

# Broadband Infrastructure Program

Fifth Set of Frequently Asked Questions (released July 27, 2021 and updated August 13, 2021)

*The below FAQs are for informational purposes only and are intended solely to assist potential applicants in better understanding the NTIA Broadband Infrastructure Program and the application requirements set forth in the Notice of Funding Opportunity (NOFO) for this program. The FAQs do not and are not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in the below FAQs.*

## Program Overview

### **Is there a pre-application phase?**

No. NTIA is currently accepting complete applications for the Broadband Infrastructure Program. It will accept applications until August 17, 2021 at 11:59 pm EDT.

### **How does the relationship of the covered partnership work? Who will be awarded the grant money - the provider of fixed broadband service or the governmental entity? Is a township resolution an acceptable document to provide to solidify the covered partnership?**

The governmental entity must serve as the lead applicant for the covered partnership and would enter into the grant agreement with NTIA and assume primary operational and financial responsibility for completing the project should an award be made. Please see Section III.A of the NOFO for further detail on eligible applicants and the designation of the lead applicant. The partnership does not need to be documented in a formal legal agreement at the time of application submission but should be expressed in the application as a general intent to cooperate in implementing the covered broadband project proposed for an award. NTIA requires that letters of commitment from the covered partnership participants and any other significant partners in the proposed project be submitted as a part of the application. See Sections III.A.1 and IV.B.9 of the NOFO.

## Eligibility

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

Under Section 902(a) of the Consolidated Appropriations Act, 2021 (Act), the Broadband Infrastructure Program can only fund covered broadband projects. The term “covered broadband project” means a competitively and technologically neutral project for the deployment of fixed broadband service that provides qualifying broadband service in an eligible service area. See Sections I.B.e and I.B.i of the NOFO. Section I.B.i of the NOFO further defines the term “qualifying broadband service” to mean broadband service with: (i) a download speed of not less than 25 megabits per second; (ii) an upload speed of not less than 3 megabits per second; and (iii) a latency sufficient to support real-time, interactive applications. For purposes of this program, NTIA interprets the 25/3 standard to mean the ability to provide 25 Mbps downstream and 3 Mbps upstream simultaneously to every household in the

eligible service area. NTIA interprets latency to mean 95 percent or more of all peak period measurements of network round trip latency [*i.e.*, the total round-trip latency between the customer premises and the closest designated Internet core peering interconnection point] are at or below 100 milliseconds. Thus, the Broadband Infrastructure Program will only fund projects that meet the latency standard in the definition of qualifying broadband service.

**If we will need to build a customer/retail facility in the area to house equipment and serve customers, can the facility costs be included in the grant? If we are to pay to build such facility could it be considered part of our in-kind contribution?**

As stated in Section IV.J.1 of the NOFO, funds may be used for construction, improvement, and/or acquisition of facilities and telecommunications equipment required to provide qualifying broadband service as well as other allowable costs necessary to carry out programmatic activities of this award, with the exception of the ineligible costs listed in Section IV.J.2 of the NOFO.

The Act authorizing the establishment of the Broadband Infrastructure Program does not contain a statutory cost sharing or matching funds requirement for the program. NTIA will not require a covered partnership applying for a grant under the Broadband Infrastructure Program to provide a cost match; however, NTIA will favorably consider applications that propose to contribute a non-federal cost match of at least 10 percent of the total eligible costs of the project. See Section V of the NOFO for the Evaluation Criteria and the Selection Factors for this program. Applicants proposing a cost share amount must document their capacity to provide matching funds in their applications. Matching funds may be in the form of either cash or in-kind contributions consistent with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200.<sup>1</sup> Non-federal cost share committed to an award by a covered partnership will be treated as voluntary committed cost sharing (as defined in 2 C.F.R. § 200.1) and will be a binding commitment under the award. The failure of a covered partnership to meet its voluntary committed cost share may result in a decrease in federal grant funds.

In-kind contributions, which include third party in-kind contributions, are non-cash donations of property, goods or services, which benefit a federally assisted project, and which may count toward satisfying the non-federal matching requirement of a project's total budgeted costs when such contributions meet certain criteria. In-kind contributions must be allowable and allocable project expenses. The rules governing allowable in-kind contributions are very detailed and encompass a wide range of properties and services. NTIA encourages applicants to thoroughly consider potential sources of in-kind contributions that, depending on the particular property or service and the applicable federal cost principles, could include: employee or volunteer services; equipment; supplies; indirect costs; computer hardware and software; and use of facilities.

Federal and non-federal funds committed to an award may only be used to cover allowable costs incurred during the period of performance and for allowable closeout costs incurred during the grant closeout process.

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<sup>1</sup> See 2 C.F.R. § 200.306.

**Can grant funds be used for the entire project, especially for (i) the drop line that runs across end-customer property and/or (ii) the terminating equipment such as an ONT?**

Funds may be used for construction, improvement, and/or acquisition of facilities and telecommunications equipment required to provide qualifying broadband service, including infrastructure for backhaul, middle and last mile networks. Please see the Eligible Uses of Funds for the Broadband Infrastructure Program in Section IV.J.1 of the NOFO for more information.

**The NOFO states that the application must include, “A description of any support provided to the provider of broadband service that is part of the covered partnership through: Any high-cost universal service support provided under section 254 of the Communications Act of 1934 (47 U.S.C. 254).” Does this mean that any recipients of high-cost support are not eligible to participate? If not, then why is the information being requested?**

Not necessarily. In order to maximize State and Federal investment in broadband and avoid duplication of funding, NTIA will review any State or Federal funding already committed to a proposed project. NTIA will compare the applicant’s proposed service area against those service areas that have been funded by other Federal or State programs and assess whether the applicant’s proposed service area is unserved, or if the area is already covered by qualifying broadband services. If, during the application review process, NTIA identifies service areas with pre-existing qualifying broadband service, applicants may be requested to descope those areas in order to ensure eligibility as outlined in the NOFO.

As required by the Act, and described in Section IV.B.6.j of the NOFO, applicants must disclose in their Project Narrative any support received by the provider of broadband service (that is part of the covered partnership) in the proposed service area, among other reporting requirements.

**If a town has a population under 50,000, but is in a county of over 50,000, is it eligible to apply for this grant?**

Yes, either the town or the county may apply for the grant as part of a covered partnership. See Section I.B.f of the NOFO. The program’s second statutory priority from Section 905(d)(4) of the Act is covered broadband projects designed to provide broadband service in an eligible service area that is wholly within any area **other than** a county, city, or town that has a population of more than 50,000 inhabitants; and the urbanized area contiguous and adjacent to a city or town of more than 50,000 inhabitants. Please note that NTIA will first sequence and review all applications that address statutory priority one (covered broadband projects designed to provide broadband service to the greatest number of households in an eligible service area) and evaluate them against the objective criteria set forth in Section V.A of the NOFO to determine their eligibility for award. To the extent that funding remains available after NTIA completes its review of priority one applications, NTIA will then review applications that address priority two, and so on, until it has awarded all available funding.

**If an area solely has access to 25/3 service via ‘satellite’ (no fixed wireless broadband is available), is that area eligible to be included in an application for this BIP program?**

The definition of “unserved” in Section 905(a)(14) of the Act (and included in Section I.B.k of the NOFO) includes the conditions that: (1) the household lacks access to qualifying broadband service; and (2) no broadband service 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. Thus, NTIA may fund specific areas (e.g., census tract, political subdivision) that are not being served with a qualifying broadband service as defined in Section I.B.i of the NOFO. That definition includes minimum download speed, minimum upload speed, and maximum latency components.

**If a locality is in the midst of the installation of fiber, does that preclude an application for broadband on top of that technology to increase access for end users? If so, are there time frame constraints on when the County would need to move forward with broadband as essentially a Phase II activity?**

Projects already underway are eligible for funding under this program. However, Federal and nonfederal funds committed to an award under this program may only be used to cover allowable costs incurred during the period of performance. **So no project costs incurred before the period of performance would be allowable under this program, with a limited exception.** Further, a grant recipient cannot receive duplicate funding from NTIA for costs that are already paid for from another source. **Applicants, if awarded grants, are allowed to use up to \$50,000 in awarded funds towards the reasonable preapplication costs, which may include the purchase of equipment or supplies, subject to a number of limitations discussed in the 6<sup>th</sup> set of FAQs.** *For updated information about pre-award costs, please see the third question under “Eligibility” in the Broadband Infrastructure FAQ Set 6, published on 8-11-2021.*

#### Other Broadband Funding Programs and Eligible Service Areas

**There are many townships that would meet the criteria of an eligible service area. How do we verify they are not a part of another project?**

NTIA encourages political subdivisions of a State that are contemplating forming a covered partnership with one or more providers of fixed broadband service to coordinate and consult with the State’s Broadband Office or other coordinating body to ensure that the proposal is consistent with a State’s broadband plan or priorities. Such coordination enables the State to evaluate the proposed covered broadband projects presented for consideration and ensure the submission of top priority projects for funding under the Broadband Infrastructure Program. Additionally, in accordance with Section 905(e)(2)(C) of the Act, political subdivisions of a State are limited to one application for program funding.

**Is funding from the Broadband Infrastructure Program to be used only to cover unserved areas, or can the funding be used to rehabilitate already-served areas where fixed broadband has been damaged by a disaster (e.g., hurricanes, flooding)?**

Eligible areas are those in which broadband service is not available at one or more households or businesses in the census block, as determined by the Assistant Secretary on the basis of the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)) or the most recent information available to the Assistant Secretary, including information provided by the Federal Communications Commission (FCC). If a covered partnership can show in its application that its proposed service area currently lacks qualifying broadband service (25/3 with low latency), then it may be eligible for funding under the Broadband Infrastructure Program.

**Can you provide a list of examples that would constitute cost sharing dollars?**

While the program does not have a cost sharing or matching funds requirement, please see 2 C.F.R. § 200.306 and Section III. B of the NOFO for information pertaining cost sharing or matching. Cost sharing or matching funds may be in a form of either cash or in-kind contributions consistent with Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200. In-kind contributions, which include third party in-kind contributions, are non-cash donations of property, goods, or services and could include employee or volunteer services; equipment; supplies; indirect costs; computer hardware and software; and use of facilities. It is important to note that federal funds may not be used as non-federal match, except as expressly provided in federal statute.

**Are there any restrictions for the use of NTIA Broadband Infrastructure Program grant funds to pay for materials that would be deployed on privately-owned property?**

Section IV.J.1 of the NOFO outlines the eligible uses of funds, and Section IV.J.2 outlines the unallowable costs. Neither the Act nor the NOFO make a distinction between deploying broadband infrastructure on private or public property. The covered partnership should obtain any necessary approvals, such as permits, licenses or site access agreements, to enable it to deploy, maintain and operate broadband infrastructure on either private or public property. In accordance with 2 C.F.R. § 200.316, real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the recipient or subrecipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. See Section VI.D.5 of the NOFO.

**As a condition of receiving a grant under the Broadband Infrastructure Program, a provider of broadband service that is part of a covered partnership receiving the grant is prohibited: from using grant funds to pay for the costs of providing broadband service to any locations that are used to meet an FCC Universal Service Fund (USF) deployment obligation. All rate of return regulated carriers (rural ILECs) receive High-Cost Support, including either A-CAM or the combination of CAF BLS and HCLS, which comes with an associated deployment obligation over a specific period of time. Should this provision be read to indicate that rate of return regulated carriers could not receive BIP funding to provide service within their rate of return regulated study areas? It should also be noted that many price cap regulated carriers receive CAF Phase II support, and this provision, if interpreted correctly, would also preclude them from receiving BIP funding for their regulated service areas. It also begs the question as to whether a competitive provider could receive BIP funding to deploy in these same areas, which receive USF and have deployment obligations.**

NTIA intends to fund specific eligible areas for which there are no other Federal funds awarded and/or leveraged to provide a qualifying broadband service, as defined in Section I.B.i of the NOFO (25/3 with low latency). The definition of “unserved” in Section 905(a)(14) of the Act (and included in Section I.B.k of the NOFO) includes the conditions that: (1) the household lacks access to qualifying broadband service; and (2) no broadband service 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. NTIA may fund projects within a larger geographic area (e.g., a State or county) receiving prior/current Federal funding, if the specific portions of the area described in the application to NTIA (e.g., census tract, political subdivision) are not served by Federal funding and/or are not being served with a qualifying broadband service (25/3 with low latency). If a portion of the project proposed is already served by qualifying broadband service,

and thus ineligible for funding, during the application review process NTIA may request that the applicant descope that portion of the project to continue receiving consideration (if other portions of the project are deemed eligible, meet the funding priorities outlined in the NOFO, and the proposed project scores favorably against the review criteria).

**The NTIA NOFO states the fixed broadband provider must connect 100% of households within the proposed service area, can NTIA provide some clarity on what that means?**

The NOFO states that applications that propose a Last Mile project must connect 100% of total unserved households in the proposed service area to receive the full point value in the “Level of Impact in the Proposed Service Area” subsection during the Merit Review. Last Mile projects that propose to connect less than 100% of total unserved households may still qualify for funding, but will not be as competitive as Last Mile projects connecting 100% of total unserved households.

**If multiple political subdivisions jointly apply for a grant, is it possible that the NTIA might award the grant for a portion of the communities but not all of them? In other words, is it all or nothing for communities that jointly file an application?**

If a portion of the project proposed is ineligible for funding, during the application review process NTIA may request that the applicant descope that portion of the project to continue receiving consideration (if other portions of the project are deemed eligible, meet the funding priorities outlined in the NOFO, and the proposed project scores favorably against the review criteria).

**Can federal funds received through any of the COVID recovery grants be used as matching funds?**

The Broadband Infrastructure Program does not have a cost sharing or matching funds requirement. See Section III.B of the NOFO. Generally, federal funds may not be used to provide the non-federal cost share of a federal award, except as specifically provided by federal statute. See 2 C.F.R. § 200.306(b)(5). If an applicant proposes to use federal funds as match for this program, its application must include the text of the specific statutory provision that specifically allows for this use.

**Can funds provided directly to municipalities from the American Rescue Plan Act be used as match for the NTIA grant? Similarly, can Federal Grants received through the USDA be used as matching funds?**

The Broadband Infrastructure Program does not have a cost sharing or matching funds requirement. See Section III.B of the NOFO. Thus, NTIA does not require a covered partnership applying for a grant under the Broadband Infrastructure Program to provide a cost match; however, NTIA will favorably consider applications that propose to contribute a non-federal cost match of at least 10 percent of the total eligible costs of the project.

Generally, federal funds may not be used to provide the non-federal cost share of a federal award, except as expressly authorized by federal statute. (See 2 C.F.R. § 200.306(b)(5).) For example, 40 U.S.C. § 1432(a)(4) authorizes the use of grant funds from the Appalachian Regional Commission (ARC) as matching funds if the ARC decides such use is appropriate. Similarly, 40 U.S.C. § 5305(a)(9) provides that funds distributed by the Department of Housing and Urban Development (HUD) as Community Development Block Grants (CDBG) may be used as “payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of activities assisted under this chapter.” See also 24 C.F.R. § 570.201(g) for the regulations implementing this provision. This is all to say that this is a very specific determination. Potential applicants are welcome to share the text of a specific statutory provision (within ARPA or otherwise) with NTIA if they believe that it authorizes the

use of Federal funds as cost share. With that information, NTIA can make an evaluation regarding that specific statutory text.

As with all cost matching contributions, federal funds authorized for use as matching funds would also need to meet the other cost sharing requirements set forth in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200. These requirements provide that, for all federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions, must be accepted as part of the non-federal entity's cost sharing or matching when such contributions meet all of the following criteria: (1) Are verifiable from the non-Federal entity's records; (2) Are not included as contributions for any other Federal award; (3) Are necessary and reasonable for accomplishment of project or program objectives; (4) Are allowable under subpart E of this part; (5) Are not paid by the Federal Government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs; (6) Are provided for in the approved budget when required by the Federal awarding agency; and (7) Conform to other provisions of this part, as applicable. See 2 C.F.R. § 200.306(b).

### How to Apply

**If a provider has a portion of a middle mile route that is eligible under both the BIP and the Tribal grants, can the provider include this area in both applications? Do we mention the route duplication in both (BIP and Tribal) original applications? I understand that, if the area is awarded under BIP we cannot receive funding for the same area under Tribal, but if awarded in BIP, will we be offered the opportunity to scale back the funding amount under the Tribal grant? Or will requesting funding for this middle mile route in both grants disqualify both applications from consideration?**

A provider may apply to the Broadband Infrastructure Program if it is a fixed broadband service provider partnering with a State or one or more political subdivisions of a State. The Tribal Broadband Connectivity Program (TBCP) is only open to eligible entities, which are defined in Section 905(a)(8) of the Act as: a Tribal Government; a Tribal College or University; the Department of Hawaiian Home Lands; a Tribal organization; or an Alaska Native Corporation. Assuming a provider is eligible to apply to both programs, each application must describe in detail the area and routes on which the applicant proposes to deploy broadband infrastructure and should also note that funding for the same area or overlapping portions of the area is being requested pursuant to the other NTIA broadband program. Applications for each program will be evaluated based on the criteria applicable to each grant program. Under no circumstances will NTIA make awards under the Broadband Infrastructure Program and TBCP that duplicate the same costs.

**If specific contractors and amounts are not decided yet, should this be noted in the application's Table of Participants or left blank? Or if a contractor withdraws prior to the award period, will we be permitted or required to amend the table as the project progresses?**

NTIA requests that applicants provide a table that identifies all organizations that will participate in and contribute to the proposed activities, if funded, and that are known at the time of the application submission. If you do not know this information at the time of the application, you may leave it blank. Further information regarding the Project Narrative can be found in Section IV.B.6.b.i of the NOFO. The covered partnership need not necessarily update the Table of Participants if a contractor withdraws from the project prior to award; however, the covered partnership should inform NTIA if this withdrawal

would have a material effect on the covered partnership's ability to complete its proposed project. Once an award is made, the recipient will have the opportunity to update the project participants.

**Is an ISP considered a subrecipient or a co-applicant? Will the ISP be required to complete the CD-511 or is this just required of the lead applicant?**

Given the definition of a covered partnership, providers of fixed broadband service may be listed as co-applicants in the application. Section III.C.2 of the NOFO states that a covered partnership may submit only one application for the Broadband Infrastructure Program. Only one CD-511 is required, and must be completed by the lead applicant (i.e., governmental entity). See Sections III.A.2 and IV.B.4 of the NOFO. However, it is the lead applicant's responsibility to ensure that, should an award be made, subrecipients comply with the terms and conditions of the grant. In this regard, 2 C.F.R. 200.332(a)(2) provides that the recipient must include, in all subawards, all requirements imposed by the recipient on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award, including but not limited to the lobbying restrictions covered by the CD-511 and 15 C.F.R. part 28 (New Restrictions on Lobbying).

**What are the legal and financial implications of acting as a lead applicant?**

As described in Section III.A.2 of the NOFO, the lead applicant will assume primary operational and financial responsibility for completing the project should an award be made.

**What accounts and registration do I need to submit my application electronically?**

Each applicant will need a Dun & Bradstreet number, registration with the System for Award Management (SAM), and an account with Grants.gov. Note that users who have registered with SAM now have a Unique Entity Identifier (UEI) within Grants.gov.

*\*Please note that the Unique Entity Identifier is replacing DUNS*

*(<https://grantsgovprod.wordpress.com/2021/06/15/using-the-unique-entity-identifier-uei-in-grants-gov/>).*

**What is the difference between my Unique Entity Identifier (UEI) and my Data Universal Numbering System (DUNS)?**

The UEI is a 12-character unique number assigned to all entities (public and private companies, individuals, institutions, or organizations) who must register to do business with the federal government in SAM. This "SAM UEI" will phase out the nine-character Data Universal Numbering System (DUNS) Number in April 2022. Grants.gov continues to work closely with SAM during the transition from the DUNS Number to the SAM UEI. Grants.gov now retrieves the UEI from SAM, and all users who have registered with SAM are now seeing their UEI when they log into Grants.gov.

*\*Please note that the Unique Entity Identifier is replacing DUNS*

*(<https://grantsgovprod.wordpress.com/2021/06/15/using-the-unique-entity-identifier-uei-in-grants-gov/>).*

**Does a covered partnership between multiple political subdivisions who are all signing letters of intent to partner with a common provider of fixed broadband service require a Cooperative Agreement referencing all political subdivisions and their common provider be structured with one political subdivision as the lead due to the application being submitted under one entity? Should or**



**could it also be a Cooperative Agreement between the political subdivisions referencing the individual agreement(s) with the fixed broadband provider?**

The partnership does not need to be documented in a formal legal agreement at the time of application submission but should be expressed in the application as a general intent to cooperate in implementing the covered broadband project proposed for an award, under Section III.A.1 of the NOFO. An eligible governmental entity that is part of the covered partnership must serve as the lead applicant, under Section III.A.2 of the NOFO. NTIA requires that each application include a Letter of Commitment from an authorized representative of each member of the covered partnership, and the application should identify other significant partners in the proposed project. See Sections IV.B.6 and IV.B.9 of the NOFO.

**Would each county signing a letter of intent to enter into a Cooperative Agreement be sufficient for the application, or does the Cooperative Agreement have to be signed by all parties and submitted with the application?**

The partnership does not need to be documented in a formal legal agreement at the time of application submission but should be expressed in the application as a general intent to cooperate in implementing the covered broadband project proposed for an award. See Section III.A.1 of the NOFO. NTIA requires that each application include a Letter of Commitment from an authorized representative of each member of the covered partnership, and the application should identify other significant partners in the proposed project. See Sections IV.B.6 and IV.B.9 of the NOFO.

**When setting up the Grants.gov site and workspace to support multiple political entities and a common fixed broadband provider:**

- **Does the lead applicant set up the Organization and then add each of the political entities and common broadband provider with designated roles to Grants.gov organization?**
- **Can an entity outside the Primary applicant be assigned an AOR role allowing them to submit the grant once completed?**
- **Do the other political subdivision entities and broadband provider require Grants.gov accounts to be added to the workspace?**
- **Other entities need to do anything to be added to the Grant Org or workspace?**
- **If the fixed broadband service provider will be conducting the final review of the applications and ensuring completeness and accuracy, can they be listed as the AOR and allowed to submit the application?**

In the Grants.gov, Applicants tab has the [Applicant FAQs](#) and [Applicant Training](#) videos available which contain the information to help answering these questions (e.g. Intro to Grants.gov User Roles, User Roles & Workspace Actions, How to Create Grants.gov Workspace, How to Add Participant to a Grants.gov Workspace, etc.). If you still have questions after reviewing the Applicant FAQs and Applicant Training materials, please contact Grants.gov Applicant Support for assistance. *Applicant Support:* Grants.gov provides applicants 24/7 support via the toll-free number 1-800-518-4726 and email at [support@grants.gov](mailto:support@grants.gov).

**What information should be included as “cost details of the project,” as required by the Project Narrative, given that the budget information for construction programs (SF-424C) is also required?**

Applicants must detail the costs associated with implementing the proposed project, including financial analyses and revenue and expense projections, in a detailed narrative format as part of the Project Narrative so that NTIA can evaluate if costs are reasonable and allowable. The cost details in the Project Narrative should align with and delineate the broader cost category information submitted in the SF-424C.

**The Project Narrative requires “financial analyses and revenue and expense projections. Is this just for the revenue and expense for the proposed funded area?**

This is for the proposed project.

**Is the pro forma financial information listed on page 16 of the NOFO required for both the political subdivision and the fixed broadband service provider, or just one or the other?**

The pro forma financial information should be provided for the members comprising the covered partnership.

**Can we include letters of support from elected officials or residents living in the proposed grant area? If so, are they supposed to come in as an exhibit?**

Applicants may provide letters of support with their application materials if desired, but these are not required. Letters of support are not an evaluation or scoring criterion. Section IV.B of the NOFO includes application contents and submission information.

**How and where do we request an extension?**

Section II.B of the NOFO includes information on how and if an applicant/awardee can request an extension of the period of performance for its project, if necessary. A covered partnership may submit a request for an extension of the one-year award period to NTIA with its application or not later than ninety (90) calendar days before the end of the award period. There are no extensions available relative to the August 17, 2021 application deadline.

**Evaluation of Applications**

**What does NTIA look for in the governmental partner? In particular, would one type of political subdivision be a stronger partner than another? As an example, would a county be a stronger partner than a school district?**

While the NOFO states that the governmental entity (either a State, or one or more political subdivisions of a State) must be the lead applicant of the covered partnership, the type of governmental entity does not factor in to the evaluation and/or scoring criteria. For details on the program’s evaluation criteria, please see Section V.A of the NOFO.

**Can a state, as the lead applicant, partner with two separate telecom companies and submit two different applications that would be considered separately?**

No. Section 905(e)(2)(C) of the Act states that a covered partnership may submit only one application for the Broadband Infrastructure Program. The State may only submit one application as part of a

covered partnership. NTIA encourages the State to combine proposals and submit one single application.

**Is any point consideration made for Opportunity Zones?**

No, there are no points awarded for planning a project in an Opportunity Zone. Reviewers will evaluate applications according to the evaluation criteria provided in Section V.A of the NOFO and independently score each application based on a scale of 0-100. The evaluation criteria that will be used by the Merit Reviewers to review and analyze Broadband Infrastructure Program applications are grouped into three categories: (1) Project Purpose and Benefits (30 points); (2) Project Viability (40 points); and (3) Project Budget and Sustainability (30 points). Each application will be evaluated against these objective criteria. See Section V.A of the NOFO for a detailed description of the evaluation criteria that reviewers will apply under each category.

**What do you consider community anchor points? Are they predefined or is it our responsibility to find and list those that fit the criteria?**

Section I.B.d of the NOFO defines the term “Community Anchor Institutions” as 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.

**How do we produce proof that the state supports our application?**

Your state only needs to be directly involved in the application if it is part of the covered partnership. If the state is one of the entities in the covered partnership, it will serve as the lead applicant and will submit a Letter of Commitment with the application, as described in Sections III.A.2 and IV.B.9 of the NOFO. NTIA encourages political subdivisions of a State that are contemplating forming a covered partnership with one or more providers of fixed broadband service to coordinate and consult with the State’s Broadband Office or other coordinating body to ensure that the proposal is consistent with a State’s broadband plan or priorities. Additionally, as noted in Section III.C.3 of the NOFO, the lead applicant must identify on Line 19 of the SF-424 application form whether the application is subject to State review pursuant to Executive Order 12372 and whether the application was selected for review by the State.

**NBAM & Data**

**How can I confirm the census block of my proposed service area so that I know if our population exceeds 50,000 inhabitants?**

Section I.A of the NOFO lists the funding priorities in descending order, and the second priority is to projects outside a county, city, or town of a population with more 50,000 inhabitants. However, this threshold of 50,000 inhabitants is a priority factor, not an eligibility factor. When NTIA reviews applications, NTIA will first sequence and review all applications that address statutory priority one (covered broadband projects designed to provide broadband service to the greatest number of households in an eligible service area) and evaluate them against the objective criteria set forth in Section V.A of the NOFO to determine their eligibility for award. To the extent that funding remains

available after NTIA completes its review of priority one applications, NTIA will then review applications that address priority two (discussed above), and so on, until it has awarded all available funding.

**How will the use of the new public map influence NTIA in deciding eligible areas?**

NTIA's new publicly available digital map, Indicators of Broadband Need, provides a useful tool for applicants to determine the eligible service area for applicants. The Indicators of Broadband Need tool does not provide detail on the specific numbers of unserved households, business, or CAIs in geographic location. Its purpose is to demonstrate, using various data layers, potential areas in which there is limited broadband deployment or investment.

Applicants, when designing their service areas and wishing to substantiate the number of households, business, or CAIs that are unserved in a proposed service area, may estimate the population counts in their proposed service areas using available data sets, including Census data or other State and local population data. NTIA will validate that information using its own tools, some of which are included in the National Broadband Availability Map tool. NTIA will look at all available tools to assess the eligibility of a service area (FCC mapping data first, if available), eligible funding under the program, and indicators of broadband need. NTIA's digital map tool is used as one measure for assessing the eligibility of a service area for funding.

While NTIA will first look to broadband availability data provided by the FCC in the review of proposed funded service areas, as required by the Act, NTIA also encourages applicants to provide any additional data they have on the availability of broadband services in their proposed service areas that may provide additional detail and clarity on the presence of qualifying broadband service and level of need in those areas. NTIA will consider the applicant's submission of data and information used to substantiate the position that not all locations in the census block are served by qualifying broadband service (25/3 with low latency). NTIA will only fund the portions of that census block that are currently unserved (i.e., lack access to qualifying broadband service as defined in Section 2.B.i of the NOFO).

**Can a provider submit its research data to be included in the NBAM so it can be considered in the application?**

NTIA will consider all data that is available. An applicant interested in submitting its own data should describe the proposed service area and support it with state or locality data.

**In this section on Page 13 of the NOFO, how do we calculate the percentage of the population? For example, we can get the population of the census blocks, but we do not know what the population of the served area is. We only know the address points that are unserved.**

A description of the area to be served by the covered broadband project (referred to as the proposed service area) including a list of the census blocks to be served, or portions thereof, the percentage of the total unserved (lack of infrastructure) population to be served by the project, and the number of unserved households, businesses, and community anchor institutions the project plans to connect.

**Grant Award and Reporting Requirements**

**What do you mean by the lead agency has to take "operational" responsibility for the project? If the lead agency is not the owner of the infrastructure (the provider that is the partner in the application**

**is), what operational responsibility is there? Once the grant is closed, does the lead agency's liability for the project cease and all liability goes to the provider?**

The lead applicant is the entity that would enter into the grant agreement with NTIA, should an award be made, and would be responsible for complying with all award provisions, terms, and conditions. Recipients of Department of Commerce (DOC) financial assistance awards are responsible for achieving the scope of work and other activities delineated in the proposal as incorporated into their awards and any DOC-approved amendments thereto. Recipients are also responsible for ensuring that they comply with all of the terms and conditions of their awards and with the provisions made as part of the award including, but not limited to, exercising appropriate financial management, accounting, and control over award funds and other assets; and reporting to the Grants Officer and Program Officer as required under the terms and conditions of their award.

With regard to infrastructure and assets, the grant recipient (State or political subdivision of a State), who will act as the lead applicant, or a subrecipient, including the broadband service provider, must retain ownership (serve as the trustee, see below) of the funded covered project's infrastructure and associated assets. The members of the covered partnership may make that determination. Title vests subject to the terms and conditions of this program and of the Property Standards located at 2 C.F.R. §§ 200.310-200.316. Applicants and grant recipients must be aware that in accordance with 2 C.F.R. § 200.316, real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the recipient or subrecipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. In this connection, NTIA may require the non-Federal entity to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a Federal award and that use and disposition conditions apply to the property. Awards issued pursuant to this NOFO may contain specific award conditions pertaining to the use and disposition of grant-acquired property and a requirement that the recipient or subrecipient file certain public notices (e.g., UCC-1, Covenant of Purpose, Use and Ownership, etc.) with respect to grant-acquired property.

**What is the timeframe to complete projects? Is it required to submit a pre-application?**

Please see Section II.B of the NOFO for information pertaining project/award period. The Act requires covered partnerships to complete their covered broadband projects within one year of their receipt of grant funds. However, the Assistant Secretary may extend the award period for broadband infrastructure construction projects if the covered partnership certifies that: (1) it has a plan for the use of the grant funds; (2) the construction project is underway; or (3) extenuating circumstances require an extension of time to allow the project to be completed. The covered partnership may submit this extension request with its application or not later than ninety (90) calendar days before the end of the award period. No pre-application is required.

**If the fiber from the mainline (road) to the customer premises is buried, will each property that has buried line be subject to environmental review? Or does environmental review only apply if the mainline (fiber along the road) is buried?**

A categorical exclusion may apply where fiber is buried in an existing right of way, in which case neither an environmental assessment nor an environmental impact statement is normally required. However, environmental review is specific to each proposed project, and dependent on the specific activities to be undertaken as part of that project. Applicants with projects containing construction and/or ground

disturbing activities are required to submit all required environmental documentation with their application package or describe in their project narrative the physical project location and included photographs, as described in the NOFO, and how they will comply with applicable environmental and national historical preservation requirements. Applications will be reviewed to ensure that they contain sufficient information to allow agency staff to conduct a NEPA analysis so that appropriate NEPA documentation can be submitted to NTIA. See Sections IV.B.6.1 and VI.D.4 of the NOFO.

### **How will the reimbursement for the program work? What is the typical reimbursement time?**

Unless otherwise stated in a specific award condition, the advance method of payment will be authorized and non-Federal entities (NFEs) must time advance payment requests so that Federal funds are on hand for a maximum of 30 calendar days before being disbursed by NFE for allowable award costs. Payments from DOC to recipients or pass through entity will be made using the Department of Treasury's Automated Standard Application for Payment (ASAP) system. Under the ASAP system, payments are made through preauthorized electronic funds transfers directly to the recipient's bank account (not subrecipients). To receive payments under ASAP, recipients are required to enroll with the Department of Treasury, Financial Management Service, Regional Financial Centers, which allows them to use the on-line and Voice Response System (VRS) method of withdrawing funds from their ASAP established accounts. Recipient requests payment via ASAP.gov and approved payments can settle as quickly as the same day. Only the prime recipient may directly draw down federal award funds. In this connection, it is the prime recipient's responsibility to review subrecipient and vendor invoices, and to make award payments to subrecipients and vendors.

### **What are open network requirements?**

NTIA will require a recipient receiving funds to deploy broadband infrastructure under this grant program to make the network open for interconnection with other broadband service providers. The requirement to interconnect will apply to applicants that deploy middle mile networks and not last mile networks. Awards issued pursuant to this NOFO may contain a specific award condition imposing a requirement to comply with NTIA's open network requirements, which allows all other carriers to interconnect with these networks on fair and non-discriminatory terms and conditions. Such specific award condition may include the following:

- **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 Services:** NTIA encourages recipients to offer wholesale broadband services at rates and terms that are reasonable and nondiscriminatory.