)–ASAP	Responsible for adding, modifying, and deleting recipient officials in 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.	Only one person shall be designated as the HOO.
Re-Delegated Head of	Can act on behalf of the HOO to approve officials.	

Organization (RHOO)–ASAP		
Authorizing Official (AO)– ASAP	Confirms the recipient’s information and identifies users (e.g., payment requestor) who need access to 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.	
Payment Requestor (PR)– ASAP	May request funds from the non-Federal entity’s ASAP account.	

4. Who Should I Contact?

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

Table 4: BIP Contact Tree

BIP Program Office		
Topic	Person of Contact	Notes
Program compliance	NTIA FPO	
Grants monitoring activities	NTIA FPO and NIST Grants Specialist	
Records and record retention schedule	NTIA FPO	Costs require supporting documentation. It is a good strategy to maintain as much documentation as necessary.
UGA processing	NTIA FPO and NIST Grants Specialist	Must get approval from the FPO before submitting UGAs to UGAM@NIST.gov .
Award substantive changes	NTIA FPO and NIST Grants Specialist	Personnel changes, project changes.
Reimbursement-only drawdowns	NIST Grants Specialist	Recipients will be notified in the SACs if they are identified as requiring reimbursement-only drawdown procedures and what those procedures are.

5. How Do I Drawdown Funds via ASAP?

The ASAP SAC is a program-wide SAC requiring recipients to provide enrollment data to the NIST GMD within 10 days of the award. Recipients receive BIP 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, withdrawals of funds through the ASAP system are 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 BIP Program Office or NIST Grants Office. 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 BIP Program Office or the NIST 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 6-month expenditure plan. Funds for environmental documentation can be accessed, but funds for construction activities or material acquisition (not approved as part of the 6-Month Expenditure Plan) cannot until the environmental documentation is approved.

a. ASAP Registration

To enroll in ASAP, the recipient should have several pieces of information ready, including the documents listed below.



Table 5: 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
☐	SAM 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>i.e.</i> , payment requestor).
☐	Organization name and organization type
☐	Point-of-contact and title of contact
☐	Mailing address
☐	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, recipients should follow the steps outlined below.

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 NIST Grants Specialist.

- 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 DUNS/UEI number
- Recipient's EIN

Step 2: Within five days of sending the Grants Specialist 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. NIST GMD 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:

- NIST Grants Officer: See the award package for contact information
- General guidance on the Department of Treasury's website:
www.fms.treas.gov/asap

Table 6: ASAP Contact Information

ASAP Contact Information			
Location	Time Zone	Phone	Business Hours
Philadelphia ASAP Regional Office	Eastern	(215) 516-8021	7:30 a.m. – 4:00 p.m.
Kansas City ASAP Regional Office	Central	(816) 414-2100	7:30 a.m. – 4:00 p.m.
San Francisco ASAP Regional Office	Pacific	(510) 594-7182	7:30 a.m. – 4:00 p.m.

6. What are Unfunded Grant Actions?

a. Unfunded Grant Actions

BIP Unfunded Grant Actions (UGAs), also called Unfunded Award Requests (UARs) and Award Action Requests (AARs), are one-time or irregular events involving changes to a recipient's project, such as changes to contact information, project scope, or budget. Depending upon the type of change, a UGA may result in an amendment to the award document on Form CD-451 or receipt of an administrative change letter signed by the Grants Officer. This section describes types of acceptable project modifications and instructions for submitting a UGA.

b. Types of Unfunded Grant Actions

The list below describes common types of acceptable project modifications. **Recipients must consult with their FPO before submitting the BIP UGA request to the Grants Specialist.** Only the Grants Officer can provide final approval of a UGA. Changes should be reported to the BIP Program Office in accordance with 2 CFR § 200.308. It is important to note that prior approval from the Grants Officer is required to effectuate any of the table actions, although certain actions do not require the Grants Officer to issue a formal award amendment via a CD- 451.

Table 7: BIP Unfunded Grant Actions

Types of BIP Unfunded Grant Actions			
Action Requested	Description	Where to Process?	Amendment Required?
Change in project 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 project scope may also require a modification of the budget (see below).	UGAM@nist.gov	Yes
Change in a key person	Addition or modification of a key person (e.g., AOR) beyond those specified in the original or modified application.	UGAM@nist.gov	Yes

Modification of budget categories	Modification of budget categories by submitting an SF-424C, budget detail, and narrative are required when the revision results from a change in scope or objective of the award, the need arises for additional Federal funds to complete the project, 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.	UGAM@nist.gov	Yes
Change in institution name	Modification to the institutional name specified in the original or modified application.	UGAM@nist.gov	Yes
Completion of “actionable” SACs	Completion of activities required to fulfill a recipient’s SACs, such as completion of an environmental assessment or resolution of an overlap SAC.	UGAM@nist.gov	Yes
Extension Request	Extend the period of performance up to 1 year. Must be submitted at least 90 days before period of performance end date	UGAM@nist.gov	Yes
Other	Other types of UGAs not listed above may be submitted and reviewed, as needed.	UGAM@nist.gov	Consult with Grants Specialist

c. Unfunded Grant Action Submission Requirements and Notification

All BIP UGAs begin with a consultation with the BIP Program Office. Before submitting a UGA, the recipient should contact the FPO and Grants Specialist for assistance in determining the type of UGA that is needed.

The recipient submits a UGA by email to UGAM@nist.gov. Then, the NIST GMD reviews the request with input from the FPO and notifies the recipient by email of the approval or rejection of the request within 30 calendar days, if no additional revisions by the recipient are required. All UGAs must be submitted to the Unfunded Grant Actions Mailbox (UGAM) prior to the award end date. After the closeout period has expired, the following UGAs will only be considered under extraordinary circumstances and with sufficient documentation justifying the request: (1) Extension to Closeout; and (2) Submit Additional Closeout Documents.

Figure 3: UGA Submission Process



To submit a UGA, recipients should do the following:

1. Consult with the FPO to determine which type of UGA should be submitted.
2. Once a recipient has consulted with their FPO and determined the proper UGA to submit, the recipient must submit an email to UGAM@nist.gov with the subject line containing the following:
 1. Recipient Name
 2. Award #
 3. Project Director

d. Change in Project Scope

Per 2 CFR § 200.308(h)(1), recipients are required to request pre-approval for a change in scope or the objective of the project or program.

Actions likely to be considered a change in scope (and therefore require pre-approval) include but are not limited to a change or shift in the specific goals, objectives, or project areas approved at the time of the award. In general, the Project Director or AOR may make changes in the methodology, approach, or other aspects of the project objectives. However, the recipient must obtain prior approval from the BIP Program Office and the NIST Grants Officer for a change in the direction, type of project or training, or other areas that constitute a significant change from the aims, objectives, or purposes of the approved project. The recipient must make the initial determination of the significance of a change and should consult with their FPO as necessary.

The justification for the Change in Scope may either be entered in the email or included as an attached file. Any Change in Scope that results in a decrease in Federal and/or Recipient funding must be accompanied by an SF-424C and a budget narrative describing the planned expenditure of the remaining funds. The request for a decrease in funding must be clearly and prominently stated. If a Change in Scope request includes a request for a No Cost Extension, the recipient must also submit a No Cost Extension - Prior Approval Required UAR.

An approved Change in Scope will always result in an amendment to the award. Upon approval by the NIST Grants Officer, the Recipient will be notified of the approved amendment, and tasks will be generated for acceptance. To be in effect, the amendment must be accepted by the recipient.

e. Budget Modifications/Revision

Additionally, in accordance with 2 CFR § 200.308(h)(2) and (3), the recipient must request prior approval for budget revisions where:

The need arises for additional Federal funds to complete the project. Please be aware that these requests are subject to funding availability and at this time NTIA anticipates it will *not* have funding available for any funding increases in awards; or

A revision is desired by the recipient that involves specific costs for which prior written approval requirements may be imposed consistent with applicable OMB cost principles listed in 2 CFR Part 200, Subpart E.

Once the recipient obtains required prior approval, the recipient must submit the budget revision request to UGAM@nist.gov and ensure that all of the following are provided:

- The recipient must verify that the proposed deviations or changes will not increase the approved budget.
- The recipient must provide a narrative with a full explanation of the proposed deviations or changes. The narrative must include information about how the deviations or changes serve BIP's statutory purposes and the purposes of the original award, including the effect on key project metrics such as community anchor institutions (CAIs) connected, miles deployed, workstations deployed, or people trained.
- The recipient must verify that the deviations or changes will not delay the timely completion of the project.
- The recipient must explain the effect of the deviations or changes on the financial feasibility and sustainability of the project.
- The recipient must explain whether the change will have an impact upon the scope of work in the Environmental Assessment.

Requests for prior approval of any budget revisions must be submitted on an SF-424C with a revised budget narrative that clearly justifies the newly proposed costs, as well as documenting what costs are being taken out of the proposed budget to support the new costs.

7. What are my Award Compliance Requirements?

By accepting the BIP 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 CD-450. Recipients must comply with Federal laws and regulations, DOC policies, Executive Orders, and Office of Management and Budget (OMB) Circulars that are incorporated into the terms and conditions of the award.

Consistent with the statutory purposes of BIP 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 BIP grant. Unallowable costs are charges incurred by a program that cannot be covered or reimbursed by the BIP grant.

Allowable costs are those costs consistent with the principles set out in 2 CFR Part 200, Subpart E, 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).

Section J(1) of the Notice of Funding Opportunity (NOFO) outlines the eligible uses of funds for BIP. General categories of eligible uses of funds are construction, improvement, or acquisition of facilities and equipment; long-term leases (greater than one year); engineering designs, environmental, historical, and cultural reviews, and subsequent permits; personnel costs including salaries and fringe; and other allowable costs as required to complete the executed project scope of work. This is not an exhaustive list of allowable costs, and it is always advised to consult the FPO and Grants Specialists with any questions about uses of funds.

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. Per Federal grant regulations as stated in 2 CFR § 200.1, *“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 BIP recipient applies the allowable cost test when deciding on spending grant funds. Per Federal grant regulations, as stated in 2 CFR § 200.410, *“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.”*

Section J(2) of the NOFO describes the ineligible uses of BIP funds. It is highly recommended that recipients 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 collective bargaining. This section also outlines key specific prohibitions on broadband service providers as members of the covered partnerships, including repayment of loans, use as collateral for new loans, reimbursement of previously incurred costs for equipment or construction, and providing broadband services in locations used to meet the Federal Communications Commission (FCC) Universal Service Fund (USF) deployment obligation.

b. Specific Award Conditions

NIST GMD and NTIA may impose additional specific award conditions (SACs) on a BIP grant in accordance with Federal grant regulations, as stated in 2 CFR § 200.208, 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 noncompliance; and/or
- Help to ensure a BIP recipient’s success in implementing its project in accordance with the terms and conditions of a BIP award.

A recipient's failure to comply with the SACs may cause the NIST 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, NIST GMD and NTIA may allow the recipient to correct the deficiencies prior to acting; however, even if a recipient is taking corrective action, NIST 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.

c. Classification of Costs

Direct Costs: Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award or 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, and postage.

Indirect Costs: Indirect 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, and 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 Facilities and Administrative (F&A) 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. BIP recipients must provide NIST and NTIA Inspectors General (IGs) access to all records that are pertinent to the Federal award to make audits, examinations, and transcripts. NIST and 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). Per Federal grant regulations, as stated in 2 CFR § 200.334, *“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,”* and may be required to be retained for a longer period in accordance with the exceptions listed in 2 § CFR 200.334(a)-(f).

Figure 4: Records Retention Documents

BIP recipients are advised to retain these documents after closeout, to include but not be limited to:

- Award package;
- Financial Records;
- Evidence of program accomplishments;
- Progress Reports;
- Audit follow-up records;
- Monitoring records;
- Written determinations and pre-approvals between NIST/NTIA and BIP recipient;
- Records supporting all costs charge to the award;
- Procurement records;

e. Single Audit Requirements

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 BIP awards are contained in Section D. of the Department of Commerce Financial Assistance Standard Terms and Conditions (12 November 2020), which are incorporated by reference into every BIP grant award. Specifically, recipients that are subject to the provisions of Subpart F of 2 CFR Part 200 that expend \$750,000 or more in a year in Federal awards 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. 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 recipient's audit fiscal year end date, whichever comes first. In accordance with 2 CFR § 200.425 (Audit 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 Part 200 (e.g., for-profit entities, foreign public entities and foreign organizations) that expend \$750,000 or more in DOC funds during their fiscal year (including both as a recipient and a subrecipient) must submit to the Grants Officer either: (i) a financial related audit of each DOC award or subaward in accordance with Generally Accepted Government Auditing Standards (GAGAS); or (ii) a project specific audit for each award or subaward in accordance with the requirements contained in 2 CFR § 200.507. 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, 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 and that expend less than \$750,000 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 to respond to each finding. The Corrective Action Plan 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 disagrees with the findings, the recipient provides an explanation and specific reasons for disagreement in its Corrective Action Plan.

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. Grant 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)).

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 with 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: **control environment, risk assessment, control activities, information and communication, and monitoring activities**. To ensure effective internal controls are in place, recipients should develop policies and procedures.

g. Program Income

Recipients and subrecipients of BIP 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 BIP 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).

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; the sale of commodities or items fabricated under a Federal BIP 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 BIP project.

Recipients must calculate program income according to a methodology listed in 2 CFR § 200.307(e):

- Addition: Program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must be used for the purposes and under the conditions of the Federal award. See 2 CFR § 200.307(e)(2).
- Cost sharing or matching: Program income may be used to meet the cost sharing or matching requirement of the Federal award. The amount of the Federal award remains the same. See 2 CFR § 200.307(e)(3).
- Deduction: Ordinarily, program income must be deducted from total allowable costs to determine the net allowable costs. Program income must be used for current costs unless the Federal awarding agency authorizes otherwise. Program income that the non-Federal entity did not anticipate at the time of the Federal award must be used to reduce the Federal award and non-Federal entity contributions rather than to increase the funds committed to the project. See 2 CFR § 200.307(e)(1).

As provided in Section B.05 of the Department of Commerce Standard Terms and Conditions for Financial Assistance, program income may be used for any required cost sharing or added to the project budget in a manner consistent with 2 C.F.R. § 200.307, unless otherwise indicated in the award terms.

Recipients must report program income semi-annually on Form SF-425, Federal Financial Report. 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.

h. Procurement

Procurement is the process of obtaining goods and services for a BIP 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.

General procurement requirements for recipients and subrecipients are included in the Federal grant regulations at 2 CFR § 200.317-327. 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 Federal grant regulations set strict requirements around procurement and guarding against conflicts of interest that can occur when purchasing goods and services under Federally funded grants and contracts.

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.

i. Property and Equipment

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. A computing device is a supply if the acquisition cost is less than \$5,000, regardless of the length of its useful life.

Equipment must be used for the authorized purposes of the project during the period of performance 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, regardless of whether the project or program continues to be supported by the Federal award.

The Grants Officer may require a non-Federal entity (*i.e.*, a Recipient or Subrecipient) to execute and 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 BIP award is subject to the Federal Interest, and 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 NIST Grants Office 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 NIST Grants Office 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)). 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 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)). However, if the equipment has a current, per-unit fair market value in excess of \$5,000 and NIST 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 (see 2 CFR § 200.313(e)(2)).

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.

8. What are the Requirements if I have Subrecipients?

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.

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.

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 \$30,000 to www.fsrs.gov, per the DOC Standard Terms and Conditions (see page 42).

Including a subrecipient monitoring policy as part of a grant 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 (grant recipient) 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 § 200.322, 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 2 CFR § 200.1) 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 R&D;
- Indirect cost rate for the Federal award, including if the de minimis rate is charged) per 2 CFR § 200.414;
- All requirements imposed by the pass-through entity on the subrecipients so that the Federal award is used in accordance with Federal statutes, regulations, and the terms and conditions of the Federal award; and
- Any additional requirements that the pass-through entity imposes on the subrecipients 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 8 below is an example of a risk assessment.

Table 8: Risk Assessment Table

	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 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), the grant 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. Title 2 CFR § 200.329(a) 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."*

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

NTIA is required to review the submission of performance (technical) and financial reports. NTIA ensures that the reports are submitted on time and 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 (virtual) and Site Visits (in-person)

Desk reviews focus on the relevant documentation and financial systems surrounding a grant program. Typically conducted virtually, desk reviews facilitate and produce an evaluation of the recipient's capacity to manage their award and may serve as a preliminary step prior to a site visit.

Site visits typically occur at the recipient's office or program location and provide an opportunity for the Federal award agency to meet with key personnel, program partners and review the capacity, performance, and compliance of the recipient. Site visits allow NTIA access to the offices and facilities, documentation, financial records, physical assets, written policies and procedures, audit compliance records, and internal controls. All recipients are eligible to participate in a site visit.

For desk reviews and site visits, all staff who work on the grant must be available for the entrance and exit conferences or interviews, as NTIA may have specific questions for the subject matter experts pertaining to the grant. For example, NTIA may have a specific question regarding the budget or expenditures. The grant program's financial manager will need to be present to answer those questions.

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 to look for

documentation supporting each transaction's compliance with internal policies and procedures and the requirements at 2 CFR § 200.403 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 have been met.
- **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).

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. The following table includes a checklist of documentation that may be requested.

Table 9: Monitoring Checklist

Documentation	Yes	No	Uncertain	Comments
Organizational Charts	☐	☐	☐	
Description of accounting system and chart of accounts	☐	☐	☐	
Copies of written policies and procedures	☐	☐	☐	
Financial reports from the recipient's accounting system and supporting payment requests and reported expenditures	☐	☐	☐	
Employee handbook	☐	☐	☐	
Current negotiated indirect cost rate agreement	☐	☐	☐	
Most recent single audit report (if applicable)	☐	☐	☐	
Standard and Specific Award Conditions	☐	☐	☐	
Records of payments and reported expenditures	☐	☐	☐	
Evidence of budget or scope changes	☐	☐	☐	
Records supporting actions required in specific conditions	☐	☐	☐	

Records of necessary prior approvals	☐	☐	☐	
Results and status of audits or monitoring reviews that have been conducted on the recipient's award	☐	☐	☐	

At the conclusion of a monitoring engagement, the recipient and NTIA will review any findings or compliance issues and confirm recommended corrective actions.

c. Additional Technical Assistance

NTIA intends to offer 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 EHP, financial reporting, and broadband use and adoption activities. Technical Assistance will be delivered through various methods (Tiers 1-3), including workshops and webinars, self-service materials such as templates and FAQs, and one-one-one assistance tailored to specific situations.

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. 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 Categorical Exclusion (because the project does not significantly affect the quality of the human environment), needs to prepare an Environmental Assessment (EA) (the effects are unknown), or must prepare an Environmental Impact Statement (EIS) (the 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 financial representative should attend.

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 BIP 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, Mismanagement, and Whistleblower Protection

As a recipient of Federal funds, BIP 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 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 grant 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.
- 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 BIP 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:

- A Member of Congress or a representative of a committee of Congress.
- An Inspector General.
- The Government Accountability Office.
- A Federal employee responsible for contract or grant oversight or management at the relevant agency.
- An authorized official of the Department of Justice or other law enforcement agency.
- A court or grand jury.
- 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 (12 November 2020)).

10. How Do I Close Out My Grant?

Closeout is the process by which the NTIA and NIST 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 NOFO, the BIP closeout period is 120 calendar days. Per the BIP Standard Award Conditions, subrecipients must submit all closeout reports to the pass-through entity no later than 90 calendar days after the period of performance end date. NIST may extend the closeout period if requested and justified by the recipient (see 2 CFR § 200.344).

Table 10: Closeout Timeline

Timeline	Task
90 calendar days before period of performance end date	BIP recipient meets with their FPO to assess outstanding standard and specific award conditions and financial and programmatic responsibilities. Recipients request an extension to the period of performance if needed. ¹
30 calendar days before period of performance end date	NIST 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 period of performance end date	Subrecipients must submit all required reports to the pass-through entity.

¹ Extensions to the period of performance must also be requested at least 90 calendar days in advance. See Section 6.b.3 for more details.

120 calendar days after the period of performance end date	Recipients must submit all closeout documents. Per 2 CFR § 200.344, NIST may extend the closeout period if requested and justified by the recipient.
All final documentation is submitted	NIST 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	NIST Grants Officer sends the recipient a closeout letter.

b. Closeout Requirements

BIP recipients must follow the requirements under 2 CFR § 200.344 to ensure a proper closeout process. These requirements include:

- Submitting all financial and performance reports (see Table 11: 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 period of performance 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.

NIST 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, the NIST Grants Officer sends the BIP recipient a closeout letter informing them that the award is officially closed. Remember that even after award closeout, recipients are still advised to retain documentation. See section 7.d. of this handbook for a list of documents BIP recipients are advised to retain. The retention period starts the day the recipient submits its final financial report.

Table 11: 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. In the General section of the report template, check "Yes" to indicate that this is the Final Report.	All BIP recipients
Form SF-425 (Final Federal Financial Report)	The final SF-425 should include all financial transactions that occurred during the life of the award. The final SF-425 details all financial transactions from award inception to the completion of the award, including costs that may be incurred during closeout (i.e., wrap-up activities such as paying salaries). The final FFR may not include any unliquidated obligations or cash on hand.	All BIP recipients
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 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 \$5,000 or greater, complete the cover page indicating "no tangible personal property (equipment or supplies) valued at \$5,000 or greater" on line #8 in the Comment section and mark "No" in line #7. If you do have equipment or supplies valued at \$5,000 or greater, complete the remainder of the form. You must also complete the SF-428-B and SF-428-S.	All BIP recipients
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 \$5,000 in total aggregate value. Please note if the institution wants to transfer tangible property to a different award, they need to ask for permission. This can be found under section 2a.	Recipients with equipment/ supplies of \$5,000 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 \$5,000 in total aggregate value.	Recipients with equipment/ supplies of \$5,000 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 Government Furnished Property (GFP) or acquired (i.e., purchased or constructed) in whole or in part under a Federal financial assistance award. 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.	Infrastructure Deployment projects that purchased real estate property with BIP funds
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APPENDICES

Appendix A	Helpful Resources
Appendix B	Glossary of Acronyms and Key Terms
Appendix C	Agency Contact List
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Appendix E	Checklists - E.1. Checklists: Allowable Costs - E.2. Checklists: Preparing for Site Visit/Desk Review - E.3. Checklists: Internal Controls - E.4. Checklists: Budget Revision
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Appendix A: Helpful Resources

Resource	Website Location	Description
Advisory Council on Historic Preservation	http://www.achp.gov/	This website provides information regarding compliance with Section 106 of NHPA.
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.
BIP Website	https://broadbandusa.ntia.doc.gov/resources/grant-programs/broadband-infrastructure-program	This website is the homepage of BIP and contains all publicly available guidance on compliance and program requirements, as well as descriptions of each award, including quarterly and annual performance reports.
Council on Environmental Quality (CEQ)	http://www.whitehouse.gov/administration/eop/ceq/	This website is for guidance and information concerning NEPA requirements.
Department of Commerce Grants and Cooperative Agreements Manual (dated 04/20/21)	https://www.commerce.gov/sites/default/files/2021-04/Department%20of%20Commerce%20Grants%20%20Cooperative%20Agreements%20Manual%20%2820%20April%202021%29.pdf	Overview of the DOC grants process. Includes standard DOC policies, procedures, and requirements.
Department of Commerce Financial Assistance Standard Terms and Conditions (dated 11/12/20)	https://www.commerce.gov/sites/default/files/2020-11/DOC%20Standard%20Terms%20and%20Conditions%20-%202012%20November%202020%20PDF_0.pdf	Sets out the standard terms and conditions applicable to U.S. Department of Commerce financial assistance awards.
2 CFR Part 200	https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1	Establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities.
BIP Notice of Funding Opportunity (NOFO)	https://broadbandusa.ntia.doc.gov/sites/default/files/2021-05/NTIA%20Broadband%20Infrastructure%20Grant%20Program%20NOFO.Final_.pdf	Outlines the requirements under which BIP recipients must abide by.

Appendix B: Glossary

Letter	Glossary Terms
A	• Abuse of Federal funds: The intentional and unacceptable use of grant funds or misuse of one's position. • 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.f. 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.
B	• Buy American Provision: Section 1605 of the Recovery Act.
C	• CD-450 Form: Document the Grants Officer uses to authorize and issue the BIP award. • 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. • Cost Sharing: Costs that a recipient organization contributes to a proposed project. An organization's share could be in the form of cash or supplies, or it might be valuable in-kind services, such as volunteer services. Cost sharing is also known as matching.

D	• 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. • Director of Compliance: Department of Commerce staff person who oversees compliance activities from a portfolio perspective. He/she is responsible for developing the compliance framework and evaluation criteria, and overseeing the process for preventing, identifying, and correcting/curtailing instances of waste, fraud or abuse of award funds.
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, in the grant program's authorizing legislation and approved budget. • Environmental Assessment (EA): Report that provides evidence that the recipient's BIP project meets or exceeds the National Environmental Policy Act (NEPA) environmental protection regulations. A recipient must submit an environmental assessment to NTIA within six months of accepting a BIP grant award.
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 BIP project area and serves as the primary NTIA point-of-contact for a subset of BIP 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. • 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 NIST GMDs no later than 30 days following the end of each reporting period. A final Federal financial report must be submitted after the expiration date of the award. • 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). • 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. As described at 2 CFR § 230.20(c), some large non-profits are treated as profit

	makers for Federal grant purposes and are required to follow the cost principles in 48 CFR § 31.2. • Fraud: 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. • 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. • Generally Accepted Auditing Standards (GAAS): Standards for auditors' professional qualities and judgment in the performance of audit work. • Governmental Accounting Standards (GAS): Standards of financial reporting for all units of state and local government often referred to as the Yellow Book. • Grants Coordinator: Contract staff that partner and work closely with Federal Program Officers to manage grant portfolios and ensure that all required information is available and various program reviews are completed. • Grants Office: Department of Commerce staff responsible for awarding, administering, and closing out all OICG grants. In this case, the Grants Office is at the National Institute of Standards and Technology. • Grants Officer: 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 Specialist: Department of Commerce staff who reports to the Grants Officer and 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.d. of this handbook and the BIP Indirect Cost Rates Fact Sheet for more information. • Indirect Cost Rate: Percentage of grant funds that can be used for indirect costs. The process used for establishing an indirect cost rate must follow the Department of Commerce's "General Indirect Cost Rate Program Guidelines for Recipient Organizations." • 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.).
P	• Performance (Technical) Report (PPR): Semi-annual report that documents details regarding key project outputs and outcomes. Performance 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 as applicable. For further information, see Section 7.h. of this handbook. • Program Office: NTIA works with the Grants Office in the post-award management of BIP grants, including administrative tasks, performance tracking, and recipient monitoring for award compliance on a daily basis. • Public Computer Center (PCC): Place that provides broadband access to the general public or a specific vulnerable population, such as low-income, unemployed, aged, children, minorities, and people with disabilities.
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 BIP Project. Recipient or Award Recipient is the preferred term in place of Awardee or Grantee.
S	• Specific Award Conditions (SAC): 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 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. • 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	• Termination 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 any reason allowable in accordance with 2 CFR § 200.340. • 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	• Underserved Area: Last Mile or Middle Mile service area, where at least one of the following factors is met: (1) no more than 50 percent of the households in the Last Mile or Middle Mile service area have access to facilities-based, terrestrial broadband service at greater than the minimum broadband transmission speed; (2) no fixed or mobile terrestrial broadband service provider advertises to residential end users broadband transmission speeds of at least three megabits per second (“mbps”) downstream in the Last Mile or Middle Mile service area; or (3) terrestrial broadband subscribership for the Last Mile or Middle Mile service area is 40 percent of households or less. An underserved area may include individual Census block groups or tracts that on their own would not be considered underserved. The availability of or subscribership rates for satellite broadband service is not considered for the purpose of determining whether an area is underserved. • Unique Entity Identifier (UEI): A unique number assigned to all entities (public and private companies, individuals, institutions, or organizations) who register to do business with the Federal government. The UEI is the non-proprietary identifier that replaces the DUNS and is requested in and assigned by the System for Award Management (SAM.gov). • Unliquidated Obligation: Obligations incurred for which the corresponding expenditure has not been recorded, such as supplies ordered but not yet received. • Unserved Area: Last Mile or Middle Mile service area where at least 90 percent of the households lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed. An unserved area may include individual Census block groups or tracts that on their own would not be considered unserved. A household has access to broadband service if the household readily can subscribe to that service upon request. The availability of or subscribership rates for satellite broadband service is not considered for the purpose of determining whether an area is unserved.

	• 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 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.
W	• Waste: 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.

Appendix C: Agency Contacts List

Office	Title	Name	Email
OICG Grants Management, Administration, and Compliance Office	Director	Jennifer Duane	jduane@ntia.gov
BIP Program Office	Division Chief	Geoff Jordan	gjordan@ntia.gov
	Federal Program Officer	Rodrigo Apolinario	rapolinario@ntia.gov
	Federal Program Officer	Emily You	eyou@ntia.gov
	Federal Program Officer	William Dixon	wdixon@ntia.gov
NIST Grants Management Division	Grants Officer	Yongming Qiu	yongming.qiu@nist.gov
	Grants Management Specialist	Gordana Zuber	gordana.zuber@nist.gov

Table last updated
9/07/2023

ASAP Contact Information			
Location	Time Zone	Phone	Business Hours
Philadelphia ASAP Regional Office	Eastern	(215) 516-8021	7:30 a.m. – 4:00 p.m.
Kansas City ASAP Regional Office	Central	(816) 414-2100	7:30 a.m. – 4:00 p.m.
San Francisco ASAP Regional Office	Pacific	(510) 594-7182	7:30 a.m. – 4:00 p.m.

Appendix D.1. Infographic: Top 10 Monitoring Findings

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



Appendix D.2. Infographic: Preventing Waste, Fraud, Abuse, and Mismanagement



Appendix D.3. Infographic: Allowable/Unallowable Costs Dos and Don'ts

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 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	DON'TS
Personnel Costs Salaries, wages, & fringe for personnel working directly on the grant 	Personnel Costs For non-project staff
Travel Expenses For key project staff & consultants 	Supplanting Grant funds can only be used to enhance (supplement) existing funds
Equipment & Devices Directly related to project activity 	Duplicative/Redundant Costs Example: Last mile deployment to the same building
Sub-Awards As well as third-party contractor costs 	Collective Bargaining To directly or indirectly support or oppose
Training and Outreach For purposes necessary to meet the requirements of the award 	Profits & Fees Or other incremental charge above actual cost
Reasonable Pre-Application Expenses Except lobbying & contingency fees 	Covered Communications Equipment/Services As defined in 47 U.S.C. 1608
Other Allowable Costs Refer to the Notice of Funding Opportunity (NOFO) 	Repaying Loans Or as collateral for new loans

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

Appendix D.4. Infographic: Procurement

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.*





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 Part 200, and must also be included in the approved 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. Unallowable costs include excessive or unreasonable costs and those expressly unallowable by the terms of the award and 2 CFR Part 200.

This checklist outlines allowable and unallowable costs under the National Telecommunications Information Administration (NTIA) Office of Internet Connectivity and Growth (OICG) Broadband Infrastructure Program (BIP). Refer to [Notice of Funding Opportunity](#) and [2 CFR Part 200 Subpart E \(Cost Principles\)](#) for additional information on how grant funds can be spent. Please contact your assigned Federal Program Officer (FPO) 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 OICG.
☐	Subawards and Third- Party Contractor Costs	Associated with carrying out programmatic activities, including program implementation and consulting services.
☐	Reasonable Pre- Application Expenses	Not to exceed \$50,000. May be reimbursed if they are incurred after the publication date of the NOFO and prior to the date of issuance of the grant award.
☐	Construction, Improvement, or Acquisition of Facilities and Telecommunications Equipment	Must be required to provide qualifying broadband service, including infrastructure for backhaul, middle, and last mile networks.

☐	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.
☐	Engineering Costs	Including design, permitting, and work related to environmental, historical, and cultural reviews.
☐	Other Necessary Costs	Costs necessary to carry out programmatic activities of an award.

Unallowable Costs Checklist

	Type	Description
☐	Personnel Costs	For non-project staff.
☐	Duplicative or Redundant Costs	For example: last mile deployment to the same building.
☐	Lobbying Costs and Contingency Fees	These pre-application expenses are not reimbursable.
☐	Unauthorized Activities	Costs attributable to any other activities not authorized by the eligible use categories specified in the Consolidated Appropriations Act, 2021.
Covered Partnership The following cost prohibitions apply to all members of a covered partnership.		
☐	Covered Communications Equipment or Services	Cannot purchase or support any covered communications equipment or service, as defined in 47 U.S.C. 1608.
☐	Profits and Fees	Or any other incremental charge above actual cost.
☐	Collective Bargaining	Funds cannot be used directly or indirectly as an offset for other funds to support or oppose collective bargaining.
Provider of Broadband Services The following cost prohibitions apply to a provider of broadband services that is a member of a covered partnership.		
☐	Repaying Loans	Funds cannot be used to repay or make any other payment relating to a loan or as collateral for new loans.

☐	Pre-Application Expenses Over Cap	No more than \$50,000 of the grant amount can be used to pay for the preparation of the grant.
☐	Previously Incurred Costs	Cannot be used to pay for previously incurred administrative costs or previously purchased equipment or construction activities undertaken prior to the award.
☐	FCC USF Deployment Obligations	Cannot use grant funds to pay for the costs of providing broadband service to any locations used to meet a Federal Communications Commission (FCC) Universal Service Fund (USF) deployment obligation.

Preparing for a Desk Review/Site Visit Checklist

Desk Reviews are monitoring engagements during which the FPO reviews recipient-provided project documentation of processes and procedures to ensure compliance with all required statutes, regulations, terms, and conditions of an award, as well as assess overall project implementation and any need for technical assistance actions.

Site Visits are on-site monitoring engagements during which the FPO and representatives from the Grants Office travel to the project site to assess ongoing project implementation and administrative capacity. They also inspect grant-funded physical infrastructure. Site visits are an opportunity for recipients to share project successes and challenges and receive direct technical assistance as needed.

The checklists below outline the task areas and supporting documentation to be reviewed during a Desk Review or Site Visit. To prepare for a monitoring engagement, utilize the checklists to ensure that all necessary elements are ready for review. It is important to note that many of the elements reviewed during a Desk Review are also reviewed during a Site Visit, and that the items on the Desk Review checklist are not mutually exclusive.

Desk Review Checklist

Task Area	Description	
Administrative	Does your organization have adequate written and updated standard operating procedures clearly outlining the roles and responsibilities of key administrative personnel that are readily available?	☐
	Does your organization have policies and procedures, accounting systems, and financial records adequate to capture all grant expenditures and administer Federal funds?	☐

	Does your organization have timesheet and payroll policies and procedures in place, including for earning overtime/premium pay and for recording time charged to different cost centers?	☐
	Does your organization have procedures for tracking compliance with specific award conditions and can you provide evidence of doing so in the event it is requested?	☐
	Does your organization have written procedures for subrecipients that you can readily provide for the award process, grant management, risk assessment, monitoring, and closeout?	☐
	Are internal controls in place and sufficient in ensuring the prevention of fraud, waste, and abuse?	☐
	Does your organization have a documented organizational chart with all key personnel names, positions, and levels that is readily available for review?	☐
	Does your organization have a written records retention schedule compliant with the terms of your award?	☐
Accounting and Finance	Is your general ledger, and other accounting records, up to date and readily available?	☐
	Can you provide a written copy of your current accounting policies and procedures?	☐
	Is supporting documentation for allowable expense transactions properly stored and readily available?	☐
	Are budget vs. actual comparisons, complete with all calculations, reviewed and on file?	☐
	Are all expense receipts properly stored and readily available?	☐
	Are you able to provide detailed general ledger account information for reported periods for all your grants?	☐
	Do the cumulative expenditures recorded in your accounting system reconcile with the cumulative expenditures reported on the Federal Financial Report (FFR) as of the date the most recent FFR submitted?	☐
	Can you provide a list of all employees compensated with award funds for all grants?	☐
	Can you clearly present and document the source of all matching funds?	☐

	Can you ensure all grant expenditures are properly recorded in your accounting systems and that appropriate evidence of them, which may be requested, is readily available?	☐
	Are fringe benefits recorded separately from salaries, calculated proportionate to salaries, and adequately documented?	☐
Procurement and Contracts	Does your organization have a written procurement policy that does not conflict with the Federal procurement policies?	☐
	Can you provide documentation for all procurements under all grants?	☐
	Can you provide an inventory of all equipment and materials purchased with grant funds?	☐
	Has your organization taken affirmative and documented steps to comply with the procurement requirements of the SACs?	☐
	Do you have copies of all executed contracts, addendums, and change orders with vendors showing scope of work, deliverables, and payment terms?	☐
	Does your organization maintain policies and procedures for direct vendor and subrecipient oversight?	☐
	For subrecipients, is there an original or copy of the signed award agreement on file?	☐
	For subrecipients, are financial and progress reports requested periodically and kept on file?	☐
	For subrecipients, is follow up of monitoring findings conducted, recorded, and kept on file?	☐
	For subrecipients, are budget modifications adequately reviewed, approved, and kept on file?	☐
Sales and Marketing	Does your organization have an effective strategy for marketing the expansion of broadband services funded by your grant?	☐
	Does your organization encourage public comment for implementing new services?	☐

	Does your organization adequately notify households and businesses in the project area of the availability of qualified broadband services?	☐
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Site Visit Checklist

If you have been notified of a Site Visit, please review the above checklist in addition to the following:

Task Area	Description	
Administrative	Does your organization have a documented organizational chart with all key personnel names, positions, and levels that is readily available for review? Indicate the current percentage of each FTE dedicated to the grant and list key personnel roles and responsibilities.	☐
	Have any of your key personnel changed and do you have documented prior approval?	☐
	Does your organization have an employee handbook and ethical standards of conduct documentation?	☐
	Does your organization track the personnel hours of on-site staff funded by grant funds? Do you have work orders or coded timesheets for workforce activities?	☐
	Do you have paid invoices for contractor-supported activities?	☐
Financial Management	Does your organization have a written process and procedure for Automated Standard Application for Payment (ASAP) drawdowns?	☐
	Does your organization have written financial management policies and procedures?	☐
	Does your organization have written payroll processing procedures and sample time records for personnel working on the grant?	☐
	Does your organization have the Federal funds verification report from your financial system showing Federal expenditures by cost category reported as of the most recent quarter?	☐

	<i>Note: Federal funds expended should correspond to the figures in the most recently submitted in the Semi-Annual Performance (Technical) Report and SF-425.</i>	
Procurement and Contracts	Does your organization have written procurement policies, including purchasing policies and procedures?	☐
	Do you have RFPs and other documentation to show compliance with Federal, state, and/or local procurement policies related to competitive acquisitions?	☐
	Do you have a list of contractors funded by grant funds and their role in project execution?	☐
	Do you have all applicable executed contract documents, including statements of work, executed change orders, and paid invoices?	☐
	Do you have a list of all applicable subrecipients and agreements with other public organizations?	☐
	Do you have a copy of an executed subrecipient agreement or MOU?	☐
	Do you have a subrecipient monitoring plan?	☐
Construction: For each executed programmatic activity, collect a sample of supporting documentation that demonstrates project milestones achieved, implementation challenges and solutions (if applicable), and outcomes.	Has your organization met the milestones of the baseline project plan and/or the most recent performance (technical) report?	☐
	Have there been significant obstacles in the way of project progress?	☐
	Do you have purchase orders for materials and/or equipment utilized to execute the scope of work?	☐
	Do you have inventory reports that detail the use of materials purchased with grant funds?	☐
	Do you have equipment usage logs that detail which equipment has been utilized at the project site?	☐
	Do you have a project monitoring plan and a documented process for data collection activities?	☐
Environment	Have there been any significant developments that require additional environmental or historic review?	☐
	Has your organization obtained and maintained all necessary permitting for construction activities?	☐

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 BIP funds.	Before drawing down BIP 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.

Budget Revisions Checklist

Revisions	
☐	Communicated with FPO regarding budget revision.
☐	Filled out required Form SF-424c.
☐	SF-424 specifies the total approved budget for the award versus the requested revisions.
☐	SF-424 includes a detailed budget narrative explaining the transfer of funds.
☐	SF-424 sent by the recipient to the program office.
☐	Revised budget narrative to align to SF-424.
☐	Revised budget detail and narrative to align to SF-424.

Appendix F1. Fact Sheet: BIP Award Overview

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FACT SHEET

BROADBAND INFRASTRUCTURE PROGRAM AWARD OVERVIEW

WHAT IS THE PURPOSE OF THIS PROGRAM?

The Department of Commerce (DOC) National Telecommunications and Information Administration (NTIA) Broadband Infrastructure Program (BIP) is a broadband deployment program directed to partnerships between a state, or one or more political subdivisions of a state, and providers of fixed broadband service to support broadband infrastructure deployment to areas lacking broadband, especially rural areas.

HOW MUCH FUNDING HAS NTIA AWARDED?

NTIA made up to \$288,000,000 available for Federal assistance. NTIA received more than 230 applications requesting over \$2.5 billion across 49 states and territories. On February 25, 2022, NTIA announced it had awarded 13 grants totaling more than \$277 million to 12 states and one territory.

WHICH LEGISLATION ESTABLISHED THE PROGRAM?

The BIP was authorized by the Consolidated Appropriations Act of 2021.

HOW MAY FUNDS BE USED?

BIP grants fund competitively and technologically neutral projects that deploy fixed broadband service to eligible service areas. Projects must provide broadband service at 25/3 megabits per second (Mbps) simultaneously to every household in the eligible service area.

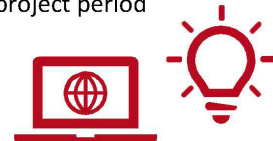
HOW DO RECIPIENTS ACCESS AWARD FUNDS?

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 preauthorized 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.

WHAT ARE THE REPORTING REQUIREMENTS?

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

- **Baseline Report:** Due 45 days after receiving environmental clearances
- **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



NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FACT SHEET

BROADBAND INFRASTRUCTURE PROGRAM AWARD OVERVIEW CONTINUED

HOW WILL NTIA MONITOR GRANTS AND PROVIDE TECHNICAL ASSISTANCE?

NTIA, in coordination with the National Institute of Standards and Technology (NIST) 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) attached to the grant. 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 virtual desk reviews or in-person site visits.

Recipients are responsible for conducting monitoring and oversight of their award subrecipients. Best practices for monitoring subrecipients include conducting a risk assessment, implementing a formal subrecipient monitoring plan, and creating an effective subrecipient legal agreement.

WHAT STATUTES AND REGULATIONS NEED TO BE FOLLOWED?

- Broadband Infrastructure Program Notice of Funding Opportunity
- 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements
- Department of Commerce Financial Assistance Standard Terms and Conditions
- National Environmental Policy Act (NEPA) Requirements
- National Historic Preservation Act (NHPA) Requirements
- Property Trust Relationship and Public Notice Filings for Grant-Acquired Property
- Open Network Requirements
- Domestic Preference for Procurements (Buy American)
- Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

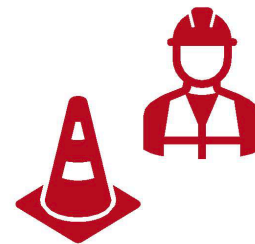
WHERE DO RECIPIENTS GO FOR HELP?

Resources:

- Broadband USA Website
- BIP Recipient Handbook

Agency Contacts:

- Assigned Federal Program Officer (FPO)
- Assigned NIST Grants Specialist
- 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



Appendix F.2. Fact Sheet: Subrecipients

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)
- Subrecipient's unique entity identifier
- Federal Award Identification Number (FAIN)
- Federal Award Date 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 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 to be responsive to 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)

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:

- The subrecipient's prior experience with the same or similar subawards.
- 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.
- Whether the subrecipient has new personnel or new or substantially changed systems.
- 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:

- Reviewing financial and performance reports required by the recipient.
- 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.
- 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:

- Providing subrecipients with training and technical assistance on program-related matters.
- Performing on-site reviews of the subrecipient's program operations.
- 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 Part 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.

AUDIT REQUIREMENTS FOR FOR-PROFIT SUBRECIPIENTS

The recipient is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. 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.

Appendix F.3. Fact Sheet: Specific Award Conditions

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FACT SHEET

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:

- **Period of Performance and Funding Limitations**
- **Department of Commerce Financial Assistance Standard Terms and Conditions**
- **Incorporation of the Notice of Funding Opportunity**
- **Reporting Requirements and Timeline**
- **Negotiate in Good Faith:** Mandates that recipients must negotiate in good faith with all requesting parties (e.g., public, private, non-profit, etc.).
- **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.
- **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 Negotiate in Good Faith and Buy American. 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 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:

- Read and understand the SACs associated with your award (read your CD-450).
- Ensure that your organization has adequate policies and procedures to verify and validate compliance. If not, establish procedures to monitor compliance with SACs.
- 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 FPO and/or Grants Office may implement corrective actions to bring delinquent recipients into compliance.



NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA) FACT SHEET

ENDANGERED SPECIES ACT (ESA) SECTION 7 CONSULTATIONS

The purpose of the Endangered Species Act (ESA) is to provide a means to conserve the ecosystems upon which endangered and threatened species depend and provide a program for the conservation of such species. The ESA directs all Federal agencies to participate in conserving these species. Specifically, section 7(a)(1) of the ESA charges Federal agencies to aid in the conservation of listed species, and section 7(a)(2) requires the agencies to ensure their activities are not likely to jeopardize the continued existence of federally listed species or destroy or adversely modify designated critical habitat.

WHAT IS A SECTION 7 CONSULTATION?

The provision under Section 7 that is most often associated with the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) (the Services) is Section 7(a)(2). It requires Federal agencies to consult with the Services to ensure that actions they fund, authorize, permit, or otherwise carry out will not jeopardize the continued existence of any federally-listed species or adversely modify designated critical habitats. The USFWS consultation process includes fish, wildlife, plants, and their habitats. Consultation with NMFS would include any federally-listed marine and anadromous species and their habitats.

WHO NEEDS IT?

NTIA must consult with the Services when any project or action they authorize, fund, or carry out may affect a federally-listed species or designated critical habitat. The consultation process can vary depending on the complexity of the project or action.

The Services' staff will work with NTIA and grant recipients to develop the documentation needed to initiate and complete consultation. Grant recipients in coordination with NTIA shall contact the appropriate Services' Field Office well in advance of proposed projects or actions. Doing so allows all parties to better understand the proposed project or action and gather the information needed to complete the consultation in a timely manner.

Please consult with your state fish and game agencies as states may have separately listed threatened and endangered species.

DEFINITIONS

Biological Assessment – A biological assessment shall evaluate the potential effects of the action on listed and proposed species and designated and proposed critical habitat and determine whether any such species or habitat are likely to be adversely affected by the action and is used in determining whether formal consultation or a conference is necessary.

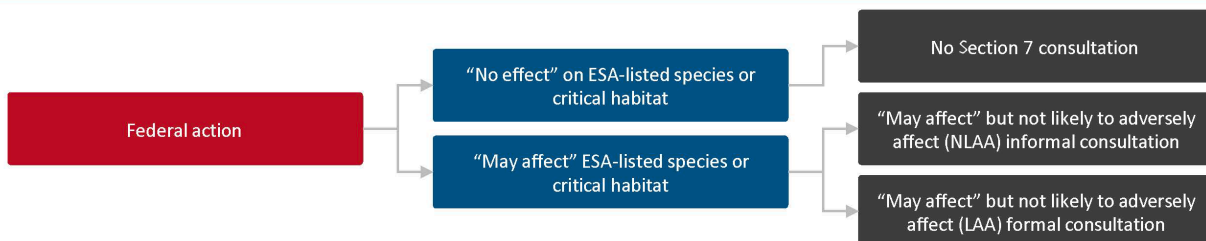
Critical Habitat – Critical habitat is defined as:

- Specific areas within the geographical area occupied by the species at the time of listing that contain physical or biological features essential to conservation of the species and that may require special management considerations or protection
- Specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation

Endangered Species – Under the Endangered Species Act, a species is considered “endangered” if it is in danger of extinction throughout all or a significant portion of its range.

Threatened Species – A species likely to become endangered in the foreseeable future throughout all or a significant portion of its range.

SECTION 7 CONSULTATION PROCESS



CONSULTATION PROCESS

STEP 1 – INFORMAL CONSULTATION

Informal consultation is an optional process that is designed to help the action agency determine whether formal consultation is needed. [Informal consultation is an optional process in the sense that NTIA and the grant recipient can determine whether or not formal consultation is needed, or engage the regulatory agency in the manner described above.] Informal consultation has no specified timeframe for completion.

The Services strongly encourage the use of informal consultation so that projects can be designed with minimal impact to listed species, possibly resulting in a determination of no adverse effect, eliminating the need for formal consultation.

STEP 2 – REVIEW

The grant recipient may initiate informal consultation by reaching out to the Services about their project and are free to do so, keeping NTIA in the loop and maintaining all documentation for the administrative record. The grantee should contact the appropriate local Service office to determine if listed species are present within the action area. The Service responds to the request by providing a list of species that are known to occur or may occur in the vicinity; if the Service provides a negative response, no further consultation is required unless the scope or nature of the project is altered, or new information indicates that listed species may be affected.

Grant recipients may use the Service's digital project planning tool, Information for Planning and Consultation (IPaC), at <https://ipac.ecosphere.fws.gov/> to get a list of species and critical habitats that may be present in the action area.

STEP 3 – DETERMINATION

If listed species are present, the grant recipient and NTIA must determine if the Proposed Action may affect them. A may affect determination includes those actions that are not likely to adversely affect as well as likely to adversely affect listed species. If the grant recipient and NTIA determine that the action is not likely to adversely affect listed species (e.g., the effects are beneficial, insignificant, or discountable), and the Service agrees with that determination, the Service provides concurrence in writing and no further consultation is required.

If the grant recipient and NTIA determine that the action is likely to adversely affect listed species, then NTIA must request initiation of formal consultation. This request is made in writing to the Services and includes a complete initiation package. Up to that point, interactions have been conducted as informal consultation; however, once a request for formal consultation is received, the process becomes formal, and specific timeframes come into play. Formal consultation is initiated on the date the package is received unless the initiation package is incomplete. If the package is incomplete, the Service notifies NTIA of the deficiencies. If a complete package is submitted, the Service should provide written acknowledgment of the request within 30 working days. This written acknowledgment is not mandatory but is encouraged so that there is documentation in the administrative record that formal consultation has been initiated.

STEP 4 – FORMAL CONSULTATION (IF APPLICABLE)

Formal consultation is a mandatory process for proposed projects that may adversely affect listed species, is initiated in writing by NTIA, and concludes with the issuance of a biological opinion by the Services. [Written concurrence must be requested and received from the regulatory agency if a project "may affect" but is not likely to adversely affect a listed species or critical habitat.]

From the date that formal consultation is initiated, the Service is allowed 90 days to consult with NTIA and the grant recipient and 45 days to prepare and submit a biological opinion; thus, a biological opinion is submitted to NTIA within 135 days of initiating formal consultation. The 90-day consultation period can be extended by mutual agreement of NTIA and the Service; however, the consultation period cannot be extended more than 60 days without the consent of the grant recipient. The extension should not be indefinite and a schedule for completion should be specified.

STEP 5 – CONCLUSION OF BIOLOGICAL OPINION

The biological opinion is the document that states the opinion of the Service as to whether or not the Proposed Action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat.

The conclusion of the biological opinion will state whether NTIA has ensured that the grant recipient's Proposed Action is not likely to jeopardize the continued existence of a listed species and/or result in the destruction or adverse modification of critical habitat. A biological opinion usually includes conservation recommendations to further the recovery of listed species, and it also may include reasonable and prudent measures, as needed, to minimize any "take" of listed species.

Section 7(a)(4) requires NTIA to confer with the Services on any agency action that is likely to jeopardize the continued existence of any species proposed for listing or result in the adverse modification of critical habitat proposed to be designated. A conference may involve informal discussions between the Services, NTIA, and the grant recipient. Following informal conference, the Services issue a conference report containing recommendations for reducing adverse effects. These recommendations are discretionary, because an agency is not prohibited from jeopardizing the continued existence of a proposed species or from adversely modifying proposed critical habitat. However, as soon as a listing action is finalized, the prohibition against jeopardy or adverse modification applies, regardless of the stage of the action.

GETTING STARTED

Grant recipients wishing to explore beginning a Section 7 consultation should consult the Ecological Services office nearest the Proposed Action project site. See the USFWS "Find a facility" map to locate the nearest office at <https://www.fws.gov/visit-us>. Regional NMFS office locations and contact information can be found at <https://www.fisheries.noaa.gov/contact-directory/regional-offices>.



NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FACT SHEET

WETLAND REGULATORY AUTHORITY

Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material (see Definitions) into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development (such as wireless towers or community/training centers), water resource projects and infrastructure development (such as fiber deployment).

Section 404 requires a U.S. Army Corps of Engineers (USACE) Permit before dredged or fill material may be discharged into waters of the United States.

WHAT ARE WATERS OF THE UNITED STATES?

The term “waters of the United States” means:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or,
 - Which are used or could be used for industrial purposes by industries in interstate commerce.
- All impoundments of waters otherwise defined as waters of the United States under this definition;
- Tributaries of waters;
- The territorial sea;
- Wetlands adjacent to waters (other than waters that are themselves wetlands).

USACE PERMITS

When you apply for a USACE permit, you must show that you have, to the extent practicable, taken steps to avoid wetland impacts; minimized potential impacts on wetlands; and provided compensation for any remaining unavoidable impacts. The USACE issues **General Permits** and **Individual Permits** to authorize activities in waters of the United States, as described below. A proposed project’s impacts to environmental resources will determine what permit type is required.

GENERAL PERMITS

General Permits comprise a series of permits issued by the USACE for minor structures, work or discharges either nationwide or in specific states or regions across the country that will result in only minimal adverse effects. There are three types of general permits – Nationwide Permits, Regional General Permits, and Programmatic General Permits.

NATIONWIDE PERMITS (NWP)

NWPs are issued by USACE on a national basis and are designed to streamline authorization of projects that produce minimal impact the nation’s aquatic environment. The NWPs most relevant to Broadband grant programs would be NWP 23 – Approved Categorical Excluded Projects and NWP 57 – Electric Utility and Telecommunication Activities. More information on the NWPs can be found at this link – [Nationwide Permit Information \(army.mil\)](#).

REGIONAL PERMITS AND PROGRAMMATIC GENERAL PERMITS

A regional general permit is issued for a specific geographic area by an individual USACE District. Each regional general permit has specific terms and conditions, all of which must be met for project-specific actions to be verified.

Programmatic general permits are based on an existing state, local, or other Federal programs and designed to avoid duplication of that program. A State Programmatic General Permit (SPGP) is a type of permit that is issued by USACE and designed to eliminate duplication of effort between USACE districts and state regulatory programs that provide similar protection to aquatic resources. In some states, the SPGP replaces some or all the USACE nationwide permits, which results in greater efficiency in the overall permitting process.

For more information on USACE permitting and a list of regional or programmatic general permits used by USACE districts across the nation click this link - [Obtain a Permit \(army.mil\)](#).

DEFINITIONS

DISCHARGE OF DREDGED MATERIAL

Means the addition, including redeposition, of dredged material, runoff from a contained land or water disposal area, and any addition, including redeposition, of excavated material. These activities include mechanized land clearing, grading, filling in low areas, side casting of excavated material from new ditching work, and other placement of excavated material into waters of the United States, including wetlands.

DISCHARGE OF FILL MATERIAL

Means the addition of fill material used for the primary effect of replacing any portion of a water of the U.S. with dry land or of changing the bottom elevation of a water of the U.S., including wetlands. The placement of fill constitutes a discharge of fill material when such placement has or would have the effect of a discharge of fill material.



Additional permitting and regulatory information can be obtained from the appropriate USACE Division and/or District where your project is located. See the USACE *Where Are We* figure map – [Headquarters U.S. Army Corps of Engineers](#) to determine what division/district your project is in. You can click on the district title and be directed to a boundary map with additional information and links to Division and District websites.

GENERAL PERMIT APPLICATION

In general, the following should be submitted to the USACE to obtain verification that your activity is authorized under a general permit. A consultation with the USACE District Office is encouraged prior to beginning your application. **NTIA and your FPO should be contacted prior to initiating consultations and submitting permit applications.**

- Description of the project, the impacted environment, construction methods and surrounding environs and purpose of the proposed action.
- Vicinity map - locate the site of the **entire project** on a USGS Quadrangle showing geographic context
- Site Plan showing localized position of the project including the limits of disturbance.
- Detail plan view showing the proposed activity, which identifies project components, resources areas, and project limits.

Clearly show activity within jurisdictional water bodies or wetlands. If the project involves the discharge of dredged or fill material, show limits of wetland filing and the area of fill in square feet. The plan should include the dimensions of proposed structures and areas of work. Also, where possible, indicate distances to recognizable landmarks (e.g., existing roadways and buildings, utility poles, fences).

GENERAL PERMIT APPLICATION EVALUATION

USACE will determine whether your project complies with the general permit criteria. Some permits will require reporting to USACE. Reporting requirements will be outlined in the permit conditions. Some project proposals may be non-reporting to the USACE meaning that the permit conditions will not specify any reporting requirements. For these projects, it is the applicant's responsibility to meet the non-reporting thresholds contained in the terms and conditions of the permit. In all cases, applicants will be required to comply with their individual state and local permitting programs. Presently, there are no fees associated with general permits and work must be completed within the authorized period specified in the permit.

INDIVIDUAL PERMIT

An individual permit is required for potentially significant impacts. Individual permits are reviewed by the USACE, under a public interest review which includes a public comment period, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines. Consult a USACE representative early to find out what information will be required during the review process and to arrange a pre-application meeting.

INDIVIDUAL PERMIT APPLICATION

For an Individual Permit (IP), you will need to prepare ENG Form 4345 – [APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT](#). Additionally, a vicinity map, a plan view and cross sections must be provided in a required format, outlined in the permit application guidance, on 8.5" X 11" paper or mylar. The application (see above link) provides instructions and detailed requirements for completing the application.

If NTIA requires an Environmental Assessment (EA), the EA can often be used to address IP requirements. NTIA and USACE would coordinate to ensure as much efficiency as possible.

EVALUATING AN INDIVIDUAL PERMIT

The Corps will acknowledge receipt of your application and provide a file number. Refer to this file number when inquiring about your application. The decision whether to grant or deny a permit is based, in part, on a public interest review of the probable impact of the proposed activity and its intended use. When a public notice is required, the review takes into consideration all comments received and other relevant factors, such as temporary and permanent impacts to resources. Benefits and detriments are balanced by considering effects on many factors such as conservation, navigation, shore erosion & accretion, recreation, water quality, etc.

SECTION 401 – WATER QUALITY CERTIFICATION

Under Section 401 of CWA, a Federal agency may not issue a permit or license to conduct any activity that may result in any discharge into waters of the United States unless a Section 401 water quality certification is issued, or certification is waived. States and authorized tribes where the discharge would originate are generally responsible for issuing water quality certifications. In cases where a state or tribe does not have authority, EPA is responsible for issuing certification.

A certifying authority may waive certification expressly, or by failing or refusing to act within the established reasonable period of time (one year). In making decisions to grant, grant with conditions, or deny certification requests, certifying authorities consider whether the permitted activity will comply with applicable water quality standards, effluent limitations, new source performance standards, toxic pollutants restrictions and other appropriate water quality requirements of state or tribal law. This link provides additional information on the Section 401 Certification – [Overview of CWA Section 401 Certification | US EPA](#). Applicants should also check with the Water Quality Divisions/Departments in the state where their project would occur.

Applicants should check with state and local regulations regarding impacted wetlands that are not within Federal jurisdiction as they may fall under a state program.

FACT SHEET

National Telecommunications and Information Administration Broadband Infrastructure Program and Tribal Broadband Connectivity Program National Historic Preservation Act, Section 106, Consultation Process

Overview

Section 106 of the National Historic Preservation Act (NHPA) (implemented by 36 CFR 800) requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the public and appropriate parties a reasonable opportunity to comment on such undertakings. Historic properties are buildings, structures, objects, districts, or archaeological sites that are listed or eligible for listing in the National Register of Historic Places.

THE SECTION 106 PROCESS CONSISTS OF:

■
Identifying and evaluating
historic properties.

■
Applying the criteria of
“adverse effect” on historic
properties.

■
Consultation to determine
methods to avoid, minimize, or
mitigate adverse effects.

The National Telecommunications and Information Administration (NTIA) grant awards for the Broadband Infrastructure Program (BIP) and the Tribal Broadband Connectivity Program (TBCP), particularly for infrastructure development projects, will usually include several Specific Award Conditions (SACs) that must be fulfilled before the proposed project is implemented. These SACs will often include a requirement to complete Section 106 consultations with the appropriate State Historic Preservation Office (SHPO) and Federally recognized Native American tribes, often represented by Tribal Historic Preservation Offices (THPO).

The NTIA as the lead Federal agency is responsible for initiating all Section 106 consultations. The grantee's role is to assist NTIA in conducting and concluding these consultations.

NHPA Section 106 Consultation Process

The Section 106 consultation process typically consists of providing project information and responding to questions and requests for additional information with various consulting parties. Consulting parties may include the Advisory Council on Historic Preservation, the State (or Tribal) Historic Preservation Officer, the local government, an applicant/grantee for federal assistance, and interested federally recognized Indian tribes or Native Hawaiian organizations. Historic preservation organizations and others with an interest in the preservation outcomes of the project or those with a legal or economic interest may also be invited to join consultation. The agency also plans how it will involve the public.

SHPO Consultations

- Within a few weeks after the grant is awarded, the NTIA Historic Preservation Specialist (HPS) will ask the grantee to provide a current and comprehensive project description and detailed maps (preferably by e-mail). This information should be readily available to the grantee and provided expeditiously to NTIA (*i.e.*, within one month from acceptance of the award).
- The HPS will send the detailed project description and maps to the SHPO for the state in which project activities will take place. This letter will initiate NHPA Section 106 consultations for the project. The grantee will be copied on the letter. If more than one state is involved, the HPS will send letters to each.



SHPO Consultations (Cont.)

- Shortly thereafter the recipient is required to contact the SHPO, preferably by phone, followed by a letter or e-mail, and offer to provide any additional information the SHPO may require to complete the consultation process.
- SHPO consultation requirements may differ from state to state. Hiring a cultural resource consultant with state-specific Section 106 experience is almost always beneficial and in some cases may be required, depending on the potential for the project to impact historic or cultural resources.
- Construction or expansion of communication facilities (cell towers) are regulated by the Federal Communications Commission (FCC). NTIA as the lead federal agency will involve FCC for activities that must go through a streamlined Section 106 review under the National Programmatic Agreement (NPA) specific to the FCC. We will follow the procedures set forth in the NPAs, using NHPA Section 106 and the FCC's Tower Construction Notification System (TCNS) to avoid duplicative reviews but only for telecommunication projects. If there is an adverse effect identified, we will work closely with FCC in the consultations. Other aspects of the project, such as cabling, may require separate Section 106 consultation with the NTIA as lead agency. The HPS will assist recipients in determining if this applies.
- The SHPO will respond to the NTIA letter initiating Section 106 consultation, or to the recipient's follow-up contact, based on state-specific procedures and their level of concern over the proposed project. The implementing regulations of Section 106 of the NHPA give the SHPO 30 days to respond to submissions.
- When projects have the potential to affect historic or cultural resources, SHPOs will typically require the completion of a survey of the project's Area of Potential Effect (APE). To complete the required surveys, the recipient will typically need to secure the services of cultural resource professionals that meet the requirements and standards specified by the Secretary of the Interior (36 CFR 61) for archaeology and/or architectural history.
- Recipients with multi-state projects should not assume that information requests and decisions by one state's SHPO apply to other states as well. Recipients must conduct separate consultations with each SHPO.
- Some SHPOs prefer to consult only with the lead Federal agency of a proposed project. The recipient should inform the NTIA HPS if a SHPO is unresponsive or expresses any concerns regarding the consultation.
- Under Section 106 of the NHPA, a SHPO has 30 calendar days to respond to a determination of project effect upon receiving the required information.
- Changes to the project limits or scope of work may require additional SHPO consultation and could impact a project's effect determination.
- If an adverse effect is determined by the SHPO, NTIA will need resolve the adverse effect(s) through consultation with the Council, SHPO, and all applicable consulting parties. The process will result in a Memorandum of Agreement (MOA) that will document steps taken to avoid or minimize the adverse effect(s), views of consulting parties and the public, and terms and conditions agreed upon to resolve the adverse effects.
- The recipient should include in its EA: the results of SHPO consultations, determination of effect, mitigation requirements, project procedures, and any other information resulting from consultations.
- **Section 106 consultation is considered completed when:**
 - SHPO provides a letter concluding that the project will have No Effect or No Adverse Effect on historic or cultural resources.
 - A MOA is signed between all involved parties setting forth requirements necessary to avoid, minimize, or mitigate any adverse effects identified by the SHPO during the review.
- NTIA must receive evidence of completion of its Section 106 responsibilities before a Finding of No Significant Impact (FONSI) will be signed.

TRIBE/THPO CONSULTATIONS

- Section 106 requires that consultations with Federally recognized Indian tribes occur in parallel with the SHPO consultations.
- **Tribe/THPO consultations differ from those with the SHPO in a number of important ways:**
 - Consultations are conducted on a government-to-government basis (*i.e.*, NTIA to Tribe/THPO), so the recipient's formal role is focused on supporting NTIA.
 - Tribes/THPOs that are notified of a project have no obligation to respond, nor any requirement to respond within a specified time.
 - Tribes/THPOs notification of a project typically concludes with no communication after a reasonable period of time, a communication of no interest, a request to be notified if remains or artifacts are discovered, or expressions of interest that could include such things as requests for certain procedures to be followed in implementing the project and participation in field surveys. NTIA will require the recipient to accommodate all reasonable requests from Tribes/THPOs.
- NTIA has arranged to participate in the FCC's Tower Construction Notification System (TCNS) in order to facilitate and expedite outreach to the 574 Federally recognized tribes and other Native American groups.
- TCNS is an automated system developed to facilitate licensees, applicants, and private tower constructors' identification of and early communication with all Federally recognized Indian tribes, including Alaska Native Villages, and Native Hawaiian Organizations. Tribes participate in TCNS by identifying their geographic area of interest and then receive only those notices of projects with activities that are planned within that specified area. For NTIA projects, the notification process begins when project descriptions are entered by NTIA into the automated TCNS system. Notified tribes interested in receiving more information on a specific project will respond via e-mail through the TCNS to NTIA (the TCNS process requests responses within 14 days). NTIA will then, through the established government-to-government protocol, arrange for the recipient to establish communications with the tribe in order to provide any additional information and complete the consultation process. This is typically done through e-mail initiated by the NTIA HPS, with the THPO, and recipient.
- **For THPO consultations through the TCNS process, recipients should understand that:**
 - THPO consultations, required by Section 106, are initiated by NTIA.
 - NTIA will forward THPO requests for information to the recipient for a timely and adequate response.
 - If the THPO identifies potential impacts to tribal historic or cultural resources, the recipient should coordinate its responses closely with NTIA HPS.
 - The recipient's EA should discuss any substantive interactions with THPOs regarding the project.

ADDITIONAL RESOURCES

For additional information on National Historic Preservation Act, Section 106, Consultation Process, please refer to the following resources:

- Section 106 Summary, National Historic Preservation Act: <https://www.achp.gov/>
- National Conference of State Historic Preservation Offices: <https://ncshpo.org/>
- National Association of Tribal Historic Preservation Officers: <https://www.nathpo.org/>

