

**Subject: Re: Draft Language Teeing up SDB Issues in the Joint Request for Information and Notice of Public M**

**Date:** Thursday, March 12, 2009 3:22 PM

**From:** David Honig <dhonig@crosslink.net>

**To:** Mark Seifert <mseifert@ntia.doc.gov>

**Conversation:** Draft Language Teeing up SDB Issues in the Joint Request for Information and Notice of Public M

3:30 is perfect - 202-669-4533

Here's tentatively who I'd like to ask to be on point for each subject --

- Selection Criteria: John Muleta
- Underserved Areas: Allen Hammond or Cathy Sandoval
- Role of the States: Harold Williams or Russell Frisby
- RUS/Community and Economic Development: Ronald Johnson

These are our heaviest hitters.

DH

On 3/12/09 2:55 PM, "Mark Seifert" <mseifert@ntia.doc.gov> wrote:

> Got it. Can we talk for 10 minutes about the panels and what we need?  
I have

> a space at 330 if that works for you. If so, remind me of your number  
and I

> will call.

>

> MGS

>

>>>> David Honig <dhonig@crosslink.net> 3/12/2009 2:53 PM >>>

> Mark - also want to affirm that our Chair, Henry Rivera, has recused  
himself

> on this matter and did not participate in the development, presentation  
or

> submission of the item below. His recusal should be noted as applying  
to

> this and all communications from MMTC regarding BTOP. Thanks --  
>  
> David Honig  
> 3/12/09  
>  
>  
> On 3/12/09 2:33 PM, "David Honig" <dhonig@crosslink.net> wrote:  
>  
>> Mark, good afternoon,  
>>  
>> I've drafted some supplemental language that would ramp up the 8(a)  
>> implementation issues. Inclusion of this language would ensure that  
NTIA and  
>> RUS would compile a thorough record, and it would send a signal to  
the civil  
>> rights community that the agencies earnestly seek their full  
participation in  
>> the commenting process and the full participation of SDBs in the grant  
>> programs.  
>>  
>> The new proposed language is in BOLD.  
>>  
>> NTIA Section, ¶2: add new subparagraph (e):  
>>  
>>> (e) How should NTIA work with states to ensure that state  
procurement laws,  
>>> rules, regulations and programs do not conflict with NTIA's  
implementation  
>>> of  
>>> Section 6001(h)(3), which provides for consideration of an applicant's  
>>> status  
>>> as a socially and economically disadvantaged small business concern  
(“SDB”)?  
>>  
>> NTIA Section, ¶4: add new subparagraph (c) and renumber current  
>> subparagraphs  
>> (c) through (h):  
>>  
>>> (b) How should NTIA most effectively and fairly implement Section

>>> 6001(h)(3),  
>>> which provides for consideration of an applicant's status as an SDB?  
In  
>>> particular, what size or other definitional standards should NTIA apply  
in  
>>> defining an SDB? Should an applicant receive additional  
consideration for  
>>> grant and loan awards if it (i) partners with or contracts with SDBs  
and has  
>>> an established method of tracking and reporting verifiable results; (ii)  
>>> demonstrates a substantial and verifiable history of SDB utilization in  
the  
>>> specific technical areas of the contract; and (iii) proposes substantial  
>>> initiatives to hire and train skilled and low-skilled unemployed labor in  
>>> broadband technologies? To most effectively advance Congress'  
objectives in  
>>> adopting Section 6001(h)(3), should NTIA take pro-active steps such  
as  
>>> facilitating or performing technical assistance and training, conducting  
>>> outreach, and organizing or assisting with networking initiatives?  
>>  
>> NTIA Section, ¶5: add new subparagraph (c):  
>>  
>>> (c) How can NTIA avoid the imposition of market entry barriers that  
may  
>>> impede the full participation of SDBs and other small businesses in  
the BTOP  
>>> (e.g., aggregation of discrete projects or geographic areas into  
needlessly  
>>> large bundles; excessive large project experience, years-in-business  
or  
>>> bonding requirements, or truncated bidding and performance  
deadlines)? How  
>>> can NTIA reduce paperwork requirements for small businesses (e.g.  
by  
>>> authorizing self-certification of SDB status subject to careful  
monitoring)?  
>>  
>> NTIA Section, ¶6: add new sentence at the end of subparagraph (b),

to read:

>>

>>> (b) In particular, should Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs) Native American Serving

>>> Institutions (NASIs) and nonprofit organizations be considered as eligible

>>> recipients under this program?

>>

>> NTIA Section, ¶8: add the bold language in subparagraph (c), which would now

>> read:

>>

>>> (c) At what level of geographic, race, age, language, income or poverty

>>> status, or other granularity should the broadband map provide information on

>>> broadband service?

>>

>> NTIA Section, ¶11: add new subparagraph (d), to read:

>>

>>> (d) should NTIA undertake to identify potentially inefficient grant >>> recipients early and establish an independent mediation program through

>>> which

>>> NTIA would and undertake to cure any potential deficiencies?

>>

>> NTIA Section, ¶12: add new sentence to subparagraph (a), to read:

>>

>>> Should NTIA and the USDA's Rural Development Office collaborate to ensure

>>> that the procedures NTIA will design to foster the participation of socially

>>> and economically disadvantaged businesses are also utilized by the USDA,

>>> especially in the administration of projects receiving funds from both NTIA

>>> and USDA?

>>

>> NTIA Section, ¶14: add new subparagraph (b) and renumber the current  
>> subparagraph (b) as subparagraph (c):  
>>  
>>> (b) How should NTIA determine, and report to Congress, on the success of  
>>> BTOP  
>>> in fulfilling the letter and spirit of the requirement in Section 6001(h)(3)  
>>> that NTIA consider an applicant's status as a socially and economically  
>>> disadvantaged small business concern in awarding grants?  
>>  
>> RUS Section, ¶1: add new subparagraph (d):  
>>  
>>> (d) helps cure endemic disparities in broadband availability that may be  
>>> exacerbated by a history of racial discrimination, language barriers, or  
>>> structural poverty.  
>>  
>> RUS Section, ¶2: add new sentence to subparagraph (b):  
>>  
>>> Should RUS adopt the procedures NTIA will design to foster the participation  
>>> of socially and economically disadvantaged business concerns ("SDBs"),  
>>> especially in the administration of projects receiving funds from both NTIA  
>>> and USDA?  
>>>  
>> Best,  
>>  
>> David  
>>  
>> MMTC Seventh Annual Access to Capital  
>> and Telecom Policy Conference  
>> Save the Date: July 20-21, 2009  
>> Washington, D.C.

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> [March 10, 2009](#)  
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