INTERNET FOR ALL

Frequently Asked Questions and Answers Version 2.0

Enabling Middle Mile Broadband Infrastructure

U.S. Department of Commerce

National Telecommunications and Information Administration

Note

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

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

Contents

1. Overview

1.1. What is middle mile infrastructure?

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

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

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

1.3. What types of entities offer middle mile services?

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

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

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

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

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

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

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

1.7. What is the definition of an Anchor Institution?*

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

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

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

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

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

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

from their ASAP established accounts. Recipient requests payment via ASAP.gov and approved payments can settle as quickly as the same day. Only the prime recipient may directly draw down federal award funds. In this connection, it is the prime recipient's responsibility to review subrecipient and vendor invoices, and to make award payments to subrecipients and vendors.

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

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

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

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

2. Eligibility and Program Details

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.8. What are in-kind contributions?*

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

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

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

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

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

Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Review and Scoring Process

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

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

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

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

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

The five eligibility criteria include:

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

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

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

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

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

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

Project purpose and benefits (60 points)

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

Project sustainability (40 points)

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

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

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

Applications will be prioritized for Programmatic Review as follows:

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

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

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

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

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

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

4.6. How does open access impact the scoring process?*

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

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

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

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

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

5. Application Components and Process

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

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

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

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

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

5.2. Who can I contact for more information?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Proposed Service Offerings
- SAM.gov Registration

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix: *New Questions & Answers as of *Version 2.0*

What is "open access" and how is it related to the Middle Mile Grant Program?

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

What is the definition of an Anchor Institution?

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

What are the definitions of "unserved" and "underserved" as it relates to Middle Mile Grant Program?

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

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

Will the Middle Mile funds be received up front or via reimbursement?

Unless otherwise stated in a specific award condition, the advance method of payment will be authorized, and non-Federal entities (NFEs) must time advance payment requests so that Federal funds are on hand for a maximum of 30 calendar days before being disbursed by the NFE for allowable award costs. Payments from Department of Commerce (DOC) to recipients or pass-through entities will be made using the Department of Treasury's Automated Standard Application for Payment (ASAP) system. Under the ASAP system, payments are made through

preauthorized electronic funds transfers directly to the recipient's bank account (not subrecipients). To receive payments under ASAP, recipients are required to enroll with the Department of Treasury, Financial Management Service, Regional Financial Centers, which allows them to use the on-line and Voice Response System (VRS) method of withdrawing funds from their ASAP established accounts. Recipient requests payment via ASAP.gov and approved payments can settle as quickly as the same day. Only the prime recipient may directly draw down federal award funds. In this connection, it is the prime recipient's responsibility to review subrecipient and vendor invoices, and to make award payments to subrecipients and vendors.

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

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

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

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

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

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

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

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

What are in-kind contributions?

In-kind contributions are non-cash donations of property, goods, or services that benefit a federally assisted project. In-kind contributions could include, consistent with federal cost principles, access to rights of way, pole attachments, conduits, easements, or access to other types of infrastructure. In many circumstances, in-kind contributions can be used to satisfy all or part of a non-federal match requirement. Awardees must comply with 2 C.F.R. § 200.306

cost sharing or matching. It is important to note that federal funds may not be used as non-federal match, except as expressly provided by federal statute.

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

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

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

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

Yes.

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

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

Can applicants seek middle mile funding exclusively to support a public power electric grid functionality?

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

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

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

How does open access impact the scoring process?

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

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

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

What weight is given to a phase III SBIR user?

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

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

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

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

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

Will NTIA manage the awards for the MMG Program?

The National Institute of Standards and Technology (NIST) will service the Middle Mile Grant awards for NTIA. NIST and NTIA will jointly manage the awards with different roles and responsibilities in grants management. NIST oversees business management and compliance aspects of grants administration and NTIA oversees programmatic technical aspects of the programs/projects.

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

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

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

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

Will NTIA provide a template for the Detailed Budget Justification?

Yes, a template for the Detailed Budget Justification template is available for download on the [Enabling Middle Mile Broadband Infrastructure Program](#) page of internetforall.gov. A direct link to download the application checklist and packet can also be accessed [here](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Identify organizations from the public, non-profit, and private sectors, with particular attention to community anchor institutions that will be involved in the project
- Outline each organization's planned role in the project and any financial or equipment contributions
- Clarify any potential benefits that the community participants will receive from the project (e.g., free or discounted access to dark fiber)
- Discuss the project's general approach to involving local communities in the project area

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

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

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

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

information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years.

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

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

a. A description of how it will incorporate strong labor standards, including but not limited to: incorporating local project labor agreements and community benefit agreements (and respecting any such agreements already in place), offering wages at or above the prevailing wage, and adhering to local hiring provisions.
b. A description of how it will ensure that its work provides "quality" jobs, as defined by the Economic Development Administration's Good Jobs Challenge.
c. A description of any prior legal determination by any court, administrative body, or other adjudicator that the Applicant has failed to satisfy governing wage or labor mandates.
d. A description of how, if at all, it expects to rely on subcontracting arrangements in completing the project. [2]

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

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

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

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