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Welcome to the Broadband Technology Opportunities Program (BTOP) Update! This regular e-mail will provide recipients with information on the program, events and training, tips, and project spotlights. For more information on BTOP, please visit www.ntia.doc.gov/broadbandusa and www2.ntia.doc.gov/management.

★ Program Update

Make SBDD Part of Your Outreach

As you implement stakeholder outreach at the local level, keep in mind the recipients that received State Broadband Data and Development grants from NTIA. Each SBDD recipient is either a state agency, or the single entity in the state designated by the governor to lead on these issues. We encourage BTOP recipients to begin a dialogue with your SBDD counterpart that will build support at the state and local level, and facilitate cooperative relationships even after the initial BTOP grant period is over. Invite SBDD recipients and representatives to kickoff events and open houses. Further build the relationships by coordinating broadband adoption efforts and finding areas where you can collaborate.

SBDD grantees are responsible for gathering data twice per year on the speed and location of broadband services in their states. NTIA uses this information to populate the National Broadband Map, which will be launched later this month. In addition to data collection, many grantees are funded to form state and local task forces to expand broadband access and adoption, including the creation of local broadband planning teams, and to create and publish state broadband plans. These projects also include programs to assist small businesses and community anchor institutions in using technology more effectively, fund research to investigate barriers to broadband adoption, and develop innovative applications that increase access to government services and information.

Similarly to BTOP, SBDD fosters the idea that economic development, energy efficiency, and advances in education and health care rely not only on broadband infrastructure, but also on the knowledge and tools to leverage that infrastructure. For example, Pennsylvania's Department of Community and Economic Development will direct, implement and monitor Pennsylvania's broadband projects and also provide a "Kick Start" technical assistance program in partnership with local community and economic development organizations. The Kick Start program will encourage e-commerce, and facilitate implementation of connectivity solutions and public computer center setup. Mutual project goals of SBDD and BTOP recipients provide ideal opportunities for joint efforts to encourage broadband adoption across the country.

★ Project Highlights



Communication Service for the Deaf

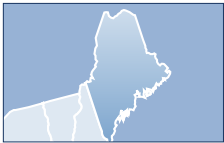
BTOP recipient Communication Service for the Deaf opened its new contact center on December 6, 2010, in Sioux Falls, SD. The center is supporting a nationwide initiative to provide discounted equipment, high-speed Internet access, and life skills training to people who are deaf and hard of hearing. Through the center's American Sign Language (ASL) trained staff, individuals who are deaf and hard of hearing will be able to purchase a video-configured Dell 11z notebook and a 3G/4G wireless Internet access plan for \$230. The center's website provides 10 web-based "how to"

training videos, using ASL to teach computer basics, technical troubleshooting solutions, and Internet search tips. Additionally, the center is also focused on increasing employment opportunities. The center will host several career training workshops, teaching interviewing skills and job search techniques for people who are deaf and hard of hearing. The center is also creating 60 new positions for ASL-trained professionals, with 40 of those positions already filled by mid-December 2010. For more information on the project, visit www.c-s-d.org.



Housing Authority of San Bernardino

The **Housing Authority of San Bernardino**, in partnership with the Career Institute National Federation Center, has enrolled more than 70 participants in a 12-week workforce training program. The curriculum offers training in writing cover letters and resumes, conducting online job searches, and applying for employment. Targeted to public housing residents at five public computer centers in San Bernardino County, Calif., participants can also earn an online National Retail certification. This certification, developed by the National Retail Federation, demonstrates that an individual is credentialed in customer service, sales, and retail management. The Housing Authority also hosted 15 job training classes and seven job search/resume workshops at its computer centers. The Housing Authority used BTOP funds to hire nine new full-time staff, but has also helped 86 computer center users/trainees gain new jobs. For more information about the organization and project, visit www.hacsb.com.



Maine Fiber

Maine Fiber Company, Inc. announced the completion of the first Three Ring Binder lateral, a five-mile section of what will become an 1,100-mile rural high-speed Internet network. A ribbon-cutting ceremony made Mid Coast Hospital in Brunswick the first of hundreds of community anchor institutions expected to connect to the Three Ring Binder stretching from Fort Kent to Biddeford. With BTOP funds, Maine Fiber will continue to build out the network in several additional locations as rapidly as possible with plans to work throughout the winter. The pole attachment phase alone will employ small, family-owned and large incumbent detailers, contractors to perform make-ready work, eight crews of construction workers, and professional services. The project is using a mix of public and private funds to connect the state to broadband services. BTOP funding is being used to build a middle mile connection to the large Internet hubs or nodes in Portland, while private money is supporting the laterals off the network needed to reach local anchor institutions. For more information about the organization and project, visit www.mainefiberco.com.

Public Safety Recipients Attend Conference

Representatives from each of the seven BTOP 700 MHz wireless broadband public safety projects spent time in December at the Department of Commerce Research Labs in Boulder, Colo., learning about the most recent developments in LTE wireless broadband technology. The meeting included approximately 300 stakeholders interested in the new wireless broadband technology and how this commercial technology could be adapted by public safety using the 700 MHz broadband spectrum. Attendees included representatives from state, local, and Federal government agencies, equipment manufacturers, cellular service providers, and other stakeholder associations. It was one of the largest events ever held at the Boulder campus and included opening remarks by Department of Homeland Security Assistant Secretary Greg Schaffer and NTIA Deputy Administrator Anna Gomez.

BTOP grant recipients from Adams County, Colo., City of Charlotte, N.C., Mississippi Education, Safety and Health Network, LA-SafetyNet, Motorola BayWEB, State of New Jersey Broadband Network, and New Mexico SIRCITS participated in discussions about network standards, potential interoperability, and equipment development and testing. The meeting was designed to advance the goal of a nationwide interoperable public safety wireless broadband network – and was an important opportunity for our public safety grantees to learn more about this technology as they prepare to deploy their own public safety networks. Attendees received information about the Public Safety Communications Research demonstration network and were able to see the equipment in operation as part of a lab tour. For more information, visit www2.ntia.doc.gov/node/695.

NTIA encourages all recipients to implement outreach activities and events in your project communities and keep us informed by sharing details about any events, project milestones, and announcements. For directions on submitting materials, navigate to www2.ntia.doc.gov/ManagementResources#resources. For public speaking requests, please complete the form located on our website here: www.ntia.doc.gov/speakerform.cfm.

★ Events and Training

“Finalizing BTOP Annual and Quarterly PPRs,” Tuesday, February 8, 1 pm EST. Representatives of the BTOP CCI team will be available to discuss recipient questions regarding revisions to the Quarterly and Annual Performance Progress Reports (PPRs) submitted on January 30 and must be approved by February 28. This is an open question-and-answer forum to clarify Quarterly and Annual PPR revisions and changes.



★ Tip of the Month

Site Visits Begin in March

BTOP Federal Program Officers (FPOs) are scheduled to begin site visits next month. The site visit is part of NTIA's stewardship of BTOP funds and is designed to monitor and provide technical assistance related to programmatic, financial, and administrative activities of grant recipients.

Site visits will occur on a rolling basis over the next three years, and your FPO will notify you prior to the target site visit date. Site visits may last up to two days. Your FPO will provide a detailed agenda in advance to help you plan. Each visit will include meetings to discuss current progress and performance, including key project goals, challenges, and financial management. Visits may also include a tour or an observation of activities supported by your grant.

The following tips can help you to prepare for a site visit:

- ▶ Organize all grant-related materials. You will spend a significant portion of the meeting reviewing award file documents and program, financial, and administrative records.
- ▶ Set aside time for key project staff to attend. The site visit agenda will list required attendees for each topic area. Review carefully and make certain each person is available. Typical attendees will include the Authorized Organization Representative (AOR), Chief Financial Officer (CFO), Project Manager, and any other individuals considered key to the project, including subrecipients in some cases.
- ▶ Identify an opportunity for the review team to directly observe an activity supported by the grant. This could be a construction site, a new or refurbished public computer center, a training session, or other activities that demonstrate your progress.
- ▶ Do not over prepare. You are not expected to make a presentation or lead the meeting.

For further information, contact your FPO.

Environmental Assessments

Two of the most critical steps in the environmental assessment (EA) can also take longer than anticipated to complete. As many of you continue to work on completing EAs, please review the following reminders about the National Historic Preservation Act (NHPA) Section 106 Consultation Process and the Fish and Wildlife Service (FWS) Endangered Species Act (ESA) Section 7.

The **NHPA Section 106 Consultation Process** typically consists of providing project information and responding to questions and requests for additional information with the appropriate State Historic Preservation Office (SHPO) and Tribal Historic Preservation Office (THPO). As NTIA has initiated all Section 106 consultations on behalf of recipients, it is now your responsibility to collaborate with the SHPO in conducting and concluding these consultations. SHPOs have 30 days to respond to NTIA's initiation letter and begin the consultation process.

- ▶ Typically, the consultation process involves:
 - Establishing the geographic areas within your proposed project that may have an effect on historic properties;
 - Evaluating the potential effect to the property based on project activities at that site; and
 - Making a determination on whether the project will or will not result in an adverse effect to the historic property.
- ▶ A recipient's final determination that the project will have "No Adverse Effect" on historic properties must be memorialized in a letter to the SHPO. Consultations are considered completed when the SHPO provides a response letter concurring with the recipient's finding that the project will have "No Effect" or "No Adverse Effect" on historical or cultural resources.
- ▶ In special cases where an adverse effect has been identified or an evaluation of certain portions of the project a not immediately possible, a Programmatic Agreement (PA) is signed between the SHPO, NTIA and recipient, and a Memorandum of Agreement (MOA) is signed between all necessary parties setting forth requirements to avoid, minimize, or mitigate an any adverse effects identified by the SHPO.
- ▶ THPOs have no obligation to respond, nor any requirement to respond within a specified time. Consultations typically conclude with no communication after a reasonable period of time, a communication of no interest, or a request to be notified if remains or artifacts are discovered.



Under **FWS ESA Section 7**, grant recipients must consult with the FWS when a project action may affect a listed endangered or threatened species. This process is accomplished either by informal or formal consultation with FWS.

- ▶ Informal consultation is initiated by the recipient approaching FWS and requesting the consultation. Typically, communications between recipients and FWS include identifying the types of listed endangered or threatened species that may reside in the proposed action area, and what effect the proposed action may have on those species.
- ▶ If the recipient, after discussions with FWS, determines that the proposed action is not likely to affect any listed species in the project area, and if FWS concurs, the informal consultation is complete and the proposed project moves ahead.
- ▶ All recipient communications with FWS, including a concurrence that the project will not likely affected listed species, should be included in the EA. If it appears that the agency's action may affect a listed species, the recipient may then prepare a biological assessment to assist in its determination of the project's effect on a species and may be required to entered into a formal consolation with FWS.
- ▶ Formal consultation, if necessary, will last no longer than 90 days and the FWS will issue a Biological Opinion (BO) within 45 days. The process is concluded once the BO is issued with one of three possible findings: not jeopardized, likely to jeopardize, or jeopardize continued existence.

In depth information about both steps is located at www2.ntia.doc.gov/compliance#environmental.

Clarification of "Make Ready" Policy

The pole owners you are working with may inquire whether the "make ready work" they perform to accommodate aerial lines and associated equipment falls under the scope of the Davis-Bacon provision of the 2009 Recovery Act.

A November 2010 letter from the Department of Labor Wage and Hour Division provides guidance on whether certain "make ready work" falls within the purview of the Act.

Pole attachment agreements are not covered by the Act and Davis-Bacon labor standards do not apply if the pole owners' work involves incidental construction activities that are:

- ▶ Necessary to ensure the capacity of their poles to accommodate a project's broadband facilities.
- ▶ Minimal.
- ▶ Beneficial to multiple users.

Davis-Bacon labor standards under DOC/BTOP do apply if the pole owners' work involves:

- ▶ Extensive replacement or upgrade of its facilities, at the expense of a broadband company in order to serve the needs of the company establishing new broadband service in an area.
- ▶ Involves substantial construction work.

You can read the full text of the letter at www.dol.gov/whd/recovery/AdvisoryLetterNaqvi.pdf.

★ FAQs: Davis-Bacon Compliance

Section 1606 of the Recovery Act requires all BTOP grant recipients, subrecipients, contractors, and subcontractors to comply with the wage requirements of the Davis-Bacon Act. The Act provides that all laborers and mechanics employed using BTOP grant funds shall be paid wages at rates not less than those on similar projects in the locality as determined by the Secretary of Labor. Specifically, the law applies to laborers and mechanics employed under contracts or subcontracts in excess of \$2,000 for **construction, alteration, or repair activities** that are funded, in whole or in part, under BTOP grant awards. Following are related questions and answers for your review.

Which provisions related to Davis-Bacon do I need to include in contracts?

Recipients are responsible for ensuring that all required contract provisions and the applicable wage determinations are included in any contract or subcontract to which the Davis-Bacon Act applies.



Does Davis-Bacon apply to my subrecipients and vendors?

Yes. All standard labor clauses (found in 29 C.F.R. sec. 5.5) apply to all contracts and subcontracts entered into by recipients, subrecipients, contractors, and subcontractors.

What should I do if a wage determination does not exist for a construction job on my project?

Submit a Conformance request using Standard Form (SF) 1444 (forms and instructions are available at <http://www.wdol.gov/library.aspx>). The following information is required to complete the forms:

- ▶ Description of the work to be done (identified with a classification that is used in the subject area in the construction industry)
- ▶ Proposed wage rate that bears a reasonable relationship to existing wage determinations. The proposed wage rate should generally be no lower than the wage rate of the lowest skilled classification on the determination.

If you are unable to find a suitable wage determination for construction work and need to use the Conformance process, please send fully completed SF-1444's directly to your Federal Program Officer.

If you have any comments, suggestions, or ideas for the next issue of the BTOP Update, please submit them to your FPO. We look forward to hearing from you!

