

Special Award Conditions

Award Number: NT10BIX5570038

Amendment Number: 2

1) Revised 1975 Project-Specific SAC (For-Profit Recipient Audit Requirements) NT10BIX5570038

Proposed Project-Specific Special Award Conditions:

C. For-Profit Recipient Audit Requirement

A for-profit organization or receiving a BTOP award exceeding \$100,000 shall have a program-specific audit performed. The auditor should follow generally accepted government auditing standards and the requirements for a program-specific audit as described in OMB Circular A-133 section 235. A copy of the program-specific audit shall be submitted to the Grants Officer and to the DOC OIG at the following address:

Office of Inspector General

U. S. Department of Commerce

Atlanta Regional Office of Audits

401 West Peachtree Street, N.W., Suite 2742

Atlanta, Georgia 30308

An audit is required within 90 days after the end of the first year and within 90 days from the project expiration date including the close-out period for the award.

Due Date: 05/29/2011

2) Revised 1975 Environmental SAC NT10BIX5570038

The grantee may not expend any Federal funds other than Management and Administration (M&A) funds prior to the following:

- The completion of consultation with the State Historic Preservation Office (SHPO) and with the appropriate federally recognized Native American tribes, as required under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) (NHPA);

- Upon completion of the Section 106 compliance process, supporting documentation must be provided. If the project is found to have adverse impacts to cultural or historic resources, then a Record of Environmental Consideration must be developed, and accompanied by a Memorandum of Agreement signed by the SHPO, NTIA, and the grantee.

Project implementation (procurements, demolition, construction, ground disturbance, etc.) may not begin prior to the completion of the above activities. All Consultation activities must be completed no later than six months after the award date unless a formal request for extension is submitted and approved by the Grants Officer. The grantee must comply with all conditions placed on the project as the result of consultation processes.

The allowable use of M&A funds prior to beginning project implementation includes, but is not limited to, activities necessary for the completion of the following:

- Pre-construction project planning, including collecting environmentally related information;

- Applications for environmental permits;
- Required consultation activities.

While this Special Award Condition is in effect, the Recipient shall submit, in advance of any draw downs from Automated Standard Application for Payments (ASAP), documentation that details all M&A expenditures to be covered with the requested disbursement of funds. This documentation will be submitted electronically to the Grant Office and reviewed and approved by the Program Officer prior to funds being approved for disbursement through ASAP.

Once the Consultation activities have been completed, NTIA will review all documentation and determine whether the Consultation activities sufficiently address historical and/or cultural resource impacts. Projects found to have significant impacts to historic resources may face de-obligation of funding if impacts cannot be mitigated. The grantee is required to provide any information requested by NTIA to ensure both initial and ongoing compliance with environmental and historic preservation laws, regulations, and best practices. The grantee shall notify NTIA within twenty-four (24) hours upon receipt of any notices of foreclosure, notices for continuing consultation received from the SHPO, Tribal Historic Preservation Office (THPO), or other consulting party, or notices of noncompliance received from consulting authorities or regulatory agencies.

For all ground disturbing activities that occur during project implementation, the recipient must ensure that an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards monitors ground disturbance, and if any potential archeological resources are discovered, then the grantee will immediately cease construction in that area and notify NTIA and the appropriate SHPO or THPO.

NEPA Determination

The proposed activities are categorically excluded from the need for further environmental review under NEPA.

The activities associated with this project qualify under BTOP Categorical Exclusions:

- B.1: Construction of buried and aerial telecommunications lines, cables, and related facilities;
- B.5 Changes or additions to existing substations, switching stations, telecommunications switching or multiplexing centers, or external changes to buildings or small structures requiring one acre or more but no more than five acres of new physically disturbed land or fenced property; and
- B.7: Changes or additions to microwave sites, substations, switching stations, telecommunications switching or multiplexing centers, buildings, or small structures requiring new physical disturbance or fencing of less than one acre (0.4 hectare).

The activities associated with this project also qualify under DOC Categorical Exclusions:

- A-2 New construction upon or improvement of land where all of the following conditions are met: (a) The site is in a developed area and/or a previously disturbed site, b) The structure and proposed use are compatible with applicable Federal, Tribal, State, and local planning and zoning standards and consistent with Federally approved State coastal

management programs, (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area, (d) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings, and (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.).

Any change to the approved project scope that has the potential for altering the nature or extent of environmental or cultural resources impacts must be brought to the attention of NTIA and will be re-evaluated for compliance with applicable regulatory requirements.

Due Date: 09/01/2010

3) Revised 1975 Project-Specific SAC (Accounting System Verification) NT10BIX5570038

Proposed Project-Specific Special Award Conditions:

A. Accounting System Verification

The recipient shall submit a signed statement from a licensed public accountant, certifying the ability of the recipient's financial management system to appropriately track and account for federal grants funds and expenditures associated with the funded project. This statement must be received within 60 days of the award start date and the recipient is not allowed to obligate, expend, or draw down any funds until this statement is received and accepted by the Grants Officer.

Due Date: 04/29/2010

4) Revised 1975 BTOP-Wide SAC NT10BIX5570038

Proposed BTOP-wide Special Award Conditions:

G. Post Award Reporting Requirements:

The recipient shall submit a "Financial Status Report" (SF-425) on a quarterly basis for the periods ending March 31, June 30, September 30, and December 31 or any portion thereof. Reports are due no later than 30 days following the end of each reporting period. A final SF-425 shall be submitted within 90 days after the expiration date of the award.

The recipient shall submit program-specific quarterly performance reports electronically to the Federal Program Officer in the same frequency as the Financial Status Report (SF- 425) unless otherwise authorized by the Grants Officer. The Federal Program Officer will provide updated instructions for accurate report completion at least 30 days prior to reporting period end date.

Recipients shall submit baseline project plans and details regarding key outputs and outcomes from their projects with their first quarterly performance (technical) report. Federal Program Officers will provide guidance on the format and content of these baseline plans and details for this one-time data gathering activity.

H. Notice of Limited Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA)

In accordance with Section 1605 of the Recovery Act, the Secretary of Commerce has granted a limited waiver of the Recovery Act's Buy American requirements with respect to certain broadband equipment that will be used in projects funded under the BTOP. A description of this equipment is included in the notice of waiver published in the Federal Register at 74 FR31410 (July 1, 2009).

