

ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

EXECUTIVE SUMMARY

Federal Agency Name: National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce

Funding Opportunity Title: State and Local Implementation Grant Program (SLIGP)

Announcement Type: Initial Announcement

Catalog of Federal Domestic Assistance (CFDA) Number(s): 11.549, State and Local Implementation Grant Program

Funding Opportunity Number: 2013-NTIA-SLIGP-01

Dates: Applications will be accepted from February 6, 2013 until March 19, 2013 at 11:59 p.m. Eastern Daylight Time (EDT).

Application Submission: Complete applications for the SLIGP must be submitted between February 6, 2013 and March 19, 2013. Applications submitted through the online Grants.gov system must be received **no later than 11:59 p.m. Eastern Daylight Time (EDT) on March 19, 2013**. Paper applications must be either postmarked no later than March 19, 2013, or hand-delivered **no later than 5:00 p.m. EDT on March 19, 2013**.

Funding Opportunity Description: The National Telecommunications and Information Administration (NTIA) issues this *Federal Funding Opportunity* to describe the requirements under which NTIA will award grants for the State and Local Implementation Grant Program (SLIGP), authorized by section 6302 of the Middle Class Tax Relief and Job Creation Act of 2012 (Act), to assist State, local, and tribal governments with planning for a nationwide interoperable public safety broadband network.

FULL ANNOUNCEMENT TEXT

I. Overview

The Middle Class Tax Relief and Job Creation Act of 2012 (Act)¹ directs NTIA to establish a grant program to assist State, regional, tribal, and local jurisdictions with identifying, planning, and implementing the most efficient and effective means to use and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety broadband network to satisfy the wireless broadband and data services needs of their jurisdictions.² Up to \$135 million in grant money is available to NTIA for the SLIGP.³

The Act also establishes the First Responder Network Authority (FirstNet) as an independent authority within NTIA and authorizes it to take all actions necessary to ensure the design, construction, and operation of a nationwide public safety broadband network, based on a single, national network architecture.⁴ FirstNet is responsible for, at a minimum, ensuring nationwide standards for use of and access to the network; issuing open, transparent, and competitive requests for proposals (RFPs) to build, operate, and maintain the network; encouraging these RFPs to leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network; and overseeing contracts with non-federal entities to build, operate, and maintain the network.⁵ FirstNet is headed by a Board with 15 voting members, 12 of whom the Acting U.S. Secretary of Commerce appointed on August 20, 2012.⁶ The Act orders NTIA to consult with FirstNet in establishing the programmatic requirements for the SLIGP.⁷ The FirstNet Board held its first public meeting on September 25, 2012, during which it took action on several organizational and administrative items, including approving a resolution to create a State, Regional, Local, and Tribal Consultation Committee⁸ and directing it to consult and collaborate with the Assistant Secretary of Commerce for Communications and Information (Assistant Secretary),

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (Act).

² 47 U.S.C. 1442(a).

³ 47 U.S.C. 1441(c).

⁴ 47 U.S.C. 1422 (b), 1426(b)(1).

⁵ *Id.*

⁶ 47 U.S.C. 1424. The Secretary of Homeland Security, the Attorney General of the United States, and the Director of the Office of Management and Budget are permanent members of the FirstNet Board. Acting Secretary Blank's announcement of the appointment of the FirstNet Board members and related materials are available on NTIA's website at <http://www.ntia.doc.gov/other-publication/2012/acting-secretary-rebecca-blank-announces-board-directors-first-responder-netw>.

⁷ 47 U.S.C. 1442(c).

⁸ First Responder Network Authority, Board Resolution 2, State, Regional, Tribal and Consultation Process, adopted September 25, 2012, available at www.ntia.doc.gov/files/ntia/publications/firstnet_resolution_no._2_on_state_consultation_adopted_9.25.12.pdf.

as necessary, to satisfy the statutory consultation requirement and to ensure the success of this congressionally-mandated grant program.⁹

Pursuant to the Act,¹⁰ NTIA, in consultation with FirstNet, issued a Notice on August 21, 2012, that described the initial programmatic requirements for the SLIGP, including determining the scope of eligible activities that the grant program will fund, defining eligible costs, and discussing how best to prioritize grants for activities that ensure coverage in rural as well as urban areas.¹¹ NTIA issues this *Federal Funding Opportunity* to open the application window for the grant program, provide further information on the amount of funding available for award, discuss how NTIA will allocate funds to applicants, give instructions on the application process, and describe the evaluation criteria for application review.

II. Funding Opportunity Description

A. Funding Program Description

The SLIGP is designed as a formula-based, matching grant program to assist States, in collaboration with regional, tribal, and local jurisdictions, to perform activities related to planning for the establishment of a nationwide public safety broadband network.¹² NTIA will structure the grant program into two phases of funding with all funds obligated at the time of award. Given the amount of funds available and the need for FirstNet to make decisions on the data collection process, NTIA will focus the SLIGP initially on planning, consulting, and development activities in preparation for consultations with FirstNet, including strategy and timeline development, meetings, governance planning, and outreach and education efforts.¹³ NTIA will disburse funds for these activities during phase one. The second phase will not begin until either after FirstNet has consulted with the State-designated contact about the matters listed in the Act, including defining coverage needs, user requirements, and network hardening and resiliency requirements, and advises NTIA it is ready for the commencement of data collection or when NTIA requests a revised budget from recipients for second phase activities.¹⁴ The second funding phase will primarily address States' needs in preparing for additional consultation with FirstNet and planning to undertake data collection activities. The second phase will fund data collection activities provided that FirstNet has determined that it needs standardized asset and infrastructure inventories from

⁹ First Responder Network Authority, Board Resolution 3, State, Regional, Tribal and Local Grant Program Consultation, adopted September 25, 2012, available at http://www.ntia.doc.gov/files/ntia/publications/firstnet_resolution_no.3_on_state_and_local_grants_adopted_9.25.12.pdf.

¹⁰ 47 U.S.C. 1442(c).

¹¹ Development of Programmatic Requirements for the State and Local Implementation Grant Program to Assist in Planning for the Nationwide Public Safety Broadband Network, 77 Fed. Reg. 50481 (August 21, 2012).

¹² *See id.*

¹³ *See* 47 U.S.C. 1442(a).

¹⁴ 47 U.S.C. 1426(c)(2)(A).

the States in designing the nationwide public safety broadband network.

B. Funding Program Priorities

The SLIGP will support planning, consultation, and data collection activities related to the establishment of the nationwide public safety broadband network.

Throughout the grant period of performance, NTIA will require recipients to show that they are on track to accomplish the following activities by the end of that period: (1) established a governance structure, or expanded existing structures, to consult with FirstNet; (2) developed procedures to ensure local and tribal representation and participation in the consultation process with FirstNet; (3) created a process for education and outreach, through program development or through other efforts, among local and tribal officials, public safety users, and other stakeholders about the nationwide public safety broadband network; (4) identified potential public safety users of the public safety broadband network; (5) developed a standard Memorandum of Agreement (MOA) to facilitate the use of existing infrastructure with private sector entities that have been chosen by FirstNet to build, operate, and maintain the network on public safety infrastructure, or identified the legal barriers to creating a standard MOA and describe potential remedies; (6) developed staffing plans that include local and tribal representation to participate in the public safety governance structure and to prepare for data collection activities in consultation with FirstNet; and (7) prepared a comprehensive plan as part of their existing Statewide Communications Interoperability Plan (SCIP), or a plan complementary to and similar in concept to their SCIP, describing the public safety needs that they expect FirstNet to address in its design of the nationwide public safety broadband network, as well as how they intend to satisfy each of the elements enumerated above, including milestones that demonstrate their progress.

NTIA will reserve 50 percent of the total grant award through a Special Award Condition for grant recipients to perform second phase activities and/or the continuation of the planning, consultation, governance, education and outreach activities conducted during the first phase of funding. As mentioned above, the second phase will not begin until either after FirstNet has consulted with the State-designated contact about the matters listed in the Act, including defining coverage needs, user requirements, and network hardening and resiliency requirements, and advises NTIA it is ready for the commencement of data collection or when NTIA requests a revised budget from recipients for second phase activities. Once the Special Award Condition is satisfied, the remaining 50 percent of the grant award will be available to grant recipients and the recipient may begin second phase activities.

C. Authority

NTIA issues this *Federal Funding Opportunity* pursuant to the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012).

III. Award Information

A. Funding Availability

NTIA will make \$121,500,000 available for federal assistance under the SLIGP. If additional funds remain during the grant program because States do not accept SLIGP monies or administrative costs are less than projected, then NTIA may have the opportunity to award additional grant funds to eligible entities.

B. Project/Award Period

The award period is three (3) years.

C. Award Amount

NTIA awards each State and territory an initial equal distribution of funds in the amount of \$500,000 to enable them to begin to undertake planning, consultation, and outreach activities. The remaining funds are allocated through a formula-based methodology that takes into account the factors of population and land mass. NTIA relies on data from the U.S. Census Bureau to determine the population numbers and land mass for each State to use in the formula, applying a different weight to each factor. Although there are a number of potentially relevant factors that could be incorporated into the formula, NTIA selects population and land mass as the factors to use in the formula because it has a high confidence level in the integrity of the underlying, publicly available data used as inputs. NTIA analyzed and determined that population is a strong indicator of the scope and depth of planning and outreach activities that recipients will be required to perform under the grant, and it also tends to correlate well with the number of public safety users in the State or territory based on information gathered by the U.S. Census Bureau. Thus, NTIA applies a weight of 75 percent to population. NTIA selects land mass as a factor to reflect the challenges of undertaking planning, education and outreach, and data collection activities over a large geographic area. Furthermore, land mass as a formula factor serves as an indicator of rurality in a particular State or territory and addresses the statutory priority of ensuring rural coverage. The use of land mass as a formula factor is also intended to represent the complexities of ensuring rural coverage. NTIA weights land mass at 25 percent. The relative weighting of these two factors reflects NTIA's determination that the costs of the activities to be funded will vary more on the basis of population than land mass. Finally, NTIA limits the maximum award amount for any State to no more than \$6,000,000 to ensure a fair and equitable distribution of the available funding in light of the activities that each State and territory will be required to perform. This maximum amount was proportionally applied to the two formula factors.

The table below identifies the entire allocation of funding for each State and territory using the formula described above, including the amount of the federal and minimum non-federal share (*i.e.*, the matching funds required by the Act) of the total project cost:

State/Territory	Federal Share	Minimum Non-Federal Share*	Total Award Amount
Alabama	\$ 2,094,000	\$ 523,500	\$ 2,617,500
Alaska	\$ 2,054,000	\$ 513,500	\$ 2,567,500
American Samoa**	\$ 515,000	\$ 0	\$ 515,000
Arizona	\$ 2,981,000	\$ 745,250	\$ 3,726,250
Arkansas	\$ 1,634,000	\$ 408,500	\$ 2,042,500
California	\$ 5,813,000	\$ 1,453,250	\$ 7,266,250
Commonwealth of the Northern Mariana Islands**	\$ 515,000	\$ 0	\$ 515,000
Colorado	\$ 2,561,000	\$ 640,250	\$ 3,201,250
Connecticut	\$ 1,440,000	\$ 360,000	\$ 1,800,000
Delaware	\$ 742,000	\$ 185,500	\$ 927,500
District of Columbia	\$ 652,000	\$ 163,000	\$ 815,000
Florida	\$ 5,034,000	\$ 1,258,500	\$ 6,292,500
Georgia	\$ 3,386,000	\$ 846,500	\$ 4,232,500
Guam**	\$ 542,000	\$ 0	\$ 542,000
Hawaii	\$ 893,000	\$ 223,250	\$ 1,116,250
Idaho	\$ 1,526,000	\$ 381,500	\$ 1,907,500
Illinois	\$ 4,165,000	\$ 1,041,250	\$ 5,206,250
Indiana	\$ 2,411,000	\$ 602,750	\$ 3,013,750
Iowa	\$ 1,696,000	\$ 424,000	\$ 2,120,000
Kansas	\$ 1,844,000	\$ 461,000	\$ 2,305,000
Kentucky	\$ 1,897,000	\$ 474,250	\$ 2,371,250
Louisiana	\$ 1,975,000	\$ 493,750	\$ 2,468,750
Maine	\$ 1,071,000	\$ 267,750	\$ 1,338,750
Maryland	\$ 2,033,000	\$ 508,250	\$ 2,541,250
Massachusetts	\$ 2,214,000	\$ 553,500	\$ 2,767,500
Michigan	\$ 3,428,000	\$ 857,000	\$ 4,285,000
Minnesota	\$ 2,447,000	\$ 611,750	\$ 3,058,750
Mississippi	\$ 1,608,000	\$ 402,000	\$ 2,010,000
Missouri	\$ 2,537,000	\$ 634,250	\$ 3,171,250
Montana	\$ 1,860,000	\$ 465,000	\$ 2,325,000
Nebraska	\$ 1,547,000	\$ 386,750	\$ 1,933,750
Nevada	\$ 2,020,000	\$ 505,000	\$ 2,525,000
New Hampshire	\$ 901,000	\$ 225,250	\$ 1,126,250
New Jersey	\$ 2,777,000	\$ 694,250	\$ 3,471,250
New Mexico	\$ 1,945,000	\$ 486,250	\$ 2,431,250
New York	\$ 4,984,000	\$ 1,246,000	\$ 6,230,000
North Carolina	\$ 3,280,000	\$ 820,000	\$ 4,100,000
North Dakota	\$ 1,196,000	\$ 299,000	\$ 1,495,000
Ohio	\$ 3,726,000	\$ 931,500	\$ 4,657,500

State/Territory	Federal Share	Minimum Non-Federal Share*	Total Award Amount
Oklahoma	\$ 1,971,000	\$ 492,750	\$ 2,463,750
Oregon	\$ 2,200,000	\$ 550,000	\$ 2,750,000
Pennsylvania	\$ 4,050,000	\$ 1,012,500	\$ 5,062,500
Puerto Rico	\$ 1,467,000	\$ 366,750	\$ 1,833,750
Rhode Island	\$ 774,000	\$ 193,500	\$ 967,500
South Carolina	\$ 1,898,000	\$ 474,500	\$ 2,372,500
South Dakota	\$ 1,284,000	\$ 321,000	\$ 1,605,000
Tennessee	\$ 2,418,000	\$ 604,500	\$ 3,022,500
Texas	\$ 6,000,000	\$ 1,500,000	\$ 7,500,000
US Virgin Islands**	\$ 528,000	\$ 0	\$ 528,000
Utah	\$ 1,825,000	\$ 456,250	\$ 2,281,250
Vermont	\$ 728,000	\$ 182,000	\$ 910,000
Virginia	\$ 2,823,000	\$ 705,750	\$ 3,528,750
Washington	\$ 2,706,000	\$ 676,500	\$ 3,382,500
West Virginia	\$ 1,151,000	\$ 287,750	\$ 1,438,750
Wisconsin	\$ 2,350,000	\$ 587,500	\$ 2,937,500
Wyoming	\$ 1,383,000	\$ 345,750	\$ 1,728,750
	\$ 121,500,000	\$ 29,850,000	\$ 151,350,000

* States may choose to contribute a larger non-federal share, but this is the minimum 20 percent of the Total Award Amount.

** As provided in 48 U.S.C. 1469a, the requirement for local matching funds under \$200,000 (including in-kind contributions) is waived for the Territorial governments in Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

D. Type of Funding Instrument

The funding instrument will be a grant.

IV. Eligibility Information

A. Eligible Applicants

The 56 States and territories are eligible for grants under the SLIGP. The Act directs NTIA to make grants to States; thus, each State and territory choosing to apply for a grant must submit an individual application during the application window. An applicant may decide, however, to collaborate or coordinate with other States and regions in preparing application submissions, as is contemplated in the statute.¹⁵

¹⁵ See 47 U.S.C. 1442(a).

B. Cost Sharing or Matching

The SLIGP requires cost sharing, also known as a matching fund requirement. By statute, the federal share of the cost of any activity carried out under the grant program may not exceed 80 percent of the eligible cost of carrying out grant activities.¹⁶ Thus, NTIA expects that SLIGP grant recipients will provide at least 20 percent non-federal matching funds toward the total eligible project cost. Applicants must document their capacity to provide matching funds. Matching funds may be in the form of either cash or in-kind contributions consistent with the Department of Commerce Uniform Administrative Requirements.¹⁷

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.¹⁸ In-kind contributions must be allowable 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 consider thoroughly potential sources of in-kind contributions that, depending on the particular property or service and the applicable Office of Management and Budget (OMB) cost principles, could include: employee or volunteer services; equipment; supplies; indirect costs; computer hardware and software; and use of facilities.

Generally, federal funds may not be used as matching funds, except as provided by federal statute.¹⁹ Certain pre-award costs may be credited towards an applicant's matching fund requirements.

As provided in 48 U.S.C. 1469a, NTIA waives the requirement for local matching funds under \$200,000 (including in-kind contributions) for the Territorial governments in Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

NTIA will provide up to 80 percent of the total eligible costs of the project, unless the applicant petitions the Assistant Secretary for a waiver of the matching requirement and the waiver is granted as discussed below.

C. Cost Match Waiver Process

The Act provides that the Assistant Secretary may waive, in whole or in part, the matching requirement for good cause shown if the Assistant Secretary determines that such a waiver is in

¹⁶ 47 U.S.C. 1442(b).

¹⁷ 15 C.F.R. 24.24.

¹⁸ *See, e.g.*, 15 C.F.R. 24.3; 15 C.F.R. 24.24(a). *See also* OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments" (Rev. May 10, 2004).

¹⁹ 15 C.F.R. 24.24(b)(1).

the public interest.²⁰ NTIA fully anticipates that recipients will provide the full 20 percent cost match; thus, the Assistant Secretary will grant full or partial waivers of the cost match requirement only when the applicant demonstrates extraordinary circumstances that warrant such action.

An applicant requesting a waiver of all or part of the 20 percent non-federal matching share contribution should present its justification for a waiver with its application submission.²¹ The applicant should show good cause to warrant the grant of a full or partial waiver by fully explaining its inability to provide the required cost match and documenting its attempts to obtain sources of matching funds. The applicant may document its lack of revenue options to supply the cost match by, for example, describing how it faces severe budgetary imbalances or expenditure cutbacks resulting in significant reductions in state services, has experienced extraordinary or unanticipated non-recurring expenses, or exceptionally high unemployment, relative to other States.

The Assistant Secretary will evaluate the information provided by the applicant in support of its matching waiver request and determine whether there is good cause shown and the public interest is served by granting a full or partial waiver.

V. Application and Submission Information

A. Address to Request Application Package

Application forms and instructions are available on the Grants.gov website (www.grants.gov). To access these materials, go to <http://www.grants.gov>, select “Apply for Grants,” and then select “Download Application Package.” Enter the CFDA and/or the funding opportunity number located on the cover of this *Federal Funding Opportunity*. Select “Download Application Package,” and then follow the prompts. To download the instructions, go to “Download Application Package” and select “Instructions.” We recommend applicants visit Grants.gov prior to filing their applications so that they fully understand the process and requirements. Failure to properly register and apply for the SLIGP funds by the deadline established in this *Federal Funding Opportunity* may result in forfeiture of the grant opportunity. Applications are accepted until the deadline and are processed as received. Applications submitted by email or facsimile will not be accepted.

B. Registration

1. *DUNS Number*. All applicants must supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1-866-705-5711 or via the Internet at <http://www.dunandbradstreet.com>.

²⁰ 47 U.S.C. 1442(b)(2)

²¹ States may subsequently petition NTIA for a waiver upon determining that extraordinary circumstances warrant such a request. The Assistant Secretary will retain this waiver authority throughout the entire grant program.

2. *Central Contractor Registration (CCR)*. All applicants must provide a CCR (CAGE) number evidencing current registration in the Central Contractor Registration (CCR) database. If the applicant does not have a current CCR (CAGE) number, the applicant must register in the CCR system available at: www.ccr.gov/StartRegistration.aspx.

C. Content and Form of Applications

Applications must be complete and follow the format described in this *Federal Funding Opportunity*. The application consists of the following forms and required submissions. These requirements are discussed in more detail below. Failure to submit the required information will result in an application being returned or rejected.

Required for a complete application package:

- Standard Form 424, Application for Federal Assistance
 - Standard Form 424A, Budget Information--Non-Construction Programs
 - Standard Form 424B, Assurances--Non-Construction Programs
 - CD-511 Certification Regarding Lobbying
 - Standard Form LLL, Disclosure of Lobbying Activities
 - Project Feasibility
 - Supplemental Application Narrative
 - Detailed Budget Justification
 - Letter of State Designation
- a. Standard Form 424: Application for Federal Assistance. This is the title page (SF-424) and must be signed by the applicant's authorized organization representative (AOR). Electronic signatures submitted through www.grants.gov satisfy this requirement.
 - b. Standard Form 424A: Budget Information--Non-Construction Programs. Applicants must complete pages 1 and 2 of this form and provide an accompanying budget narrative.
 - c. Additional Required Forms: Standard Form 424B: Assurances--Non-Construction Programs; CD-511 Certification Regarding Lobbying; and Standard Form LLL, Disclosure of Lobbying Activities (if required). These forms must be signed by the applicant's AOR. Electronic signatures submitted through www.grants.gov satisfy this requirement.
 - d. Project Feasibility. The section should provide a brief narrative of the applicant's capacity and qualifications, including knowledge and experience, plus its staffing plan. (*Not to exceed two pages in length*).
 - e. Supplemental Application Narrative. The applicant should provide an overview of the proposal and fully respond to the questions posed in the Supplemental Application Narrative. It is critical that the responses accurately describe the project being proposed and convey all essential elements and objectives of the proposed activities. When

completing this narrative section, applicants should follow the same topical order presented within Supplemental Application Narrative Questions to ensure that reviewers can easily locate responses. *(The length of the supplemental application narrative should be approximately 50 pages or less).*

- f. Detailed Budget Justification. In addition to the Standard Form 424A Budget Information form, applicants must include a detailed budget justification. All budget information submitted with the application should match the dollar amounts on required Standard Form 424 and Standard Form 424A forms. Further information on preparation of the Budget Justification will be found below in Section E.4. *(Not to exceed five pages in length, not counting spreadsheets).*
- g. Letter of State Designation. The Act states that the Assistant Secretary shall require each State to certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the SLIGP grant funds. To implement this statutory requirement, NTIA requires applicants to provide a Letter of State Designation signed by the Governor or equivalent chief executive of the State, or his duly authorized designee, that identifies the State officer or governmental body designated as the coordinator of the implementation of the grant funds. This individual must be a current government employee, not a contractor or consultant. If the Governor designates a governmental body, NTIA requires a point of contact for that body.

Optional application materials:

- Request to Waive the Matching Requirement, if applicable. If the applicant is seeking a matching waiver described in Section IV.C. of this *Federal Funding Opportunity*, a compelling narrative articulating the criteria applicable to the request and demonstrating good cause should be included. All relevant criteria should be satisfactorily addressed for possible consideration.

D. Submission Dates and Times

Complete applications for SLIGP must be submitted between February 6, 2013, and March 19, 2013. Applications must be submitted through the online Grants.gov system no later than 11:59 p.m. EDT on March 19, 2013. Paper applications must be either **postmarked no later than March 19, 2013**, or **hand-delivered no later than 5:00 p.m. EDT on March 19, 2013**, to the respective addresses listed in the Addresses Section of this *Federal Funding Opportunity*. Applications delivered by guaranteed carrier services will be considered postmarked on the date they are submitted to the carrier.

Applications received after the deadline must show proof of mailing consisting of one of the following:

1. A legibly dated U.S. Postal Service postmark. Please note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, applicants should check with their local post office.

2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
3. A dated shipping label, invoice, or receipt from a commercial carrier.

Neither of the following will be accepted as proof of mailing:

1. A private metered postmark.
2. A mail receipt that is not dated by the U.S. Postal Service.

Applications with postmarked dates after March 19, 2013, will not be considered in the current grant round and will be returned to the applicant. Applications will NOT be accepted via facsimile machine transmission or electronic mail.

Completed paper applications must be mailed, shipped, or sent overnight express to:

State and Local Implementation Grant Program
Office of Public Safety Communications (OPSC)
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
HCHB, Room 7324
Washington, DC 20230

or hand-delivered to:

State and Local Implementation Grant Program
Office of Public Safety Communications (OPSC)
National Telecommunications and Information Administration
U.S. Department of Commerce
HCHB, Room 1874
1401 Constitution Avenue, NW
Washington, DC 20230

Room 1874 is located at entrance #10 on 15th Street, NW, between Pennsylvania and Constitution Avenues.

United States Postal Service's Priority Mail, First Class Mail, and Parcel Post packages delivered to the Department of Commerce are irradiated. Irradiation could result in damage to the contents, or delay the delivery of an application to the SLIGP Program Office. Thus, applicants are encouraged to consider the impact of these procedures in selecting their chosen method for application delivery.

E. Funding Restrictions

Grantees may only use funds awarded under the SLIGP to pay for eligible costs. Eligible costs are consistent with the cost principles identified in the applicable OMB circulars²² and in the grant program's authorizing legislation. In addition, costs must be reasonable, allocable, necessary to the project, and conform to generally accepted accounting principles.

1. Eligible Costs. Eligible costs under SLIGP will include the following categories of expenses:²³

a. Personnel costs, including salaries for staff and consultants required for the planning process (such as Statewide Interoperability Coordinators (SWIC), project managers, program directors, subject matter experts, grant administrators, financial analysts, accountants, and attorneys);

b. Costs associated with planning meetings with state agencies, local and tribal stakeholders, and regional partners;

c. Travel costs for State, local, and tribal representatives to attend planning meetings (such as preparing for FirstNet consultations and attending State, regional, and national meetings that address public safety broadband issues);

d. Costs to develop, modify, or enhance statewide plans and governance structures, including efforts to adapt existing public safety governance authorities, such as the Statewide Interoperability Executive Committees (SIEC), and Statewide Interoperability Governing Bodies (SIGB), to include public safety broadband stakeholders and expertise, and determining the role of the SWIC, state Chief Information Officers (CIO), Chief Technology Officers (CTO), or Chief Budget Officers (CBO);

e. Costs for communications, education, and outreach activities with State, local, tribal, and regional stakeholders;

f. Costs to develop standardized MOAs and other types of agreements to facilitate access to and use of existing infrastructure;

g. Costs to identify potential public safety users for the public safety broadband network;

h. Administrative services costs, equipment costs, and supplies necessary to prepare for and manage the grant program;

i. Legal services costs related to the planning process;

j. Training costs related to the planning process; and

²² The government has established a set of principles for determining eligible or allowable costs. Allowable costs are determined in accordance with the cost principles applicable to the entity incurring the costs. For example, the allowability of costs incurred by State, local or federally-recognized Indian tribal governments is determined in accordance with the provisions of OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments," 2 C.F.R. Part 225.

²³ Applicants and recipients should comply with the *FY 2013 SAFECOM Guidance for Emergency Communications Grants*, as applicable. The *SAFECOM Guidance* is available at www.safecomprogram.gov.

k. Reasonable proposal preparation costs and pre-award expenses, which include costs related to preparing an application and any pre-award costs for States and territories to participate in FirstNet technical assistance workshops where consultation activities occur, may be reimbursed, if they are incurred after the publication date of this *Federal Funding Opportunity* and prior to the date of the issuance of the grant award from NTIA, except that lobbying costs and contingency fees are not reimbursable from SLIGP funds.

2. Ineligible Costs. Funds awarded under the SLIGP may not be used for activities related to site preparation, broadband deployment, installation, construction, or the acquisition of equipment used to provide wireless broadband services. Please note that costs ineligible for SLIGP support may not be included as matching funds.

3. Indirect Costs. Reasonable indirect costs can be included if the applicant has a negotiated indirect cost rate agreement with the federal government (or will apply for a negotiated indirect cost rate agreement) and they are included as a line item in the applicant's budget. Indirect costs are overhead costs for basic operational functions that are incurred for common or joint objectives and cannot be identified specifically within a particular project. Indirect costs can be included in both the federal and non-federal cost shares, as long as the method of calculation is clear. The federal share of the indirect costs may not exceed 25 percent of the total direct costs for the proposal. If indirect costs are included, the application must include a copy of the current negotiated indirect cost rate agreement with the federal government, or the applicant must apply for a negotiated indirect cost rate with the Department of Commerce or the appropriate agency.

4. Detailed Budget Justification. The budget narrative must provide sufficient explanation of each budget category in order to establish the need for the funds in each category, and the basis for figures used. The budget narrative must be accompanied by a spreadsheet listing itemized costs by category (*e.g.*, salary, supplies, equipment, travel, contractual, indirect) supporting how the budget request was calculated. Spreadsheets must be formatted to fit letter-sized paper (8.5" x 11"). A budget justification in narrative form must also be provided to explain and justify all project costs, including contractual costs. This narrative must be organized to clearly correspond to the information provided in the budget table or spreadsheet. Detail provided in the spreadsheet and/or the narrative must also be sufficient so that reviewers can interpret how costs were estimated or calculated, especially for costs over \$5,000 (including any contractual costs). The budget narrative (and the Standard Form 424A form) and spreadsheet must clearly distinguish those costs proposed to be supported with federal funds as well as those costs contributed by the applicant as the non-federal match.

F. Material Representations

The application, including certifications, and all forms submitted as part of the application, will be treated as a material representation of fact upon which NTIA will rely in awarding grants. States should be aware that portions of their SLIGP application may likely become publicly available under applicable federal laws. Please be mindful if providing any law enforcement sensitive or otherwise non-public information within the grant application. (*See* Section IX.D. for additional information).

VI. Application Review Information

A. Evaluation Criteria

NTIA will evaluate applications for SLIGP grants on the basis of the following criteria. The relative weight of each criterion is identified in parentheses.

Project Feasibility (5 Points)

- a. *Applicant Capacity, Knowledge, and Experience.* Reviewers will assess whether the applicant possesses the necessary qualifications to complete the proposed project within Program standards. In performing this assessment, reviewers will consider the applicant's organizational capacity and its specific knowledge and experience, along with associated personnel, in conducting projects of similar scope and scale. Reviewers will assess the qualifications and past experiences of the project leaders and/or partners in public safety telecommunications or broadband technology and in designing, implementing, and effectively managing and overseeing the projects that provide telecommunications or broadband services to public safety agencies.
- b. *Staffing.* Reviewers will assess whether the planned staffing levels are reasonable and necessary to accomplish the tasks proposed in the application and whether the staffing plans include local and tribal representation to participate in the SLIGP activities. Reviewers will consider whether additional staff beyond the applicant's current staff are necessary, and the length of their appointment.

Supplemental Narrative Questions (75 Points Total)

- a. *Existing Governance Body* (12 points) – Reviewers will assess the applicant's responses regarding statewide governance responsible for public safety communications; how the governing body operates; how it will be leveraged to coordinate implementation of the public safety broadband network; how it will include additional and relevant stakeholders or officials to assist with public safety wireless broadband efforts, and how the applicant will dedicate funding to the governing body.
- b. *Statewide Communications Interoperability Plan (SCIP)* (12 points) – Reviewers will assess how the State will leverage the SCIP for initiatives related to public safety wireless broadband; how the State has involved local and tribal governments in strategic planning related to public safety wireless broadband; and how the State plans to update the SCIP utilizing SLIGP resources.
- c. *State-level Involvement* (5 Points) – Reviewers will assess how the applicant plans to leverage the SWIC for public safety wireless broadband; how the state Chief Information Officer (CIO) or Chief Technology Officer (CTO) will be engaged; what state agencies will be involved; and what staffing resources are necessary to consult with FirstNet about the implementation of the public safety broadband network.

- d. *Coordination with Local Government Jurisdictions* (5 Points) – Reviewers will assess the State’s plans to ensure adequate local government representation regarding SLIGP and FirstNet activities; past methods for coordinating statewide activities with local governments; and a description of the primary challenges when engaging local governments as well as plans to overcome those challenges.
- e. *Regional Coordination* (4 Points) – Reviewers will assess how the applicant engages with interstate and/or intrastate regional coordinating bodies focused on public safety communications, and how the State plans to engage and leverage these existing regional bodies based on the complexity of their region.
- f. *Tribal Nations* (5 Points) – The application will be reviewed based on the identification of any Federally Recognized Tribes within the State boundaries, as applicable. States should consult the Department of Interior, Bureau of Indian Affairs website: <http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm> for the listing of Federally Recognized Tribes within their boundaries as reviewers will be utilizing that list as the baseline for review. Additionally, reviewers will assess how the State involves tribes in statewide governance; how the State will ensure adequate representation of tribal interests in the FirstNet consultation; a description of past challenges collaborating with tribes; and plans to overcome those past challenges. Should a State not have any Federally Recognized Tribes, applicants will receive the total possible evaluation points for this section.
- g. *Rural Coverage* (10 Points) – Reviewers will assess how the State has classified local jurisdictions into rural and non-rural areas. In addition, reviewers will also assess the criteria used by the State to make rural/non-rural determinations; assess the coverage area and availability of broadband service in rural areas; State plans to prioritize grant activities to ensure coverage in, and participation by, rural areas within the State; and how the State will measure those activities.
- h. *Existing Infrastructure* (2 Points) – Reviewers will assess the applicant’s description of any databases that it will use to track existing infrastructure for State, local, and tribal public safety wireless communications; and, if used, how and when are they updated.
- i. *Existing Government-Owned Networks* (2 Points) – Reviewers will assess responses regarding how the applicant plans to identify resiliency and hardening requirements for government-owned networks (either State, local or tribal), plus the identification of contractual requirements imposed by the applicant on existing service providers for the resiliency and hardening of government-owned networks.
- j. *Network Users* (6 Points) – Reviewers will assess how the applicant plans to identify potential users for the public safety broadband network within that State, including local, tribal and secondary users.
- k. *Education and Outreach* (6 Points) – Reviewers will assess the applicant’s detailed method and plan for education, outreach, and training to multi-discipline, public safety,

and other government users to prepare implementation for the nationwide public safety broadband network.

- l. *Memoranda of Agreement (MOA)* (2 Points) – Reviewers will assess how the applicant describes any specific obstacles, laws, and/or legal issues that could likely impede its ability to participate fully in the nationwide public safety broadband network or in SLIGP, and any vehicles, such as MOAs, that they plan to put in place that can mitigate these obstacles.
- m. *Tools* (2 Points) – Reviewers will assess the available tools, software or otherwise, the State may have to leverage for its planning and/or data collection activities, and what other tools would be useful for those purposes.
- n. *Phase Two Funding* (2 Points) – Reviewers will assess how the applicant describes potential Phase 2 funding uses.

Detailed Budget Justification (20 Points)

This criterion evaluates whether the applicant presents a budget that is both reasonable and cost efficient, considering the nature and full scope of the project. Reviewers will also consider whether the applicant has demonstrated adequate and appropriate budget resources to execute the proposed activities of the grant.

B. Review and Selection Process

The review process will be divided into three stages as outlined below:

1. Eligibility: Upon receipt, NTIA will review applications for completeness and adherence to SLIGP eligibility and programmatic requirements. If NTIA determines that an application fails to address adequately any eligibility criteria, NTIA may alert the applicant of such deficiency and the applicant may revise such application to comply with program requirements. However, NTIA has no affirmative obligation to notify applicants of a deficient application and will not be held responsible for any deficiencies that are not remedied in a timely manner.

2. Technical Review: Each eligible application will be reviewed by at least three peer/expert reviewers who have demonstrated expertise in both the programmatic and technical aspects of the program. The peer/expert reviewers will individually evaluate and score applications according to the review criteria provided in Section VI.A. of this notice and provide ratings to the Program staff. Should a reviewer's aggregate score for any application diverge more than 20 points from another reviewer's aggregate score for that application, a teleconference between reviewers will be conducted to better understand how each reviewer assessed the application. The purpose of this teleconference is to exchange information and not to reach consensus amongst the reviewers. Following the teleconference, reviewers will have an opportunity to update individual scores. Should an application not meet an average score of at least 70 points by the peer/expert reviewers, program staff will contact the applicant regarding the need to revise the application based on peer review feedback. Revisions are intended to

resolve any differences that exist between the applicant's original request and what the Program is prepared to fund and, if necessary, to clarify items in the application. Program staff may also request additional corroborating documentation from applicants. Once Program staff receives application revisions, the same peer/expert reviewers will again assess and score the application. Each peer/expert reviewer will be required to sign and submit a nondisclosure and confidentiality form to prevent the dissemination of confidential information, and to prevent financial and other conflicts of interest.

3. Programmatic Review and Revision Process: Following the technical review process and after an eligible application obtains an average score of at least 70 points from the peer/expert reviewers, Program staff will review the application for conformity with programmatic objectives. Program staff will analyze applications considered for award to assess: (a) whether a proposed project meets Program objectives; and (b) the eligibility of costs and matching funds included in an application's budget.

Once this programmatic review is complete, the Program staff will provide a list of recommended awards to the Assistant Secretary as the selecting official. The Assistant Secretary will approve the applications selected for award. The final approval of selected applications and issuance of awards will be made by the National Institute for Standards and Technology (NIST) Grants Officer, which functions as the Grants Office for SLIGP.

C. Anticipated Announcement and Award Dates

NTIA anticipates awarding all SLIGP grants no later than July 15, 2013.

VII. Award Administration Information

A. Award Notices

Applicants will be notified in writing by the Department of Commerce's (DOC) Grants Officer if their application is selected for an award. The DOC's Grants Officer notification of SLIGP awards will come from NIST. If the application is selected for funding, the DOC's Grants Officer will issue the grant award (Form CD-450), which is the authorizing financial assistance award document. By signing the Form CD-450, the grantee agrees to comply with all award provisions, terms, and conditions.

If an applicant is awarded funding, neither the DOC nor NTIA is under any obligation to provide any additional future funding in connection with that award or to make any future award(s). Amendment of an award to extend the period of performance is at the discretion of NTIA and the Grants Officer.

B. Administrative and National Policy Requirements

Administrative and national policy requirements for SLIGP grant funding are contained in the Department of Commerce *Pre-Award Notification Requirements for Grants and Cooperative*

Agreements (DOC Pre-Award Notification), as amended.²⁴ All SLIGP applicants are required to comply with all applicable provisions set forth in the DOC Pre-Award Notification.

Grantees are required to comply with the Department of Commerce Financial Assistance Standard Terms and Conditions (January 2013) and any Special Award Conditions that the Grants Officer includes in the award.

C. Reporting

To ensure compliance with federal regulations and collect systemic evaluation data on each project, successful SLIGP applicants have a number of basic reporting requirements once they are awarded a grant.

1. Baseline/Expenditure Plan

Within thirty (30) calendar days of the award date, the grantee shall submit to NTIA a Baseline/Expenditure Plan for the entire performance period that will include the information requested in the grant terms and conditions in the award package. The baseline schedule for each quarter will establish quantifiable objectives that shall include the estimated costs of each objective.

2. Reporting Schedule

During the project period of this grant, the grantee shall submit performance progress and financial reports on a calendar year quarterly basis for the period ending March 31, June 30, September 30, and December 31, or any portions thereof.

3. Reporting Requirements

Performance Progress Report

The quarterly performance progress reports should contain the following information: (a) a comparison of actual accomplishments during the reporting period with the goals and dates established in the Baseline/Expenditure Plan for the reporting period; (b) a description of any problems that have arisen or the reasons why established goals have not been met; and (c) actions taken to remedy any failures to meet goals. The performance progress report is due 30 calendar days following the end of each calendar quarter.

Federal Financial Report

Each quarter, grantees must report on obligations and expenditures using the Federal Financial Report (Standard Form 425). The report is due 30 calendar days following the end of each calendar quarter. A report must be submitted for each calendar quarter that the grant is active, including partial calendar quarters or when no financial activity occurs.

²⁴ The DOC Pre-Award Notification was published in the Federal Register on December 17, 2012 (77 FR 74634).

Closeout Report

At project completion, SLIGP grantees must also provide a closeout report. This report is due 90 days following the final award end date.

VIII. Agency Contact(s)

Michael E. Dame, Program Director, State and Local Implementation Grant Program, Office of Public Safety Communications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Room 7324, Washington, DC 20230; telephone: (202) 482-1181; email: mdame@ntia.doc.gov. Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482-7002.

IX. Other Information

A. Discretionary Awards. The federal government is not obligated to make any award as a result of this *Federal Funding Opportunity*, and will fund only projects that are deemed likely to achieve the Program's goals and for which funds are available.

B. Third Party Beneficiaries. SLIGP is a discretionary grant program that is not intended to and does not create any rights enforceable by third party beneficiaries.

C. Environmental and National Historic Preservation Requirements. Applicants seeking federal funding may be required to provide environmental information and gather information from federal and State regulatory agencies, including the designated State Historic Preservation Office and Indian tribes, as appropriate. The failure to provide such information, when requested by NTIA, shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a Special Award Condition requiring the grantee to submit additional environmental compliance information sufficient to enable NTIA to make an assessment of any impacts that a project may have on the environment.

Regulations implementing the National Environmental Policy Act of 1969, as amended (NEPA), require NTIA to provide, as appropriate, public notice of the availability of project-specific environmental documents. Detailed information on NTIA compliance with NEPA may be found at the following NOAA NEPA website: <http://www.nepa.noaa.gov/procedures.html> under "Department of Commerce Categorical Exclusions and Administrative Record."

D. Confidentiality of Applicant Information. Applicants are encouraged to identify and label any confidential and proprietary information contained in their applications. NTIA will protect confidential and proprietary information from public disclosure to the fullest extent authorized by applicable law, including the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552), the Trade Secrets Act, as amended (18 U.S.C. 1905), and the Economic Espionage Act of 1996 (18 U.S.C. 1831 *et seq.*).

Additionally, some of the information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law

enforcement sensitive or otherwise important to national security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under federal control is subject to request made pursuant to the FOIA, 5 U.S.C. 552, all determinations concerning the release of information of this nature are made on a case-by-case basis and may fall within one or more of the available exemptions under the FOIA. The applicant is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application. The applicant may consult with NTIA regarding concerns or questions about the release of information under State and local laws. The applicant should be familiar with the regulations governing Protected Critical Infrastructure Information (6 CFR Part 29) and Sensitive Security Information (49 CFR Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

E. Waiver Authority. It is the general intent of NTIA not to waive any of the provisions set forth in this *Federal Funding Opportunity*. However, under extraordinary circumstances and when it is in the best interest of the federal government, NTIA, upon its own initiative or when requested, may waive the provisions in this *Federal Funding Opportunity*. Waivers may only be granted for requirements that are discretionary and not mandated by statute or other applicable law. Any request for a waiver must set forth the extraordinary circumstances for the request and be submitted with the application.

F. Executive Order 12866. NTIA has determined that this *Federal Funding Opportunity* is not economically significant for purposes of Executive Order 12866. Executive Order 12866 defines a significant regulatory action as one that is likely to result in a rule that may: (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order. The SLIGP is a formula-based matching grant program that will award \$121,500,000 in grants over a three-year period of performance to States and territories to fund planning, consultation, governance, and data collection activities associated with the implementation of the nationwide public safety broadband network. Based on the overall funding amount, the nature of the funded activities, and the three-year period of performance, the factors specified above as relevant in determining whether a regulatory action is significant are not applicable to the SLIGP programmatic requirements; thus, this *Federal Funding Opportunity* does not meet the criteria to be deemed economically significant.

G. Executive Order 13132 (Federalism). NITA has determined that this *Federal Funding Opportunity* does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

H. Intergovernmental Review. Applications under this program are subject to Executive Order 12372, “Intergovernmental Review of Federal Programs,” which requires intergovernmental consultation with State and local officials. All applicants are required to submit a copy of their applications to their designated state Single Point of Contact (SPOC) offices. See 7 CFR Part 3015, subpart V.

I. Administrative Procedure Act/Regulatory Flexibility Act. Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for rules concerning grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

J. Paperwork Reduction Act. This *Federal Funding Opportunity* contains an information collection requirement subject to the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.). Applicants have been requested to submit applications using Standard Forms 424, 424A, 424B, and SF-LLL, all of which have been approved by OMB under the respective control numbers 4040-0003, 4040-0004, 4040-0006, 4040-0007, and 0348-0046.

NTIA conducted an additional Paperwork Reduction Act analysis for an information collection requirement that is intended to ensure that States applying for SLIGP grants meet eligibility and programmatic requirements as well as to monitor and evaluate whether SLIGP recipients are meeting performance requirements and achieving the core purposes of the grant program established by the Act. NTIA developed the following estimates for this information collection:

SLIGP Application and Reporting Requirements

Number of Application Respondents: 56

Estimated Number of Responses per Respondent: 1

Estimated Number of Responses: 56

Average Burden Hours per Response for the Application: 10

Estimated Total Annual Burden (hours) on Respondent for the Application: 560

Estimated Number of Quarterly Performance Progress Report Responses: 224

Aggregate Hours for Responses to the Quarterly Report: 4

Estimated Total Annual Burden (hours) on Respondent for Performance Progress Reports: 16

OMB has approved this information collection under OMB Control Number 0660-0038. Copies of all forms, regulations, and instructions referenced in this *Federal Funding Opportunity* may be obtained from NTIA. Data furnished by the applicants will be used to determine eligibility

for SLIGP benefits. Furnishing the data is voluntary; however, the failure to provide data could result in SLIGP benefits being withheld or denied.

The collection of information is vital to NTIA to ensure compliance with the provisions of this *Federal Funding Opportunity*. In summary, the collection of information is necessary to implement the requirements of SLIGP.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB control number.

Lawrence E. Strickling

Assistant Secretary for Communications and Information