

Special Award Conditions

Award Number: NT10BIX5570102

Amendment Number: 2

1) 4.) **Disclose any unapproved project modifications**

BTOP recipients are required to seek the approval of NTIA and the NOAA grants office for any changes to their planned activities, including the addition or removal of routes, CAIs, Points of Interconnection, or structures. Unless approved, any costs associated with such changes may be disallowed. During the conference call on July 11, 2012, it appeared that there was confusion among recipient staff regarding this requirement. As a result, the CAP response should include:

- a. A complete description of any changes that the recipient plans to make or did make to its grant-funded network. In its response, the recipient must clearly distinguish those changes already made without NTIA and NOAA consent and those it would like to make in the future
- b. This description should accompany the standard project modification checklists used by NTIA and provided by your Federal Program Officer. These are the (i) programmatic checklist and (ii) the Environmental and Historic Preservation (EHP) checklist
- c. Appropriate maps must be included, which depict the planned location of project facilities (as approved in the grant) and those modifications made or planned by the recipient

Due Date: 08/17/2012

2) 3.) **IRU Vendor Business Cases**

The recipient has indicated that each of its vendors planned to construct facilities in the region, independently of the proposed BTOP network and funding. During the conference call of July 11, 2012, recipient staff used this explanation as the rationale under which it excluded these leased routes from the EA. Given its concerns, NTIA is seeking further information that would justify this assertion. Specifically, the CAP response should include:

- a. Any available evidence that demonstrates that the IRU vendors planned to construct network facilities in the region independently of the proposed BTOP network and funding
- b. If direct evidence is not available, a narrative explaining the recipient's understanding of vendor plans -- and some information on the dates of meetings or communications that lead to that understanding -- should be presented.

Due Date: 08/17/2012

3) 2.) **Describe the IRU procurement and evaluation process**

The recipient should provide a detailed description of its process to acquire the 850 miles of leased dark fiber. The CAP response must include:

- a. A copy of the recipient's Request for Proposal (or other documentation, as appropriate)
- b. The evaluation and scoring methodology used to select the project's vendors
- c. The proposals, including any appendices or attachments, for the winning bids

- d. The resulting IRU agreements executed between the recipient and the winning bidders
- e. A description of the payment terms/milestones entered into by the recipient with each of its vendors. This must include a description of whether Federal funds were released prior to the start of construction of any network segments in areas not reviewed in the EA or referenced in the FONSI
- f. An accounting of all grant funds drawn from the Federal government and paid to these vendors for network leases, to date. If known, this should include the segment and the reason for the payment (e.g., up-front fee, acceptance of construction, acceptance of service, etc.)

Due Date: 08/17/2012

4) 1.) Description Of All Construction Activities

The recipient should provide a detailed description of the project implementation activities that have been undertaken by its IRU vendors up to the current date. The CAP response must include:

- a. Maps of all routes for which Federal funds have been expended to lease network facilities from other owners. These maps should include all applicable fiber, including backbone, lateral, and distribution fibers. The maps should identify the segments that: (i) were completed prior to the completion of the EA and issuance of the FONSI; (ii) began construction prior to completion of the EA and the issuance of the FONSI; and (iii) began construction after completion of the EA and issuance of the FONSI
- b. An update on the total number of linear miles leased for project use
- c. Documentation showing evidence that the IRU vendors had appropriate permits for construction. Of specific interest are any permits required by the U.S. Army Corps of Engineers for construction in, or adjacent to, wetlands.

Due Date: 08/17/2012