



Broadband Technology Opportunities Program (BTOP) Ongoing Post-Closeout Requirements

The purpose of this document is to ensure that recipients understand their ongoing obligations after their BTOP award is officially closed. As prescribed by award-specific special award conditions and the Department of Commerce's Uniform Administrative Requirements (UAR), which are incorporated into all BTOP award terms and conditions, recipients have specific requirements that they must adhere to after they receive their official closeout notification from the Grants Office. Recipients should develop a plan to ensure that they have the necessary resources to remain in compliance with these post-closeout obligations. Failure to comply with these requirements may constitute a breach of your award terms and conditions and result in an agency enforcement action.

Post-Closeout Responsibilities and Timeline

Throughout the useful life of all award-funded property, recipients must seek prior approval from the Grants Office and NTIA for equipment sales in accordance with the UARs. For fiber assets, recipients must seek prior approval for **up to twenty years** after the award is officially closed. The following table outlines some of the key post-closeout requirements and their timeframes for adherence following an award's official close:

<u>Recipients have up to Nine Months</u> Non-Profit and For-Profit Audit Requirements	<u>Recipients have up to Two Years</u> Property Management Requirements	<u>Recipients have up to Five Years</u> Documentation Requirements
<ul style="list-style-type: none"> ■ Non-profit organizations, universities, and state, local and tribal government recipients are required to submit an A-133 Audit. An A-133 recipient must submit this audit to the Federal Audit Clearinghouse within nine months after the end of its fiscal year ■ For-profit recipients are required to submit a Program-Specific Audit and must submit the final audit within 180 days after the end of the award period 	<ul style="list-style-type: none"> ■ Recipients must conduct a physical inventory of all BTOP-funded property at least once every two years, for the duration of the property's useful life ■ If a recipient has undeployed property to cover the reasonably foreseeable needs of the project at the end of its award period, it may, per NTIA approval, deploy that property in accordance with its approved BTOP project within two years. If the property is not deployed within this two-year time frame, NTIA may take action to recover its federal share 	<ul style="list-style-type: none"> ■ Record retention and access requirements are set forth in 15 C.F.R. §§ 14.53 and 24.42, as applicable. Records for real property and equipment acquired with Federal funds shall be retained for three years after final disposition of relevant real property or equipment. The retention period may be longer if any litigation, claim, or audit is started before the expiration of the three year period ■ Recipients must renew their Uniform Commercial Code (UCC) documentation, typically every five years, throughout the useful life of award-funded property. Recipients must submit this updated UCC to NTIA





Additional Resources

For additional guidance, please refer to the following:

- Round One NOFA, 74 Fed. Reg. 33104 (July 9, 2009), available at http://www.ntia.doc.gov/files/ntia/publications/fr_bbnofa_090709.pdf.
- Round Two NOFA, 75 Fed. Reg. 3792 (Jan. 22, 2010), available at http://www.ntia.doc.gov/files/ntia/publications/fr_btopnofa_100115_0.pdf.
- Department of Commerce Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit and Commercial Organizations, 15 CFR Part 14 http://www2.ntia.doc.gov/files/award_docs/15cfr14.pdf.
- Department of Commerce Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 15 CFR Part 24, http://www2.ntia.doc.gov/files/award_docs/15cfr24.pdf.
- BTOP Useful Life Schedule, available at http://www2.ntia.doc.gov/files/fact_sheet_useful_life_schedule_082510_v1.pdf.
- BTOP Nondiscrimination and Interconnection Obligations Fact Sheet, available at: http://www2.ntia.doc.gov/files/Interconnection_Nondiscrimination_11_10_10_FINAL.pdf
- BTOP Federal Interest Documentation Requirements Fact Sheet, available at: http://www2.ntia.doc.gov/files/fact_sheet_federal_interest_082510_v2_1.pdf
- Fact Sheet on BTOP's Sale/Lease Restriction, Indefeasible Rights-of-Use, and Fiber Swaps, available at http://www2.ntia.doc.gov/files/btopsale-leaseirufactsheet_final_112612.pdf
- Fact Sheet on Uniform Commercial Code (UCC) Documentation Renewal Process, available at http://www2.ntia.doc.gov/files/recipient-facing_ucc_renewal_checklist_2014-08-08_final.pdf

