

**NTIA Notice of Funding Opportunities (NOFO)
for the Middle Mile Broadband Infrastructure Grant (MMG) Program
Summary
May 13, 2022**

Background:

The \$1 Billion Middle Mile Broadband Infrastructure Grant (MMG) Program provides funding for the construction, improvement, or acquisition of middle mile infrastructure.

- Complete applications are due on **September 30, 2022**.
- NTIA expects to complete its review, selection of successful applicants, and award processing by February 16, 2023.
- NTIA expects that the start date for awards will be no earlier than **March 1, 2023**.

I. Program Description

A. Overview of the Middle Mile Grant Program

- The two objectives of the program are to “encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to the backbone of the internet” and to “promote broadband connection resiliency through the creation of alternative network connection paths that can be designed to prevent single points of failure on a broadband network.” (5)

B. Definitions

- (17) Underserved. An “underserved” area is one that is designated as a Tribally underserved area or one that is no larger than a census block that, according to the Federal Communications Commission’s (FCC’s) fixed broadband map, does not have access to 100/20 Mbps or to higher minimum download and upload speeds that the FCC subsequently establishes. (7)
- (18) Unserved. An “unserved” area is one that is designated as a Tribally underserved area or one that is no larger than a census block that, according to the FCC’s fixed broadband map, does not have access to 25/3 Mbps or to higher minimum download and upload speeds that the FCC subsequently establishes. (7)

II. Federal Award Information

- Period of Performance. 5 years. (8)
- Award Amount. NTIA expects to make awards between \$5,000,000 to \$100,000,000. Eligible entities requesting amounts for projects outside of this range must provide a reasonable explanation for the variance. (8)

III. Eligibility Information and Program Details

- MMG Program Applicant Qualifications. An “eligible entity,”—defined as “a State, political subdivision of a State, Tribal government, technology company, electric utility, utility cooperative, public utility district, telecommunications company, telecommunications cooperative, nonprofit foundation, nonprofit corporation, nonprofit institution, nonprofit association, regional planning council, Native entity, or economic development authority; or a partnership of two (2) or more entities described—among other requirements, must certify their financial, managerial, technical, and operational capability. (9-12)
- Buildout Benchmarks. 40 percent of project miles by the end of the second year after the award date, 60 percent of project miles by the end of the third year, 80 percent of project miles by the end of the fourth year, and 100 percent of project miles by the end of the fifth year. The project must be completed, lit, and operating no later than five years from the date on which the grant funds are made available to the eligible entity. (13)
- Prioritization of Applications Meeting Statutory Criteria. The MMG Program will prioritize applications that meet at least two of the following five criteria:
 - The eligible entity adopts fiscally sustainable middle mile strategies.
 - The eligible entity commits to offering non-discriminatory interconnection to terrestrial and wireless last mile broadband providers and any other party making a bona fide request.
 - The eligible entity identifies specific terrestrial and wireless last mile broadband providers that have (i) expressed written interest in interconnecting with middle mile infrastructure planned to be deployed by the eligible entity; and (ii) demonstrated sustainable business plans or adequate funding sources with respect to such interconnection described in the NOFO.
 - The eligible entity has identified supplemental investments or in-kind support (such as waived franchise or permitting fees) that will accelerate the completion of the planned project.
 - The eligible entity has demonstrated that the middle mile infrastructure will benefit national security interests of the United States and the Department of Defense. (13-14)
- Connections to Anchor Institutions. Each applicant seeking an award to build middle mile infrastructure using fiber-optic technology must certify that the proposed project, upon completion, will include direct interconnection facilities that will facilitate the provision of broadband service, at 1 Gigabit per second symmetrical speeds to anchor institutions located within 1,000 feet of the middle mile infrastructure. (14)
 - These requirements may be waived in full or in part, to the extent the eligible entity demonstrates that the requirement is not technically or economically feasible. (14)
- Fair Labor Practices. Applicants must produce a demonstrated record of and plans to be in compliance with federal labor and employment laws where applicable. (15-16)

- Highly Skilled Workforce. Applicants must submit a plan for ensuring that the project workforce will be appropriately skilled and credentialed (including by the applicant and each of its contractors and subcontractors). (16)
- Advancing Equitable Workforce Development and Job Quality Objectives. Applicants must demonstrate that they are making appropriate investments to develop a skilled, diverse workforce for the jobs that the applicants need to fill. (17-18)
- Climate Resilience. Noting that retrofitted and new infrastructure for broadband might be expected to have a lifetime of 2 years or more, applicants must demonstrate that they have sufficiently accounted for current and future weather- and climate-related risks to new MMG Program infrastructure projects. (19-20)

[Omitted Section IV. Application and Submission Information]

V. Application Review Information

- Review Process for the MMG Program.
 - *Initial Administrative and Eligibility Review of Complete Application Packets*. After determining that an application is complete, NTIA will evaluate whether the proposed project meets the Infrastructure Act's threshold eligibility criteria. Each applicant must:
 - Provide evidence sufficient to demonstrate that it "is capable of carrying out a proposed project in a competent manner."
 - Certify that the proposed project will, upon completion, be capable of supporting retail broadband service.
 - Commit to a non-federal cost share of no less than 30 percent of the total project cost.
 - Make a binding commitment to prioritize at least one of the following: connecting middle mile infrastructure to last mile networks that provide or plan to provide broadband service to households in unserved areas; connecting non-contiguous trust lands; or the offering of wholesale broadband service at reasonable rates on a carrier-neutral basis.
 - A grantee using fiber-optic technology shall offer interconnection in perpetuity, where technically feasible without exceeding current or reasonably anticipated capacity limitations, on reasonable rates and terms to be negotiated with requesting parties. (35-36)
 - *Merit Review*. Reviewers will evaluate applications according to the following evaluation criteria and will independently score each application based on a scale of 0-100:
 - **Project Purpose and Benefits (60 points)**
 1. Extent to which the project will either (a) facilitate deployment of high-speed broadband networks to currently unserved or underserved areas or (b) improve affordability in

already-served markets (e.g., by reducing interconnection costs for last mile providers or providing opportunities for competitive providers to offer last-mile service). **(20 points)**

2. Whether the project will offer non-discriminatory interconnection in perpetuity, where technically feasible without exceeding current or reasonably anticipated capacity limitations, on reasonable rates and terms to be negotiated with requesting parties. Such interconnection must include both the ability to connect to the public internet and physical interconnection for the exchange of traffic. **(10 points)**

The points “will be available both to fiber projects (which will automatically receive full points, because they cannot reach Merit Review without committing to interconnection meeting this requirement) and to non-fiber projects. This approach will ensure that fiber projects are not disadvantaged via other projects in the scoring process, while providing strong incentives for applicants proposing non-fiber projects to commit to the same interconnection required of fiber-based providers.”

3. Whether the provider commits to offering access to the funded middle mile infrastructure, in perpetuity, on an open access basis. **(10 points)**
4. Extent to which the project will otherwise benefit the proposed service area, including, but not limited to, by (a) facilitating development of carrier-neutral interconnection facilities; (b) improving the redundancy or resiliency of existing middle mile infrastructure; or (c) including direct interconnect facilities that will facilitate the provision of broadband service to anchor institutions located within 1,000 feet of the middle mile infrastructure at speeds of at least 1 Gbps symmetrical. **(10 points)**
5. Comprehensiveness and appropriateness of the proposed technical solution for meeting the community’s needs, considering the offering’s capacity and performance characteristics. Reviewers will consider the proposed network’s ability to serve anticipated last mile networks, and to meet the increasing needs of the households, businesses, and anchor institutions in the areas linked by the middle mile facilities at issue. Reviewers will score favorably construction projects that are “shovel ready” and capable of completion within a two-year period. **(10 points)**

- Project Sustainability (40 points)

1. Applicant’s organizational capability to complete the specific project proposed. (5 points)
2. Reasonableness of the applicant’s proposed budget. **(10 points)**
3. Project’s fiscal sustainability beyond the award period. **(10 points)**
4. Applicant’s commitment to contribute a non-federal cost share of more than 30 percent of the total eligible project costs as reflected in the proposed project budget. **(5 points for non-federal share between 30 and 40 percent, 10 points for non-federal share between 41 and 50 percent, 15 points for more than 50 percent non-federal share) (37)**

- *Programmatic Review.* NTIA will first review any application that received a mean score of 80 or higher during the Merit Review and for which the applicant has demonstrated that it will meet at least two of the five requirements set forth in Section 60401(d)(2) of the Infrastructure Act. The Programmatic Review Process will involve two steps: (1) the submission and review of supplemental information (if applicable); and (2) an assessment of all projects to consider and calculating weighted scores to reflect each project's likelihood of advancing those goals. Specifically, based on the factors listed below, each project's mean Merit Review Score will be multiplied by between 1.0 (for projects that do not meet any of the objectives listed below) and 1.8 for projects that meet all of the criteria listed below). Weights will be assigned based on the following criteria:
 - Applicant's ability to demonstrate likelihood of material reduction in end-user broadband prices resulting from funded middle mile infrastructure (e.g., by demonstrating decline in middle mile costs that are likely to flow through to consumer broadband prices).
 - Applicant's ability to demonstrate likelihood of material reduction in latency experienced by end users in remote or insular areas (e.g., Hawaii and Pacific Ocean territories) resulting from funded middle mile infrastructure.
 - Applicant's ability to demonstrate that substantial benefits stemming from funded middle mile infrastructure will accrue to (a) high-poverty counties, (b) persistent poverty counties, and/or (c) a substantial number of end users/households that meet any of the criteria set forth in the NOFO.
 - Applicant's ability to demonstrate that substantial benefits stemming from funded middle mile infrastructure will accrue to (a) previously unserved locations, and/or (b) Tribal Lands.
 - Applicant's ability to demonstrate that the route of the proposed middle mile infrastructure is designed to enable connection of unserved anchor institutions, including Tribal anchor institutions.
 - Applicant's ability to demonstrate compliance with the Fair Labor Practices, Highly Skilled Workforce, Advancing Equitable Workforce Development and Job Quality Objectives, and Civil Rights and Non-Discrimination Law Compliance requirements.
 - Applicant's ability to demonstrate the climate resilience of the project.
 - Applicant's proposed use of community benefit agreements (38-41)
- *OICG Associate Administrator Review.* Following the conclusion of the Programmatic Review, the Office of Internet Connectivity and Growth (OICG) Associate Administrator will compose a list of the projects with the highest weighted scores, beginning with the highest scored application, and moving in order down the list until the projects on the list account for all available MMG Program funds (or until addition of the next project listed would cause demand to exceed available funds), and prepare a package of recommended awards to the Selection Official for consideration, review, and approval. The recommendations may differ from the ranked list of applications based on

consideration of the following selection factors: (a) geographic diversity and (b) appropriate diversity in the size of the funding amount of proposed awards. (41)

- *Final Project Selection.* The Assistant Secretary, as the Selecting Officer, will submit the applications recommended for funding, along with the basis for the selection decisions, to the National Institute of Science and Technology (NIST) Grants Officer. The final approval of selected applications and the issuance of awards will be made by the NIST Grants Officer. (41)
- Federal Awarding Agency Review of Risk Posed by Applicants. The NIST Grants Management Division (GMD) will perform pre-award risk assessments. (41)

VI. Federal Award Administration Information

- Federal Award Notices. Applicants will be notified in writing by the NIST Grants Officer if their application is selected for an award. (42)
- Notification to Unsuccessful Applicants. Unsuccessful applicants will be notified by e-mail and will have the opportunity to receive a debriefing after the opportunity is officially closed. (42)
- Administrative and National Policy Requirements. Grant recipients will comply with applicable statutes and regulations, including but not limited to:
 - Uniform Administrative Requirements, Cost Principles and Audit Requirements
 - Department of Commerce Financial Assistance Standard Terms and Conditions
 - Pre-Award Notification Requirements
 - Environmental and National Historical Preservation Requirements
 - Property Trust Relationship and Public Notice Filings for Grant-Acquired Property
 - Domestic Preference for Procurements (Buy American). The Build America, Buy America Act requires that all of the iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States unless a waiver is granted. The Secretary will seek to minimize waivers, and any waivers will be limited in duration and scope. Under the Build America, Buy America Act and the Buy America Guidance issued by the Office of Management and Budget on April 18, 2022, the Secretary of Commerce (Secretary) may waive the application of this preference when:
 - applying the domestic content procurement preference would be inconsistent with the public interest;
 - types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
 - the inclusion of iron, steel, manufactured products, or construction materials

produced in the United States will increase the cost of the overall project or other eligible activities by more than 25 percent.

- Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms
- Reporting. Eligible Entities will be required to comply with reporting requirements. (45-48)
- Federal Funding Accountability and Transparency Act of 2006. In general, all recipients are responsible for reporting sub-awards of \$30,000 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. (49)

[Omitted Section VIII. Other Information]