

**ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY
Band 14 Incumbent Spectrum Relocation Grant Program**

EXECUTIVE SUMMARY

Federal Agency Name: First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of Commerce

Funding Opportunity Title: Band 14 Incumbent Spectrum Relocation Grant Program

Announcement Type: Initial Announcement

Funding Opportunity Number: 2016-NTIA-SRGP-01

Catalog of Federal Domestic Assistance (CFDA) Number(s): 11.014, Band 14 Incumbent Spectrum Relocation Grant Program

Dates: Applications must be submitted electronically through www.grants.gov and must be received by the www.grants.gov online system no later than 11:59 p.m. Eastern Daylight Time (EDT) on May 16, 2016. See Section IV.4. below for detailed information concerning submission dates and instructions for submitting applications.

Applicants should be aware, and factor in their application submission planning, that the Grants.gov system is expected to be closed for routine maintenance at these times: from 12:01 a.m. Eastern Time, Saturday, March 19, 2016 until Monday, March 21, 2016 at 6:00 a.m. Eastern Time, and from 12:01 a.m. Eastern Time, Saturday, April 16, 2016 until Monday, April 18, 2016 at 6:00 a.m. Eastern Time. Applications cannot be submitted when Grants.gov is closed.

When developing your submission timeline, please keep in mind that (1) all applicants are required to have a current registration in the System for Award Management (SAM.gov); (2) the free annual registration process in the electronic SAM.gov (see Section IV.3. and Section IV.4.). generally takes between three to five business days, but may take more than two weeks, so applicants should plan accordingly; (3) electronic applicants are required to have a current registration in Grants.gov; and (4) applicants will receive a series of e-mail messages from Grants.gov over a period of up to two business days before learning whether a Federal agency's electronic system has received its application. Please note that a federal assistance award cannot be issued if the designated recipient's registration in the System for Award Management (SAM.gov) is not current at the time of the award.

Application Submission: Complete applications for the Band 14 Incumbent Spectrum Relocation Grant Program must be submitted electronically through www.grants.gov and received no later than 11:59 p.m. Eastern Daylight Time (EDT) on May 16, 2016. The date and time stamp on the validation generated by www.grants.gov will be deemed the official submission date and time. Applications or portions thereof submitted by postal mail, courier,

email or by facsimile will not be accepted. *See* Section IV.4 in the Full Announcement Text of this FFO for detailed information concerning application submission requirements.

Funding Opportunity Description: The First Responder Network Authority (FirstNet) issues this Federal Funding Opportunity to describe the requirements under which FirstNet will award grants for the Band 14 Incumbent Spectrum Relocation Grant Program. The Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. No. 112-96, Title VI, 126 Stat. 156 (codified at 47 U.S.C. 1401 *et seq.*)) (the Act) established FirstNet as an independent authority within the National Telecommunications and Information Administration. The Act established FirstNet's duty and responsibility to ensure the building, deployment, and operation of the nationwide public safety broadband network (NPSBN).¹ Under section 6206(b)(4)(D) of the Act, FirstNet has the authority "take such other actions as may be necessary to accomplish the purposes set forth in this subsection," namely FirstNet's responsibility to ensure the deployment and operation of the NPSBN. This grant program is intended to assist public safety entities that are currently operating on Band 14 to relocate their communications operations to other frequencies allocated by the Federal Communications Commission, and provide the unencumbered spectrum that is necessary for the NPSBN.

Funding Instrument: Grant.

Cost Sharing or Matching Requirements: The Band 14 Incumbent Spectrum Relocation Grant program does not require cost sharing or matching.

¹ 47 U.S.C. § 1426(b)

I. Program Description

1. Overview

On February 22, 2012, Congress enacted the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. No. 112-96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*)) (the Act), which mandated the creation of the nationwide public safety broadband network (NPSBN) dedicated to police, firefighters, emergency medical service professionals and other public safety entities. The Act's governing framework for the development, deployment and operation of the NPSBN created the First Responder Network Authority (FirstNet), an independent authority within the National Telecommunications and Information Administration (NTIA) at the U.S. Department of Commerce.

As directed by the Act, FirstNet holds a single, nationwide license issued by the Federal Communications Commission (FCC) to utilize frequencies 758.00 to 769.00 MHz and 788.00 to 799.00 MHz for the purposes of ensuring the development, deployment and operation of the NPSBN. This range of frequencies is often referred to as "Band 14."

A number of public safety entities around the nation are still operating on the FirstNet-licensed Band 14 frequencies under previously issued FCC authorizations. These public safety entities (incumbents) will be required to relocate their communications operations from Band 14 to other frequencies allocated by the FCC to ensure unencumbered (clear – free of interference) spectrum, which is necessary for successful NPSBN development, deployment and operations. To facilitate the Band 14 spectrum clearance effort, FirstNet has established the Band 14 Incumbent Spectrum Relocation Grant Program. The principal purpose of this federal grant program is to facilitate this relocation, and enable these public safety entities to continue to operate their public safety communications systems on other frequencies allocated by the FCC without interruption.

This Federal Funding Opportunity (FFO) is the initial announcement of this funding opportunity.

2. Funding Program Description

The Act authorizes FirstNet to establish a grant program to assist public safety entities that are currently operating on Band 14 to relocate their communications operations to other frequencies allocated by the FCC, and provide the unencumbered spectrum that is necessary for the NPSBN.

Up to \$40 million in funds are available to FirstNet for purposes of implementing the Band 14 Incumbent Spectrum Relocation Grant Program.

3. Funding Program Priorities

The Band 14 Incumbent Spectrum Relocation Grant program will support certain costs incurred by incumbents that are associated with retuning and reprogramming communications equipment currently operating on the Band 14 spectrum during a 12-month

period of performance. This would thereby facilitate the relocation of such incumbents to other FCC-allocated frequency assignments. Procurement of new communications equipment (e.g. radios, vehicle repeaters, fixed site repeaters, antenna combiners) by incumbents will be considered for funding only if the application clearly demonstrates that the retuning or reprogramming of existing equipment is not cost effective or cannot be achieved due to equipment obsolescence. Any determination that an incumbent's procurement of new communications equipment is appropriate may impact the grant amount that such applicant is eligible to receive under this program.

Throughout the grant period of performance, FirstNet will require recipients to show that they are on track to accomplish the specific allowable and approved activities described in the award package by the end of the period of performance. These activities will include, but not be limited to: (1) establishing a project plan for relocation off of the Band 14 spectrum and onto other FCC-allocated frequency bands; (2) key milestones within the period of performance to show progress towards the program goal; and (3) other requirements specific to the grantee's communications needs.

4. Authority

FirstNet issues this FFO pursuant to section 6206 of the Act, which provides FirstNet with broad authority to implement the NPSBN, including by providing financial assistance for specific purposes. Without relocating incumbent public safety users, FirstNet would be impeded in its ability to deploy and operate the NPSBN and unable to meet its objective to enhance and advance public safety communication. Because the Act provides FirstNet with various authorities to accomplish its public purpose, FirstNet has determined that it may provide financial assistance to relocate public safety incumbents to give full meaning to the provisions of the Act consistent with Congressional intent. Funding for this program is authorized under section 6206(e) of the Act, which provides that FirstNet may use amounts deposited in the Network Construction Fund to carry out its powers, duties, and responsibilities under section 6206 of the Act. This grant program will assist public safety entities that are currently operating on Band 14 to relocate their communications operations to other frequencies allocated by the FCC, and provide the unencumbered spectrum that is necessary for the NPSBN.

II. Federal Award Information

1. Funding Availability

FirstNet will make up to \$40 million available for Federal grant awards under the Band 14 Incumbent Spectrum Relocation Grant Program.

2. Project/Award Period

The period of performance under a Band 14 Incumbent Spectrum Relocation Grant Program award may not exceed 1 year (12 months). The anticipated period of performance will be August 1, 2016 to July 31, 2017. A no-cost extension may be considered based on need.

3. Award Amount

The Band 14 Incumbent Spectrum Relocation Grant Program is a competitive grant program with no minimum or maximum amount prescribed for any single award. Award amounts may be limited based on the availability of grant funds. We anticipate up to 15 public safety incumbents eligible for award. Award amounts will vary based on estimated project costs. Award amounts will be determined by the process outlined in Section V and will be influenced by whether proposed costs to relocate from Band 14 are presented as reasonable, necessary, cost-efficient, allowable and allocable.

4. Renewal or Supplementation

Applications for renewal or supplementation of existing projects are not eligible for this grant program.

5. Type of Funding Instrument

The funding instrument for awards made pursuant to the FFO will be a grant.

III. Eligibility Information

1. Eligible Applicants

State, county, and municipal government public safety entities (and agencies thereof) that are currently FCC-licensed for and operating on Band 14 frequencies for the express purposes of public safety communications as of the posting date of this FFO on Grants.gov.

2. Cost Sharing or Matching

The Band 14 Incumbent Spectrum Relocation Grant program does not require cost sharing or matching.

3. Other Requirements

Funding under the Band 14 Incumbent Spectrum Relocation Program will be awarded to select incumbents – state, county, and municipal public safety entities who possess a current FCC Public Safety 700MHz license and have demonstrated current, active utilization of the Band 14 spectrum in their public safety operations. Funding will be awarded to incumbents for the purposes of retuning and reprogramming communications equipment. In certain, unique cases, procurement of new communications equipment may be considered and potentially allowed at FirstNet’s sole discretion based upon findings of the peer review outlined in Section V. Modification of affected FCC licenses showing clearance from the Band 14 spectrum will also be required in certain cases. The incumbent must agree to relocate from Band 14 within the required 12-month period of performance, and must be actively using the Band 14 spectrum as of the publishing of this FFO on Grants.gov.

Grant funds may only be used for eligible costs, described in Section IV.6. of this FFO, that are incurred by an incumbent within a 12-month period of performance. Applicants must commit to achieving the spectrum relocation within the required period of performance. A no-cost extension of time may be considered on a case-by-case basis and will be based on a demonstrated need. Grant funds may only be used for eligible costs and may not be used for interoperable communications infrastructure upgrades, expansion, or to resolve pre-existing infrastructure or network deficiencies or shortcomings. In addition, any project which would require an environmental assessment or an environmental impact study, as determined by FirstNet, will not be considered under this program.

IV. Application and Submission Information

1. Address to Request Application Package

Application forms and instructions are available on the Grants.gov website (www.grants.gov). To access these materials, go to <http://www.grants.gov>, select “Apply for Grants,” and then select “Download Application Package.” Enter the funding opportunity number 2016-NTIA-SRGP-01. Select “Download Application Package,” and then follow the prompts. To download the instructions, go to “Download Application Package” and select “Instructions.” We recommend applicants visit Grants.gov prior to filing their applications so that they fully understand the process and requirements. Failure to properly register and apply for the Band 14 Incumbent Relocation Grant funds by the deadline established in this FFO may result in forfeiture of the grant opportunity. Applications are accepted until the deadline and are processed as received. Applications submitted by e-mail or facsimile will not be accepted. Applicants may also request an application package by contacting the Federal Awarding Agency contact listed in Section VII. of this FFO.

2. Content and Form of Applications

a. Required Forms and Documents

Applications must be complete and follow the format described in this FFO. The following elements are required for a complete application package:

- (1) **Standard Form 424, Application for Federal Assistance.** This must be signed by the applicant’s authorized organization representative (AOR). Electronic signatures submitted through www.grants.gov satisfy this requirement. The list of certifications and assurances referenced in Item 21 of the SF-424 is contained in the SF-424B.
- (2) **Standard Form 424A, Budget Information--Non-Construction Programs.** Please carefully follow the directions found at <http://www.grants.gov/web/grants/form-instructions/sf-424a-instructions.html> when filling out this form. The Grant Program Function or Activity on Line 1 under Column (a) should be entered as “Band 14 Incumbent Spectrum Relocation

Grant Program”. The Catalog of Federal Domestic Assistance Number on Line 1 under Column (b) should be “11.014”.

- (3) **Standard Form 424B, Assurances--Non-Construction Programs.**
- (4) **CD-511 Certification Regarding Lobbying.** Enter “2016-NTIA-SRGP-01” in the Award Number field. Enter the title of the application used in field 15 of the SF-424, or an abbreviation of that title, in the Project Name field.
- (5) **Standard Form LLL, Disclosure of Lobbying Activities.** (if applicable)
- (6) **Supplemental Application Narrative.** The Supplemental Application Narrative is a document which must provide a narrative of the applicant’s capacity and qualifications, including knowledge and experience, plus its staffing plan. Additionally, the applicant must fully respond to the evaluation criterion set out in Section V.1. of this FFO, including copies of the two fully completed tables referenced in Section V.1.A.(2) of this FFO. It is critical that the responses accurately describe the project being proposed and convey all essential elements and objectives of the proposed activities. When completing this narrative section, applicants should follow the same topical order presented within Supplemental Narrative Questions in Sections V.1.A.(1) and (2) to ensure that reviewers can easily locate responses. (*Supplemental Application Narrative not to exceed 30 pages*).
- (7) **Detailed Budget Justification and Narrative.** In addition to the Standard Form 424A Budget Information form, applicants must include a detailed budget justification in the form of a spreadsheet as well as a budget detail narrative in the form of a word document. All budget information submitted with the application should match the dollar amounts on required Standard Form 424 and Standard Form 424A forms. The budget narrative must be accompanied by a spreadsheet listing itemized costs by category (*e.g.*, salary, supplies, equipment, contractual) supporting how the budget request was calculated. Spreadsheets must be formatted to fit letter-sized paper (8.5" x 11"). A budget justification in narrative form must also be provided to explain and justify all project costs, including contractual costs. This narrative must be organized to clearly correspond to the information provided in the budget table or spreadsheet. Detail provided in the spreadsheet and/or the narrative must also be sufficient so that reviewers can interpret how costs were estimated or calculated, especially for costs over \$5,000 (including any contractual costs). The budget narrative (and the Standard Form 424A form) and spreadsheet must clearly distinguish those costs proposed to be supported with Federal funds. (*Budget Narrative not to exceed 5 pages. Budget detail must be in the form of a spreadsheet*).
- (8) **Indirect Cost Rate Agreement.** If indirect costs are included in the proposed budget, provide a copy of the approved negotiated agreement if this rate was negotiated with a cognizant Federal audit agency. If the rate was not established

by a cognizant Federal audit agency, provide a statement to this effect. If the successful applicant includes indirect costs in the budget and has not established an indirect cost rate with a cognizant Federal audit agency, the applicant will be required to obtain such a rate in accordance with the Department of Commerce Financial Assistance Standard Terms and Conditions available at: <http://go.usa.gov/hKbj>. This does not count toward the page limit.

Alternatively, in accordance with 2 C.F.R. § 200.414(f), applicants that have never received a negotiated indirect cost rate may elect to charge indirect costs to a FirstNet award pursuant to a de minimis rate of 10 percent of modified total direct costs (MTDC), in which case a negotiated indirect cost rate agreement is not required. Applicants proposing a 10 percent de minimis rate pursuant to 2 C.F.R. § 200.414(f) should note this election as part of the budget portion of the application.

- (9) **Copy of FCC license.** The applicant must provide a photo copy or electronic scanned copy of their FCC license showing that they have a current license and are operating on the Band 14 spectrum.
- (10) **Copy of Agency-approved Frequency Assignment Plan.** The applicant must provide a photo copy or electronic scanned copy of their current agency-approved communications or frequency assignment plan depicting the specific Band 14 frequencies programmed into radios and systems.

When submitting the application electronically via Grants.gov, items IV.2.a.(1). through IV.2.a.(5). above are part of the standard application package in Grants.gov and can be completed through the download application process. Items IV.2.a.(6). through IV.2.a.(10). must be completed and attached by clicking on “Add Attachments” found in item 15 of the SF-424, Application for Federal Assistance. This will create a zip file that allows for transmittal of the documents electronically via Grants.gov.

Applicants should carefully follow specific Grants.gov instructions at www.grants.gov to ensure the attachments will be accepted by the Grants.gov system. *A receipt from Grants.gov indicating an application is received does not provide information about whether attachments have been received.*

b. Application Format

- (1) **E-mailed and facsimile (fax) submissions.** Will not be accepted.
- (2) **Figures, graphs, images, and pictures.** Should be of a size that is easily readable or viewable and may be landscape orientation.
- (3) **Font.** Easy to read font (10-point minimum). Smaller type may be used in figures and tables but must be clearly legible.
- (4) **Line spacing.** Applicants may use single spacing or double spacing.

- (5) **Margins.** One (1) inch top, bottom, left, and right.
 - (6) **Page layout.** Portrait orientation except for figures, graphs, images, and pictures. Paragraphs are to be clearly separated from each other by double spacing, paragraph formatting or equivalent.
 - (7) **Page limit.** The Supplemental Application Narrative is limited to 30 pages.
 - (a) **Page limit includes:** The text of the Supplemental Application Narrative, as described in section IV.2.a.(6) of this FFO.
 - (b) **Page limit excludes:** SF-424, Application for Federal Assistance; SF-424A, Budget Information – Non-Construction Programs; SF-424B, Assurances – Non-Construction Programs; CD-511, Certification Regarding Lobbying; SF-LLL, Disclosure of Lobbying Activities (if applicable); Detailed Budget Spreadsheet and Budget Narrative; Indirect Cost Rate Agreement; copy of FCC license; and the copy of the Agency-approved Frequency Assignment Plan.
 - (8) **Page numbering.** Number pages sequentially.
 - (9) **Page size.** 21.6 centimeters by 27.9 centimeters (8 ½ inches by 11 inches).
 - (10) **Application Language.** English.
 - (11) **Pre-Applications, white papers and letters of intent.** Pre-Applications, white papers and letters of intent are not required and will not be accepted for this program.
 - (12) **Typed document.** All applications, including forms, must be typed.
- c. **Application Replacement Pages.** Applicants may not submit replacement pages and/or missing documents once an application has been submitted. Any revisions must be made by submission of a new application that must be received by FirstNet by the submission deadline.
 - d. **Certifications Regarding Federal Felony and Federal Criminal Tax Convictions, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns.** In accordance with Federal appropriations law, an authorized representative of the selected applicant(s) may be required to provide certain pre-award certifications regarding federal felony and federal criminal tax convictions, unpaid federal tax assessments, and delinquent federal tax returns.

3. Unique Entity Identifier (UEI) and System for Award Management (SAM)

Pursuant to 2 C.F.R. part 25, applicants and recipients (as the case may be) are required to: (i) be registered in SAM before submitting its application; (ii) provide a valid unique entity identifier

in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency, unless otherwise excepted from these requirements pursuant to 2 C.F.R. § 25.110. FirstNet will not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time that FirstNet is ready to make a Federal award pursuant to this FFO, FirstNet may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

a. UEI. All applicants must supply a UEI (formerly known as a DUNS number). Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1-866-705-5711 or via the Internet at <http://fedgov.dnb.com/webform>.

b. System for Award Management (SAM). All applicants must register in the SAM before submitting an application. Additionally, the applicant must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. Applicants can register for the SAM at <https://www.sam.gov/>.

4. Submission Dates and Times

Complete applications for the Band 14 Incumbent Spectrum Relocation Grant Program must be submitted electronically through www.grants.gov, under announcement 2016-NTIA-SRGP-01. Applications or portions thereof submitted by mail, courier, email or by facsimile will not be accepted. Applications submitted electronically through the online www.grants.gov system must be received no later than 11:59 p.m. (EDT) on May 16, 2016. The date and time stamp on the validation generated by www.grants.gov will be deemed the official submission date and time. All application forms and documents must be included with an applicant's submission via www.grants.gov.

Applicants should be aware, and factor in their application submission planning, that the Grants.gov system is expected to be closed for routine maintenance at these times: from 12:01 a.m. Eastern Time, Saturday, March 19, 2016 until Monday, March 21, 2016 at 6:00 a.m. Eastern Time, and from 12:01 a.m. Eastern Time, Saturday, April 16, 2016 until Monday, April 18, 2016 at 6:00 a.m. Eastern Time. Applications cannot be submitted when Grants.gov is closed.

1. Submitters of electronic applications should carefully follow specific Grants.gov instructions to ensure the attachments will be accepted by the Grants.gov system. A receipt from Grants.gov indicating an application is received does not provide information about whether attachments have been received. For further information or questions regarding applying electronically for the 2016-NTIA-SRGP-01 announcement, contact Federal Awarding Agency contact listed in Section VII. of this FFO.

2. Applicants are strongly encouraged to start early and not wait until the approaching due date before logging on and reviewing the instructions for submitting an application through Grants.gov. The Grants.gov registration process must be completed before a new registrant can apply electronically. If all goes well, the registration process takes three (3) to five (5) business days. If problems are encountered, the registration process can take up to two (2) weeks or more. Applicants must have a valid unique entity identifier number and must maintain a current registration in the Federal government's primary registrant database, the System for Award Management (<https://www.sam.gov/>), as explained on the Grants.gov website. See also Section IV.3. of this FFO. After registering, it may take several days or longer from the initial log-on before a new Grants.gov system user can submit an application. Only authorized individual(s) will be able to submit the application, and the system may need time to process a submitted application. Applicants should save and print the proof of submission they receive from Grants.gov. If problems occur while using Grants.gov, the applicant is advised to (a) print any error message received and (b) call Grants.gov directly for immediate assistance. If calling from within the United States or from a U.S. territory, please call 800-518-4726. If calling from a place other than the United States or a U.S. territory, please call 606-545-5035. Assistance from the Grants.gov Help Desk will be available twenty-four hours a day, with the exception of Federal holidays. Help Desk service will resume at 7:00 a.m. Eastern Time the day after Federal holidays. For assistance using Grants.gov, you may also contact support@grants.gov.
3. To find instructions on submitting an application on Grants.gov, Applicants should refer to the "Applicants" tab in the banner just below the top of the www.grants.gov home page. Clicking on the "Applicants" tab produces two exceptionally useful sources of information, Applicant Actions and Applicant Resources, which applicants are advised to review.

Applicants will receive a series of e-mail messages over a period of up to two business days before learning whether a Federal agency's electronic system has received its application. Closely following the detailed information in these subcategories will increase the likelihood of acceptance of the application by the Federal agency's electronic system.

Applicants should pay close attention to the guidance under "Applicant FAQs," as it contains information important to successful submission on Grants.gov, including essential details on the naming conventions for attachments to Grants.gov applications.

All applicants should be aware that adequate time must be factored into applicants' schedules for delivery of their application. Applicants are advised that volume on Grants.gov may be extremely heavy as the deadline date approaches.

The application must be both received and validated by Grants.gov. The application is "received" when Grants.gov provides the applicant a confirmation of receipt and an application tracking number. If an applicant does not see this confirmation and tracking number, the application has not been received. After the application has been received, it must still be validated. During this process, it may be "validated" or "rejected with errors." To know

whether the application was rejected with errors and the reasons why, the applicant must log in to Grants.gov, select “Applicants” from the top navigation, and select “Track my application” from the drop-down list. If the status is “rejected with errors,” the applicant may still seek to correct the errors and resubmit your application before the deadline. If the applicant does not correct the errors, the application will not be forwarded to FirstNet by Grants.gov.

5. Intergovernmental Review

This program is subject to coverage under Executive Order 12372, "Intergovernmental Review of Federal Programs." An applicant must therefore consult the office or official designated as the Single Point of Contact (SPOC) in its State for more information on the process the State requires to be followed in applying for assistance, if the State has selected the program for review. The names and addresses of the SPOCs are listed on the Office of Management and Budget's web page at: http://www.whitehouse.gov/omb/grants_s poc.

6. Funding Restrictions

Grantees may only use funds awarded under the Band 14 Incumbent Spectrum Relocation Grant Program to pay for eligible costs. Eligible costs are consistent with the cost principles identified in 2 C.F.R. part 200, including Subpart E of such regulations,^[1] and in support of the incumbent Band 14 spectrum relocation necessary for the deployment of NPSBN as authorized under the Act. In addition, costs must be reasonable, necessary, cost-efficient, allowable and allocable for the proposed project, and conform to generally accepted accounting principles. Grant funds may be used to cover only eligible costs incurred by the grantee during the period of performance not to exceed 12-months and for allowable costs incurred by the grantee during the grant closeout process.

1. **Eligible Costs.** Eligible costs under the Band 14 Incumbent Spectrum Relocation Grant will include the following categories of expenses:^[2]
 - a) Personnel costs, including salaries, for staff directly working on relocation implementation and management activities such as project managers, grant administrators, financial analysts, radio equipment technicians, and accountants;
 - b) Fringe Benefit costs for those employees charging personnel costs to the grant program;
 - c) Mileage and per diem costs incurred by personnel to travel to access and/or transport equipment for retuning and reprogramming radio equipment;

^[1] The government has established a set of principles for determining eligible or allowable costs. Allowable costs are determined in accordance with the cost principles applicable to the entity incurring the costs. For example, whether costs incurred by State, local or Indian tribal governments that are federally recognized are allowed is determined in accordance with the provisions of 2 CFR Part 200, Subpart E.

^[2] Applicants and recipients should comply with the *FY 2015 SAFECOM Guidance for Emergency Communications Grants*, as applicable. The *SAFECOM Guidance* is available at [Fiscal Year 2015 SAFECOM Guidance on Emergency Communications Grants](#).

- d) Costs to develop or modify their Band 14 relocation project plans;
- e) Consultation/contractual costs to retune, reprogram or procure allowable communications equipment such as subscriber equipment, mobile radio equipment, and repeaters.
- f) Standards-based interoperable communications equipment that will facilitate the transition from the Band 14 spectrum to alternative radio spectrum allocated by the FCC. Procurement of new equipment will only be allowed if the applicant demonstrates, with FirstNet validation, that retuning or reprogramming existing equipment is not cost effective or cannot be achieved due to equipment obsolescence. If new equipment is requested, the applicant must submit a cost analysis. New equipment funded under this grant must comply with APCO P25 standards.
- g) Ancillary equipment used to facilitate the relocation and confirm capabilities is also allowable (e.g., radio frequency and network test equipment including handheld spectrum analyzers, cable testers).
- h) FirstNet will reimburse applicants for proposed indirect (F&A) costs in accordance with 2 C.F.R. § 200.414.

2. Ineligible Costs. Funds awarded under the Band 14 Incumbent Spectrum Relocation Grant Program may not be used for the following activities:

- a) Pre-award costs incurred prior to the period of performance.
- b) Construction or any activity that requires an environmental assessment or an environmental impact study, as determined by FirstNet, to include modification of radio towers.
- c) Travel costs other than mileage and per diem costs incurred by personnel to travel to access and/or transport radio equipment for retuning and reprogramming.
- d) Costs associated with the decommission of any system or equipment to include costs associated with the disposal or recycling of any equipment.
- e) Legal services provided by outside/third-party organizations related to the spectrum relocation process.
- f) Training costs related to grants management or the retune or replacement of equipment.
- g) Any fees or costs associated with upgrading systems in preparation for the NPSBN.
- h) Any employee or contractor overtime charges, and fringe benefit costs associated with such overtime charges.

7. Material Representations

The application, including certifications, and all forms submitted as part of the application, will be treated as a material representation of fact upon which FirstNet will rely in awarding grants. Applicants should be aware that all or portions of their Band 14 Relocation Grant application may be made publicly available by FirstNet or as required under applicable Federal laws. Please be mindful if providing any law enforcement sensitive or otherwise non-public information within the grant application. See Section VIII.4. of this FFO for additional information concerning the confidentiality of information contained in an application.

V. Application Review Information

1. Evaluation Criteria

FirstNet will evaluate applications for the Band 14 Incumbent Spectrum Relocation Grant Program on the basis of the following criteria. The relative weight of each criterion is identified in parentheses.

A. Supplemental Application Narrative (80 Points Total)

(1) Project Feasibility (15 Points)

- a. *Applicant Capacity, Knowledge, and Experience* (5 points) – Reviewers will assess the extent to which the application demonstrates that the applicant possesses the necessary qualifications to complete the proposed project within Program standards. In performing this assessment, reviewers will consider the applicant’s organizational capacity and its specific knowledge and experience, along with associated personnel, in conducting projects of similar scope and scale. Reviewers will assess the qualifications and past experiences of the project leaders and/or partners in public safety telecommunications in designing, implementing, and effectively managing and overseeing the projects that provide telecommunications services to public safety agencies.
- b. *Staffing* (10 points) – Reviewers will assess whether the planned staffing levels are necessary and reasonable to accomplish the tasks proposed in the application, including financial and programmatic management of a Band 14 incumbent spectrum relocation grant.

(2) System Description and Implementation Project Plan (65 Points Total)

- a. *Existing Communication System* (15 points) – Reviewers will assess the applicant’s responses regarding the current system they are using on the Band 14 spectrum, including the manufacturer(s) and type of infrastructure; any aspects of the system or operating environment that require special rebanding techniques. The applicant should include a complete technical description to include make, model, product number, all functional capabilities and age of current equipment/system being proposed for replacement. The reviewer will assess the extent to which the applicant provided a clear and reasoned problem statement (issue, background, impacts to mission) of why the current equipment/system must be retuned, reprogrammed or replaced and how cost efficient their solution is for meeting the goals of moving off the Band 14 spectrum.

The reviewer will use the table below, which must be provided by the applicant, to assess effectiveness and cost efficiency of an applicant’s approach toward the retuning, reprogramming, or replacement of the major system elements (as shown in the model below):

	Total in System	Total requested in the Band 14 budget request	<u>Current System Proposed for Replacement</u> (Make, Model, Product Number, Age and Functional Capabilities)
Base station frequencies			
-Voice channels			
-Home/Control channels			
Repeater sites			
Other sites (remote receiver, BDA)			
Subscriber units retuned			
Subscriber units reprogrammed			
Subscriber units replaced			
Entities operating on the system			
Other major system elements (list)			

- b. *Reconfiguration Process* (20 points) – Reviewers will assess the extent to which the applicant fully describes how the communications equipment will be retuned or reprogrammed to include: the level of effort by type of resource (typically person hours; for example, 1 person for 4 hours per site); and who will conduct the retuning/reprogramming (i.e., in house staff, contractual staff).

If an applicant determines that equipment cannot be retuned or reprogrammed to provide capabilities that are comparable to those presently in use and new equipment must be purchased, the reviewers will assess the extent to which the applicant provides a detailed and reasonable cost analysis to include the type of equipment to be purchased and the factors that make the purchase of new equipment necessary. For example, the cost analysis would provide a synopsis of any market research performed which validates current equipment/system incompatibility for retuning or reprogramming. Applicants should identify the least costly solution that provides at least equivalent capability to the agency’s current capability. If agencies want to procure equipment that is more expensive, they will be responsible for the extra costs.

- c. *Risk Mitigation* (5 Points) – Reviewers will assess how well the applicant addresses any anticipated complications with the method for retuning or reprogramming (procurement

concerns, staffing concerns, etc.) and how they will be remedied. Response should include a description of any obstacles, laws, and/or legal issues that may impede the applicant’s ability to complete the grant program objectives within the period of performance.

- d. *Management of the Procurement Process (as applicable) (5 Points)* – Reviewers will assess if the applicant fully describes the agency’s procurement policy and the process for obtaining services or equipment to assist with the reprogramming or retuning effort to move off the spectrum. The aim of this assessment is to ensure that contract(s) will accomplish the reconfiguration within the grant period of performance and that the applicant has sufficient capability to manage the process in an efficient manner. Should an applicant not require any procurement process for either equipment or labor, they will receive the maximum number of points as they will not be required to oversee and manage a procurement process.
- e. *Project Plan (20 Points)* – Reviewers will assess the extent to which the applicant provides a feasible and detailed timeline for completing the project within a period of performance not to exceed 12 months, including: the anticipated start date of the overall reconfiguration of the system; procurement milestones (if applicable); the anticipated number of days after project start date required to begin execution of the task identified; and the estimated duration in number of days required to complete the task identified. If the system is large (grant request exceeds \$3,000,000) and activity will be phased through the period of performance, the applicant is encouraged to submit a more detailed project timeline or schedule so the reviewer can accurately assess the feasibility of project milestones. The reviewer will assess how well the applicant describes the major milestones as shown in the project plan below, which must be submitted by the applicant:

Project Task	Start Date	# of Days After Project Start Date for Start of Task	Estimated Duration in Number of Days
Project Start (should be after grant award date)			
Reconfiguration Planning			
Procurement process (identification of vendor or service provider)			
Enter into contract with vendor (as applicable)			
Reconfiguration of subscriber equipment			
Reconfiguration of infrastructure equipment			
System acceptance			
Provide copy of modified FCC license			

B. Detailed Budget Justification and Narrative (20 Points)

This criterion evaluates the extent to which the application presents a budget via the Detailed Budget Justification and Narrative that is both reasonable and cost efficient, identifying the lowest cost, technically sufficient solution when considering the nature and full scope of the project. Reviewers will also consider how well the application has demonstrated adequate and appropriate budget resources to execute the proposed activities of the grant. The budget narrative should include a complete technical description of the equipment or infrastructure reconfiguration, or the items and the associated cost of replacement (including the make, model, product number, and functional capabilities.)

For infrastructure equipment reconfiguration, the applicant should fully describe costs associated with reconfiguring central site equipment including control systems and network management systems, as appropriate. This would include special rebanding requirements and associated costs that are unique to the system. For repeater site infrastructure, the budget narrative should itemize the costs associated with reconfiguring each repeater site. Examples of these costs include:

- Pre-retune and post-retune site verification and test;
- Installation and removal of loaner or replacement equipment;
- Reconfiguration of trunking controllers;
- Reconfiguration of repeaters and auxiliary receivers;
- Reconfiguration of transmit combiners, receive multicouplers, tower top amplifiers, antennas, and feedline elements; and/or
- Reconfiguration of bi-directional amplifiers.

2. Review and Selection Process

The review process will be divided into three stages as outlined below:

A. Initial Administrative Review of Applications. An initial review of timely received applications will be conducted to determine eligibility, completeness, and responsiveness to this FFO and the scope of the stated program objectives. Applications determined to be ineligible, incomplete, and/or non-responsive may be eliminated from further review. However, with coordination with the Grants Office, FirstNet, in its sole discretion, may continue the review process for an application that is missing non-substantive information that can easily be rectified or cured.

B. Technical Review. Each eligible application will be reviewed by at least three peer/expert reviewers who have demonstrated expertise in both the programmatic and technical aspects of the program. The peer/expert reviewers will individually evaluate and score applications according to the evaluation criteria provided in Section V.A. of this FFO and provide individual score sheets and technical comments for each applicant to Program staff. Should an application not achieve an average score of at least 70 points by the peer/expert reviewers, Program staff will contact the applicant regarding the need to revise the application based on peer review feedback. Revisions are intended to resolve material weaknesses and/or deficiencies with the application as identified by the peer/technical reviewers, which may include but are not limited to proposed implementation plans and proposed budget items. Program staff may also request additional clarifying information and/or corroborating documentation from applicants. Once Program staff

receives application revisions, the same peer/expert reviewers will again assess and score the application. Revised applications that fail to achieve an average score of at least 70 points by the peer/technical reviewers may be subjected to additional rounds of requested revisions by Program staff and rescoring by the peer/technical reviewers in accordance with this subsection. Each peer/technical reviewer will be required to sign and submit a nondisclosure and confidentiality form to prevent the dissemination of confidential information, and to prevent financial and other conflicts of interest.

C. Programmatic Review and Award Recommendations. Following the technical review process and for each eligible application that obtains an average score of at least 70 points from the peer/technical reviewers, Program staff will review the application for conformity with programmatic objectives. Program staff will analyze applications considered for award to assess: (a) whether a proposed project meets Program Priorities (see I.2. of this FFO) of clearing the spectrum; (b) the feasibility of the proposed implementation plan; and (c) the allowability, reasonableness, necessity, and allocability of budgeted costs. Program staff may request necessary clarifications from applicants during the programmatic review process as well.

Once this programmatic review is complete and based on the individual merits of each application, Program staff will provide a list of all applications received and those applications recommended for funding to the Selecting Official, along with copies of all applications, all the scores and technical assessments of the reviewers, and all information obtained from the applicants during the evaluation, review and application revision processes. The Selecting Official will generally select and recommend applications for funding based on the recommendations from Program staff. The Selecting Official, however, retains the discretion to select and recommend an application for funding that was not recommended by Program staff based on one of the Selection Factors set forth in Section V.3. of this FFO and/or not to select an application that was recommended for funding by Program staff. The Selecting Official's recommendation to the Grants Officer shall set forth the bases for the selection decisions.

The FirstNet CEO or his delegate will serve as the Selecting Official and, in accordance with this subsection, will recommend approval of applications selected for funding to be confirmed by the Finance Committee of the FirstNet Board. The final approval of selected applications and the issuance of awards will be made by the National Institute for Standards and Technology (NIST) Grants Officer, who serves as the Grants Officer for the Band 14 Incumbent Spectrum Relocation Grant Program. The award decisions of the NIST Grants Officer are final.

D. Federal Awarding Agency Review of Risk Posed by Applicants. After applications are proposed for funding by the Selecting Official, NIST Grants Management Division (GMD) performs pre-award risk assessments in accordance with 2 C.F.R. § 200.205, which may include a review of the financial stability of an applicant, the quality of the applicant's management systems, the history of performance, and/or the applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities. In addition, prior to making an award where the total Federal share is expected to exceed the simplified acquisition threshold (currently \$150,000), NIST GMD will review and consider the publicly available information about that applicant in the Federal Awardee Performance and Integrity Information System (FAPIIS). An applicant may, at its option, review and comment on information about

itself previously entered into FAPIIS by a Federal awarding agency. As part of its review of risk posed by applicants, NIST GMD will consider any comments made by the applicant in FAPIIS in making its determination about the applicant's integrity, business ethics, and record of performance under Federal awards. Upon completion of the pre-award risk assessment, the Grants Officer will make a responsibility determination concerning whether the applicant is qualified to receive the subject award and, if so, whether appropriate special conditions that correspond to the degree of risk posed by the applicant should be applied to an award.

3. Selection Factors. The Selection Factors for this FFO are as follows:

- a. The availability of funds;
- b. Relevance of the proposed project to the program goals and policy objectives of the Band 14 Incumbent Spectrum Relocation Grant Program;
- c. Reviewers' and Program staff evaluations, including technical comments;
- d. The need to assure appropriate distribution of FirstNet grant funds to incumbents relocating from Band 14;
- e. Whether the project duplicates other projects funded by: the Department of Commerce or by other Federal agencies; State, county, and/or municipal government public safety entities (and agencies thereof); or from other public or private sources.

4. Anticipated Announcement and Award Dates. FirstNet (through the NIST Grants Officer) anticipates awarding all Band 14 Incumbent Spectrum Relocation grants no later than July 29, 2016.

5. Additional Information.

- a. Notification to Unsuccessful Applicants. Unsuccessful applicants will be notified in writing.
- b. Retention of Unsuccessful Applications. An electronic copy of each non-selected application will be retained for three (3) years for record keeping purposes. After three (3) years, it will be destroyed.

VI. Federal Award Administration Information

1. Award Notices

Applicants will be notified in writing by the Department of Commerce's (DOC) Grants Officer if their application is selected for an award. The DOC's Grants Officer notification of Band 14 Incumbent Spectrum Relocation grant awards will come from NIST. If the application is selected for funding, the DOC's Grants Officer will issue the grant award (Form CD-450), which is the authorizing financial assistance award document. By signing the Form CD-450, the grantee agrees to comply with all award provisions, terms, and conditions.

If an applicant is awarded funding, neither DOC nor FirstNet is under any obligation to provide any additional future funding in connection with that award or to make any future award(s). Amendment of an award to extend the period of performance is at the discretion of FirstNet and the Grants Officer.

2. Administrative and National Policy Requirements

A. Uniform Administrative Requirements, Cost Principles and Audit Requirements.

Through 2. C.F.R. § 1327.101, the Department of Commerce adopted the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which apply to awards made pursuant to this FFO. Refer to <http://go.usa.gov/SBYh> and <http://go.usa.gov/SBg4>.

B. Department of Commerce Financial Assistance Standard Terms and Conditions. The Department of Commerce will apply the Financial Assistance Standard Terms and Conditions dated December 26, 2014 to this award. If the Department of Commerce publishes revised Standard Terms and Conditions prior to issuance of awards under this FFO, the revised Standard Terms and Conditions will apply. Refer to Section VII. of this FFO, Federal Awarding Agency Contacts, Grant Rules and Regulations, if you need more information.

C. Department of Commerce Pre-Award Notification Requirements. The Department of Commerce will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements dated December 30, 2014 (79 FR 78390). If the Department of Commerce publishes revised Pre-Award Notification Requirements prior to issuance of awards under this FFO, the revised Pre-Award Notification Requirements will apply.

D. Funding Availability and Limitation of Liability. Funding for the program listed in this notice is contingent upon the availability of Fiscal Year 2016 appropriations. In no event will FirstNet, NTIA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of agency priorities. Publication of this announcement does not oblige NIST or the Department of Commerce to award any specific project or to obligate any available funds.

3. Reporting

To ensure compliance with Federal regulations and collect systemic evaluation data on each project, successful Band 14 relocation grant applicants have a number of basic reporting requirements once they are awarded a grant.

1. Reporting Schedule

During the project period of this grant, the grantee shall submit performance progress and financial reports on a calendar year quarterly basis for the period ending March 31, June 30, September 30, and December 31, or any portions thereof.

2. Reporting Requirements

A. Performance Progress Reports. The quarterly performance progress reports should contain the following information: (a) a comparison of actual accomplishments during the reporting period with goals and dates for the reporting period; (b) a description of any problems that have arisen or the reasons why established goals have not been met; and (c) actions taken to remedy any failures to meet goals. The performance progress report is due 30 calendar days following the end of each calendar quarter (April 30, July 30, October 30, and January 30).

B. Federal Financial Report. Each quarter, grantees must report on obligations and expenditures using the Federal Financial Report (Standard Form 425). The report is due 30 calendar days following the end of each calendar quarter. A report must be submitted for each calendar quarter that the grant is active, including partial calendar quarters or when no financial activity occurs.

C. Closeout Report. At project completion, FirstNet grantees must also provide a closeout report. This report is due 90 days following the final award end date. This report would include activity covering the entire project period.

D. Recipient Integrity and Performance Matters. In accordance with section 872 of Public Law 110-417 (as amended; see 41 U.S.C. 2313), if the total value of a recipient's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of an award made under this FFO, then the recipient shall be subject to the requirements specified in Appendix XII to 2 C.F.R. Part 200 (<http://go.usa.gov/cTBwC>), for maintaining the currency of information reported to SAM that is made available in FAPIIS about certain civil, criminal, or administrative proceedings involving the recipient.

E. Audit Requirements. 2 C.F.R. Part 200 Subpart F, adopted by the Department of Commerce through 2 C.F.R. § 1327.101 requires any non-Federal entity (including non-profit institutions of higher education and other non-profit organizations) that expends Federal awards of \$750,000 or more in the recipient's fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the Subpart. Applicants are reminded that NIST, the Department of Commerce Office of Inspector General, or another authorized Federal agency may conduct an audit of an award at any time.

F. Federal Funding Accountability and Transparency Act of 2006. In accordance with 2 C.F.R. Part 170, all recipients of a Federal award made on or after October 1, 2010, are required to comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282). In general, all recipients are responsible for reporting sub-awards of \$25,000 or more. In addition, recipients that meet certain criteria are responsible for reporting executive compensation. Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding. Also see the Federal Register notice published September 14, 2010, at 75 FR 55663, available at <http://go.usa.gov/hKnQ>.

VII. Federal Awarding Agency Contact(s)

Loren Southard
Senior Advisor - Telecommunications Policy Analyst
First Responder Network Authority
12201 Sunrise Valley Dr. M/S 243
Reston, VA 20192
Phone: (571) 665-6147
E-mail: loren.southard@firstnet.gov
Fax: (571) 665-6221

Please direct inquiries regarding grant rules, regulations, and management to:

Robin Bunch
NIST Grants Officer
Grants Management Division
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899
Phone: (301) 975-8006
E-mail: robin.bunch@nist.gov
Fax: (301) 975-8006

Please direct media inquiries to:

Ryan Oremland
Director of Communications
First Responder Network Authority
12201 Sunrise Valley Dr. M/S 243
Reston, VA 20192
Phone: (571) 665-6186
E-mail: ryan.oremland@firstnet.gov

VIII. Other Information

1. Discretionary Awards. The Federal government is not obligated to make any award as a result of this FFO, and will fund only projects that are deemed likely to achieve the Program's goals and for which funds are available.

2. Third Party Beneficiaries. The Band 14 Incumbent Spectrum Relocation Grant Program is a discretionary grant program that is not intended to and does not create any rights enforceable by third party beneficiaries.

3. Environmental and National Historic Preservation Requirements. Applicants seeking Federal funding may be required to provide environmental information and gather information from Federal and State regulatory agencies, including the designated State Historic Preservation Office and Indian tribes, as appropriate. The failure to provide such information, when requested

by FirstNet, shall be grounds for not selecting an application. In some cases, if additional information is required after an application is selected, funds may be withheld by the Grants Officer under a Special Award Condition requiring the grantee to submit additional environmental compliance information sufficient to enable FirstNet to make an assessment of any impacts that a project may have on the environment.

Regulations implementing the National Environmental Policy Act of 1969, as amended (NEPA), require FirstNet to provide, as appropriate, public notice of the availability of project-specific environmental documents. Detailed information on FirstNet compliance with NEPA may be found at the following website: <http://www.firstnet.gov/content/notice-firstnet-national-environmental-policy-act-nepa-implementing-procedures>. FirstNet's Categorical Exclusions can be found here: <http://www.firstnet.gov/content/firstnet-notice-national-environmental-policy-act-categorical-exclusions>.

4. Confidentiality of Applicant Information. Applicants are encouraged to identify and label any confidential and proprietary information contained in their applications. FirstNet will protect confidential and proprietary information from public disclosure to the fullest extent authorized by applicable law, including the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552), the Trade Secrets Act, as amended (18 U.S.C. 1905), and the Economic Espionage Act of 1996 (18 U.S.C. 1831 *et seq.*).

Additionally, some of the information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under Federal control is subject to request made pursuant to FOIA, all determinations concerning the release of information of this nature are made on a case-by-case basis and may fall within one or more of the available exemptions under the FOIA. The applicant is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application. The applicant should be familiar with the regulations governing Protected Critical Infrastructure Information (6 CFR Part 29) and Sensitive Security Information (49 CFR Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

5. Waiver Authority. It is the general intent of FirstNet not to waive any of the requirements set forth in this FFO. However, under extraordinary circumstances and when it is in the best interest of the Federal government, FirstNet, upon its own initiative or when requested by an applicant, may waive certain requirements contained in this FFO. Waivers may only be granted for requirements that are discretionary and not mandated by statute or other applicable law. Any applicant request for a waiver must set forth the extraordinary circumstances for the request and must be submitted with the application.

6. Executive Order 12866. FirstNet has determined that this FFO is not economically significant for purposes of Executive Order 12866. Executive Order 12866 defines a significant regulatory action as one that is likely to result in a rule that may: (1) have an annual effect on the

economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order. Based on the overall funding amount and the nature of the funded activities, these factors are not applicable to the Band 14 Incumbent Spectrum Relocation Grant Program programmatic requirements. Thus, this FFO is not significant.

7. Executive Order 13132 (Federalism). FirstNet has determined that this FFO does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

8. Intergovernmental Review. Applications under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs," which requires intergovernmental consultation with State and local officials. All applicants are required to submit a copy of their applications to their designated state Single Point of Contact (SPOC) offices.

9. Administrative Procedure Act/Regulatory Flexibility Act. The Administrative Procedure Act (APA) does not require prior notice and an opportunity for public comments for rules or notices that concern grants, benefits, or contracts (5 U.S.C. 553(a)(2)). Nor is such prior notice required by any other law. Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable.

Additionally, FirstNet is exempt from requirements of the APA and from the Regulatory Flexibility Act pursuant to 47 U.S.C. § 1426(d). Therefore, a regulatory flexibility analysis has not been prepared.

10. Paperwork Reduction Act. This FFO is not subject to the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) but will use OMB approved standard forms. Applicants have been requested to submit applications using Standard Forms 424, 424A, 424B, SF-LLL and CD-511, all of which have been approved by OMB under the respective control numbers 4040-0003, 4040-0004, 4040-0006, 4040-0007, and 0348-0046.