

**NOTICE OF FUNDING OPPORTUNITY**  
**STATE ALTERNATIVE PLAN PROGRAM**

**A. SUMMARY INFORMATION**

**A.1. Federal Awarding Agency**

National Telecommunications and Information Administration (NTIA), United States (U.S.)  
Department of Commerce (DOC)

**A.2. Program Title**

State Alternative Plan Program (SAPP)

**A.3. Announcement Type**

Initial

**A.4 Funding Opportunity Number**

2018-NTIA-SAPP-01

**A.5. Catalog of Federal Domestic Assistance (CFDA) Number(s)**

11.019: State Alternative Plan Program

**A.6. Key Dates**

All grant applications must be submitted electronically through www.grants.gov. Applications are due no later than 90 calendar days after an “opt-out State” receives formal approval of its alternative State plan from the Federal Communications Commission (FCC). NTIA will accept “opt-out State” grant applications on an ongoing basis after the FCC’s approval date, and continue to monitor submissions in Grants.gov to ensure adherence to this 90-calendar day application window. See Section B.4 in the Full Announcement Text of this Notice of Funding Opportunity (NOFO) for detailed information concerning submission dates and instructions for submitting an application.

**A.7. Key Application Requirements**

- 1) All Applicants are required to have a current registration in the System for Award Management (SAM.gov);
- 2) The free annual registration process in SAM.gov (see B.4.b.) generally takes between three and five business days, but may take more than two weeks, so applicants should plan accordingly;
- 3) Applicants are required to have a current registration in Grants.gov; and
- 4) Applicants will receive a series of e-mail messages from Grants.gov over a period of up to two business days before learning whether a federal agency’s electronic system has received its application. Please note that a federal assistance award cannot be issued if the designated recipient’s registration in SAM.gov is not current at the time of the award.

## **A.8. Funding Opportunity Description**

The Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. No. 112-96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 et seq.)) (Act) established the First Responder Network Authority (FirstNet) as an independent authority within NTIA. The Act also describes FirstNet's duty and responsibility to ensure the deployment and operation of a nationwide public safety broadband network (NPSBN). The NPSBN will, by law, initially consist of a core network, operated by FirstNet, and radio access networks (RAN) in each State that link to the core to ensure that a single, nationwide network architecture is available to deliver broadband services to public safety personnel and entities in each State, Territory, and the District of Columbia.

The Act further assigns to NTIA the obligation to determine whether a State, if it seeks the authority to deploy the RAN within its borders, will be able to seamlessly interoperate with the NPSBN, and be financially and technically sustainable. An applicant must apply for authority to enter into a Spectrum Manager Lease Agreement (SMLA) with FirstNet (Lease Authority), and may apply for optional grant funds to assist in the construction of its RAN (RAN Construction Funds). This NOFO addresses both the mandatory grant of the right to enter into an SMLA with FirstNet and the optional RAN Construction Funds grant under NTIA's grant program.

## **A.9. Funding Instrument**

Grant

## **A.10. Eligibility**

States, Territories, and the District of Columbia, hereafter collectively referred to as States, that wish to construct, operate, maintain, and improve a radio access network in their State ("opt-out States"), and that have received approval from the FCC for their alternative State plan in accordance with the Act.

## **A.11. Cost Sharing/Matching**

SAPP does not require cost sharing or matching.

## Table of Contents

<b>A. SUMMARY INFORMATION.....</b>	<b>1</b>
<b>A.1. Federal Awarding Agency.....</b>	<b>1</b>
<b>A.2. Program Title .....</b>	<b>1</b>
<b>A.3. Announcement Type.....</b>	<b>1</b>
<b>A.4 Funding Opportunity Number .....</b>	<b>1</b>
<b>A.5. Catalog of Federal Domestic Assistance (CFDA) Number(s) .....</b>	<b>1</b>
<b>A.6. Key Dates .....</b>	<b>1</b>
<b>A.7. Key Application Requirements.....</b>	<b>1</b>
<b>A.8. Funding Opportunity Description.....</b>	<b>2</b>
<b>A.9. Funding Instrument.....</b>	<b>2</b>
<b>A.10. Eligibility.....</b>	<b>2</b>
<b>A.11. Cost Sharing/Matching.....</b>	<b>2</b>
<b>B. FULL ANNOUNCEMENT TEXT .....</b>	<b>4</b>
<b>B.1. Program Description.....</b>	<b>4</b>
<b>B.2. Federal Award Information .....</b>	<b>10</b>
<b>B.3. Eligibility Information .....</b>	<b>13</b>
<b>B.4. Application and Submission Information .....</b>	<b>13</b>
<b>B.5. Application Review Information.....</b>	<b>23</b>
<b>B.6. Evaluation and Scoring of Application .....</b>	<b>39</b>
<b>B.7. Review and Selection Process.....</b>	<b>42</b>
<b>B.8. Federal Awarding Agency Review of Risk Posed by Applicants.....</b>	<b>45</b>
<b>B.9. Anticipated Announcement and Award Dates .....</b>	<b>46</b>
<b>B.10. Federal Award Administration Information.....</b>	<b>46</b>
<b>B.11. Administrative and National Policy Requirements.....</b>	<b>46</b>
<b>B.12. Reporting.....</b>	<b>47</b>
<b>B.13. Federal Awarding Agency Contact(s) .....</b>	<b>49</b>
<b>B.14. Other Information.....</b>	<b>50</b>
<b>A. Appendix A – Responses to the July 2016 SAPP Public Notice.....</b>	<b>53</b>
<b>B. Appendix B – Required Responses Checklist .....</b>	<b>72</b>
<b>C. Appendix C – Sample Compliance Certification .....</b>	<b>83</b>
<b>D. Appendix D - Where to Find Information to Develop the Application.....</b>	<b>84</b>

## **B. FULL ANNOUNCEMENT TEXT**

### **B.1. Program Description**

On February 22, 2012, Congress enacted the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. No. 112-96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 et seq.)) (Act). Congress sought to ensure that public safety entities in every State might access a nationwide public safety broadband network (NPSBN) that will provide interoperable, reliable, mission-critical grade broadband service to public safety entities. To realize this goal, the Act established the First Responder Network Authority (FirstNet), an independent authority within the National Telecommunications and Information Administration (NTIA) at the U.S. Department of Commerce (DOC).<sup>1</sup>

FirstNet must ensure the creation and long-term viability of the NPSBN, utilizing Long-Term Evolution (LTE) radio access networks (RANs) in the nation's 56 States and Territories and a core network. The Act gives FirstNet exclusive authority to ensure the establishment of the NPSBN, but a State may seek approval to assume the responsibility to construct, maintain, operate, and improve the RAN in its State (hereafter the RAN Project). The Act makes clear that the RAN in a State, whether operated by a State or FirstNet, must provide the sustainable, high-quality, and reliable broadband service that public safety demands.

For a State to take on this responsibility, it must undertake the following sequential actions as laid out in the Act:

- 1) Formally reject the FirstNet State Plan for its proposed delivery of NPSBN broadband service to public safety entities in that State;
- 2) Develop and complete an alternative plan for a RAN Project that will meet the technical and financial requirements set forth in the Act;
- 3) Submit to the FCC an alternative plan showing that its RAN will comply with statutory interoperability requirements;
- 4) If the FCC approves the alternative plan, apply to NTIA's SAPP for the authorization to enter into a spectrum manager lease agreement with FirstNet (Spectrum Manager Lease Agreement or SMLA)<sup>2</sup> and for optional grant funds to cover a part of the cost of constructing its RAN (RAN Construction Funds) if the State so chooses; and
- 5) If its SMLA application is approved by NTIA, execute an SMLA with FirstNet.

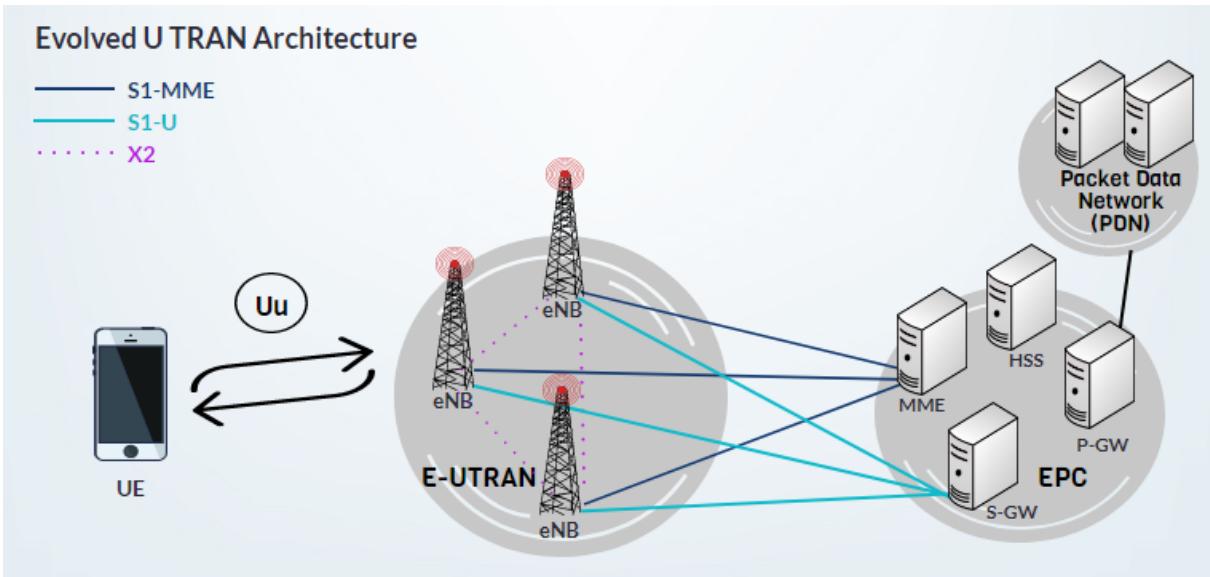
#### **B.1.a. Understanding the LTE Network**

The diagram below describes each element of the network and the expectations the NTIA will have when reviewing a State's application.

---

<sup>1</sup> The Act also assigned additional duties to NTIA and other agencies with regard to the deployment and operation of the NPSBN.

<sup>2</sup> In order to lease spectrum capacity on Band 14 spectrum licensed to FirstNet, an opt-out state must agree to the terms and conditions and enter into an SMLA directly with FirstNet.



In an LTE network, user equipment (UE) is any device used directly by an end-user to communicate via the RAN. UE includes but is not limited to: smartphones, tablets, hotspots, body/surveillance cameras, and drones.

The RAN consists of the eNodeBs, the wireless link between the UE and the eNodeB named “Uu,” as well as the transport or backhaul that carry the S1 links between the RAN and the Evolved Packet Core (EPC), or core.

Opt-out States and FirstNet have separate technical responsibilities under the Act. FirstNet is responsible for operating the NPSBN core (EPC in the diagram above). An opt-out State, through its RAN Project, must link its RAN to the NPSBN core via the S1 links to a point of demarcation that will be established by FirstNet. Additionally, as with commercial telecommunications networks, a State RAN Project must evolve with the NPSBN. Each of these elements, including a State-run RAN, must keep pace with LTE standards evolution. This will require routine hardware, software, standards, applications, and security updates.

As detailed below, NTIA will consider relevant the applicant’s ability to provide public safety entities with LTE broadband communications services rather than other forms of mobile communications services such as land mobile radio services.

#### **B.1.b. SAPP July 2016 Notice and Other Program Development Engagements and Inputs**

NTIA published a public notice seeking input on its planned approach to reviewing State applications for Lease Authority and RAN Construction Grants through the SAPP on July 19, 2016. NTIA received sixteen comments: eleven from States, one from a county, three from associations, and one from a private citizen. These comments addressed:

1) questions on NTIA’s role in the process by which States may seek to deploy the RAN in a State; 2) questions or recommendations about the demonstrations a State must make when applying for Lease Authority or a RAN Construction Grant; 3) policy recommendations for NTIA to consider as it performs its duties under the Act; and 4) issues outside the scope of NTIA’s statutory obligations and related to FirstNet’s or the FCC’s roles and responsibilities. NTIA responds to these comments in Appendix A and incorporates those responses into this NOFO.

### **B.1.c. State Applications under SAPP**

NTIA will review a State’s application for Lease Authority and optional RAN Construction Funds. This is the formal announcement of how a State may apply for both.

By law, to receive NTIA approval for Lease Authority and RAN Construction Funds, a State must demonstrate:

- 1) It has the technical capabilities to operate and the funding to support its RAN;
- 2) It has the ability to maintain ongoing interoperability with the NPSBN;
- 3) It has the ability to complete the project within specified comparable timelines specific to the State;
- 4) The cost-effectiveness of the State alternative plan submitted to the FCC; and
- 5) It has a plan for comparable security, coverage, and quality of service to that of the NPSBN.<sup>3</sup>

Taken together, these five demonstrations will establish whether a State is, either directly or through its procurement and subsequent agreement with one or more third parties, capable of providing public safety with high quality, interoperable, and reliable broadband service over the project period. In addition, NTIA will compare the State’s demonstrations on timelines, security, coverage, and quality of service to those proposed by FirstNet in its State Plan. NTIA’s comparison will evaluate whether a State’s proposal varies from the State Plan yet still reasonably achieves the goals of the Act. This reasonableness review will include recommendations to NTIA from third-party experts on any differences between the State’s proposal and FirstNet’s State plan.

In addition, for applicants who are applying for optional RAN Construction Funds, applicants will be required to submit a detailed budget and work plan to account for the funds requested.

### **B.1.d. State Showings Relevant to All Demonstrations**

#### **(1) RAN Project Term**

AT&T and FirstNet have an agreement to ensure the NPSBN is constructed, operated, maintained, and improved for a 25-year project term. NTIA expects an applicant to plan for the 25-year project term of the NPSBN to ensure that its State RAN serves as a seamless part of the NPSBN, including seamless operation with adjacent RANs as

---

<sup>3</sup> 47 U.S.C. § 1442(e)(3)(D).

necessary, for the duration of FirstNet's partnership with AT&T. If an applicant does so and makes the required demonstrations, it will receive authority from NTIA to enter into an SMLA with FirstNet, which is coterminous with FirstNet's 25-year agreement with AT&T. However, an applicant may submit an application and receive a grant reflecting a project term of less than 25 years, but no less than 10 years, provided that the term of the SMLA between the State and FirstNet aligns to such a project term.

## **(2) Intent to Comply with State Network Policies**

The Act directs FirstNet to develop network policies creating: 1) technical and operational requirements, practices, procedures, and standards for NPSBN management and operation; 2) terms of service for the use of the NPSBN; and 3) requirements for ongoing compliance reviews and monitoring of the NPSBN.<sup>4</sup> FirstNet has developed these required network policies, including network policies applicable to opt-out States (numbered S-01 through S-32) in each State Plan.

As noted above, a successful applicant State must enter into an SMLA with FirstNet in order to operate its RAN. FirstNet has stated in its State Plans that an opt-out State must agree to comply with those network policies applicable to opt-out States.

### **B.1.e. Purpose and Scope of the Statutory Demonstrations**

An applicant must provide information on each of the Act's demonstrations reflecting capabilities, commitments, and/or financial information for the entire project term.

The following descriptions of each statutory demonstration, the corresponding demonstration standard, and all related showings described in the Evaluation Criteria section address the complexity of deploying a RAN that seamlessly interoperates with the NPSBN. The demonstrations should reflect the State's approach to building the RAN and adequately describe the assumptions that the State has made to support its application.

## **(1) Demonstration 1: Technical Capabilities to Operate and the Funding to Support the RAN**

### **i. Demonstration 1(a): Technical Capabilities to Operate**

A State must have sufficient personnel, facilities, and equipment to achieve 24/7/365 LTE RAN network operations that integrate seamlessly with the NPSBN. NTIA will evaluate how a State proposes to acquire the personnel, processes, and physical resources needed to run its project. This will include State staffing and operations for inherently governmental functions, as well as qualified LTE network engineering and operations personnel, whether provided by the State or acquired through contracts and partnerships.

Additionally, a State will need to demonstrate it can support the RAN Project, directly and through any partner, with essential operational and reserve equipment

---

<sup>4</sup> See 47 U.S.C. § 1426(c)(1)(B)–(E)

and systems, spare parts inventories, and facilities needed to ensure continuous and seamless RAN operations.

### **ii. Demonstration 1(b): Funding to Support the RAN**

A State must demonstrate that it has a self-sustaining business model that leverages available resources and generates sufficient revenues to cover all the expenses for the construction, maintenance, operation, and improvement of the State RAN, including payments included as part of the SMLA, over the term of that agreement. The applicant's business model and project budget must demonstrate a reliable network that provides the coverage and capacity requested by each state and reflected in each State Plan.

### **(2) Demonstration 2: The Ability to Maintain Ongoing Interoperability**

The Act states that FirstNet shall require that equipment for use on the network be built to open, non-proprietary, commercially available standards.<sup>5</sup> FirstNet must also ensure, through its request for proposal process, that the NPSBN is built, operated, and maintained using, without material change, the minimum technical requirements developed pursuant to the Act to ensure a nationwide level of interoperability for the NPSBN.<sup>6</sup> Therefore, a State RAN Project must maintain ongoing interoperability and technical network operation with the NPSBN. The FCC's interoperability review assesses compliance with two separate interoperability standards when a State submits its alternative plan to the FCC. In contrast, NTIA's review will assess whether a State RAN Project is capable of keeping step with FirstNet as it adopts the latest technical operability and interoperability standards, network policies, and network upgrades throughout the period during which the State will operate the RAN.

To ensure public safety personnel nationwide receive uniform network quality and delivery of broadband services at all times, a State must demonstrate that its RAN Project can maintain interoperability for the duration of its operation of the RAN Project itself. Further, a State must demonstrate that its RAN will continue to connect seamlessly to the NPSBN. To that end, the applicant State must verify that all applicable RAN Project devices are included in the list of certified devices developed by the National Institute of Standards and Technology (NIST) pursuant to the Act.<sup>7</sup>

---

<sup>5</sup> See 47 USC 1426(b)(2)(B)(i).

<sup>6</sup>See 47 USC 1426(b)(1)(B). See also Recommended Minimum Technical Requirements to Ensure Nationwide Interoperability for the Nationwide Public Safety Broadband Network, Final Report (May 22, 2012) available at [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-12-68A3.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-12-68A3.pdf).

<sup>7</sup> See 47 U.S.C. § 1426(c)(6) ("The Director of NIST, in consultation with the First Responder Network Authority and the Commission, shall ensure the development of a list of certified devices and components meeting appropriate protocols and standards for public safety entities and commercial vendors to adhere to, if such entities or vendors seek to have access to, use of, or compatibility with the nationwide public safety broadband network.").

**(3) Demonstration 3: The Ability to Complete the Project within Specified Comparable Timelines Specific to the State**

The Act requires that mission critical broadband service is rapidly available to public safety entities via the NPSBN. Thus, NTIA will seek to ensure that a State can and will execute all RAN Project milestones within timeframes comparable to those proposed by FirstNet in its State Plan. NTIA's comparability review will be limited to the first five years of the RAN Project and will take into consideration the time lag a State may experience due to the required FCC and NTIA review processes.

When a State commences service through its RAN, perhaps as long as two years after FirstNet begins offering service to public safety, the RAN features, capabilities, and services must be comparable to those available to all other States through FirstNet. Thus, a State must be able to demonstrate that the technical capabilities of its RAN, at the time that it begins operating, will be comparable to those actually available to all States in the NPSBN at the time the State RAN becomes operational. Maintaining feature parity with the NPSBN at all times is necessary to ensure full interoperability and service quality on par with the NPSBN.

**(4) Demonstration 4: Cost Effectiveness of the State Plan**

The Act envisions that public safety personnel will get the benefits of public safety-grade broadband services on a nationwide basis, regardless of who operates a RAN, and that FirstNet must generate sufficient revenue to maintain a nationwide interoperable network. NTIA will assess the applicant's commitment and ability to make payments included as part of the SMLA with FirstNet. In addition, the Act requires that revenue gained from covered leasing agreements must be reinvested back into the network. For the purposes of this document, reinvestment is defined as the action of investing the profit made from the operation of the State RAN into the State RAN. NTIA will also consider a State's plan for reinvestment as part of the cost-effectiveness demonstration.

**(5) Demonstration 5: Comparable Security, Coverage, and Quality of Service to that of the NPSBN**

An applicant will be required to deliver security, coverage, and service quality comparable to what FirstNet provides to all public safety entities in the NPSBN.

**i. Demonstration 5(a): Security**

A State must address both cyber and physical security elements in its application. Due to the nature of a nationwide system, it is imperative that an applicant demonstrate its capability to provide security comparable to that of the NPSBN to mitigate network and component vulnerabilities. The applicant must also self-certify that the State will comply with and maintain its security, at a comparable level to the NPSBN and as required in the SMLA.

### **ii. Demonstration 5(b): Coverage**

The RAN Project must deliver the broadband service at comparable coverage, including capacity, to that proposed in the FirstNet State Plan and provided to all public safety subscribers on the NPSBN.

### **iii. Demonstration 5(c): Quality of Service**

A State must demonstrate that public safety users in that State will have a comparable user experience to that provided by FirstNet to all public safety subscribers across the rest of the NPSBN, such that:

- 1) Network performance metrics will be comparable to FirstNet;
- 2) Response and resolution times related to network outages will be comparable to FirstNet;
- 3) Customer service and help desk services will be comparable to FirstNet; and
- 4) Service Plans will offer comparable basic network services to those offered by the FirstNet State Plan.

## **B.2. Federal Award Information**

### **B.2.a. Funding Availability**

NTIA will make up to \$5.5 billion available in federal assistance under SAPP.

### **B.2.b. Award Period**

Recipients of an SMLA authority grant must enter into an SMLA with FirstNet within 6 months of the award date, unless an extension is granted. The period of performance for RAN Construction Funds is not to exceed 3 years; NTIA may consider a no-cost extension based on demonstrated need for up to an additional 2 years for the RAN Construction Funds.

### **B.2.c. Award Amount**

SAPP will award the right to execute an SMLA (non-monetary grant award) and optional RAN Construction Funds. Pursuant to 47 U.S.C. 1442(e), FirstNet provided each State its funding level, as determined by NTIA, along with the State's final State Plan to the Governor on September 29, 2017.

In order to establish the funding level determination (FLD) for each State and territory, NTIA used an estimate of the number of terrestrial sites (towers) in each State necessary to achieve baseline coverage objectives. These estimates are based on the NIST technical modeling. After considering various methodologies, NTIA chose the technical modeling approach because it represents a fair and equitable means of establishing State funding levels. NTIA divided the State tower total by the national tower total to establish the percentage for each State of the total amount available for the SAPP.

The FLD is a range of the grant amount a State may receive through the SAPP for RAN Construction. The table below lists the current grant amount available and the maximum

grant amount for each State. Each State will be notified by NTIA of any increased grant amount that is available on a monthly basis and no later than five days prior to the decision deadline of December 28, 2017. Regardless of when a State makes its decision, NTIA will set the final grant amounts at the highest amount possible based on the total amount available for the SAPP. Final grant amounts available will be published as a NOFO Amendment on or before January 31, 2018, once all States have made their opt-in or opt-out decision. Applicants may apply for up to their final grant amount available, as published in the NOFO Amendment.

States are eligible to apply for up to the final grant amount available for their RAN construction costs. In order to receive up to the final grant amount available, the State must submit a detailed grant-funded project budget. Grant award amounts may be lower than the amount available if an applicant proposes unallowable costs or if it does not request the full amount available.

Each applicant must provide a proposed itemized budget and budget narrative that accounts for the amount for which the State is applying. All proposed expenditures must be reasonable, allowable, and allocable to the State's RAN Construction project. Please carefully review the eligible and ineligible costs as described in Section B.4.e. and RAN Construction Funds application requirements in Section B.6.e. for more information and to ensure that proposed costs are allowable and allocable.

State	Current grant amount available	Maximum grant amount
<b>Alabama</b>	\$ 84,064,264	\$ 105,080,330
<b>Alaska</b>	\$ 7,305,050	\$ 9,131,312
<b>American Samoa</b>	\$ 674,312	\$ 842,890
<b>Arizona</b>	\$ 87,211,055	\$ 109,013,818
<b>Arkansas</b>	\$ 75,972,517	\$ 94,965,646
<b>California</b>	\$ 331,874,026	\$ 414,842,533
<b>Colorado</b>	\$ 70,802,789	\$ 88,503,487
<b>Connecticut</b>	\$ 51,697,275	\$ 64,621,593
<b>Delaware</b>	\$ 15,396,797	\$ 19,245,996
<b>District of Colombia</b>	\$ 2,922,020	\$ 3,652,525
<b>Florida</b>	\$ 239,268,473	\$ 299,085,592
<b>Georgia</b>	\$ 143,178,974	\$ 178,973,717
<b>Guam</b>	\$ 1,798,166	\$ 2,247,708
<b>Hawai'i</b>	\$ 8,204,133	\$ 10,255,166
<b>Idaho</b>	\$ 37,311,946	\$ 46,639,933
<b>Illinois</b>	\$ 290,179,050	\$ 362,723,813
<b>Indiana</b>	\$ 108,789,048	\$ 135,986,309
<b>Iowa</b>	\$ 64,621,593	\$ 80,776,992
<b>Kansas</b>	\$ 56,642,231	\$ 70,802,789
<b>Kentucky</b>	\$ 56,417,461	\$ 70,521,826
<b>Louisiana</b>	\$ 94,066,563	\$ 117,583,203
<b>Maine</b>	\$ 39,222,498	\$ 49,028,122
<b>Mariana Islands</b>	\$ 1,573,395	\$ 1,966,744
<b>Maryland</b>	\$ 56,080,304	\$ 70,100,381
<b>Massachusetts</b>	\$ 77,658,297	\$ 97,072,872
<b>Michigan</b>	\$ 146,887,691	\$ 183,609,614
<b>Minnesota</b>	\$ 87,997,752	\$ 109,997,190
<b>Mississippi</b>	\$ 49,224,796	\$ 61,530,995
<b>Missouri</b>	\$ 92,268,397	\$ 115,335,496
<b>Montana</b>	\$ 48,775,255	\$ 60,969,068
<b>Nebraska</b>	\$ 41,245,434	\$ 51,556,793
<b>Nevada</b>	\$ 44,055,069	\$ 55,068,836
<b>New Hampshire</b>	\$ 28,883,043	\$ 36,103,803
<b>New Jersey</b>	\$ 90,807,387	\$ 113,509,233
<b>New Mexico</b>	\$ 40,346,351	\$ 50,432,939
<b>New York</b>	\$ 171,275,319	\$ 214,094,148
<b>North Carolina</b>	\$ 128,344,104	\$ 160,430,129
<b>North Dakota</b>	\$ 28,321,116	\$ 35,401,395
<b>Ohio</b>	\$ 124,298,230	\$ 155,372,787
<b>Oklahoma</b>	\$ 55,068,836	\$ 68,836,045
<b>Oregon</b>	\$ 69,791,321	\$ 87,239,151
<b>Pennsylvania</b>	\$ 148,798,243	\$ 185,997,803
<b>Puerto Rico</b>	\$ 28,770,657	\$ 35,963,321
<b>Rhode Island</b>	\$ 13,036,704	\$ 16,295,880
<b>South Carolina</b>	\$ 55,630,763	\$ 69,538,454
<b>South Dakota</b>	\$ 26,073,408	\$ 32,591,760
<b>Tennessee</b>	\$ 69,791,321	\$ 87,239,151
<b>Texas</b>	\$ 360,981,840	\$ 451,227,299
<b>Utah</b>	\$ 52,933,514	\$ 66,166,892
<b>Vermont</b>	\$ 20,116,983	\$ 25,146,229
<b>Virgin Islands</b>	\$ 1,123,854	\$ 1,404,817
<b>Virginia</b>	\$ 104,967,945	\$ 131,209,931
<b>Washington</b>	\$ 127,107,864	\$ 158,884,831
<b>West Virginia</b>	\$ 44,055,069	\$ 55,068,836
<b>Wisconsin</b>	\$ 72,376,185	\$ 90,470,231
<b>Wyoming</b>	\$ 23,713,315	\$ 29,641,644

#### **B.2.d. Renewal or Supplementation**

NTIA does not anticipate soliciting or accepting applications for renewal or supplementation of existing projects for this grant program.

#### **B.2.e. Type of Funding Instrument**

The funding instrument for monetary awards made pursuant to this NOFO will be a grant.

### **B.3. Eligibility Information**

#### **B.3.a. Eligible Applicants**

Any State, Territory, or the District of Columbia (each a “State” for purposes of this NOFO) in which a Governor or Mayor, as applicable, has notified FirstNet, NTIA, and the FCC of the plan to construct its own RAN, and whose State alternative plan has been approved by the FCC, is eligible to apply for this grant. Each State may only submit one application during the application window in Grants.gov. NTIA is not authorized to provide grants to individuals or for-profit entities, and such requests will not be considered for funding.

#### **B.3.b. Cost Sharing or Matching**

SAPP does not require cost sharing or matching.

#### **B.3.c. Other Eligibility Criteria**

Applicant shall provide a copy of the FCC’s formal notification to the State of its approval of the State’s alternative plan. Applicant shall also provide a copy of the State alternative plan as approved by the FCC.

### **B.4. Application and Submission Information**

In order to make the application process more efficient and effective, NTIA is employing a two-phase review process for grant applications. In order to obtain the authority to use the 758-769 MHz and the 788-799 MHz bands (Band 14) of spectrum which the FCC licensed to FirstNet, a State must apply to NTIA for Lease Authority. Further, a State may apply for RAN Construction Funds. Applicants must submit a single grant application along with required supporting documents listed in Section B.4.b.(3). In the application, the applicant will indicate if they are applying for both the Lease Authority and RAN Construction Funds or only the Lease Authority.

NTIA will evaluate all grant applications with respect to each of the SAPP five statutory demonstrations as listed in Section B.5.a.(4). NTIA will not approve applications that do not successfully pass the evaluation criteria for any one of these demonstrations. If NTIA denies lease authority, NTIA also will deny corresponding applications for RAN Construction Funds.

If an applicant indicates they are applying for the optional RAN Construction Funds, NTIA will review the documents required to apply for the RAN Construction Funds once that applicant has successfully passed the evaluation criteria for the five statutory demonstrations.

#### **B.4.a. Address to Request Application Package**

Application forms and instructions are available on the Grants.gov website ([www.grants.gov](http://www.grants.gov)). To access these materials, enter the funding opportunity number “2018-NTIA-SAPP-01” in the Search Grant Opportunities feature. Click on the Package tab, then select Apply, chose Option 1, and follow the prompts to download the Application Package. To download the instructions, go to the Related Documents tab on the View Grant Opportunity screen and select the Application Instructions document. Applicants should 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 SAPP by the deadline established in this NOFO may result in forfeiture of the grant opportunity. NTIA will accept applications until the deadline; NTIA will process each application in the order received. Applications submitted by e-mail or facsimile will not be accepted. Applicants may also request an application package by contacting the Federal Awarding Agency contact listed in Section B.13.

#### **B.4.b. Content and Form of Applications**

##### **(1) Pre-Applications, White Papers and Letters of Intent**

Pre-Applications, white papers, and letters of intent are not required and will not be accepted for this program.

##### **(2) Application Format**

###### **i. E-mailed and Facsimile (fax) Submissions**

Applications must be submitted through Grants.gov. NTIA will not accept emailed or faxed applications.

###### **ii. Figures, Graphs, Images, and Pictures**

Items should be of a size that is easily readable or viewable and may be in landscape orientation.

###### **iii. Font**

Font should be easy to read (10-point minimum). Smaller type may be used in figures and tables but must be clearly legible.

###### **iv. Line spacing**

Applicants may use single spacing or double spacing.

###### **v. Margins**

One (1) inch top, bottom, left, and right.

**vi. Page Layout**

Portrait orientation except for figures, graphs, images, and pictures. Paragraphs are to be clearly separated from each other by double spacing, paragraph formatting or equivalent.

**vii. Page Limit**

Page limits for each requested narrative are listed in the evaluation criteria Section B.5. Applicants may request a page limit waiver on narratives if additional explanation is required to provide a sufficient response.

Page limit excludes: SF-424, Application for Federal Assistance; SF-424A, Budget Information – Non-Construction Programs; SF-424B, Assurances – Non-Construction Programs; SF-424C, Budget Information – Construction Programs; SF-424D, Assurances – Construction Programs; CD-511, Certification Regarding Lobbying; SF-LLL, Disclosure of Lobbying Activities; Detailed Budget Spreadsheet and Budget Narrative.

**viii. Page Numbering**

Number pages sequentially.

**ix. Page Size**

21.6 centimeters by 27.9 centimeters (8 ½ inches by 11 inches)

**x. Application Language**

English

**xi. Typed Document**

All applications, including forms, must be typed.

**xii. Application Replacement Pages**

Once applications are submitted, they are deemed final and complete. All applications must be submitted by the submission deadline. If revisions or replacement pages are necessary, applicant may submit with NTIA's approval.

**(3) Required Forms and Documentation**

Applications must be complete and follow the format described herein. The application consists of the following forms and required submissions, which are discussed in more detail below.

**i. Required Forms and Documentation for All Applications**

All applications must have the following elements for a complete application package:

- 1) Standard Form 424 (SF-424), Application for Federal Assistance: This must be signed by the applicant's authorized organization representative

(AOR). Electronic signatures submitted through www.grants.gov satisfy this requirement. Item 8.d. Zip/Postal Code field should reflect the Zip code + 4 (#####-####) format. The list of assurances and certifications mentioned in Item 21 can be found in the SF-424B for Lease Authority applicants and in the SF-424 D for RAN Construction Funds applicants.

- 2) CD-511 Certification Regarding Lobbying: Enter “2018-NTIA-SAPP-01” in the Award Number field. Enter the title of the application used in field 15 of the SF-424, or an abbreviation of that title, in the Project Name field.
- 3) Standard Form LLL, Disclosure of Lobbying Activities, if applicable.
- 4) Notice of FCC Approval, as described in Section B.3.c.
- 5) Technical Proposal: This proposal will consist of demonstration elements including charts, narratives, and other supporting artifacts in response to the program description (see Section B.5.a.(4)i.) and the evaluation criteria (see Section B.6.). A checklist of the required responses and documents to be included in this technical proposal is in Appendix B – Required Responses Checklist.

**ii. Required Forms and Documentation for Lease Authority only (no RAN Construction Funds)**

For those applying for Lease Authority only (no RAN Construction Funds) the following forms and documents, in addition to those specified above at Section B.4.b(3)(i) are required:

- 1) Standard Form 424A (SF-424A), Budget Information – Non-Construction Programs
  - Applicants must complete this form.
  - Please carefully follow the directions found at: <http://www.grants.gov/web/grants/form-instructions/sf-424a-instructions.html> when filling out this form.
- 2) Standard Form 424B (SF-424B), Assurances – Non-Construction Programs

**iii. Required Forms and Documentation for those applying for RAN Construction Funds, in addition to those specified above in Section B.4.b(3)(i):**

- 1) Standard Form 424C (SF-424C), Budget Information – Construction Programs:
  - Please carefully follow the instructions found at <https://www.grants.gov/web/grants/form-instructions/sf-424c-instructions.html> when filling out this form.
- 2) Standard Form 424D (SF-424D), Assurances – Construction Programs
- 3) Detailed Budget Spreadsheet and Budget Narrative
  - The RAN Construction Grant Funds Budget should document how RAN construction grant funds will be spent, not the total cost for the

RAN Project. The budget justification will consist of a budget narrative and budget detail spreadsheet. The budget justification must provide sufficient explanation of each budget category, as reflected in the SF-424C, in order to establish the need for the funds in each cost category and the basis for the figures used in the applicant's budget. The narrative must be organized to clearly correspond to the information provided in the budget spreadsheet. Detail provided in the spreadsheet and/or narrative must also be sufficient so that the reviewers can interpret how costs were estimated or calculated. Proposed funding levels must be consistent with the project scope, and only allowable costs should be included in the budget (see Funding Restrictions, Section B.4.e., for the eligible and ineligible costs for this program). General information on cost allowability is available in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200 (<http://go.usa.gov/SBYh>).

4) Indirect Cost Rate Agreement, if applicable

- If indirect costs are included in the proposed budget, provide a copy of the approved indirect cost rate agreement that was negotiated with a cognizant federal agency. If the successful applicant includes indirect costs in the budget and has not established an indirect cost rate with a cognizant federal audit agency, the applicant will be required to obtain such a rate in accordance with the DOC Financial Assistance Standard Terms and Conditions (<http://go.usa.gov/hKbj>).
- Alternatively, in accordance with 2 CFR § 200.414(f), applicants that have never received a negotiated indirect cost rate may elect to charge indirect costs to an award pursuant to a de minimis rate of 10 percent of modified total direct costs (MTDC), in which case a negotiated indirect cost rate agreement is not required. In order to request indirect costs under a de minimis rate, the applicant agency must not receive more than \$35 million in direct federal funding. As described in 2 CFR § 200.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all federal awards until such time as a non-federal entity chooses to negotiate for a rate, which the non-federal entity may apply to do at any time. Applicants proposing a 10 percent de minimis rate pursuant to 2 CFR § 200.414(f) should note this election as part of the budget portion of the application.

**When submitting the application electronically via Grants.gov for Lease Authority only,** the forms listed above in Sections B.4.b(3)(i) and B.4.b(3)(ii) are part of the standard application package in Grants.gov and can be completed through the download application process. Documents listed above in Section

B.4.b(3)(i), the **Notice of FCC Approval** and the **Technical Proposal**, must be completed and attached by clicking on “Add Attachments” found in item 15 of the SF-424, Application for Federal Assistance. This will create a zip file that allows for transmittal of the documents electronically via Grants.gov.

**When submitting the application electronically via Grants.gov for RAN Construction Funds and for Lease Authority**, the forms listed above in Sections B.4.b(3)(i) and B.4.b(3)(iii) are part of the standard application package in Grants.gov and can be completed through the download application process. Documents listed above in Section B.4.b(3)(i), the **Notice of FCC Approval** and the **Technical Proposal**, as well as the documents listed above in Section B.4.b(3)(iii), the **Detailed Budget Spreadsheet and Budget Narrative**, and the **Indirect Cost Rate Agreement**, must be completed and attached by clicking on “Add Attachments” found in item 15 of the SF-424, Application for Federal Assistance. This will create a zip file that allows for transmittal of the documents electronically via Grants.gov.

Applicants should carefully follow specific Grants.gov instructions at [www.grants.gov](http://www.grants.gov) to ensure the attachments will be accepted by the Grants.gov system. *A receipt from Grants.gov indicating an application is received does not provide information about whether attachments have been received.*

**(4) Certifications Regarding Federal Felony and Federal Criminal Tax Convictions, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns**

In accordance with federal appropriations law, an authorized representative of the selected applicant(s) may be required to provide certain pre-award certifications regarding federal felony and federal criminal tax convictions, unpaid federal tax assessments, and delinquent federal tax returns.

**(5) Unique Entity Identifier (UEI) and System for Award Management (SAM)**

Pursuant to 2 CFR Part 25, applicants and recipients (as the case may be) are required to: (i) be registered in SAM before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency, unless otherwise excepted from these requirements pursuant to 2 CFR § 25.110. NTIA will not make a federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time that NTIA is ready to make a federal award, NTIA may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

**i. Unique Entity Identifier (UEI)**

All applicants must supply a UEI (formerly known as a 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://fedgov.dnb.com/webform>.

**ii. System for Award Management (SAM)**

All applicants must register in the SAM before submitting an application. Additionally, the applicant must maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. Applicants can register for the SAM at <https://www.SAM.gov/>.

**B.4.c. Submission Dates and Times**

Complete applications for SAPP must be electronically submitted through [www.grants.gov](http://www.grants.gov), under announcement “2018-NTIA-SAPP-01” Applications or portions thereof submitted by mail, courier, email, or by facsimile will not be accepted. Applications submitted electronically through the online [www.grants.gov](http://www.grants.gov) system must be received no later than 90 calendar days from the FCC’s notification of alternative State plan approval. All application forms and documents must be included with an applicant’s submission via [www.grants.gov](http://www.grants.gov).

Applicants should be aware, and factor in their application submission planning, that the Grants.gov system routinely closes for maintenance. Applications cannot be submitted when Grants.gov is closed.

Submitters of electronic applications should carefully follow specific Grants.gov instructions to ensure the attachments will be accepted by the Grants.gov system. A receipt from Grants.gov indicating an application is received does not provide information about whether attachments have been received. For further information or questions regarding applying electronically for the 2018-NTIA-SAPP-01 announcement, contact the Federal Awarding Agency contact listed in Section B.13.

Applicants are encouraged to start early and not wait until the due date before logging on and reviewing the instructions for applying through Grants.gov. The Grants.gov registration process must be completed before a new registrant can apply electronically. The registration process takes three (3) to five (5) business days. If problems are encountered, the registration process can take up to two (2) weeks or more. All applicants must have a valid UEI and must maintain a current registration in the federal government’s primary registrant database, SAM (<https://www.SAM.gov>), as explained on the Grants.gov website. See also Section B.4.b.(5). After registering, it may take several days or longer from the initial log-on before a new Grants.gov system user can submit an application. Only authorized individual(s) will be able to submit the

application, and the system may need time to process a submitted application. All applicants should save and print the proof of submission they receive from Grants.gov. If problems occur while using Grants.gov, the applicant is advised to (a) print any error message received and (b) call Grants.gov directly for immediate assistance. If calling from within the U.S. or from a U.S. Territory, please call 800-518-4726. If calling from a place other than the U.S. or a U.S. Territory, please call 606-545-5035. Assistance from the Grants.gov Help Desk will be available around the clock every day, with the exception of federal holidays. Help Desk service will resume at 7:00 a.m. Eastern Time the day after federal holidays. For assistance using Grants.gov, you may also contact support@grants.gov.

To find instructions on submitting an application on Grants.gov, applicants should refer to the “Applicants” tab in the banner just below the top of the www.grants.gov home page. Clicking on the “Applicants” tab produces two useful sources of information, Grant Applications and Applicant Resources, which applicants are advised to review.

An applicant will receive a series of e-mail messages over a period of up to two business days before learning whether a federal agency’s electronic system has received its application. It is recommended that applicants closely follow the detailed information in these subcategories in order to increase the likelihood of acceptance of the application by the federal agency’s electronic system.

Applicants should pay close attention to the guidance under “Applicant FAQs,” as it contains information important to successful submission on Grants.gov, including essential details on the naming conventions for attachments to Grants.gov applications.

All applicants should be aware that adequate time must be factored into applicants’ schedules for delivery of their applications. Applicants are advised that traffic volume on Grants.gov may be extremely heavy as the deadline date approaches.

The application must be both received and validated by Grants.gov. The application is “received” when Grants.gov provides the applicant a confirmation of receipt and an application tracking number. If an applicant does not see this confirmation and tracking number, the application has not been received. After the application has been received, it must still be validated. During this process, it may be “validated” or “rejected with errors.” To know whether the application was rejected with errors and the reasons why, the applicant must log in to Grants.gov, select “Applicants” from the top navigation, and select “Track My Application” from the drop-down list. If the status is “rejected with errors,” the applicant may still seek to correct the errors and resubmit your application before the deadline. If the applicant does not correct the errors, the application will not be forwarded to NTIA by Grants.gov.

#### **B.4.d. 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. The list of State SPOCs can be found at: [https://www.whitehouse.gov/omb/grants\\_s poc](https://www.whitehouse.gov/omb/grants_s poc).

#### **B.4.e. Funding Restrictions**

Eligible costs under the SAPP are limited to the construction of the RAN within the State, and do not include any costs associated with the application to NTIA for Lease Authority from FirstNet. Eligible costs are consistent with the cost principles identified in 2 CFR Part 200, including Subpart E of such regulations and in support of the construction of the RAN for the purpose of connecting to the NPSBN as authorized under the Act. In addition, costs must be reasonable, necessary, and allowable for the proposed project. Grant funds may be used to cover only eligible costs incurred by the grantee during the period of performance, and for allowable costs incurred by the grantee during the grant closeout process. Federal funds awarded under SAPP may only be used to pay for eligible costs as described below.

##### **(1) Eligible Costs**

Eligible costs under SAPP for the RAN Construction Funds will include the following categories of expenses:

###### **i. Administrative and Legal Expenses**

- 1) Total administrative and legal expenses may not exceed 5% of the total federal award amount;
- 2) Personnel costs, including salaries and fringe benefits, associated with individuals responsible for programmatic and reporting activities for the SAPP grant including single officer, program managers, grants managers, supervisors, construction inspectors, or other staff members contributing to the management of the grant project;
- 3) Travel costs including airfare, ground transportation, lodging, meals, and incidental expenditures associated with site preparation, construction, or other allowable program activities;
- 4) Supply costs necessary for management of the grant award including, but not limited to, information technology (IT) expenses, software, phone service, printing, office supplies, or other items;
- 5) Training activities that are directly related to the construction of the RAN; and
- 6) Other administrative expenses as necessary and approved by the Federal Program Officer in advance.

**ii. Architectural and Engineering Fees**

- 1) Any architectural and engineering fee directly related to RAN design and construction;
- 2) Any fees associated with studies conducted to identify the requirements to ensure existing towers meet all standards and specifications with the additional load estimated for the project.

**iii. Initial System Testing and Compliance**

Any fees associated with testing installed components of the network.

**iv. Project Inspection Fees**

Fees associated with construction inspection or other State, county, and/or local jurisdiction inspection fees deemed necessary to complete the project.

**v. Site Work**

Clearing and grading area around the direct RAN Construction site.

**vi. Demolition and Removal**

Demolition and removal of existing site components directly impacting the construction of the RAN.

**vii. Construction**

Construction activities directly related to building and deploying the State RAN.

**viii. Equipment**

Materials and equipment directly related to the construction of the State RAN. States must use, manage, and dispose of equipment acquired under a SAPP award in accordance with 2 CFR § 200.313(c)-(e).

**ix. Miscellaneous**

- 1) Environmental compliance and assessment costs in order to comply with National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) requirements;
- 2) Establishing connectivity with the FirstNet core.

**x. Indirect Costs**

Indirect costs may only be used when associated with the construction or installation of facilities and equipment directly related to the SAPP.

**(2) Ineligible Costs**

Funds awarded under SAPP may not be used for the following activities:

- i. Operating expenses of the applicant, including payments included as part of the SMLA, leasing fees for towers, backhaul, easements, or other recurring vendor fees;

- ii. Ongoing maintenance, operation, and improvement costs;
  - iii. Costs incurred prior to the date on which submitted grant is awarded (pre-award or application costs);
  - iv. The purchase of land, existing structures, or rights-of-way, except with prior justification and approval from NTIA;
  - v. Relocation expenses and payments;
  - vi. Contingencies for construction or project costs to include cost-overrun contingencies;
  - vii. The purchase of:
    - Vehicles other than those needed to expand the network, including but not limited to cells on wheels (COWs) and cells on light trucks (COLTS);
    - User devices; or
    - Equipment not directly related to the construction of the State RAN and establishment of connectivity to the core.
  - viii. Installation of antennas or other transmission equipment in vehicles other than those needed to expand the network, including but not limited to COWs and COLTS;
  - ix. Service to provide connectivity to the core such as satellite backhaul;
  - x. Any improvements or upgrades to an existing structure or tower outside the scope of the State plan submitted and approved by the FCC, to include renovations or hardening; or
  - xi. Any unanticipated costs beyond the SAPP award amount.

#### **B.4.f. Other Submission Requirements**

## (1) 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. Applicants should be aware that all or portions of their application may be made publicly available by NTIA or as required under applicable federal laws. Please be mindful if providing any law enforcement sensitive or otherwise non-public information within the grant application. See Section B.14.a for additional information concerning the confidentiality of information contained in an application.

#### **B.5. Application Review Information**

### **B.5.a. Evaluation Criteria**

### **(1) NTIA's Review of Each Demonstration**

For a State to receive lease authority and RAN Construction Funds, it must receive a passing score on each demonstration. Thus, a State must ensure that it provides each of the demonstration elements NTIA requires. Each demonstration contains elements that may or may not apply to a State's particular plan. Applicants are only required to respond to those elements that apply. Applicants should clearly designate which elements are relevant to their application.

Applications will undergo a multi-step evaluation process that includes NTIA staff, expert third-party reviewers, and grant administration officers. These teams will evaluate each of the demonstrations, individually and in the aggregate, to assess the risks and potential capacity of a State to successfully deploy and operate a RAN. Applicants should adequately explain the basis for assumptions being made to support the relevant demonstration for the planned RAN. Ultimately, NTIA's selecting official will determine whether to approve an application, taking into consideration all information provided by the State for a given demonstration and the recommendations of reviewers.

#### **(2) Comparative Demonstrations**

For the statutory demonstrations that require a comparability review (RAN Project timelines, coverage, security, and quality of service), the review standard will center on metric-based comparisons, with permissible levels of variance, to the FirstNet State Plan. NTIA's comparison will evaluate whether a State's proposal varies from the FirstNet State Plan yet still reasonably achieves the goals of the Act.

#### **(3) Objective Demonstrations**

For the statutory demonstrations on the technical capability and funding to support the RAN, maintaining ongoing interoperability, and cost effectiveness, NTIA will rely on expert third parties who will review the quality, depth, and comprehensive nature of the required information. NTIA will make its final determination based upon those reviews as well as the applicant's adherence to federal assistance policies, terms, and conditions.

#### **(4) Submittal of Technical Proposal**

Applicants must submit a technical proposal that provides all of the required demonstration elements in order to meet the demonstration standard as noted at the beginning of each demonstration section. Each required element is listed by number and applicants are requested to use this same numbering system when preparing and submitting responses. Attach the technical proposal as a single PDF file. For each of the elements, as detailed in the demonstration areas, the standard is described below.

##### **i. Demonstration 1: Technical Capability to Operate and Funding to Support the State RAN**

###### **Demonstration 1(a): Technical Capabilities to Operate**

**Demonstration Standard:** An applicant must demonstrate that:

- The applicant's RAN Project staff has sufficient technical capability and experience, through State personnel and/or through its RAN partner, to effectively execute the RAN Project; and
- The applicant has the necessary equipment, facilities, and other infrastructure to effectively execute the RAN Project.

To meet the demonstration standard, an applicant or its partner must demonstrate it has the capabilities to:

- Operate and manage a radio access portion of a commercial wireless broadband network based on LTE technology compatible with the requirements of FirstNet and capable of providing such service to public safety throughout the project period;
- Design, implement, and maintain RAN and transport backhaul to achieve network quality and services consistent with the requirements of the NPSBN network policies and SMLA terms and conditions;
- Integrate and optimize RAN capabilities;
- Continuously test and integrate new RAN software and feature releases to align with FirstNet’s 3rd Generation Partnership Project (3GPP) LTE RAN release roadmap;
- Maintain physical and cybersecurity capabilities;
- Operate network, including Operational Support Systems (OSS) for the monitoring, controlling, analyzing, and for managing RAN network, including availability management, change management, incident management, problem management, capacity management, and business/service continuity;
- Manage leased assets including tower assets and backhaul circuits as well as roaming agreements, as needed;
- Manage device system capabilities, including ability to procure, test and validate, utilize, and maintain UE that is interoperable between State’s RAN and the FirstNet RAN and core;
- Manage program and business, including inherently governmental functions such as grants management, contract management, inspectors and contractor oversight, obligation of funds and executing payments, direct coordination with FirstNet;
- Operate Business Support System (BSS) to maintain customer care and marketing, including, if applicable, a customer acquisition plan device sales and marketing, billing systems, and customer service functions;
- Provide dedicated, 24x7 customer care/help desk for agencies and users; and
- Maintain and operate geo-redundant RAN Network facilities to support operations and maintenance such as network operations centers (NOCs), server management centers (SMCs), maintenance facilities, security operations centers (SOCs), emergency operations centers (EOC), spare parts depots, customer service centers, storage facilities, service vehicles.

Applicants must submit the following to support this demonstration element:

**Charts or Tables**

**1-1. Staffing Table:** The Staffing Table must address all of the relevant capabilities across each of the demonstrations as noted in the program description

section (see Section B.1) and the evaluation criteria section (see Section B.5.a.). The table should itemize the full-time equivalent (FTE), level of experience, and education of each resource necessary to achieve compliance with the technical requirements in the FirstNet SMLA and NPSBN network policies. The applicant must note whether personnel are State personnel or contractor personnel. If State personnel are listed, ensure that all positions are accounted for in the personnel line of the project budget (#1-18). If contractor personnel are listed, cross-reference to relevant sections of contracts and subcontracts (#1-16) that show the level of effort and scope of services provided to demonstrate a State's ability to meet each of the required demonstrations. In addition, provide a complementary Staffing Plan narrative (#1-4) that explains the Staffing Table and the applicant's approach to ensuring that it has the necessary resources to satisfy the demonstration standard for all of the statutory demonstrations, the terms and conditions of the SMLA, and the NPSBN network policies.

**1-2. RAN Network Operational and Maintenance Facilities:** Provide an itemized list of all RAN network operations and maintenance facilities, including NOC, SMC, SOC, EOC, customer service centers, parts depots, storage facilities, and where the facilities will be located. (Ensure that the table cross-references and aligns to the Network Operational and Maintenance Facility Narrative (#1-10).

**1-3. Contracting and Subcontracting Table:** If the applicant is relying on contractors or subcontractors to partner with or perform duties related to the RAN Project, provide a chart or table listing all contracts and subcontracts, key purpose and deliverables, value of contract, and the period of performance. Use #1-6 to explain the applicant's approach to contracting and subcontracting and as a complement to this table.

#### **Narratives**

**1-4. Staffing Plan:** As a complement to the Staffing Table (#1-1), provide a narrative that explains the Staffing Table and the applicant's approach to ensuring that it has the staff, contractors, and subcontractors with the right knowledge, skills, and experience to satisfy the demonstration standard for all demonstrations, the terms and conditions of the SMLA, and the NPSBN network policies. (Maximum: 12 pages)

**1-5. Project Management Plan:** Discuss how the applicant will manage and coordinate the RAN Project. Provide a list of who will have primary, secondary, and oversight responsibilities for all capabilities across all the demonstrations as noted in the program description section (see Section B.1.) and the evaluation criteria sections (see Section B.5.a.). Describe who will be responsible for SMLA compliance, network policies performance, and coordination with FirstNet for operability, interoperability, and ongoing operational purposes. Include, in exhibit #1-17, resumes or CVs for staff supporting each of the key technical and operational capabilities. (Maximum: 17 pages)

**1-6. Contracting and Subcontracting:** Provide an overview of any contracting and sub-contracting plan that the applicant intends to execute for the

construction, operation, maintenance, and improvement the State RAN. Use #1-3 as a complement to this narrative. (Maximum: 12 pages)

**1-7. Plan for re-competition:** If the period of performance for any of the applicant's proposed or executed contracts will be shorter than the period of performance for its SMLA, provide the State's plan for future contracting actions to ensure continuous operations throughout the period of the SMLA. (Maximum: 4 pages)

**1-8. Past Performance:** Provide 3-5 examples for each of the following:

- Past performance such as a representative sampling of testimonials from a RAN partner's public safety customers on their experiences with such services, if available
- Current LTE systems the applicant or RAN partner has operated within the last 5 years
- Past performance metrics from the last 5 years related to service availability and reliability, including how these were calculated and measured. (Maximum: 8 pages)

**1-9. Network Operations and Maintenance Processes:** Provide a narrative explaining how the applicant has or is developing operations and maintenance processes and how these processes will support achieving reliability and availability benchmarks as required in NPSBN network policies and the SMLA. (Maximum: 7 pages)

**1-10. Maintaining the Network:** Provide a narrative to explain how technical maintenance, repair, and upgrade of the RAN will be performed in order to meet FirstNet availability and reliability metrics. If applicable, explain how the applicant will use any contracting incentives or disincentives to meet SMLA and NPSBN requirements. (Provide relevant contract clauses to support answers #1-16.) Specifically address how the State will adapt to and absorb upgrades in device and eNodeB features, software, and firmware. (Maximum: 6 pages)

**1-11. Facilities and Equipment:** Provide a description of how the State will address, contract for, or otherwise acquire facilities, equipment, vehicles, other infrastructure, and spare parts and supply inventory to support the building and operations of the State's RAN at a comparable performance standard as the NPSBN. (Maximum: 8 pages)

**1-12. Parts Inventory:** Explain how the applicant plans to maintain a standing inventory of spare parts. If using a third-party inventory provider, provide a copy of the contract in exhibit section (#1-16). (Maximum: 3 pages)

**1-13. Backhaul Plan:** Explain how the applicant will procure and provide backhaul. If acquiring backhaul through contracts, provide relevant contracts (#1-16). If constructing backhaul directly, discuss any plans to lease excess capacity as a revenue source. Also discuss plan for backhaul security (Maximum: 4 pages)

**1-14. Deployable Solutions:** Provide a narrative explaining how State RAN may use mobile deployables for planned, no-notice, and disaster events, including the types and capabilities of deployable units and known coverage challenges. Identify deployable staging locations and expected time to reconstitute the

network. Describe how the State will support public safety's requests for access to these assets. (Maximum: 6 pages)

**1-15. Alternative Coverage Solutions:** Discuss coverage challenges that are driven by terrain, geography, or urban sprawl, that cannot be addressed using traditional eNodeBs. Specify areas where fixed small cells, indoor/outdoor distributed antenna system (DAS) solutions, or cell-on-wheels (COWs) are expected to be utilized. (Maximum: 10 pages)

### **Exhibits**

**1-16. Contract Exhibits:** Provide statements of work, relevant performance metrics clauses, system availability, and restoration requirement clauses, incentives and disincentive clauses, and any other contract clauses that the applicant references in responding to narrative answers within Demonstration 1a.

**1-17. Key Personnel:** In order to support the Project Management plan (#1-5) provide at least one and no more than three resumes, CVs, or statement of relevant experience for each of the key technical and operational resources discussed in the Project Management Plan.

### **Demonstration 1(b): Funding to Support**

**Demonstration Standard:** An applicant must:

- Demonstrate that the expected revenues from the operations of the RAN Project are sufficient to cover expected expenses over time, including payments as part of the SMLA; and
- Provide rationale for revenue and expenditure assumptions, budget forecasts, risk analysis, spectrum valuation sources, and reinvestment plans to support the project budget.

To meet the demonstration standard, an applicant must provide:

### **Charts or Tables**

**1-18. RAN Project Budget:** The RAN Project budget must comprehensively address all sources of revenues and expenditures for the duration of the SMLA with FirstNet. *Please note: The RAN Project budget is for the lifetime of the RAN Project and is separate and distinct from the grant-funded RAN construction budget.* If applying for RAN Construction Funds, see Section B.6.e for the additional requirements. The RAN Project budget should describe:

Revenues:

- Projected primary and secondary subscriber fees (ensure this number is supported in the subscriber estimates and take rates narrative and related partner contract provisions, if applicable (#1-16, 1-19, 1-22));
- Program Income, if applicable;

- Partner payments back to State for a covered leasing agreement (provide section of contract (#1-16) where fees are addressed) and also address in risk analysis narrative (#1-26);
- Mobile Virtual Network Operator (MVNO) revenues, if applicable;
- Anticipated RAN Construction funding, if applicable;
- Roaming revenues, if applicable;
- State and local appropriations, bonds or other State financing (address likelihood of continued funding in the risk analysis narrative (#1-26)); and
- Other revenue sources. Provide details of sources and discuss likelihood of continued funding in the risk analysis narrative (#1-26).

**Expenditures:**

- All payments included as part of the SMLA. (Provide copy of the unexecuted SMLA as an exhibit (#1-29));
- Personnel costs (State-funded personnel who will be supporting the RAN Project). Ensure that all staff listed in staffing plan (#1-1) are accounted for on this line;
- Contract costs (by contract or sub contract). Ensure that costs align to contract table (#1-3) provided in the Technical Capabilities demonstration;
- Performance or surety bonds, if applicable;
- Construction costs (if procured through contracts, ensure construction costs are separately itemized within contract line). For the purposes of the RAN Project budget, construction costs are comprised of all costs associated with the first 5 years of the construction of the RAN, as presented in the Comparable Timeline, and Comparable Coverage and Quality of Service demonstrations below. The funding may be derived through a SAPP construction grant, State or partner contributions, or other sources (describe, if applicable) and all funds associated with the 5-year construction period should be clearly identified and accounted for as revenues
  - Site work
  - Design and engineering, including network optimization
  - Construction, including equipment and hardening cost
  - Acquisition and installation of equipment
  - Backhaul-related expenses, including acquisition, leasing costs, security as applicable
- Operational costs (if part of a contract, ensure operational costs are separately itemized within contract line)
  - System monitoring costs
  - Vendor fees, recurring and one time
  - System operations costs, including Operational Support Systems (OSS) and Business Support Systems (BSS)

- Initial and ongoing testing evaluation, optimization, and certification and any lab costs
- Connectivity to, and integration with, the FirstNet core, the UEs, RAN, and backhaul transport network
- Repairs and maintenance costs
- Network upgrade costs (ensure that costs align to plan for network reinvestment narrative) (#4-1)
- Training costs
- Decommissioning costs
- Security costs
- Roaming costs
- Backhaul leasing fees
- Tower leasing fees
- Site utilities costs
- Other, as needed (provide explanation of cost category as a separate narrative)
- User Acquisition costs (if part of the contract, ensure costs are itemized within the contract line) for both public safety and non-public safety subscribers, if applicable;
- Customer care and support (Tier 1, 2, 3);
- Network facilities costs, such as operations centers, server management centers, maintenance facilities, security operations centers, emergency operations centers, spare parts depots, customer service centers, and storage facilities;
- Service vehicle fleet costs to support RAN construction, operations, maintenance, and improvement;
- Spare parts inventory costs;
- Legal costs;
- Reserves/costs for reconstitution of the network due to weather incidents and other damage to network. (#1-28);
- Contingencies and reserves (ensure that the costs listed here are aligned to the contingency and reserves narrative) (#1-28);
- Travel costs;
- Other costs – provide full description in a narrative; and
- Management and Administration (capped at 5% of grant award).

**Narratives**

**1-19. User Adoption Assumptions:** Provide a narrative that explains the current and future assumptions about primary and, if applicable, secondary users (based on 2010 census data), usage, and demand rates (ensure that assumptions align to revenue numbers in project budget). Explain any significant variances from 2010 census data, if necessary. Include applicant's definitions of primary and secondary users. (Maximum: 10 pages)

- 1-20. Spectrum Monetization Assumptions:** If the State is planning to fund the RAN with revenues derived from commercialization of Band 14, explain how the State established a net present value of the full 20 MHz of Band 14 spectrum over the project period. Provide details (such as business models, capacity demand projections, etc.) necessary to support assumptions. (Maximum: 7 pages)
- 1-21. Service Offerings and Pricing:** Provide narrative describing what service plans and pricing, including future assumptions, will be available to public safety users. (Maximum: 4 pages)
- 1-22. Subscriber Estimates/Take Rates:** Explain how the applicant will attract and retain public safety customers in a competitive LTE market. (Maximum: 4 pages)
- 1-23. Mobile Virtual Network Operator (MVNO) Assumptions:** If used, provide a narrative that explains the MVNO partnership plan and associated near- and long-term strategy. This should include any assumptions used to estimate revenues, including contract and pricing structure, MVNO customers, MVNO expected monthly data demand, MVNO market share, and MVNO take rates. Highlight any risks associated with the MVNO partnership or unique public safety features and functionality offered to public safety through the MVNO. (Maximum: 4 pages)
- 1-24. Construction Schedule (first five years through FOC):** Describe the plan for the initial 5-year construction period and alignment to available revenues (State funds, potential RAN construction funds, and other sources, if applicable). Ensure that the construction schedule aligns to Comparable Timeline and Comparable Coverage and Quality of Service demonstrations below. (Maximum: 7 pages)
- 1-25. Payments from Partner:** Describe how the applicant partner's contract may supply the funding needed to sustain the RAN Project budget in the long-term. Describe revenue sharing and performance metrics and remedies that may impact such payments. (Maximum: 3 pages)
- 1-26. Risk analysis and mitigation plan for projected revenues and expenditures:** Provide analysis to illustrate how the State will continue to fully support the RAN for the entirety of the project period if revenues fall below estimates. Discuss any plans the State has for using surety bonds or performance bonds to mitigate risk. (Maximum: 6 pages)
- 1-27. Roaming Plan:** If applicable, describe plans for roaming agreements for both providing roaming services and roaming onto other networks. Narrative should include pricing structure and plans for roaming, and assumptions regarding level of demand for roaming services. (Maximum: 4 pages)
- 1-28. Contingencies and Reserves:** Describe how applicant will plan for and establish reserves for network refresh, regular upgrades, and future reinvestment in the network. Address how applicant will address disaster response and reconstitution. (Maximum: 6 pages)

### **Exhibits**

**1-29. FirstNet SMLA documentation:** Provide copy of the unexecuted SMLA clauses reflecting payments.

**1-30. MVNO and other Contract Exhibits:** Provide statements of work and any other contract clauses that the applicant references in responding to narrative answers within the Funding to Support demonstration.

### **ii. Demonstration 2: The Ability to Maintain Ongoing Interoperability**

**Demonstration Standard:** An applicant must demonstrate that the RAN Project including all UE and Customer Premises Equipment (CPE), RAN, Transport, and connection to the FirstNet Interconnect Point of Presence (POP) and the FirstNet core, complies with, and will comply with in the future, all applicable operability and interoperability requirements consistent with the statute.

To meet the demonstration standard, an applicant must provide:

### **Narratives**

**2-1. Ongoing Interoperability Plan:** The applicant will describe how the applicant can and will comply with FirstNet's evolving operability and interoperability requirements pursuant to FirstNet's network policies. The Ongoing Interoperability Plan must address all network components that are the responsibility of the State RAN Project, including UE and CPE, RAN, Transport, and connection to the FirstNet POP and the FirstNet core. (Maximum: 7 pages)

**2-2. Compliance with FirstNet Network Policies:** The applicant must describe their process for the State, the State's partner(s), and the State's vendors to keep current and comply with the network policies applicable to all States in the NPSBN (internal processes and procedures to ensure compliance with the policies, to include any firmware, software, or hardware updates), mitigation and risk management plans that will address availability, capacity, configuration, change, incident, problem, and network features and release in accordance with FirstNet's update schedule. (Maximum: 12 pages)

**2-3. Network Interface Narrative:** Describe how the State's OSS will support all RAN components and integrate all State RAN and FirstNet network interfaces on an ongoing basis. (Maximum: 7 pages)

**2-4. BSS Support:** Describe how the State's BSS will support multiple classes of public safety and commercial users, and integrate all State and FirstNet network products or services on an ongoing basis. (Maximum: 5 pages)

**2-5. OSS and BSS Interoperability:** Describe how the State's OSS and BSS will interoperate with FirstNet. (Maximum: 7 pages)

**2-6. Ongoing Testing:** Describe how the State will conduct testing on an ongoing basis for conformance of all network components for which it is responsible, as well as its OSS, BSS, and any services or applications that affect the operability or interoperability of the State RAN Project. (Maximum: 5 pages)

- 2-7. Feature Sets:** Describe how the State will ensure that the feature sets of UEs that will operate on its RAN will remain consistent with those of FirstNet and as further defined by the 3GPP UE category definitions. (Maximum: 4 pages)
- 2-8. Disaster Recovery Plan:** Describe applicant's disaster recovery plan including how the State intends to respond to known and unknown types of events (such as weather-related) and how it is planning to recover from such events and reconstitute the RAN. Discuss how applicant will utilize redundancy and spare equipment reserves to maintain system availability. (Maximum: 7 pages)
- 2-9. UE Deployment:** Describe how the State will acquire, validate, and certify various UEs for use on the NPSBN. (Maximum: 4 pages)
- 2-10. UE Interoperability:** Describe how the State will ensure that its RAN is configured in such a manner that any NPSBN credentialed UE can operate across the NPSBN. (Maximum: 4 pages)
- 2-11. RAN to NPSBN Data Link:** Describe how the State will link the State public safety RAN data to and from the NPSBN core. (Maximum: 4 pages)
- 2-12. State-specific Challenges:** The State must also describe any State-specific challenges of ongoing compliance (geography, appropriation cycle/fiscal/budget limitations, border interference, etc.) and its plan to mitigate those challenges to maintain interoperability. (Maximum: 2 pages per challenge)
- 2-13. Compliance with Ongoing Interoperability Network Policies and SMLA Terms and Conditions:** Describe its or its partner's approach to compliance with FirstNet policies and requirements related to ongoing interoperability. (Maximum: 1 page per policy, 4 pages for the SMLA)

#### Certifications

- 2-14. Inoperability Policy Certification:** The State will self-certify that it and, if applicable, its partner will abide by all of FirstNet's operability and interoperability network policies applicable to all States in the NPSBN. FirstNet network policies can be found on the FirstNet State Plan Portal. See sample certification statement in Appendix C.

#### Exhibits

- 2-15. Partner Contract:** Provide the relevant sections of the State RAN partner contract supporting answers provided above.

### **iii. Demonstration 3: The Ability to Complete the Project within Specified Comparable Timelines Specific to the State**

**Demonstration Standard:** An applicant must demonstrate:

- Its RAN Project construction will be performed within a timeframe comparable to that detailed in the FirstNet State Plan; and
- The RAN Project will include:
  - Incremental rural RAN Project milestones in each of the first five years after the timeframe start date;

- Rural RAN Project milestones will be comparable to those of the FirstNet State Plan and that those milestones are achieved within five years of the timeframe start date; and
- The RAN will be technically consistent with the NPSBN state of evolution at the time of operation.

The Act requires that mission critical broadband service be rapidly made available to public safety entities and that the NPSBN is deployed as quickly as possible. An applicant must demonstrate that it can achieve comparable urban and rural coverage at the end of a 5-year initial construction and deployment period (referred to as Full Operational Condition – FOC). An applicant must demonstrate rural deployment in each phase of the initial construction period to achieve comparable rural deployment by FOC. Therefore, an applicant's timelines will not be considered comparable if all rural buildout is deferred until the final years of build out.

NTIA's comparability review will take into consideration the time lag a State may experience due to the required FCC and NTIA approvals. Therefore, the initial build-out period would commence on the date the State executes its SMLA.

Regardless of the time lag allowed for the FCC and NTIA review processes, the State's RAN features, capabilities, and services (collectively called: feature set) must be comparable to, and capable of fully interoperating with, the NPSBN at the time the State RAN is deployed and capable of maintaining identical feature sets going forward.

To meet the demonstration standard, an applicant must provide:

#### **Charts or Tables**

**3-1. State's RAN Construction Timeline:** Provide the State's RAN construction timeline for the first five years of the buildout of the State's RAN. The plan must include total coverage by each Initial Operating Capability (IOC) as identified in FirstNet's State Plan to enable the plans to be readily compared. For each IOC, NTIA will compare outdoor area coverage percentages (Rural %, Urban %, Total Area %), outdoor population coverage percentages (Rural %, Urban %, Total Area %), indoor area coverage percentages (Rural %, Urban %, Total Area %), and indoor population coverage percentages (Rural %, Urban %, Total Area %). Provide these metrics for each IOC and for the FOC.

**3-2. GIS Map:** Provide six maps in Esri shapefiles (.shp) and MapInfo (.grd/.tab) formats to show RAN construction for IOC-1 through IOC-5 and FOC.

#### **Narratives**

**3-3. Construction Timeline and Rural Milestone Variance Narrative:** Provide a narrative explanation of any variance between the State's construction

timeline and rural milestones and those in the FirstNet State Plan. Include any challenges or benefits that this variance will provide the State. (Maximum: 5 pages)

**3-4. Ability to Complete Construction within Proposed Timelines:** Describe how the State will complete the project within the proposed build-out schedule. Provide the contractual terms or contract clauses (as an exhibit) that demonstrate the State will be able to perform within the proposed timelines. (Maximum: 5 pages)

**3-5. Comparable Feature Sets:** Describe how the applicant will ensure that State RAN will be deployed with a comparable feature set to the rest of the NPSBN. This description should include a detailed testing plan, and accompanying timeline, that ensures that the State RAN, when operational, will be fully tested and certified to carry consistent feature sets from the NPSBN core. (Maximum: 4 pages)

#### **Exhibits**

**3-6. Contractual Terms or Contract Clauses:** Provide statements of work and any other contract clauses that the applicant references in responding to narrative answers within Comparable Timeline demonstration.

#### **iv. Demonstration 4: The Cost Effectiveness of the State Plan**

**Demonstration Standard:** An applicant must demonstrate:

- The State can construct, operate, maintain, and improve the State RAN for the project lifetime and provide the service public safety entities need and make the payments included as part of the SMLA; and
- Consistent with Section 6302(g) of the Act, 47 U.S.C. 1442(g), the State has planned to reinvest any revenues gained from its partner agreement(s) back into the State RAN.

NTIA will assess how the opt-out State's proposal is cost effective when considering a State's commitment to make the payments included as a part of the SMLA. The Act also makes clear that a State must reinvest covered leasing agreement revenues back into the network. Thus, NTIA will also review a State's Cost-Effectiveness demonstration on the basis of its plan for reinvestment.

To meet the demonstration standard, an applicant must provide:

#### **Narratives**

**4-1. Reinvestment in the Network:** Explain how the State is financially and operationally planning for future expansion of the network and keeping pace with NPSBN upgrades in order to ensure public safety users have full access to the functionality and capabilities of the NPSBN. (Maximum: 4 pages)

**Certifications**

**4-2. SMLA Commitment:** Provide a copy of a letter of intent to FirstNet indicating the State's willingness to enter into a lease of spectrum capacity and make the payments included as a part of the SMLA as mutually agreed upon.

**Exhibit**

**4-3. FCC-Approved Alternative State Plan:** Provide a copy of the FCC-Approved Alternative State Plan.

**v. Demonstration 5: Comparable Security, Coverage and Quality of Service to that of the NPSBN**

**Demonstration 5(a): Comparable Security to that of the NPSBN**

**Demonstration Standard:** An applicant must demonstrate that it can, at cyber and physical levels, provide network security comparable to that required for the NPSBN and in FirstNet's network policies.

To meet the demonstration standard, an applicant must provide the following:

**Narratives**

**5-1. Security Architecture:** Describe how the RAN Project will ensure security for the:

- RAN
- Backhaul network
- OSS
- BSS
- User equipment/devices (Maximum: 7 pages)

**5-2. Technical Analysis and Security Review of Security Tools:** Describe the RAN Project's technical and management support for security planning, development, and testing of security technologies to include technical analysis in support of development and test activities for new systems and emerging technologies. Detail the methods, processes, and procedures to document suitability, security validation, and integration activities. (Maximum: 8 pages)

**5-3. Security Integration:** Describe how the RAN Project will deploy security-related software and hardware updates as specified in FirstNet's State Plan. Describe how the applicant will execute updates that may introduce security or operational impacts. Describe how the applicant will perform this while integrating with NPSBN security release standards and schedules. (Maximum: 4 pages)

**5-4. Security Monitoring:** Describe specific technologies, methods, and techniques that the RAN Project will use to conduct security monitoring across the State's RAN environment including device management and security. Describe how the RAN Project will log and perform forensic analysis of those logs, respond to incidents, and utilize identified response performance metrics for

mitigation and related escalation/de-escalation notification processes and criteria. (Maximum: 4 pages)

**5-5. Security Configuration Management:** Detail the RAN Project's security configuration management plan incorporating planning and implementation of cybersecurity capabilities. Describe how the RAN Project's encryption and user and control plane traffic management approach, including encryption of all interfaces, and adherence to all interface security requirements for interconnection and backhaul, will meet the requirements described in the FirstNet State Plan. (Maximum: 4 pages)

**5-6. Credentialing:** Provide an overview of how the RAN Project will meet any NPSBN or federal government security protocol standards to comply with device/user identity credentialing and access management. (Maximum: 6 pages)

**5-7. Physical Security:** Describe the processes, procedures, and technologies providing physical security and physical monitoring of the RAN. Describe the RAN Project's intrusion monitoring power and power levels monitoring, and climate monitoring standards. (Maximum: 6 pages)

**5-8. Cybersecurity Plan Incident Response:** Describe the RAN Project's cyber incident response plan. Address how applicant will provide monitoring to rapidly detect incidents, vulnerability detection and analysis, log collection and analysis, tracking and reporting of incidents and restoration of IT operations after an incident occurs. (Maximum: 4 pages)

#### **Exhibits**

**5-9. Partner Contract:** Provide the relevant sections of the State RAN partner contract supporting answers to the Security demonstration.

#### **Demonstration 5(b): Comparable Coverage to that of the NPSBN**

**Demonstration Standard:** An applicant must demonstrate that the State-operated RAN will deliver comparable broadband service coverage and capacity to what FirstNet will provide to all public safety subscribers on the NPSBN.

To meet this demonstration, a State must show that the State's RAN Project can provide comparable levels of coverage and network capacity at the levels presented in the FirstNet State Plan. NTIA will consider the applicant's overall RAN design, levels of Band 14 and non-Band 14 service, in-building coverage, use of deployables and roaming capability.

#### **Narratives**

**5-10. Summary of Coverage Plan:** Describe how the State's plan meets comparable coverage goals, baselines, milestones, and capabilities as presented in the FirstNet State Plan. Identify any differences between the FirstNet State Plan and the State's proposed coverage plan. Discuss any additional coverage solutions such as satellite capabilities. Describe how and where roaming and deployables will be leveraged. The applicant must provide any information not easily found in

the coverage maps regarding “inside out” coverage (in-building coverage). (Maximum: 8 pages)

**5-11. Coverage and Capacity:** Discuss how applicant will provide the comparable coverage and capacity to the FirstNet State Plan. Discuss any variances from the FirstNet plan. Address how the State is aligning coverage and capacity to public safety users in the State. (Maximum: 7 pages)

### **Exhibits**

**5-12. FOC Coverage Map:** Provide FOC coverage map, in Esri shapefiles (.shp) and/or MapInfo (.grd/.tab) formats, to show the following layers:

- Informational layers:
  - Coverage objectives (baseline, 2015 and 2016 data submitted by States to FirstNet, federal inputs, tribal inputs)
  - Critical infrastructure locations
  - State specific customizations (school locations, border crossings, etc.)
  - Public Safety Entity (PSE) locations (Precincts, Public Safety Answering Points, fire houses, etc.)
  - Governmental jurisdictions (counties, cities)
- Coverage layers:
  - On-street/in-vehicle/in-building coverage
  - Technology type
  - Band (Band 14, non-band 14 LTE, 3G, 2G, etc.);
  - QPP and Non-QPP
  - Coverage provided at the completion of any Initial Operational Capability (IOC) phase and at Final Operational Capability (FOC). These layers should include non-rural and rural coverage layers.

### **Demonstration 5(c): Comparable Quality of Service to that of the NPSBN**

**Demonstration Standard:** An applicant must demonstrate that public safety users on the State-operated RAN will have comparable user experiences and system reliability to public safety subscribers across the rest of the NPSBN. Network performance metrics, response, and resolution times related to network outages, and customer service processes must be comparable to the FirstNet offering. For purposes of this demonstration, quality of service is defined as comparable user experiences and system reliability to that of the NPSBN.

### **Narratives**

**5-13. Basic Network Services:** Describe how the State will provide the same basic network services to public safety users as described in each FirstNet State Plan. Describe basic service packages as well as optional offerings. (Maximum: 7 pages)

**5-14. Customer Service and Help Desk:** Describe how the State will provide customer service and help desk tier levels and escalation pathways comparable to

the customer service plan provided in the FirstNet State Plan. (Maximum: 7 pages)

**5-15. Network Performance Metrics:** Describe how the applicant will measure network performance and what corrective actions and consequences clauses are included in the partner contract. Describe all network performance standards and note any variance from the performance standards in the FirstNet State Plan. The metrics should include discussion of all key performance indicators (KPI) that FirstNet specifically identifies in its Network Policies and how the State will comply with KPI reporting requirements. (Maximum: 6 pages)

**5-16. Monitoring Network Performance:** Describe how the applicant will monitor network performance, identify network issues, and respond in a timely and effective manner, including how the applicant will address any deficiencies in the performance of the applicant's partner or subcontractors. Network KPIs as well as KPIs collected from a UE-based collection should be included in this assessment. (Maximum: 8 pages)

**5-17. Network Issue Management:** Provide an overview of the RAN Project plan to identify and resolve network issues, including interference, through collaboration with FirstNet, FirstNet's partner, and any other entity, which may contribute to the issue itself or the required resolution. (Maximum: 4 pages)

#### Exhibits

**5-18. Relevant Contract Clause:** Provide any supporting contract clauses that support your answers in this section above. (Maximum: N/A)

### B.6. Evaluation and Scoring of Application

NTIA will evaluate SAPP applications based on the exhibits, documents, narratives, charts, and other documentation submitted by the applicant. NTIA reviewers will also assess risk for each of the demonstration elements. The evaluation and scoring is based upon the following scoring scale:

Scoring Scale	
3	<ul style="list-style-type: none"><li>• Pass - No additional information is needed.</li><li>• No significant risk to the success of the RAN project or implementation of the NPSBN was noted.</li></ul>
2	<ul style="list-style-type: none"><li>• Moderate Deficiency - Additional clarification needed/does not meet minimum standards for demonstration.</li><li>• Some risk to the success of the RAN project or implementation of the NPSBN was noted.</li></ul>
1	<ul style="list-style-type: none"><li>• Significant Deficiency/Fail - There is not enough information to make assessment of capability/information not provided.</li><li>• High level of risk impacting RAN project success or implementation of NPSBN was noted.</li></ul>

The following sections describe how the different classifications of exhibits will be evaluated.

#### **B.6.a. Charts, Tables, and Budgets**

Charts, tables and budgets allow applicants to submit data-rich information in such a manner as to facilitate the comparison, where required, between FirstNet State Plans and the applicant's alternative plan, or to facilitate the presentation of quantitative and detailed information to demonstrate capability.

<b>Scoring Scale – Chart, Table, Budgets</b>	
<b>3</b>	<ul style="list-style-type: none"><li>• The chart/table/budget is completely filled, with no missing data attributes.</li><li>• The chart/table/budget meets the demonstration standard as described in Section B.1.e. of the NOFO.</li><li>• When data in the chart/table/budget must be comparable with the FirstNet State Plan, the data attributes provided by the applicant fall within a reasonable range, as determined by the merit reviewers, compared to FirstNet's data.</li></ul>
<b>2</b>	<ul style="list-style-type: none"><li>• The chart/table/budget does not clearly meet the demonstration standard as described in the NOFO.</li><li>• Data in the chart/table/budget is not easily understandable.</li><li>• When data in chart/table/budget must be comparable with the FirstNet State Plan, the data attributes provided are not the same as FirstNet's data or is not within a reasonable range, as deemed by the merit reviewers.</li></ul>
<b>1</b>	<ul style="list-style-type: none"><li>• Chart/table/budget is not provided or is incomplete.</li><li>• Technical data is inaccurate.</li></ul>

#### **B.6.b. Narratives**

Narrative responses are required throughout all of the demonstrations. The narratives allow the applicant to explain their approach to specific aspects of constructing, operating, maintaining, and improving the State RAN. Applicants should ensure that responses fully address the why, what, and how the applicant intends to achieve success and should also demonstrate a comprehensive understanding of what it means to achieve success.

<b>Scoring Scale – Narratives</b>	
<b>3</b>	<ul style="list-style-type: none"><li>• Sufficiently addresses all parts of the narrative question as described in the NOFO.</li><li>• Provides sufficient and relevant information for the reviewer to understand the applicant's plan or approach.</li></ul>
<b>2</b>	<ul style="list-style-type: none"><li>• Addresses some, but not all, narrative question requirements as described in the NOFO.</li><li>• A deficiency was identified, but this deficiency may be mitigated with further information from the applicant. A deficiency is defined as a flaw that increases the risk in a successful grant award as it may impact the success of the NPSBN.</li></ul>

Scoring Scale – Narratives	
1	<ul style="list-style-type: none"> <li>• Narrative not provided.</li> <li>• Information does not support the demonstration assertion.</li> <li>• A significant deficiency was identified, and this deficiency must be mitigated with further information from the applicant. A significant deficiency is a flaw that appreciably increases the risk that the applicant will be unable to meet the demonstration, and therefore the success of the NPSBN may be compromised.</li> </ul>

#### B.6.c. Exhibits

Exhibits include coverage maps, contract provisions, past performance documentation, key personnel resumes, or other information that is used to illustrate, demonstrate, or document an applicant's capability to meet the statutory demonstrations.

Scoring Scale – Exhibits	
3	<ul style="list-style-type: none"> <li>• Exhibit was provided as requested.</li> <li>• Identified exhibit is relevant, provides a clear description of how this section will satisfy the request as listed in the NOFO.</li> </ul>
2	<ul style="list-style-type: none"> <li>• Specific exhibit was identified and provided, however the information may not meet minimum standards and needs further clarification.</li> </ul>
1	<ul style="list-style-type: none"> <li>• Specific exhibit was not identified or provided.</li> <li>• Exhibit does not appear relevant or accurate to address the demonstration standard as listed in the NOFO.</li> </ul>

#### B.6.d. Certification of Compliance and/or Statements of Intent

Certification of compliance and/or statements of intent provide agreement from the applicant to abide by specific requirements in the SMLA and FirstNet network policies.

Scoring Scale – Certifications	
3	<ul style="list-style-type: none"> <li>• Certification of compliance with a policy, statement, or action is provided.</li> </ul>
1	<ul style="list-style-type: none"> <li>• Certification of compliance with a policy, statement, or action is not provided.</li> </ul>

#### B.6.e. Criteria for Optional RAN Construction Grant

NTIA will evaluate applications for the RAN construction funds portion of SAPP based on the budget justification information submitted by the applicant. The applicant will submit a budget narrative and a budget detail spreadsheet.

##### (1) Budget Narrative Review

Reviewers will assess the applicant's description of allowable activities in each of the cost categories in the budget narrative based on the following criteria:

- The applicant adequately describes activities they plan to conduct using SAPP funds.
- The planned activities are allowable and allocable to SAPP.
- The applicant adequately describes how they will resource the implementation of the SAPP activities.

## **(2) Detailed Budget Justification Review**

Reviewers will assess the applicant's budget to ensure that it is both reasonable and cost efficient, considering the nature and full scope of the project. Specifically, reviewers will assess if:

- The applicant adequately provides a budget detail spreadsheet and budget narrative.
- The budget detail reflects the allowable programmatic activities as described in the budget narrative.
- The applicant adequately describes the budget resources identified in the budget detail and these resources reflect reasonableness in comparison to market and/or government costs.

## **B.7. Review and Selection Process**

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

### **B.7.a. Administrative and Completeness Review of Applications**

An initial review of timely received applications will be conducted to determine eligibility, completeness, and responsiveness, as well as the scope of the stated program objectives. However, NTIA, in its sole discretion, may request revisions and/or seek clarification from applicant before continuing the review process. Applications ultimately determined to be ineligible, substantially incomplete, and/or non-responsive may be eliminated from further review. Applications deemed eligible by NTIA will move to the merit review process.

### **B.7.b. Merit Review**

Expert reviewers will conduct the merit review on the demonstration portion of the SAPP application. The grant construction funds portion of the application will be reviewed during the programmatic review, after an applicant has successfully passed the merit review of the Lease Authority portion of the SAPP.

NTIA will solicit potential reviewers through a call for reviewers solicitation at a date no later than three months prior to the SAPP application due date. Reviewers will be knowledgeable in the fields of public safety communications, LTE telecommunications systems, RAN design, operations and maintenance, and/or telecommunications finance, budgeting, and administration. Reviewers must be sufficiently independent of the entity applying for assistance, and be able to render an objective and unbiased evaluation. In addition, the reviewer shall not have any direct relationship with the applicant organization or any personal or vested interest in the award of federal financial assistance

to that organization. Each 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.

Each eligible grant application will be reviewed by individuals who have demonstrated expertise in technical aspects of the program. Each demonstration will be reviewed by three reviewers with expertise in that technical area. The expert reviewers will individually evaluate and score applications according to the evaluation criteria provided in Section B.5.a and provide individual score sheets and technical comments and suggested feedback for each applicant to the Program Staff. Reviewers will score each of the five demonstrations on a scale of 1 to 3, based on the preponderance of exhibits, documents, narratives, charts, and other documentation submitted by the applicant for that demonstration, and based upon the scoring criteria enumerated herein. The individual merit review scores will be averaged for each demonstration to determine the demonstration score. Applicants must receive a rounded average score of 3 in order to pass each demonstration. In order to be granted the authority to execute an SMLA or to receive construction funding, the applicant must pass each of the five demonstrations.

<b>Rounding of Merit Review Scores when Averaged</b>	
<b>Rounded Averaged Score</b>	<b>Nominal Averaged Score</b>
<b>3</b>	2.5 and above
<b>2</b>	1.5 to 2.49
<b>1</b>	1.49 and below

Should an applicant not achieve a rounded average score of 3 for each demonstration during the initial merit review, NTIA Program Staff may contact the applicant regarding necessary revisions and clarification of demonstration information based on merit review feedback. Revision and clarification feedback is intended to resolve material weaknesses and/or deficiencies within the application as identified by the merit reviewers. Program Staff may also request additional clarifying information and/or corroborating documentation from applicants. The applicant will have 14 calendar days to address, resubmit, or submit new, relevant information to address the feedback provided by NTIA. If an applicant fails to submit application revisions within 14 calendar days, NTIA Program Staff will recommend that the NTIA Selecting Official deny the SAPP application.

Once Program Staff receives the application revisions within the 14 calendar days, the same merit reviewers will again assess and score the demonstrations that had previously received a score of 2 or 1. If after this second review, demonstrations have not received a rounded average score of a 3, applicants may again be afforded an opportunity to revise and clarify their responses. This feedback may be the same, similar, or different feedback than what was provided in an earlier round of revisions. The applicant will again have 14 calendar days to address, resubmit, or submit new relevant information to address the feedback provided by NTIA. Once Program Staff receives application revisions within

the 14 calendar days, the same reviewers will once again assess and score the demonstrations and provide their final score for the demonstrations. If an applicant fails to submit application revisions within 14 calendar days, NTIA Program Staff will recommend that the NTIA Selecting Official deny the SAPP application. No further information will be requested of applicants, and no further information will be considered by the reviewers.

If, after the third round of merit review, an applicant has one or more demonstrations below a rounded average score of 3, then NTIA Program Staff will recommend that the NTIA Selecting Official deny the SAPP application. If an application fails the Lease Authority portion of the SAPP, the grant construction funds portion will not be reviewed nor awarded.

If, after the third round of merit review is complete, and an application has scored a rounded average of 3 in each of the five demonstrations, then NTIA Program Staff will recommend that the NTIA Selecting Official award the applicant the Lease Authority portion of the SAPP. Additionally, if the applicant has applied for RAN construction funds, at this point in time the application will move to the programmatic review for those funds.

### **B.7.c. Programmatic Review**

Following the merit review process and for each eligible application that obtains a rounded average score of 3 for each demonstration, Program Staff will review the grant construction funds application for conformity with programmatic objectives as demonstrated through the grant construction funds budget narrative and budget detail spreadsheet. Program Staff will contact the applicant regarding any need to revise the application based on programmatic review feedback. The applicant will have 14 calendar days per round of revisions to address, resubmit, or submit new relevant information to address the feedback provided by NTIA. Once Program Staff receives application revisions, the same programmatic reviewers will evaluate the construction funds documents based on the evaluation criteria provided in Section B.6.e. If the programmatic reviewers conclude that the RAN construction funds application has passed the evaluation criteria, then the application will move to the award recommendation phase. If the programmatic reviewers conclude that the RAN construction funds application has failed the evaluation criteria, NTIA Program Staff will recommend that the NTIA Selecting Official deny the RAN construction funds application.

RAN Construction Funds for each applicant cannot exceed the final grant amount available for that State as explained in Section B.2.c. While an applicant may apply for funds up to the final grant amount available, NTIA, at its sole discretion, may reduce the award amount if activities or budgeted items are not deemed to be allocable, reasonable, or allowable to SAPP.

#### **B.7.d. Award Recommendation**

Once the merit review (Lease Authority only) or programmatic review (Lease Authority and RAN Construction Funds) is complete, based on the individual merits of each application, Program Staff will provide a recommendation for award to the Selecting Official. Program Staff will also provide the Selecting Official with copies of the applications, all the scores and technical assessments of the reviewers, and all information obtained from the applicant during the evaluation, review, and application revision processes.

The Selecting Official will generally select and recommend applications for award based on the recommendations from Program Staff. The Selecting Official, however, retains the discretion to select and recommend an application for the Lease Authority or RAN Construction Funds that was not recommended by Program Staff based on one of the Evaluation Criteria set forth in Section B.5.a or Section B.6.e and/or not to select an application that was recommended for Lease Authority or RAN Construction Funds by Program Staff. The Selecting Official's recommendation to the Grants Officer shall set forth the basis for the selection decisions.

NTIA's Assistant Secretary or their delegate will serve as the Selecting Official and, in accordance with this subsection, will recommend approval of applications selected for both the Lease Authority and/or RAN Construction Funds. The final approval of selected applications and the issuance of awards will be made by the DOC, NIST Grants Officer, who serves as the Grants Officer for the SAPP. The award decisions of the NIST Grants Officer are final.

#### **B.8. Federal Awarding Agency Review of Risk Posed by Applicants**

After applications are proposed for funding by the Selecting Official, the NIST Grants Management Division (GMD) performs pre-award risk assessments in accordance with 2 CFR § 200.205, which may include a review of the financial stability of an applicant, the quality of the applicant's management systems, the history of performance, and/or the applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities. In addition, prior to making an award where the total federal share is expected to exceed the simplified acquisition threshold (currently \$150,000), NIST GMD will review and consider the publicly available information about that applicant in the Federal Awardee Performance and Integrity Information System (FAPIIS). An applicant may, at its option, review and comment on information about itself previously entered into FAPIIS by a federal awarding agency. As part of its review of risk posed by applicants, NIST GMD will consider any comments made by the applicant in FAPIIS in making its determination about the applicant's integrity, business ethics, and record of performance under federal awards. Upon completion of the pre-award risk assessment, the Grants Officer will make a responsibility determination concerning whether the applicant is qualified to receive the subject award and, if so, whether appropriate special conditions that correspond to the degree of risk posed by the applicant should be applied to an award.

## **B.9. Anticipated Announcement and Award Dates**

Awards are anticipated to be made in FY 2019.

## **B.10. Federal Award Administration Information**

### **B.10.a. Federal Award Notices**

If the application is selected for funding, the NIST 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 DOC, NIST, 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.11. Administrative and National Policy Requirements**

### **B.11.a. Uniform Administrative Requirements, Cost Principles and Audit Requirements**

Through 2 CFR § 1327.101, the DOC adopted the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200, which apply to awards made pursuant to this NOFO. Refer to <http://go.usa.gov/SBYh> and <http://go.usa.gov/SBg4>.

### **B.11.b. DOC Financial Assistance Standard Terms and Conditions**

The DOC will apply the Financial Assistance Standard Terms and Conditions dated March 31, 2017 to this award. If the DOC publishes revised Standard Terms and Conditions prior to issuance of awards, the revised Standard Terms and Conditions will apply. Refer to Sections B.13, Federal Awarding Agency Contact(s), if you need more information.

### **B.11.c. DOC Pre-Award Notification Requirements**

The DOC will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements dated December 30, 2014 (79 FR 78390). If the DOC publishes revised Pre-Award Notification Requirements prior to issuance of awards under this NOFO, the revised Pre-Award Notification Requirements will apply.

### **B.11.d. Funding Availability and Limitation of Liability**

Funding for the program listed in this notice is contingent upon the availability of funds. In no event will NTIA or the DOC be responsible for proposal preparation costs. Publication of this announcement does not oblige the DOC, NTIA, or NIST to award any specific project or to obligate any available funds.

## **B.12. Reporting**

To ensure compliance with federal regulations and collect systemic evaluation data on each project, successful grant applicants have a number of basic reporting requirements once they are awarded a grant. The SAPP has two different performance progress reports (PPR), depending on the award. Grantees who request the Lease Authority only will have one set of reporting requirements, while those grantees who have requested Lease Authority and RAN construction funds will have a different set of reporting requirements.

### **B.12.a. Reporting Requirements for Grantees with Lease Authority Only**

#### **(1) Performance Progress Reports**

If a grantee has received Lease Authority only, the grantee shall submit a PPR on a quarterly basis for the period ending March 31, June 30, September 30, and December 31, or any portions thereof until the grantee has executed an SMLA with FirstNet or the grant has reached the end of the period of performance, whichever is earlier. The performance progress report is due 30 calendar days following the end of each calendar quarter (April 30, July 30, October 30, and January 30).

#### **(2) Federal Financial Report**

The grantee will not submit the standard form 425 (SF-425), Federal Financial Report, as no money will have been awarded to the grantee.

#### **(3) Closeout Report**

Once a grantee has executed the SMLA with FirstNet or at the end of the period of performance, whichever comes first, the grantee will begin the closeout process. At project completion, grant recipients must provide a closeout report and a copy of the executed SMLA. This report is due 90 calendar days following the final award end date.

### **B.12.b. Reporting Requirements for Grantees with Lease Authority and RAN Construction Funds**

#### **(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. This Plan will be used to monitor grantee performance throughout the period of performance.

#### **(2) Performance Progress Reports**

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. The quarterly performance progress reports should contain the following information: (a) a comparison of actual accomplishments during the reporting period with goals and

dates 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 (April 30, July 30, October 30, and January 30).

**(3) 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.

**(4) Closeout Report**

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

**B.12.c. Recipient Integrity and Performance Matters**

In accordance with Section 872 of Public Law 110-417 (as amended; *see* 41 U.S.C. 2313), if the total value of a recipient's currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of an award made, then the recipient shall be subject to the requirements specified in Appendix XII of 2 CFR Part 200 (<http://go.usa.gov/cTBwC>), for maintaining the currency of information reported to SAM that is made available in FAPIIS about certain civil, criminal, or administrative proceedings involving the recipient.

**B.12.d. Audit Requirements**

2 CFR Part 200 Subpart F, adopted by the DOC through 2 CFR § 1327.101 requires any non-federal entity (including non-profit institutions of higher education and other non-profit organizations) that expends federal awards of \$750,000 or more in the recipient's fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the Subpart. Applicants are reminded that NIST, the DOC Office of Inspector General, or another authorized federal agency may conduct an audit of an award at any time.

**B.12.e. Federal Funding Accountability and Transparency Act of 2006**

In accordance with 2 CFR Part 170, all recipients of a federal award made on or after October 1, 2010, are required to comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282). In general, all recipients are responsible for reporting sub-awards of \$25,000 or more. In addition, recipients that meet certain criteria are responsible for reporting executive compensation.

Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding.<sup>8</sup>

### **B.13. Federal Awarding Agency Contact(s)**

#### **B.13.a. For programmatic inquiries:**

Carolyn Dunn  
SAPP Director  
Office of Public Safety Communication  
National Telecommunications and Information Administration  
1401 Constitution Avenue NW  
Room 4078  
Washington, DC 20230  
Phone: (202) 482-4103  
Email: cdunn@ntia.doc.gov

#### **B.13.b. For grant management inquiries:**

Dean Iwasaki  
Grants Officer  
National Institute of Standards and Technology  
100 Bureau Drive, Mail Stop 1650  
Gaithersburg, MD 20899  
Phone: (301) 975-8449  
Email: dean.iwasaki@nist.gov

#### **B.13.c. For technical assistance with Grants.gov submission:**

Christopher Hunton  
Management and Program Analyst  
National Institute of Standards and Technology  
100 Bureau Drive, Mail Stop 1650  
Gaithersburg, MD 20899  
Phone: (301) 975-5718  
Email: grants@nist.gov

#### **B.13.d. For media inquiries:**

Press Secretary  
Office of Public Affairs  
National Telecommunications and Information Administration  
1401 Constitution Avenue NW  
Room 4897

---

<sup>8</sup> See Office of Management and Budget, *Requirements for Federal Funding Accountability and Transparency Act Implementation*, Interim final guidance to agencies with opportunity for comment, 75 FR 55663 (Sept. 14, 2010), available at <http://go.usa.gov/hKnQ>.

Washington, DC 20230  
Phone: 202-482-7002  
Email: press@ntia.doc.gov

## **B.14. Other Information**

### **B.14.a. Waiver Authority**

It is the general intent of NTIA not to waive any of the requirements set forth in this NOFO. However, under extraordinary circumstances and when it is in the best interest of the Federal government, NTIA, upon its own initiative or when requested by an applicant or recipient, may waive certain requirements contained in this NOFO. 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 good cause for that request.

### **B.14.b. Protected and Proprietary Information**

The applicant acknowledges and understands that information and data contained in applications for financial assistance, as well as information and data contained in financial, performance and other reports submitted by applicants, may be used by the DOC in conducting reviews and evaluations of its financial assistance programs. For this purpose, applicant information and data may be accessed, reviewed, and evaluated by Doc employees, other federal employees, federal agents and contractors, and/or by non-federal personnel, all of whom enter into appropriate confidentiality and nondisclosure agreements covering the use of such information. As may be provided in the terms and conditions of a specific financial assistance award, applicants are expected to support program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperating with DOC and external program evaluators. In accordance with 2 CFR § 200.303(e), applicants are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a DOC financial assistance award.

In addition, DOC regulations implementing the Freedom of Information Act (FOIA), 5 U.S.C. Sec. 552, are found at 15 CFR Part 4, Public Information. These regulations set forth rules for the Department regarding making requested materials, information, and records publicly available under the FOIA. Applications submitted may be subject to requests for release under FOIA. In the event that an application contains information or data that the applicant deems to be confidential commercial information that is exempt from disclosure under FOIA, the applicant should identify, bracket, and mark that information as Privileged, Confidential, Commercial, or Financial Information. Based on these markings, the confidentiality of the contents of those pages will be protected to the extent permitted by law.

#### **B.14.c. Discretionary Awards**

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

#### **B.14.d. Third Party Beneficiaries**

SAPP is a discretionary grant program that is not intended to and does not create any rights enforceable by third party beneficiaries.

#### **B.14.e. Environmental and National Historic Preservation Requirements**

Applicants seeking federal funding will be required to provide environmental information and gather information from federal and state regulatory agencies, including the designated State Historic Preservation Office (SHPO) 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.

#### **B.14.f. Executive Order 12866**

NTIA has determined that this document is not 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. Based on the overall funding amount, the nature of the funded activities, the factors specified above as relevant in determining whether a regulatory action is significant are not applicable to the SAPP programmatic requirements; thus, this document does not meet the criteria to be deemed significant.

#### **B.14.g. Executive Order 13132 (Federalism)**

NTIA has determined that this document does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

#### **B.14.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 SPOC offices. The list of States SPOCs can be found at: [https://www.whitehouse.gov/omb/grants\\_spoc](https://www.whitehouse.gov/omb/grants_spoc).

#### **B.14.i. Administrative Procedure Act/Regulatory Flexibility Act**

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act (APA) or any other law for rules concerning grants, benefits, and contracts (5 U.S.C. 553(a)(2)). In addition, 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.

#### **B.14.j. Paperwork Reduction Act**

This NOFO contains an information collection requirement subject to the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). The PRA requires each Federal agency to seek and obtain Office of Management and Budget (OMB) approval before collecting information from the public. Federal agencies may not collect information unless it displays a currently valid OMB control number. Applicants have been requested to submit applications using Standard Forms 424, 424A, 424B, 424C, 424D, and SF-LLL, all of which have been approved by OMB under the respective control numbers. NTIA also proposes to use Form CD-511, which is a certification regarding lobbying that does not require OMB clearance under the PRA.

## A. Appendix A – Responses to the July 2016 SAPP Public Notice

### A.1. Response to Comments: Statutory Framework and NTIA’s Authority

Many commenters raised questions on the Act’s intent, framework, and related responsibilities assigned to NTIA. NTIA addresses these comments topically to provide further guidance to stakeholders regarding NTIA’s legal authority to administer SAPP pursuant to the NOFO.

#### A.1.a. Lease Authority and RAN Construction Funds Applications Are Grant Requests

The SAPP Notice determined, as a threshold matter, that both a State’s optional request for RAN Construction Funds and a State’s required request for Lease Authority are grant requests pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (FGCAA).<sup>9</sup> NTIA also preliminarily determined that if a State meets the statutory criteria applicable to both Lease Authority and RAN Construction Funds, and that State has fully executed an SMLA with FirstNet, then NTIA may make a RAN Construction Grant award.<sup>10</sup> Several commenters disagree with NTIA’s determination that a State’s mandatory application for Lease Authority and any optional application for RAN Construction Funds are each a grant request.<sup>11</sup>

The FGCAA provides, in pertinent part, that an executive agency shall use a grant agreement when “the principal purpose of the relationship is to transfer *a thing of value* to the State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States.”<sup>12</sup> A “thing of value” includes money, property, and services, but may also include other things such as rights.<sup>13</sup> The “thing of value” under the Act that NTIA will award as a grant to the State is the right to enter into an SMLA with FirstNet. Without NTIA’s approval, a State cannot enter into an SMLA with FirstNet. Without such an agreement, a State will not have access to FirstNet spectrum. Without access to FirstNet spectrum, a State cannot operate its RAN. There is value in obtaining an agreement to access this spectrum - as there is in receiving the requisite Lease Authority from NTIA to enter into such an agreement. The public purpose that SAPP supports is the construction,

---

<sup>9</sup> See NTIA, *State Alternative Plan Program (SAPP) and the First Responder Network Authority Nationwide Public Safety Broadband Network*, Notice and request for comments, 81 FR 46907, 46909 (July 19, 2016) (SAPP Notice), available at <https://www.ntia.doc.gov/files/ntia/publications/fr-sapp-firstnet-rfc-07182016.pdf>. All comments and letters received in response to the SAPP Notice are available on the NTIA website here:

<https://www.ntia.doc.gov/federal-register-notice/2016/comments-sapp-and-firstnet-nationwide-public-safety-broadband-network>.

<sup>10</sup> See *id.* at 46910.

<sup>11</sup> See, e.g., Comments of State of Washington at 6-8.

<sup>12</sup> 31 U.S.C. § 6304(1) (emphasis added).

<sup>13</sup> See, e.g., *Hymas v. United States*, 810 F.3d 1312, 1327 (Fed. Cir. 2016) (finding that “the right to farm specific refuge lands and retain a share of the crop yield” constituted a transfer of a thing of value from the U.S. Fish and Wildlife Service to a recipient and that a cooperative agreement was a proper instrument for accomplishing this public purpose). While this case involved cooperative agreements, the FGCAA uses identical language regarding the transfer of a “thing of value” in its grants section and cooperative agreements section. Compare 31 U.S.C. § 6304(1) with § 6305(1).

operation, maintenance, and improvement of the NPSBN authorized by the Act.<sup>14</sup> Accordingly, it is reasonable for NTIA to establish a State application for Lease Authority or a RAN Construction Grant as a grant request – both “things of value” under federal law.

These commenters also dispute the applicability of the statutory demonstration criteria to applicants who are only applying for mandatory Lease Authority, and not Lease Authority and an optional RAN Construction Grant.<sup>15</sup> As detailed in the SAPP Notice, the Act created a process whereby a State “may apply to the NTIA” for funds to assist in RAN construction and “shall apply to the NTIA” to lease spectrum capacity from FirstNet.<sup>16</sup> In the following subsection, the Act mandates that a State applicant must make a certain number of demonstrations in order to obtain such optional funds and mandatory spectrum capacity leasing authority from NTIA.<sup>17</sup> These demonstrations are necessary in order to ensure that a State applicant is capable of constructing, maintaining, and improving its RAN and interoperating with the rest of the NPSBN. NTIA is the expert agency to which the Act assigned the responsibility of determining whether a State applicant has made these demonstrations.<sup>18</sup> NTIA’s decision to review State demonstrations under the Act as a grant program for both applications for RAN Construction Funds and for Lease Authority is supported by a reasonable interpretation of the Act.

#### **A.1.b. NTIA Is Not Obligated to Engage in an APA Rulemaking on the SAPP Grant Process**

The conclusion that an application for Lease Authority and an application for RAN Construction Funds are both applications for grants also disposes of several commenters’ arguments that NTIA cannot utilize FirstNet’s interpretations of a number of the provisions of the Act without conducting a full rulemaking under the Administrative Procedure Act (APA).<sup>19</sup> Similarly, one commenter called for a process whereby stakeholders may review a State’s application and comment on it.<sup>20</sup>

Because SAPP is a federal grant program, it is exempt from APA notice and comment rulemaking requirements.<sup>21</sup> Thus, NTIA has broad discretion as a grant program administrator to utilize FirstNet’s interpretations of the Act and to review an application without comment from stakeholders.

---

<sup>14</sup> See 47 U.S.C. § 1442.

<sup>15</sup> See, e.g., Comments of State of Washington at 6-8.

<sup>16</sup> 47 U.S.C. § 1442(e)(3)(C)(iii).

<sup>17</sup> *Id.* at § 1442(e)(3)(D).

<sup>18</sup> *Id.* at § 1442(e)(3)(C)(iii).

<sup>19</sup> See, e.g., Comments of FirstNet Colorado Governing Body at 2.

<sup>20</sup> See Letter from NTCA-The Rural Broadband Association at 1 (July 12, 2017) (NTCA Letter).

<sup>21</sup> See 5 U.S.C. § 553(a)(2) (exempting grants from APA rulemaking provisions, stating that such provisions apply to federal agency proceedings “except to the extent that there is involved … a matter relating to … grants, benefits, or contracts”).

### **A.1.c. A Qualified State Must Apply to NTIA for Lease Authority**

Several commenters disagree with NTIA’s determination that a State whose alternative RAN plan has been approved by the FCC must apply for Lease Authority from NTIA in order to execute a lease agreement with FirstNet for the spectrum needed to operate the State’s RAN. They assert that if the FCC has approved a State alternative RAN plan, the State has a right to a lease and NTIA has no authority to impact execution of such a lease with FirstNet.<sup>22</sup>

The Act explicitly assigned distinct roles and responsibilities to the FCC and NTIA. The FCC’s authority is limited to approving or disapproving the alternative RAN plan a State is initially required to submit to the FCC based on two specified interoperability demonstrations.<sup>23</sup> This role is clearly different from NTIA’s subsequent broader role, which is to review the five specified demonstrations a State must make in its application(s) to NTIA.<sup>24</sup> Further, the Act plainly requires a State, upon approval of its alternative RAN plan by the FCC, to “apply” to NTIA to lease spectrum capacity from FirstNet.<sup>25</sup> The Act clearly links such an application for Lease Authority to the five statutorily unique and broader demonstrations a State must make to NTIA.<sup>26</sup>

Thus, for full authority to deploy and operate its own RAN, a State must successfully meet the separate requirements of the Act’s detailed, multi-step review process:

- 1) Present a State alternative RAN plan to the FCC and have it approved, based on interoperability factors;
- 2) Successfully apply to NTIA for authority to enter into an SMLA with FirstNet to have access to the spectrum needed to implement its plan within its State borders, demonstrating the ability and intent to do so through five explicit criteria; and
- 3) Enter into an SMLA with FirstNet.

These steps further the Act’s goal of ensuring the overall functionality and sustainability of the NPSBN.

A related assertion by a commenter is that, as Congress established a specific and limited standard of judicial review of FCC disapprovals of State alternative plans but did not specify any standard for NTIA’s review of State applications for Lease

---

<sup>22</sup> See, e.g., Comments of the Commonwealth of Pennsylvania at 3.

<sup>23</sup> See 47 U.S.C. § 1442(e)(3)(C). See also FCC, *Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network*, Report and Order, PS Docket No. 16-269 (rel. June 22, 2017) (State Alternative Plan R&O), available at [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2017/db0719/FCC-17-75A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0719/FCC-17-75A1.pdf); see also FCC, Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network, Order, PS Docket No. 16-269.(rel. Sep. 15, 2017) available at [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-17-116A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-116A1.pdf).

<sup>24</sup> See id. at § 1442(e)(3)(D).

<sup>25</sup> See id. at § 1442(e)(3)(C)(iii).

<sup>26</sup> See id. at § 1442(e)(3)(D).

Authority, NTIA has no authority to review and approve such applications.<sup>27</sup> NTIA disagrees. The Act established a specific standard of judicial review for FCC disapprovals of State alternative plans.<sup>28</sup> However, this standard of review mandated for the FCC's determinations does not suggest any intent to eliminate NTIA authority expressly established in the same subsection of the Act.

NTIA is, in fact, subject to a specific legal standard of review for all SAPP actions, including those on applications for Lease Authority. Where no statute precludes judicial review, agency action has not been committed to agency discretion by law, and the law does not articulate a specific standard of review, a general statutory standard applies.<sup>29</sup> Thus, the Act's absence of a specific standard of judicial review for SAPP does not mean that NTIA has no discretion or authority to administer SAPP. Rather, it means that administration of SAPP is subject to general judicial review provisions mandated by federal law.<sup>30</sup>

#### **A.1.d. NTIA Will Evaluate Each Demonstration in a State's Grant Application, Not a State's Alternative Plan**

Several commenters suggest that NTIA is seeking to inappropriately assume authority to approve or disapprove a State alternative plan and that only the FCC is authorized to do so under the Act.<sup>31</sup> NTIA does not approve or disapprove a State alternative plan, but rather it evaluates each of the demonstrations made by a State which relate to its State alternative plan as approved by the FCC. In establishing SAPP, the Act set forth demonstration requirements to a State applying to NTIA for Lease Authority or RAN Construction Funds.<sup>32</sup> The Act therefore intended for NTIA to make a determination on the demonstrations a State must make when it applies to NTIA for these things of value. This provision of the Act is meaningless without the logical inference that NTIA must make a determination on the demonstrations and the overarching grant applications States must submit to NTIA.

A commenter makes a related assertion that the five specified State demonstrations and NTIA's review of and determinations on each apply only to optional applications for RAN Construction Funds - not for required Lease Authority applications.<sup>33</sup> NTIA

---

<sup>27</sup> See Comments of the State of Washington at 4-5.

<sup>28</sup> See 47 U.S.C. § 1442(h).

<sup>29</sup> See 5 U.S.C. §§ 701(a), 706. See also *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1979), overruled on unrelated grounds by *Califano v. Sanders*, 430 U.S. 99 (1977) (stating that "agency action must be set aside if the action was 'arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law' or if the action failed to meet statutory, procedural, or constitutional requirements" (citations omitted)).

<sup>30</sup> This general judicial review standard states, in pertinent part, that a reviewing court shall set aside agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; ... in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; ... [or] without observance of procedure required by law." 5 U.S.C. § 706(2).

<sup>31</sup> See, e.g., Comments of FirstNet Colorado Governing Body at 1-2.

<sup>32</sup> See 47 U.S.C. § 1442(e)(3)(D).

<sup>33</sup> See Comments of the State of Washington at 4-5.

does not adopt this reading of the Act. As detailed above, the Act specifically required all States seeking to deploy their own RANs to apply to NTIA for Lease Authority.<sup>34</sup> It also allowed such States, if they wish, to apply to NTIA for RAN Construction Funds.<sup>35</sup> In the succeeding subsection of the Act, the Act set forth the five demonstrations States must make in both applications.<sup>36</sup> The Act does not draw any distinction between the Lease Authority and RAN Construction Funds with regard to the required demonstrations a State must make in the grant application regardless of which thing(s) of value it seeks.

NTIA believes the Act sets forth the demonstrations uniformly because they are, collectively, critical to realizing the vision of a fully functional, interoperable, and sustainable NPSBN for first responders. Further, given that a State is required to submit an application to NTIA for Lease Authority upon FCC approval of a State alternative plan, the Act clearly intended for these critical demonstrations to be made for such applications. To interpret the statutory framework for NTIA's review of State applications any other way would require NTIA to assume that the overall functionality of the NPSBN is important only when States decide to submit optional applications for federal funds to assist in constructing RANs - not when States submit their mandatory applications for access to the FirstNet spectrum needed to operate their RANs. Any such inference would undermine the clear intent expressed in the Act to promote the timely deployment of an interoperable nationwide network that meets the needs of first responders no matter who deploys the RAN in a given State.

Finally, NTIA's conclusion that it is required to review applications for Lease Authority and RAN Construction Funds disposes of a commenter's suggestion that NTIA's proposed 60-day deadline for a State's application for Lease Authority is invalid, as NTIA has no authority to deny a lease to any State whose State alternative plan has been approved by the FCC.<sup>37</sup> As set forth above, NTIA's role applies to both forms of State applications. NTIA's final application deadline, established above and extended to 90 days upon consideration of commenters' inputs, will apply to both applications as well.

## A.2. Response to Comments: Programmatic Approach and Process

In addition to the thoughtful comments from stakeholders on broad statutory matters, NTIA received several comments and questions regarding SAPP's programmatic approach.

---

<sup>34</sup> See 47 U.S.C. § 1442(e)(3)(C)(iii)(II).

<sup>35</sup> See *id.* at § 1442(e)(3)(C)(iii)(I).

<sup>36</sup> See *id.* at § 1442(e)(3)(D).

<sup>37</sup> See Comments of the State of Washington at 5.

### **A.2.a. Determining RAN Construction Grant Funding Levels**

Several commenters provided input or sought clarity on the Act’s requirement that NTIA determine a funding level for the States, which is to be provided to a Governor along with FirstNet’s proposed deployment plans for that State.<sup>38</sup> Commenters inquired whether that FLD will represent the amount NTIA would award a State if NTIA approves a State’s application for Lease Authority and RAN Construction Funds.<sup>39</sup> Some commenters noted that States need certainty regarding the grant amount, including any matching requirements, in order for Governors to make an informed and timely decision on FirstNet’s deployment plan.<sup>40</sup> Other commenters suggest that NTIA’s funding level for a State, once it is determined, becomes a mandatory grant award for a State whose application for RAN Construction Funds meets the showings set forth in the Act.<sup>41</sup> Finally, one commenter provided guidance on formula development for RAN Construction Funds award amounts.<sup>42</sup>

As noted above, the Act authorized NTIA to administer SAPP, which is a federal grant program for a State that seeks authority to conduct the RAN within its boundaries. The Act established this as a discretionary grant program rather than a non-discretionary, formula-based grant program.<sup>43</sup> The Act, however, did not define the exact nature of NTIA’s FLD. As a result, NTIA has broad discretion to both define the specific nature of its FLDs and to set final grant awards for States that successfully apply for RAN Construction Funds.

NTIA agrees with commenters that the FLD is an important data point for a Governor when considering the FirstNet State Plan for a given State. For these reasons, NTIA designated the FLD as detailed above.

### **A.2.b. Award of a RAN Construction Grant and Release of Grant Funds**

Several commenters recommended that NTIA make RAN Construction Funds award upon its finding that the State has met the showings needed for such approval and that NTIA should specify that the first distribution of funds will be contingent upon the State’s execution of an SMLA with FirstNet.<sup>44</sup>

---

<sup>38</sup> See 47 U.S.C. § 1442(e)(1)(C).

<sup>39</sup> See, e.g., Comments of the District of Columbia Government at 3.

<sup>40</sup> See, e.g., Comments of the Indiana Integrated Public Safety Commission at 2; Comments of the District of Columbia Government at 4.

<sup>41</sup> See, e.g., Comments of the State of Washington at 8-9.

<sup>42</sup> See Comments of the Commonwealth of Pennsylvania at 6.

<sup>43</sup> 47 U.S.C. § 1442(e)(3)(C)(iii.). In creating a discretionary grant program such as SAPP, Congress allows a federal agency to exercise its judgment in making a final award at levels deemed appropriate, based on funding availability, statutory language, established criteria, and grant rules. Conversely, Congress provides agencies far less judgment for mandatory grant programs, for which Congress sets specific grant amounts for specific jurisdictions for specific purposes. Such requirements are not established for SAPP in the Act.

<sup>44</sup> See, e.g., Comments of the State of Washington at 14.

NTIA agrees with the views expressed by the commenters. Upon NTIA's finding that a State has met all of the required demonstrations for RAN Construction Funds, NTIA intends to award such a grant to the State. NTIA will, however, issue the award with a special award condition that will not make the funding available to the State until it has executed an SMLA with FirstNet.

#### **A.2.c. Transparency/Independent Analysis**

Several commenters recommended that NTIA be as transparent as possible in developing and administering SAPP in order to produce the best possible outcomes, reduce delays, and receive maximum support from States and other stakeholders.<sup>45</sup>

NTIA agrees that there are numerous benefits to a transparent process in developing and administering SAPP. While NTIA is under no obligation to put forth its preliminary determinations and seek comments on them for a grant program, a primary purpose of the SAPP Notice and the numerous public briefings NTIA conducted on SAPP (<https://www.ntia.doc.gov/sapp>) is to provide the transparency that stakeholders seek and NTIA values. NTIA issues this NOFO upon careful consideration of the inputs stemming from these efforts.

Several commenters also suggested that NTIA's review of State demonstrations should be independent of related determinations made by FirstNet in the development of its plans for the States.<sup>46</sup> One commenter also states that NTIA should utilize independent subject matter experts in evaluating State demonstrations.<sup>47</sup> Another commenter sought input on how NTIA would evaluate factors such as personnel qualifications.<sup>48</sup> A related comment urges that NTIA, in its review process, view with reasonableness an applicant's determination of public safety needs of the State and of the costs and sustainability of its RAN project.<sup>49</sup>

In accordance with the DOC Grants and Cooperative Agreements Manual,<sup>50</sup> NTIA will conduct merit reviews of grant applications using federal and non-federal expert reviewers drawn from relevant fields of expertise (*e.g.*, industry and public safety, human and physical resource allocation, technical, and finance) to assist in arriving at objective and informed determinations on State applications. Thus, NTIA intends to use such independent expertise, whenever appropriate, in its reasonable assessments of State demonstrations, including those addressing personnel, the needs of public

---

<sup>45</sup> See, e.g., Comments of the State of Alabama at 2-3.

<sup>46</sup> See, e.g., Comments of the District of Columbia Government at 1.

<sup>47</sup> See *id.*

<sup>48</sup> See Comments of the FirstNet Colorado Governing Body at 4.

<sup>49</sup> See Letter from Rivada at 2-3 (July 12, 2017).

<sup>50</sup> See United States Department of Commerce, Department of Commerce Grants and Cooperative Agreements Manual, 41 (Oct. 31, 2016), available at [http://www.osec.doc.gov/oam/grants\\_management/policy/documents/Grants%20Manual%20-%202024%20October%202016.pdf](http://www.osec.doc.gov/oam/grants_management/policy/documents/Grants%20Manual%20-%202024%20October%202016.pdf)

safety in a State, and economic matters. NTIA also intends on making its determinations independently and distinctly from any that FirstNet may make.

#### **A.2.d. Expedient Release of Final Grant Program Parameters and Decisions on Applications**

Many commenters called for NTIA to provide full details of SAPP and its requirements pursuant to the Act’s five demonstrations well in advance of FirstNet’s presentation of its State Plans for the NPSBN.<sup>51</sup> Commenters also called for rapid, sequential review of State applications.<sup>52</sup>

NTIA agrees that States will benefit from a clear view of all SAPP details. NTIA plans to make decisions on applications as quickly as is feasible.

#### **A.2.e. Definition of “Completed” State RFP**

The Act requires that, within 180 days of notification of intent to deploy the RAN in its State, a Governor must develop and “complete” requests for proposals (RFPs) for the construction, maintenance, and operation of the RAN within the State.<sup>53</sup> Several commenters asked for clarity on what “complete” means with respect to a State’s RFP.<sup>54</sup> One commenter seeks interim approval of “qualified plans” if a State applicant has not completed the procurement process.<sup>55</sup>

It is important to note at the outset that the Act does not provide NTIA with any authority to approve any State’s plan, regardless of the status of its procurement. The Act specifies that the FCC is the only party that can approve an alternative State plan.<sup>56</sup>

NTIA notes that the FCC sought comment on the question of what constitutes a complete State RFP and published its decision on the subject in its Report and Order on opt-out procedures.<sup>57</sup>

#### **A.2.f. NTIA May Not Approve Regional Applications**

One commenter objected to the fact that the SAPP Notice was silent with regard to any ability of States to submit regional, multi-State Lease Authority and RAN Construction Funds applications.<sup>58</sup> The Act does not provide for such regional applications. It is clear that each State must individually make its decision on

---

<sup>51</sup> See, e.g., Comments of the Commonwealth of Pennsylvania at 5-6.

<sup>52</sup> See, e.g., Comments of the California Governor’s Office of Emergency Services at 5.

<sup>53</sup> See 47 U.S.C. § 1442(e)(3)(B).

<sup>54</sup> See, e.g., Comments of the Illinois Terrorism Task Force Public Safety Broadband Network Working Group at 5.

<sup>55</sup> See Comments of the Commonwealth of Pennsylvania at 5.

<sup>56</sup> See 47 U.S.C. § 1442(e)(3)(C).

<sup>57</sup> See FCC, State Alternative Plan R&O, at 7 (stating that the RFP process is “complete” once a State selects a winning bidder).

<sup>58</sup> See Comments of the California Governor’s Office of Emergency Services at 5.

participating in FirstNet’s State Plan and individually proceed, if desired, through the separate FCC submissions and NTIA applications.<sup>59</sup> Thus, NTIA has no authority to overlay a regional application process onto a statutory scheme centered on decisions of and actions by each individual State.

#### **A.2.g. Enforcement of State Commitments in the Applications Process**

One commenter suggested that NTIA’s role in assessing a State’s ability to meet the demonstrations required for RAN Construction Funds or Lease Authority does not give NTIA the authority to enforce any matters associated with the demonstrations.<sup>60</sup> For example, the commenter asserts that, in assessing a State’s ability to maintain ongoing interoperability with the NPSBN, NTIA’s role should be only to examine whether a State has such ability. NTIA should not attempt to enforce the State’s actual compliance with interoperability standards. Similarly, concerning a State’s technical capabilities to operate a RAN, the commenter suggested that NTIA should only examine whether a State is capable of such compliance and not attempt to ensure that the State actually complies.<sup>61</sup>

NTIA’s role is to rigorously assess whether a State meets the requirements of the demonstrations set forth in the Act, which are centered on specific commitments by the State, and its capabilities and capacities. Should NTIA grant a SAPP award, NTIA acknowledges that its ability to ensure a State meets any commitments made in its application and related demonstrations is largely limited to the grant period of performance. NTIA anticipates that any broader enforcement of such State commitments would need to be addressed by the terms and conditions of FirstNet’s SMLA with that State.

#### **A.2.h. Applicability of NEPA and FirstNet’s PEISs**

One commenter recommends that the National Environmental Policy Act of 1969 (NEPA) Programmatic Environmental Impact Statement (PEISs) and categorical exclusions developed by FirstNet should apply to States that choose to deploy the RAN in that State.<sup>62</sup> NTIA agrees that, in administering grants to States, it should leverage, to the extent possible, the progress FirstNet has made in meeting its NEPA obligations. NTIA, however, has an independent obligation to comply with NEPA and must establish its own NEPA compliance program for SAPP.<sup>63</sup> Consequently, States seeking grant funds will be responsible for complying with applicable federal,

---

<sup>59</sup> See 47 U.S.C. § 1442(e)(2)-(3).

<sup>60</sup> See Comments of the State of Washington at 10.

<sup>61</sup> See *id.* at 10-11.

<sup>62</sup> See Comments of the FirstNet Colorado Governing Body at 4.

<sup>63</sup> NTIA, in accordance with Council on Environmental Quality guidance, cannot rely on another agency’s categorical exclusions, including existing FirstNet categorical exclusions, to support a decision not to prepare an Environmental Assessment or an Environmental Impact Statement for its own actions. See Executive Office of the President, Council on Environmental Quality, *Memorandum for Heads of Federal Departments and Agencies: Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act* (Nov. 23, 2010).

State, and local environmental and cultural resource laws, including preparing and submitting to NTIA environmental reviews, analyses, and reports required by NEPA. Nevertheless, States may use or “tier”<sup>64</sup> the analysis in the FirstNet PEISs to support their preparation of environmental reviews, analyses, and reports for their site or project specific actions related to RAN deployment.<sup>65</sup> NTIA, however, remains the party responsible for reviewing the State’s analysis and assessing the applicability of, and making final NEPA determinations of, the environmental impact of any proposed actions under a SAPP award.

### **A.3. Response to Comments: Demonstrations a State Seeking to Deploy its RAN Must Make to NTIA**

Stakeholders had many questions and suggestions with regard to the specific standards for a State’s demonstration and NTIA’s review of those demonstrations. Most comments center on the information a State must provide in the State’s proposal to construct, operate, maintain, and improve the State RAN as reflected in the RAN project.<sup>66</sup> Others raise issues about the agreement a State may enter into with a partner with whom the State will construct, operate, maintain, and improve its State RAN. Still others seek clarity on the manner in which the demonstrations have bearing upon FirstNet and FirstNet’s partner (AT&T) with whom it will construct, operate, maintain, and improve the NPSBN.<sup>67</sup> As noted above, NTIA utilized these comments in developing this NOFO and the responses below align to the guidance provided in the NOFO.

#### **A.3.a. The Technical Capabilities to Operate, and the Funding to Support, the State RAN**

##### **(1) NTIA Review of State Business and SMLA**

Several commenters seek information on how NTIA will review agreements with a RAN partner<sup>68</sup> and the financial impact of a State entering into an SMLA with FirstNet.<sup>69</sup> NTIA anticipates reviewing these items, in significant part, pursuant to the demonstration of technical capabilities to operate, and the funding to support, the State RAN and the demonstration of the cost effectiveness of the State plan. NTIA’s review of this demonstration will center on an analysis of the resources a State and its RAN partner will provide in executing its RAN project. This will include tangible resources and the availability and timeliness of any

---

<sup>64</sup> See 40 CFR § 1508.28.

<sup>65</sup> See Letter from Lawrence E. Strickling, Assistant Secretary for Communications and Information and Administrator, National Telecommunications and Information Administration, U.S. Department of Commerce, to Mike Poth, Chief Executive Officer, First Responder Network Authority (Oct. 21, 2016) (on file at NTIA).

<sup>66</sup> As detailed in the SAPP Notice and this notice, the materials to be submitted, and the information to be reviewed by NTIA, may be broader and include more programmatic details than those required or reviewed by the FCC. Thus, we refer to the entire RAN program and all the information elements thereon that NTIA requires for the state demonstrations as “the RAN project.”

<sup>67</sup> Commenters sought clarity on terms described in this paragraph. See, e.g., Comments of the District of Columbia at 5. We provide this expanded terminology and their short forms in response to this request.

<sup>68</sup> See, e.g., *id.* at 4.

<sup>69</sup> See *id.*

financial resources a State and its RAN partner bring forward to demonstrate that the State has the funding to support the RAN project throughout its term. To this end, several aspects of the State’s agreement with its RAN partner will be relevant for NTIA’s review.

The Act requires a State to reinvest any revenues gained from spectrum monetization into its RAN project.<sup>70</sup> Without gaining appropriate value for excess Band 14 spectrum, it will be difficult for a State to demonstrate that it will have sufficient funding to sustain the RAN project for the project’s life, and other specified sources of funds will be essential. Similarly, we expect that evaluation of the financial impact upon a State of an SMLA will also inform whether or not a State has the funding to support the RAN project and the cost effectiveness of the State plan.<sup>71</sup> Thus, understanding the value of excess Band 14 spectrum in an applicant State, the planned monetization of that spectrum, and the impact upon that net value of an SMLA with FirstNet will be critical in determining whether a State makes these demonstrations.

**(2) NTIA Will Evaluate the Impacts of RAN Project Costs Higher Than Those of the FirstNet State Plan as Part of its Funding to Support Assessment**

Some commenters stated that it is possible that a State alternative plan may have attributes, including those compelled under state law, distinct from those of the FirstNet State Plan that justifiably increase the overall costs of the State alternative plan.<sup>72</sup> Similarly, one commenter noted that the level of coverage a State alternative plan seeks to provide first responders in a State is linked to the cost of its plan.<sup>73</sup>

NTIA understands that a State may seek financially reasonable ways to deploy a RAN at a greater cost than that of FirstNet’s State Plan. To that end, whether or not a State alternative plan allocates resources in a way that maximizes benefits to the network and the first responders it primarily serves is a reasonable factor for NTIA to consider. Thus, NTIA’s funding review will, in part, evaluate the balance a State alternative plan strikes between its costs and sustainable funding levels, and the benefits it brings to the State.<sup>74</sup>

---

<sup>70</sup> See 47 U.S.C. § 1442(g)(2).

<sup>71</sup> This data may also inform assessments of other state demonstrations as detailed in the following section.

<sup>72</sup> See Comments of the District of Columbia Government at 3-4.

<sup>73</sup> See Comments of the Texas Department of Public Safety at 2.

<sup>74</sup> Such financial aspects of the RAN project plan may also impact a State’s discreet demonstration of funding to support the RAN project under 47 U.S.C. § 1442(e)(3)(D)(i)(I). Moreover, the coverage of service to first responders, as a benefit that may balance against the cost of the state alternative plan, is a distinct consideration from the level of overall coverage the RAN project will provide under 47 U.S.C. § 1442(e)(3)(D)(iii).

### **A.3.b. The Ability to Maintain Ongoing Interoperability with the Nationwide Public Safety Broadband Network**

#### **(1) This Demonstration Standard is Distinct from the Review Required of the FCC**

Several commenters remain unclear on the distinctions between the FCC's required interoperability assessment and the "ongoing interoperability" demonstration a State must make to NTIA in applying for Lease Authority and a RAN Construction Grant, even suggesting that NTIA need not engage in a review of this demonstration at all.<sup>75</sup> Similarly, one commenter argues that NTIA's intended review of the demonstration of ongoing interoperability is unworkable, as it will require a State to maintain interoperability into the future.<sup>76</sup>

NTIA details the significant overarching differences in the procedural reviews required by the FCC and NTIA of State alternative plans and applications, respectively, in Appendix A, Section 1(c). Beyond those differences in overall review obligations, that which the FCC must examine in a State alternative plan and that which NTIA must assess in a State's demonstration are, from an interoperability perspective, also distinct.

As has been made clear in this proceeding, the Act requires that a State seeking to deploy the RAN in its State must show to the FCC in a State alternative plan: 1) compliance with minimum technical interoperability requirements established pursuant to the Act by a board selected by the FCC;<sup>77</sup> and 2) interoperability with the NPSBN.<sup>78</sup> Separately, the Act requires that a State make a subsequent demonstration to NTIA - including information beyond simply submission of its approved alternative plan - that its proposed RAN project is capable of maintaining "ongoing interoperability."<sup>79</sup>

Thus, to give meaning to the Act's separate interoperability review mandates to the FCC and NTIA respectively, NTIA concludes that its interoperability review is different and separate from that assigned to the FCC.

NTIA concludes that applying the adjective "ongoing" - exclusively applied in the Act to the NTIA review - to the noun "interoperability" creates a statutory

---

<sup>75</sup> See, e.g., Comments of the Commonwealth of Pennsylvania at 7-8.

<sup>76</sup> See Comments of the State of Washington at 11.

<sup>77</sup> See 47 U.S.C. § 1442(e)(3)(C)(I) (requiring state alternative plan to be in compliance with minimum technical interoperability requirements established by the Technical Advisory Board for First Responder Interoperability (Interoperability Board) pursuant to the Act); see also Interoperability Board, *Recommended Minimum Technical Requirements to Ensure Nationwide Interoperability for the Nationwide Public Safety Broadband Network*, Final Report (May 22, 2012) (Interoperability Board Report), available at <http://apps.fcc.gov/ecfs/document/view?id=7021919873>.

<sup>78</sup> See 47 U.S.C. § 1442(e)(3)(C)(II).

<sup>79</sup> See *id.* at § 1442(e)(3)(D)(II).

distinction between the respective FCC and NTIA evaluations of interoperability. It is from this perspective of the Act that NTIA establishes its standard for this demonstration and develops requirements to create a review which does not duplicate that of the FCC.

The Act does not provide a definition of the word “ongoing.” However, an action that is “ongoing” is commonly defined as one that is “continuing” without a time, or quality level achieved, at which the action ends.<sup>80</sup> Therefore, it is reasonable for NTIA to require that a State demonstrate that its RAN project is capable of maintaining interoperability for the duration of the action in question: the operation of the RAN project itself. Moreover, it is reasonable to conclude that this requisite level of interoperability must continue for the term of the RAN project.

To demonstrate ability to perform an ongoing task clearly requires a certification of ability and a commitment to perform on a continuing basis. Further, the term “ongoing,” in the context of RAN interoperability with the NPSBN, indicates continuing performance across network elements to ensure that a public safety user device operating anywhere on the NPSBN (regardless of who operates the RAN) will be able to link to the NPSBN core. These time and performance parameters for “ongoing interoperability” will help NTIA ensure that a RAN project can and will interoperate with the NPSBN in a sustained manner during the period of performance.

### A.3.c. Applicability of FirstNet Network Policies

Some commenters expressed concern with NTIA’s possible review of the RAN project’s compliance with FirstNet’s network policies, suggesting that requiring a State to demonstrate compliance with such policies would establish a regulatory requirement outside the scope of NTIA’s legal authorization.<sup>81</sup>

The Act requires that FirstNet establish policies for: 1) technical and operational requirements of the network; 2) practices, procedures, and standards for the management and operation of the network; 3) terms of service for the use of the network; and 4) ongoing network compliance review and monitoring.<sup>82</sup> These network policies will, by law, be largely composed of requirements driving essential aspects of long-term NPSBN interoperability and advances in wireless broadband services and features. Such requirements will, collectively, center on ensuring all elements of the NPSBN, including elements for which a State seeks to assume responsibility in its RAN project, achieve ongoing network interoperability and the evolving, baseline operability deployed in all other FirstNet RAN States that makes

---

<sup>80</sup> See, e.g., *Bid for Position, LLC v. AOL, LLC*, 2008 WL 5784151, at \*11 (E.D. Va. 2008).

<sup>81</sup> See Comments of the State of Washington at 10.

<sup>82</sup> See 47 U.S.C. § 1426(c)(1).

NPSBN interoperability technically feasible. Concurrently, the Act requires that a State applying to NTIA for Lease Authority or Construction Grant Authority demonstrate that its RAN project is capable of ongoing interoperability with the NPSBN.<sup>83</sup>

Under these two statutory requirements, it is reasonable that NTIA asks an applicant how it and/or its RAN Partner will keep current and comply with FirstNet's network policies as a method of demonstrating a RAN project is capable of ongoing interoperability with the NPSBN.<sup>84</sup> NTIA's inquiry is not a regulatory act, but rather a necessary part of the standard by which a State may, in significant part, make this legally required demonstration if it seeks NTIA to approve its application.

#### **A.3.d. The Ability to Complete the Project within Specified Comparable Timelines Specific to the State**

##### **(1) NTIA Will Factor in Federal Regulatory Time Considerations**

Commenters expressed the view that NTIA should, in comparing a RAN project's timeline to that of FirstNet, consider the time delays of a State's required passage through two federal agency processes before receiving authorization to enter into an SMLA and receive necessary environmental legal authority to commence its RAN project.<sup>85</sup>

While the Act required that a State demonstrate the ability to complete the project within timelines comparable to FirstNet's State Plan, NTIA recognizes that a State will need additional time to proceed through mandatory federal agency processes before it can commence its RAN project. Accordingly, NTIA intends to review a State's demonstration and evaluate the RAN project's number of days from initiation of construction of the RAN to completion relative to FirstNet's State Plan. The initiation start date will be considered the date by which the State has received all needed federal authorizations, including environmental approvals, to commence RAN construction and operation. NTIA will review a State's buildout plan yearly to assess a State's rural buildout but will not compare the State's proposal with FirstNet's State Plan until the end of the five-year period.

##### **(2) NTIA Will Review Timelines Specific to a State and Consider Impact to the NPSBN**

One commenter asserted that NTIA's proposed review of this State demonstration is overly broad, as it includes a nationwide inquiry.<sup>86</sup> This is not the case.

---

<sup>83</sup> See *id.* at § 1442(e)(3)(D)(i)(II).

<sup>84</sup> As is reflected in the NOFO's guidance, NTIA will not require that a state demonstrate compliance with network policies to which FirstNet does not require its network partner to adhere.

<sup>85</sup> See, e.g., Comments of the Texas Department of Public Safety at 2

<sup>86</sup> See Comments of the State of Washington at 12.

Under this demonstration, the Act requires that NTIA review the timelines “specific to the State.”<sup>87</sup> As noted above, NTIA plans to compare the timeline of a State’s RAN project to the timeline presented by FirstNet in its plan for that State. NTIA will only consider the time aspect of this demonstration with regard to State-specific activities detailed in both the State demonstration and FirstNet’s State Plan. Moreover, NTIA will not require an identical timeline, but rather a comparable timeline as established in the Act. Thus, deviations from FirstNet’s State Plan timeline may be acceptable. In considering whether a State’s non-identical timeline is comparable, NTIA will consider, among other factors, whether the timeline deviation may have a negative impact on the NPSBN overall. Further, a State must demonstrate that, at the time the RAN is operational, it will match the NPSBN’s technical development so that a public safety user does not suffer service downgrades in an opt-out State because the State’s technology evolution is not keeping pace with the NPSBN.<sup>88</sup> Such an assessment is reasonable given NTIA’s overarching mandate, in reviewing these demonstrations, to help ensure that a State’s RAN project will be a functional, rapidly-deployed element of an interoperable NPSBN.

### A.3.e. The Cost-Effectiveness of the State Plan Submitted to the FCC

#### (1) NTIA Will Consider RAN Project Impact on the NPSBN

In addition to general requests that further details be provided on all demonstrations, commenters expressed interest in a fuller view of what a State must show to meet this demonstration.<sup>89</sup> They raised specific concern about NTIA’s proposal to consider how a State alternative plan may impact the self-sustainability of the NPSBN.

The Act provides little guidance on how a State should make this demonstration. However, this demonstration must be viewed in the broader context of the goals of the Act and NTIA’s mandated scope of State application review. Each of the other four demonstrations a State must include in its application to NTIA require it to show that it has the funding to support its RAN project, which will function as a seamless part of the NPSBN at technical, operational, developmental, and qualitative levels. Thus, NTIA concludes that the Act requires it to assess the RAN project as an element of the broader NPSBN. In that regard, NTIA will consider whether the State will be able to cover the expenses of the RAN Project and the State’s plan for reinvestment, as described above.

---

<sup>87</sup> See 47 U.S.C. § 1442(e)(3)(D)(i)(III).

<sup>88</sup> To the extent RAN evolution matching that of the NPSBN requires use of proprietary technology; NTIA expects FirstNet and its network partner to provide technical assistance and funding to the State for such technology.

<sup>89</sup> See, e.g., Comments of the California Governor’s Office of Emergency Services at 5, Comments of the Illinois Terrorism Task Force Public Safety Broadband Network Working Group at 6.

## **(2) Utilization of Rural Assets May Be Considered in NTIA Review**

One commenter noted the importance of States demonstrating cost-effectiveness through the use of rural assets and suggested that a State must make such a demonstration by showing that a percentage of all assets used in a State alternative plan are rural assets.<sup>90</sup>

The Act does not require that NTIA assess use of rural assets in the context of the Cost-Effective demonstration made by an applicant State. The Act did, however, mandate that FirstNet implement rural milestones in the construction and deployment phases of the NPSBN.<sup>91</sup> Further, FirstNet was required to encourage those who responded to its RFPs to leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the NPSBN.<sup>92</sup> Therefore, because the Act did set explicit rural-and asset-specific standards in certain sections of the law, but did not do so for this demonstration mandate, NTIA concludes the Act does not require NTIA to adopt specific milestones for use of rural assets in this instance.<sup>93</sup>

Nonetheless, NTIA will not preclude consideration of rural asset use in its cost-effectiveness analysis. NTIA can imagine that, in some circumstances, a State plan's use of rural assets may contribute to that State's ability to demonstrate that its plan is cost-effective. Conversely, there may be circumstances when use of rural assets undermines a State's ability to satisfy this criterion. NTIA will consider any such circumstances and related use of rural assets as it reviews State applications.

### **A.3.f. Comparable Security, Coverage, and Quality of Service to That of the NPSBN**

#### **(1) A State Must Align its Rural Coverage Level to That of FirstNet Within Five Years**

One commenter suggested that a State need not demonstrate that the RAN project completely aligns its coverage, in overall scope or prioritized deployment, with that of the FirstNet State Plan.<sup>94</sup> Another called for NTIA to require an applicant to include substantial rural coverage milestones as part of each phase of the construction and deployment of the network.<sup>95</sup>

---

<sup>90</sup> See Comments of NTCA-The Rural Broadband Association at 2-3, 6-7, 12-14.

<sup>91</sup> See 47 U.S.C. § 1426(b)(3).

<sup>92</sup> See *id.* at § 1426(b)(1)(c). See also *id.* at § 1426(b)(3) (requiring that RFPs, “[t]o the maximum extent economically desirable ... include partnerships with existing commercial mobile providers to utilize cost-effective opportunities to speed deployment in rural areas”)

<sup>93</sup> See *Dep't of Homeland Sec. v. MacLean*, 135 S.Ct. 913, 919 (2015) (Congress generally acts intentionally when it uses particular language in one section of a statute but omits it in another); see also *Loughrin v. U.S.*, 134 S.Ct. 2384, 2390 (2014) (holding that when Congress includes particular language in one section of a statute but omits it in another, the Supreme Court presumes that Congress intended a difference in meaning).

<sup>94</sup> See Comments of Michigan Public Safety Broadband Working Group at 1.

<sup>95</sup> See NTCA Letter at 3.

The Act requires that a State demonstrate that its RAN project will provide comparable, not identical, coverage. However, the Act also requires that the NPSBN include rural coverage by mandating construction and deployment phases that include rural milestones.<sup>96</sup> In reviewing this demonstration, NTIA intends to consider these two provisions of the Act together and in the context of the requirement that NTIA assess State demonstrations to ensure that a State RAN functions as a seamless part of the NPSBN.

To that end, a State will be required to demonstrate that its RAN project includes coverage elements in rural areas in each of the first five years of the project - comparable to those proposed by FirstNet in its State Plan. NTIA will continue to review these coverage elements at the RAN project's five-year mark to afford States flexibility in meeting the overall coverage milestones and to accommodate any coverage priority differences between a State's plan and FirstNet's. NTIA will also provide a State the opportunity to explain any significant deviations from FirstNet's State Plan coverage elements.

#### **A.4. Response to Comments: Remaining Issues**

Some comments to the SAPP Notice do not fall neatly into the preceding sections, and some relate to areas outside NTIA's authority. Such comments are addressed below.

##### **A.4.a. Collaboration Among Agencies**

One commenter called for collaboration among NTIA, the FCC, and FirstNet as each federal entity executes its respective duties under the Act.<sup>97</sup>

NTIA agrees that the interrelated nature of some duties of NTIA, the FCC, and FirstNet with regard to the NPSBN merit collaboration. While each federal entity has independent, distinct roles under the Act, NTIA is collaborating with all parties to the extent feasible and authorized under law, and will continue to do so.

##### **A.4.b. Actionable Licensee Is FirstNet as Defined in the Act and Approved by the FCC**

Some commenters sought clarity with regard to the identification of the "actionable licensee" of the spectrum licensed to FirstNet.<sup>98</sup>

The FCC is the appropriate agency to address questions concerning its licensees. NTIA notes, however, that the Act clearly directs the FCC to reallocate the D Block for public safety services,<sup>99</sup> to license the D Block and the existing public safety

---

<sup>96</sup> See 47 U.S.C. § 1426(b)(3).

<sup>97</sup> See Comments of the State of Alabama at 3.

<sup>98</sup> See, e.g., Comments of Dr. Michael Myers at 3.

<sup>99</sup> See 47 U.S.C. § 1411.

broadband spectrum to FirstNet,<sup>100</sup> and to take other actions necessary to “facilitate the transition” of the existing public safety broadband spectrum to FirstNet.<sup>101</sup> On September 7, 2012, the FCC licensed Band 14 to FirstNet.<sup>102</sup>

#### **A.4.c. Specifics on SMLA Between FirstNet and a State**

A few commenters sought guidance on negotiation of and issues relating directly to an SMLA between FirstNet and a State.<sup>103</sup> The negotiation of specific terms and conditions of an SMLA between FirstNet and a State are not matters for SAPP review under the Act.

#### **A.4.d. The FCC Determines the Manner and Content Required for State Alternative Plans Submitted to the FCC**

Noting the Act’s distinctions between the reviews required by the FCC and NTIA, one commenter sought guidance on what information the FCC will require a State to submit as part of its State alternative plan.<sup>104</sup>

As noted above, the FCC has released a Report and Order on what information it will require in State alternative plans and other related issues.<sup>105</sup>

#### **A.4.e. The FCC Has Released the Interoperability Board Requirements and a Report and Order on Overall State Alternative Plan Submission Requirements**

Some commenters sought guidance on the minimum technical interoperability requirements established pursuant to the Act by a board selected by the FCC and other interoperability requirements the FCC may establish in its review of State alternative plans.<sup>106</sup>

Pursuant to requirements of the Act, in May 2012, the FCC released minimum technical interoperability requirements established by the Technical Advisory Board for First Responder Interoperability.<sup>107</sup> Further guidance on FCC interoperability

---

<sup>100</sup> See *id.* at § 1421(a).

<sup>101</sup> See *id.* at § 1421(c).

<sup>102</sup> See FCC, *Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012*, PS Docket No. 12-94; *Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band*, PS Docket No. 06-229; *Service Rules for the 698-746, 747-762 and 777- 792 MHz Bands*, WT Docket No. 06-150; Report and Order (rel. Sept. 7, 2012), available at

[https://apps.fcc.gov/edocs\\_public/attachmatch/DA-12-1462A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-12-1462A1.pdf). See also FCC, Radio Station Authorization, Call Sign WQQE234, File No. 0007229401 (Band 14 license to the First Responder Network Authority), available at <http://wireless2.fcc.gov/UlsApp/UlsSearch/license.jsp?licKey=3422973>.

<sup>103</sup> See Comments of the California Governor’s Office of Emergency Services at 4; see also Comments of Michigan Public Safety Broadband Working Group at 1; see also Comments of Fairfax County, VA at 5.

<sup>104</sup> See Comments of the District of Columbia Government at 2.

<sup>105</sup> See generally State Alternative Plan R&O.

<sup>106</sup> See, e.g., Comments of National Association of State CIOs (NASCIO) at 1.

<sup>107</sup> See generally Interoperability Board Report.

review of State alternative plans is addressed in the FCC's State Alternative Plan Report and Order.<sup>108</sup>

**A.4.f. FirstNet and the FCC Determine Timing for Execution of Their Respective Duties Under the Act**

A few commenters sought information on the timing of FCC and FirstNet actions related to duties assigned to each of these government entities.<sup>109</sup>

These matters are beyond the context of this notice and NTIA leaves to the FCC and FirstNet the provision of guidance on these matters.

---

<sup>108</sup> See generally State Alternative Plan R&O.

<sup>109</sup> See, e.g., Comments of the Illinois Terrorism Task Force Public Safety Broadband Network Working Group at 6.

## B. Appendix B – Required Responses Checklist

**This checklist provides brief descriptions of each submission requirement. Please refer back to the Full Announcement Text for more detailed descriptions.**

### Required Forms and Documentation for all Submissions:

1. Standard Form 424 (SF-424), Application for Federal Assistance
2. CD-511 Certification Regarding Lobbying
3. Standard Form LLL, Disclosure of Lobbying Activities, if applicable
4. Notice of FCC Approval
5. Technical Proposal

### Required Forms and Documentation for Lease Authority only (no RAN construction funds):

1. Standard Form 424A (SF-424A), Budget Information, Non-Construction Programs
2. Standard Form 424B (SF-424B), Assurances for Non-Construction Programs

### Required forms and documentation for Lease Authority and RAN construction funds:

1. Standard Form 424C (SF-424C), Budget Information – Construction Programs
2. Standard Form 424D (SF-424D), Assurances for Construction Programs
3. Detailed Budget Spreadsheet and Budget Narrative
4. Indirect Cost Rate Agreement, if Applicable

Complete	Demonstration	Reference Number	Element	Title	Brief Description	Maximum Page Length
<input type="checkbox"/>	1a: Technical Capability to Operate	1-1	Chart or Table	Staffing Table	The staffing table must address all of the relevant capabilities across each of the demonstrations as noted in the program description section and the evaluation criteria section.	N/A
<input type="checkbox"/>	1a: Technical Capability to Operate	1-2	Chart or Table	RAN Network Operational and Maintenance Facilities	Provide an itemized list of all RAN network operations and maintenance facilities, including NOC, SMC, SOC, EOC, customer service centers, parts depots, storage facilities, and where facilities will be located.	N/A

<b>Complete</b>	<b>Demonstration</b>	<b>Reference Number</b>	<b>Element</b>	<b>Title</b>	<b>Brief Description</b>	<b>Maximum Page Length</b>
<input type="checkbox"/>	1a: Technical Capability to Operate	1-3	Chart or Table	Contracting and Subcontracting Table	If the applicant is relying on contractors or subcontractors to partner with or perform duties related to the RAN Project, provide a chart or table listing all contracts and subcontracts, key purpose and deliverables, value of contract, and the period of performance.	N/A
<input type="checkbox"/>	1a: Technical Capability to Operate	1-4	Narrative	Staffing Plan	As a complement to the Staffing table (#1-1), provide a narrative that explains the Staffing Table and the applicant's approach to ensuring that it has the staff, contractors, and subcontractors with the right knowledge, skills, and experience to achieve the demonstration standard for all demonstrations, the terms and conditions of the SMLA, and the NPSBN network policies.	12 pages
<input type="checkbox"/>	1a: Technical Capability to Operate	1-5	Narrative	Project Management Plan	Discuss how the applicant will manage and coordinate the RAN Project. Provide a list of who will have primary, secondary, and oversight responsibilities for all capabilities across all the demonstrations as noted in the program description section and the evaluation criteria sections.	17 pages
<input type="checkbox"/>	1a: Technical Capability to Operate	1-6	Narrative	Contracting and Subcontracting	Provide an overview of any contracting and sub-contracting plan that the applicant intends to execute for the construction, operation, maintenance, and improvement the State RAN. Use #1-3 as a complement to this narrative.	12 pages
<input type="checkbox"/>	1a: Technical Capability to Operate	1-7	Narrative	Plan for Re-Competition	If the period of performance for any of the applicant's proposed or executed contracts will be shorter than the period of performance for its SMLA, provide the State's plan for future contracting actions to ensure continuous operations throughout the period of the SMLA.	4 pages
<input type="checkbox"/>	1a: Technical Capability to Operate	1-8	Narrative	Past Performance	Provide 3-5 examples of past performances such as a representative sampling of testimonials from the RAN partners' public safety customers on their experiences with such services, current LTE systems the applicant or RAN partner has operated within the last 5 years, or past performance metrics from the last 5 years on related to service availability and reliability.	8 pages

<b>Complete</b>	<b>Demonstration</b>	<b>Reference Number</b>	<b>Element</b>	<b>Title</b>	<b>Brief Description</b>	<b>Maximum Page Length</b>
<input type="checkbox"/>	1a: Technical Capability to Operate	1-9	Narrative	Network Operations and Maintenance Processes	Provide a narrative explaining how the applicant has or is developing operations and maintenance processes and how these processes will support achieving reliability and availability benchmarks as required in NPSBN network policies and the SMLA.	7 pages
<input type="checkbox"/>	1a: Technical Capability to Operate	1-10	Narrative	Maintaining the Network	Provide a narrative to explain how technical maintenance, repair, and upgrade of the RAN will be performed in order to meet FirstNet availability and reliability metrics.	6 pages
<input type="checkbox"/>	1a: Technical Capability to Operate	1-11	Narrative	Facilities and Equipment	Description of how the State will address contracting for or otherwise acquiring facilities, equipment, vehicles, other infrastructure, and spare parts and supply inventory to support the building and operations of State's RAN at a comparable performance standard as the NPSBN.	8 pages
<input type="checkbox"/>	1a: Technical Capability to Operate	1-12	Narrative	Parts Inventory	Explain how the applicant plans to maintain a standing inventory of spare parts. If using a third-party inventory provider, provide a copy of the contract in exhibit section (#1-16).	3 pages
<input type="checkbox"/>	1a: Technical Capability to Operate	1-13	Narrative	Backhaul Plan	Explain how the applicant will procure and provision backhaul. If acquiring backhaul through contracts, provide relevant contracts. If constructing backhaul directly, discuss any plans to lease excess capacity as a revenue source. Also discuss plan for backhaul security.	4 pages
<input type="checkbox"/>	1a: Technical Capability to Operate	1-14	Narrative	Deployable Solutions	Provide a narrative explaining how State RAN may use mobile deployables for planned, no-notice, and disaster events, including the types and capabilities of deployable units and known coverage challenges.	6 pages
<input type="checkbox"/>	1a: Technical Capability to Operate	1-15	Narrative	Alternative Coverage Solutions	Discuss coverage challenges that are driven by terrain, geography, or urban sprawl, that cannot be addressed using traditional eNodeBs. Specify areas where fixed small cells, indoor/outdoor DAS solutions, or COW's are expected to be utilized.	10 pages

<b>Complete</b>	<b>Demonstration</b>	<b>Reference Number</b>	<b>Element</b>	<b>Title</b>	<b>Brief Description</b>	<b>Maximum Page Length</b>
<input type="checkbox"/>	1a: Technical Capability to Operate	1-16	Exhibit	Contract Exhibit	Provide statements of work, relevant performance metrics clauses, system availability, and restoration requirement clauses, incentives and disincentive clauses, and any other contract clauses that the applicant references in responding to narrative answers within any of the demonstrations.	N/A
<input type="checkbox"/>	1a: Technical Capability to Operate	1-17	Exhibit	Key Personnel	In order to support the Project Management plan (#1-5) provide at least one and no more than three resumes, CVs, or statement of relevant experience for each of the key technical and operational resources discussed in the Project Management Plan.	N/A
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-18	Chart or Table	RAN Project Budget	The RAN Project budget must comprehensively address all sources of revenues and expenditures for the project period, which is the same period of performance as the State's SMLA with FirstNet. Please note: The RAN Project budget is for the lifetime of the RAN Project and is separate and distinct from the grant-funded construction budget.	N/A
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-19	Narrative	User Adoption Assumptions	Provide a narrative that explains the current and future assumptions about primary and, if applicable, secondary users (based on 2010 Census data), usage, and demand rates (ensure that assumptions align to revenue numbers in project budget). Include applicant's definitions of primary and secondary users.	10 pages
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-20	Narrative	Spectrum Monetization Assumption	Explain how the State established a net present value of the full 20 MHz of Band 14 spectrum over the project period and how the State intends to monetize it sufficiently to support RAN network public safety use.	7 pages
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-21	Narrative	Service Offerings and Pricing	Provide narrative describing what kinds of service plans and pricing will be available to public safety users.	4 pages
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-22	Narrative	Subscriber Estimates/Take Rates	Explain how the applicant will attract and retain public safety customers in a competitive LTE market.	4 pages

<b>Complete</b>	<b>Demonstration</b>	<b>Reference Number</b>	<b>Element</b>	<b>Title</b>	<b>Brief Description</b>	<b>Maximum Page Length</b>
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-23	Narrative	Mobile Virtual Network Operator (MVNO) Assumptions	If used, provide a narrative that explains the MVNO partnership plan and associated near- and long-term strategy.	4 pages
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-24	Narrative	Construction Schedule (first five years through FOC)	Describe the plan for the initial 5-year construction period and alignment to available revenues (State funds, potential RAN construction funds, and other sources, if applicable).	7 pages
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-25	Narrative	Payments from Partner	Describe how the applicant's partner's contract may supply the funding needed to sustain the RAN Project budget in the long-term.	3 pages
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-26	Narrative	Risk Analysis and Mitigation Plan for Projected Revenues and Expenditures	Provide analysis to illustrate how the State will continue to fully support the RAN for the entirety of the period of performance if revenues fall below estimates.	6 pages
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-27	Narrative	Roaming Plan	Describe plans for roaming agreements for both providing roaming services and roaming onto other networks. Details should include pricing structure and plans for roaming, and assumptions regarding level of demand for roaming services.	4 pages
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-28	Narrative	Contingencies and Reserves	Describe how applicant will plan for and establish reserves for network refresh, regular upgrades, and future reinvestment in the network. Address how applicant will address disaster response and reconstitution.	6 pages
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-29	Exhibit	FirstNet SMLA Documentation	Provide copy of the unexecuted SMLA clauses regarding payments.	N/A
<input type="checkbox"/>	1b: Funding to Support the State RAN	1-30	Exhibit	MVNO Other Contract Exhibits	Provide statements of work and any other contract clauses that the applicant references in responding to narrative answers within the Funding to Support the RAN demonstration.	N/A

<b>Complete</b>	<b>Demonstration</b>	<b>Reference Number</b>	<b>Element</b>	<b>Title</b>	<b>Brief Description</b>	<b>Maximum Page Length</b>
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-1	Narrative	Ongoing Interoperability Plan	The applicant will describe how the applicant can and will comply with FirstNet's evolving operability and interoperability requirements pursuant to FirstNet's network policies.	7 pages
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-2	Narrative	Compliance with FirstNet Network Policies	The applicant must describe its viable process for the State, the State's partner(s), and the State's vendors to keep current and comply with the network policies (internal processes and procedures to ensure compliance with the policies, to include any firmware, software, or hardware updates), mitigation and risk management plans that will address availability, capacity, configuration, change, incident, problem, and network features and release in accordance with FirstNet's update schedule.	12 pages
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-3	Narrative	Network Interface Narrative	Describe how the State's OSS will support all RAN components and integrate all State RAN and FirstNet network interfaces on an ongoing basis.	7 pages
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-4	Narrative	BSS Support	Describe how the State's BSS will support multiple classes of public safety and commercial users, and integrate all State and FirstNet network products or services on an ongoing basis.	5 pages
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-5	Narrative	OSS and BSS Interoperability	Describe how the State's OSS and BSS will interoperate with FirstNet.	7 pages
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-6	Narrative	Ongoing Testing	Describe how the State will conduct testing on an ongoing basis for conformance of all network components for which it is responsible, as well as its OSS, BSS, and any services or applications that affect the operability or interoperability of the State RAN Project.	5 pages
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-7	Narrative	Feature Sets	Describe how the State will ensure that the feature sets of UE's that will operate on its RAN will remain consistent with those of FirstNet and as further defined by the 3GPP UE category definitions.	4 pages
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-8	Narrative	Disaster Recovery Plan	Describe the applicant's disaster recovery plan including how the State intends to respond to known and unknown types of events (such as weather-related) and how it is planning to recover from these and reconstitute the RAN.	7 pages

<b>Complete</b>	<b>Demonstration</b>	<b>Reference Number</b>	<b>Element</b>	<b>Title</b>	<b>Brief Description</b>	<b>Maximum Page Length</b>
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-9	Narrative	UE Deployment	Describe how the State will ensure that its RAN is configured in such a manner that any NPBSN-credentialed UE can operate across the NPSBN.	4 pages
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-10	Narrative	UE Interoperability	Describe how the State will acquire, validate, and certify various UEs for use on the NPSBN.	4 pages
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-11	Narrative	RAN to NPSBN Data Link	Describe how the State will link State public safety RAN data to and from the NPSBN core.	4 pages
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-12	Narrative	State-Specific Challenges	The State must also describe any State-specific challenges of ongoing compliance (geography, appropriation cycle/fiscal/budget limitations, border interference, etc.) and its plan to mitigate those challenges to maintain interoperability.	2 pages per challenge
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-13	Narrative	Compliance with Ongoing Interoperability Network Policies and SMLA Terms and Conditions	The State must also describe its or its partner's approach to compliance with FirstNet policies and requirements related to ongoing interoperability.	One page per policy; 4 pages for the SMLA
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-14	Certification	Interoperability Policy Certification	The State will self-certify that it and, if applicable, its partner will abide by all of FirstNet's operability and interoperability network policies. (see Appendix C for example)	N/A
<input type="checkbox"/>	2: The Ability to Maintain Ongoing Interoperability	2-15	Exhibit	Partner Contract	Provide the relevant sections of the State RAN partner contract supporting answers provided above.	N/A
<input type="checkbox"/>	3: The Ability to Complete the Project within Specified Comparable Timelines to the State	3-1	Chart or Table	State's RAN Construction Timeline	Provide the construction timeline for the first five years of the buildout of the State's RAN. The plan must include total coverage by each Initial Operating Capability (IOC) as identified in FirstNet's State Plan to enable the plans to be readily compared.	N/A

<b>Complete</b>	<b>Demonstration</b>	<b>Reference Number</b>	<b>Element</b>	<b>Title</b>	<b>Brief Description</b>	<b>Maximum Page Length</b>
<input type="checkbox"/>	3: The Ability to Complete the Project within Specified Comparable Timelines to the State	3-2	Chart or Table	GIS Map	Provide six maps in Esri shapefiles (.shp) and MapInfo (.grd/.tab) formats to show RAN construction for IOC-1 through IOC-5 and FOC.	N/A
<input type="checkbox"/>	3: The Ability to Complete the Project within Specified Comparable Timelines to the State	3-3	Narrative	Construction Timeline and Rural Milestone Variance Narrative	Provide a narrative explanation of any variance between the State's construction timeline and rural milestones and those in the FirstNet State Plan. Include any challenges or benefits that this variance will provide the State.	5 pages
<input type="checkbox"/>	3: The Ability to Complete the Project within Specified Comparable Timelines to the State	3-4	Narrative	Ability to Complete Construction within Proposed Timeline	Describe how the State will complete the project within the proposed build-out schedule. Provide the contractual terms or contract clauses (as an exhibit) that demonstrate the State will be able to perform within the proposed timelines.	5 pages
<input type="checkbox"/>	3: The Ability to Complete the Project within Specified Comparable Timelines to the State	3-5	Narrative	Comparable Feature Sets	Describe how the applicant will ensure that the State RAN will be deployed with a comparable feature set to the rest of the NPSBN.	4 pages
<input type="checkbox"/>	3: The Ability to Complete the Project within Specified Comparable Timelines to the State	3-6	Exhibit	Contractual Terms or Contract Clauses	Provide statements of work and any other contract clauses that the applicant references in responding to narrative answers within the Comparable Timeline demonstration.	N/A

<b>Complete</b>	<b>Demonstration</b>	<b>Reference Number</b>	<b>Element</b>	<b>Title</b>	<b>Brief Description</b>	<b>Maximum Page Length</b>
<input type="checkbox"/>	4: The Cost Effectiveness of the State Plan	4-1	Narrative	Reinvestment in the Network	Explain how the State is financially and operationally planning for future expansion of the network and keeping pace with NPSBN upgrades in order to ensure public safety has full access to the functionality and capabilities of the NPSBN.	4 pages
<input type="checkbox"/>	4: The Cost Effectiveness of the State Plan	4-2	Certification	SMLA Commitment	Provide a copy of a letter of intent to FirstNet indicating the State's willingness to enter into an SMLA and make payments included as part of the SMLA.	N/A
<input type="checkbox"/>	4: The Cost Effectiveness of the State Plan	4-3	Exhibit	FCC-Approved Alternative State Plan	Provide a copy of the FCC-Approved Alternative State Plan.	N/A
<input type="checkbox"/>	5a: Comparable Security to that of the NPSBN	5-1	Narrative	Security Architecture	Describe how the RAN Project will ensure security for the RAN, backhaul network, OSS, BSS, and user equipment/devices.	7 pages
<input type="checkbox"/>	5a: Comparable Security to that of the NPSBN	5-2	Narrative	Technical Analysis and Security Review of Security Tools	Describe the RAN Project's technical and management support for security planning, development, and testing of security technologies to include technical analysis in support of development and test activities for new systems and emerging technologies. Detail the methods, processes, and procedures to document suitability, security validation, and integration activities.	8 pages
<input type="checkbox"/>	5a: Comparable Security to that of the NPSBN	5-3	Narrative	Security Integration	Describe how the RAN Project will deploy security-related software and hardware updates as specified in FirstNet's State plan.	4 pages
<input type="checkbox"/>	5a: Comparable Security to that of the NPSBN	5-4	Narrative	Security Monitoring	Describe specific technologies, methods, and techniques that the RAN Project will use to conduct security monitoring across the State's RAN environment including device management and security.	4 pages
<input type="checkbox"/>	5a: Comparable Security to that of the NPSBN	5-5	Narrative	Security Configuration Management	Detail the RAN Project's security configuration management plan incorporating planning and implementation of cybersecurity capabilities.	4 pages
<input type="checkbox"/>	5a: Comparable Security to that of the NPSBN	5-6	Narrative	Credentialing	Provide an overview of how the RAN Project will meet any NPSBN or federal government security protocol standards to comply with device/user identity credentialing and access management.	6 pages

<b>Complete</b>	<b>Demonstration</b>	<b>Reference Number</b>	<b>Element</b>	<b>Title</b>	<b>Brief Description</b>	<b>Maximum Page Length</b>
<input type="checkbox"/>	5a: Comparable Security to that of the NPSBN	5-7	Narrative	Physical Security	Describe the processes, procedures, and technologies providing physical security and physical monitoring of the RAN.	6 pages
<input type="checkbox"/>	5a: Comparable Security to that of the NPSBN	5-8	Narrative	Cybersecurity Plan Incident Response	Describe the RAN Project's cyber incident response plan. Address how the applicant will provide monitoring to rapidly detect incidents, vulnerability detection and analysis, log collection and analysis, tracking and reporting of incidents, and restoration of IT operations after an incident occurs.	4 pages
<input type="checkbox"/>	5a: Comparable Security to that of the NPSBN	5-9	Exhibit	Partner Contract	Provide the relevant sections of the State RAN partner contract supporting answers to the Security demonstration.	N/A
<input type="checkbox"/>	5b: Comparable Coverage to that of the NPSBN	5-10	Narrative	Summary of Coverage Plan	Describe how the State's plan meets comparable coverage goals, baselines, milestones, and capabilities as presented in the FirstNet State Plan. Identify any differences between the FirstNet State Plan and the State's proposed coverage plan.	8 pages
<input type="checkbox"/>	5b: Comparable Coverage to that of the NPSBN	5-11	Narrative	Coverage and Capacity	Discuss how applicant will provide the comparable coverage and capacity to the FirstNet State Plan. Discuss any variances from the FirstNet plan.	7 pages
<input type="checkbox"/>	5b: Comparable Coverage to that of the NPSBN	5-12	Exhibit	FOC Coverage Map	Provide FOC coverage map, in Esri shapefiles (.shp) and/or MapInfo (.grd/.tab) formats, to show the layers discussed in the document above.	N/A
<input type="checkbox"/>	5c: Comparable Quality of Service to that of the NPSBN	5-13	Narrative	Basic Network Services	Describe how the State will provide the same basic network services to public safety users as described in the FirstNet State Plan.	7 pages
<input type="checkbox"/>	5c: Comparable Quality of Service to that of the NPSBN	5-14	Narrative	Customer Service and Help Desk	Describe how the State will provide customer service tier levels and escalation pathways comparable to the customer service plan provided in the FirstNet State Plan.	7 pages
<input type="checkbox"/>	5c: Comparable Quality of Service to that of the NPSBN	5-15	Narrative	Network Performance Metrics	Describe how the applicant will measure network performance and what corrective actions and consequences clauses are included in the partner contract.	6 pages

<b>Complete</b>	<b>Demonstration</b>	<b>Reference Number</b>	<b>Element</b>	<b>Title</b>	<b>Brief Description</b>	<b>Maximum Page Length</b>
<input type="checkbox"/>	5c: Comparable Quality of Service to that of the NPSBN	5-16	Narrative	Monitoring Network Performance	Describe how the applicant will monitor network performance, identify network issues, and respond in a timely and effective manner, including how the applicant will address any deficiencies in the performance of the applicant's partner or subcontractors. Network KPIs as well as KPIs collected from a UE-based collection should be included in this assessment.	8 pages
<input type="checkbox"/>	5c: Comparable Quality of Service to that of the NPSBN	5-17	Narrative	Network Issue Management	Describe how the RAN Project will identify and resolve network issues, including interference, through collaboration with FirstNet, AT&T, and any other entity, which may contribute to the issue itself or the required resolution.	4 pages
<input type="checkbox"/>	5c: Comparable Quality of Service to that of the NPSBN	5-18	Exhibit	Relevant Contract Clause	Provide any supporting contract clauses that support your answers in this section above.	N/A

## C. Appendix C – Sample Compliance Certification

As noted in the Full Announcement Text, the State will self-certify that it and, if applicable, its partner will abide by all of FirstNet's network policies. This certification letter must be signed by an authorized State official and addressed to the Program Director, Carolyn Dunn, and submitted with the State's grant application. A sample certification letter is provided below.

### Sample Letter of Certification

**To:**

Carolyn Dunn  
SAPP Director  
Office of Public Safety Communication  
National Telecommunications and Information Administration  
1401 Constitution Avenue NW  
Room 4078  
Washington, DC 20230  
202-482-4103  
cdunn@ntia.doc.gov

Dear Ms. Dunn,

The State of [Insert State] has reviewed the FirstNet Network Policies S1-S32 and certifies that the State will comply with all relevant terms and conditions.

Sincerely,

---

*Sign and Date*

[State Official designated to speak on behalf of state such as Governor, Governor-

designee, Authorized Official Representative (AOR), RAN Program Manager]

[State] [Designation]

[Office Name]

[Address]

[Phone Number]

[Email Address]

## **D. Appendix D - Where to Find Information to Develop the Application**

### **D.1. FirstNet State Plan**

In the application, a State must provide specific, distinct information in order to make each demonstration. The statutory demonstrations addressing RAN Project timelines and security, coverage, and quality of service require NTIA to compare a State's application to the FirstNet State Plan. NTIA will therefore reference the FirstNet State Plan as the baseline comparison for these demonstrations. Applicants should provide the information NTIA requires for these demonstrations after review and in consideration of the relevant portions of the FirstNet State Plan. NTIA will presume that the applicant has access to FirstNet State Plan and has used it in developing its application.

### **D.2. Other Sources**

For its assessment of the statutory demonstrations on the technical capability and funding to support the RAN, maintaining ongoing interoperability, and cost effectiveness of an alternative State plan, NTIA will rely upon independently derived benchmarks for State spectrum valuation, take rates, reserve funds, and reinvestment plans, which will be used as points of comparison to an applicant's proposal. In addition, NTIA will review application responses to ensure adherence to the FirstNet network policies and relevant SMLA clauses.