

## Special Award Conditions

**Award Number:** NT11BIX5570001

**Amendment Number:** 10

### 1) Required Corrective Action Plan for Eagle Net Alliance (NT11BIX5570001)

#### 1) Construction, Monitoring, and Oversight of Network

Since ENA was not planning to construct or operate the new network itself, a strong project oversight plan is essential.

A. Please provide plan for overseeing the construction, management, and operation of the network by a subrecipient or third party. The plan should address how ENA will ensure that financial obligations (e.g., timely payment of vendors), and compliance requirements (e.g., allowable costs, financial management, federal interest and inventory management) are met.

B. Please attach an organizational chart outlining all entities that will be involved in the implementation and operation of the network going forward and the responsibilities of each entity (including which entities have oversight of other entities, if applicable).

#### 2) Transfer of Security Interest in Equipment Purchased with Federal Funds

One of the Special Award Conditions for the grant imposed a requirement that the recipient will not sell, transfer, convey, or mortgage any interest in the real property including broadband equipment acquired or improved or in whole or in part with Federal funds made available under the award, nor shall the recipient use the real property including broadband facilities and equipment and for purposes other than the purposes for which the award was made, without the prior written approval of the Grants Officer. ENA entered into a security agreement with Affiniti, in which, under certain circumstances, ENA would transfer all right, title, and interest in and to all property to Affiniti without obtaining written approval from the Grants Officer.

By August 15, 2015, ENA must amend or terminate all agreements with Affiniti to remove any provisions relating to the transfer of a security interest in assets that were purchased using Federal funds. Please provide a copy of the amended or terminated agreements to NTIA.

By August 15, 2015, Affiniti must amend or rescind all UCC filings that it has filed with ENA concerning the security interests that it received from ENA related to assets purchased using Federal funds. Please provide a copy of the filing to NTIA.

**Due Date: 08/15/2015**

### 2) Required Corrective Action Plan Eagle Net UCC -1 Documentation and Inventory of Equipment

#### 3) UCC-1 Documentation and Inventory of Equipment

By no later than August 30, 2015, ENA must file UCC-1 to secure the federal interest in remaining fiber routes and equipment not covered under current filings. Prior to filing the required documentation, NTIA strongly recommends providing it to NTIA at least 3 working days in advance for review of accuracy and completeness. Please see the instructions in the BTOP Federal Interest Fact Sheet

[http://www2.ntia.doc.gov/files/fact\\_sheet\\_federal\\_interest\\_082510\\_v2\\_1.pdf](http://www2.ntia.doc.gov/files/fact_sheet_federal_interest_082510_v2_1.pdf). However, the name of the secured party should be “National Telecommunications and Information Administration.” Also note that, consistent with the instructions, the federal interest percentage should not be listed on the document.

As noted above and as required in your special award conditions and 15 C.F.R. §23.32(d), this UCC-1 filing includes an updated inventory of equipment purchased with federal or matching funds, in the form of a spreadsheet (in format such as Excel) and should contain the following information:

- Title holder
- Asset Tag Number
- Vendor
- Manufacturer
- Model
- Serial number
- Brief description of (e.g., “12-foot antenna”)
- Acquisition date
- Reimbursement number, if available
- Unit acquisition cost
- Cost of grant-funded improvements
- Location

**Due Date: 08/30/2015**