

**Federal Communications Commission
Affordable Connectivity Outreach Grant Program
Award Terms and Conditions**

Table of Contents		
Provision Section	Subject	Page Number
Section 1.	Purpose	2
Section 2.	Introduction—Notice of Award, FCC Registration Number and Programmatic Terms and Conditions	2
Section 3.	Order of Precedence	4
Section 4.	Applicable Regulations and National Policy Requirements	5
Section 5.	Other Requirements	5
Section 6.	Flow-down of Requirements under Subawards	5
Section 7.	Recipient and FCC Agency Contacts	6
Section 8.	Period of Performance	6
Section 9.	Pre-Award Costs	6
Section 10.	Allowable Costs	7
Section 11.	Unallowable Costs and Funding Restrictions	7
Section 12.	Indirect Costs	9
Section 13.	Cost Sharing or Matching Requirements	9
Section 14.	Program Income	9
Section 15.	Prior Written Approval	10
Section 16.	Extensions and Wind-down	10
Section 17.	Financial Reporting Requirements	11
Section 18.	Reporting Program Performance	11
Section 19.	Responsibility for Subrecipient Monitoring and Management	12
Section 20.	Payments	12
Section 21.	Interest Earned on Federal Advance Payments	13
Section 22.	Equipment	13
Section 23.	Procurement	13
Section 24.	Subrecipient and Contractor Determinations	14
Section 25.	Conflict of Interest	14
Section 26.	Accuracy and Acknowledgement of Support on Publications, Audiovisual and Non-visual Outreach Materials	14
Section 27.	Termination of This Award Agreement	15
Section 28.	Audit Requirements and Fraud, Waste and Abuse Policy	16
Section 29.	Debarment and Suspension	16
Section 30.	Remedies for Noncompliance	17
Section 31.	Retention Requirements for Records	17
Section 32.	Request for Transfer of Records	17
Section 33.	Access to Records	17
Section 34.	Closeout Requirements	18
Section 35.	Post-closeout Adjustments and Continuing Responsibilities	18

1. PURPOSE

This document provides the Federal Communications Commission’s (FCC’s) standard terms and conditions that apply to all awards under the Affordable Connectivity Outreach Grant Program, also known as the ACP Outreach Grant Program and Pilot Program Outreach Grants. Program recipients must have the financial, legal, administrative, and operational capacity to carry out the objectives of the federal grant.

Federal award is defined in 2 CFR 200, Subpart A and the information included in a federal award is identified in 2 CFR 200.211.

2. INTRODUCTION

As defined in 2 CFR 200.1, Subpart A, a non-federal entity (NFE) means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out the award as a recipient or subrecipient. These award terms are applicable to NFEs. The term recipient has the same meaning as NFE throughout this document, except that it also includes for-profit entities carrying out awards. The term subrecipient means an NFE, including a for-profit entity, that receives a subaward from a pass-through entity to carry out part of a federal program; but does not include an individual that is a beneficiary of such program.

Authorized Departmental Officer (ADO) is the Consumer and Governmental Affairs Bureau (CGB) Chief or any employee of the FCC with delegated authority to issue or modify award instruments on behalf of the CGB Chief.

The recipient must, in addition to the assurances and certifications made as part of the award, comply with all applicable terms and conditions during the period of performance. Failure to comply may result in actions as outlined in Section 30. Remedies for Noncompliance.

All recipient award notifications issued by FCC will be considered ***conditional approvals*** pending final validation of all selected applicants’ submission documentation and/or application package. FCC reserves the right not to fund any ***conditionally approved*** selected applicant and/or application found to be ineligible after the final validation process.

This federal assistance award will be implemented using the “GrantSolutions” system for grants management and processing. GrantSolutions allows the recipient to accept awards electronically, manage user roles for individuals within their organization, and submit post-award action requests, and performance progress reports. To contact the GrantSolutions Help Desk for assistance in obtaining login credentials, email the GrantSolutions Online Help Desk at help@grantsolutions.gov. For technical assistance with GrantSolutions, call the customer support hotline 8:00 a.m. – 6:00 p.m. EST, Monday through Friday at (866) 577-0771, or email at help@grantsolutions.gov.

Notice of Award

Applicants who are selected for an FCC grant will receive a Notice of Award (NoA). **The recipient must accept or decline their award within (30) calendar days from the award date.** Funds will remain on hold until the recipient accepts the award through <https://grantsolutions.gov>. For Pilot Program recipients, all projects will have the same period of performance start date, which will appear in Field 26 of the NoA. **Failure to accept an award within the 30-day timeframe may result in termination of award.**

The NoA is the legal document that indicates an award has been made and that funds may be requested from FCC. It provides much of the critical information about administering and complying with the terms of the grant, including:

- Assistance Listing Number and Award number
- Legal authority
- Awardee organization and project manager/director
- Total award amount
- Duration of award (Period of Performance)
- Program and administrative points of contact at FCC

Once a recipient electronically signs the NoA, they have accepted the award. The contents of the NoA are binding on the recipient unless and until modified by a revised NoA signed by the CGB authorized official.

The NoA is subject to the Administrative Requirements, Cost Principles, and Audit Requirements that govern the federal funds associated with this award, as applicable, in 2 CFR 200. By accepting the award, the applicant agrees to comply with these requirements, as well as those set forth in the ACP Outreach Grant Program NOFO or the Pilot Program NOFO (as applicable), the ACP Report and Order (FCC 22-2) (applicable to Navigator Pilot Program Participants), the ACP Grant Program Second Report and Order (FCC 22-64), and the Third Report and Order (FCC 22-65) (applicable to Your Home, Your Internet Pilot Program participants).

FCC's determination of applicable terms and conditions of award or the ADO's denial of a request to change the terms and conditions is discretionary and not subject to appeal.

FCC Registration Number

An FCC Registration Number (FRN) will be required for recipients to draw down funds. Upon award acceptance, recipients will be required to register for an FRN, using the Commission Registration System (CORES). This unique 10- digit FRN is used to identify the registrant's business dealings with the FCC. To register with CORES, please use the following link: <https://apps.fcc.gov/cores/userLogin.do>. The first step to setting up an account in CORES is creating a username and account in the FCC User Registration System using the following link: <https://apps2.fcc.gov/fccUserReg/pages/login.htm>. Before the account is activated, the user will receive an automated email titled "FCC Account Request Verification" and must verify its account email address as prompted. Once the user is logged in to CORES, the user should select the "Register New FRN" or "Associate Username to FRN" option as applicable from the menu options that appear and provide the information as prompted by CORES. Users will need to provide their taxpayer identification number or TIN to register. The TIN is a nine-digit number that the IRS requires of all individuals, businesses, and other employers to identify their tax accounts with the IRS. Once the user provides the information required in CORES and clicks "Submit," CORES will generate a new FRN or associate the user's existing FRN with its account.

Programmatic Terms and Conditions

All award activities shall be limited to those authorized by the Infrastructure Investment and Jobs Act of 2021, Division J, Title IV, Public Law 117-58, 135 Stat. 429 (November 15, 2021) (47 U.S.C § 1752(b)(10)(C)) and specified in the Notice of Funding Opportunity. The objective of the ACP Outreach Grant Program and Pilot Program Outreach Grants is to support eligible partners in conducting a wide range of innovative outreach activities to raise awareness of the ACP and

increase enrollment among eligible households. The recipient shall carry out their award activities and processes as described in the approved ACP Outreach Grant Program Application Template (Application Template) or ACP Pilot Programs Application. Awardees will be bound by the activities and processes contained in the Application Template or ACP Pilot Programs Application and the further conditions contained in this award agreement. If the Application Template or ACP Pilot Programs Application is inconsistent with this award agreement, then the latter will govern.

This agreement shall be effective when executed by both parties. The award activities approved by FCC shall commence and be completed by the dates indicated in the Notice of Award (GrantSolutions generated Agreement Form), unless earlier terminated under Section 27. Termination of This Award Agreement.

The recipient accepts responsibility for accomplishing their award project as submitted and included in their Application Template or ACP Pilot Programs Application. The recipient shall also provide continuing information to FCC on the status of their project, related activities, and any problems that may arise. The recipient must inform FCC as soon as possible if problems, delays, or adverse conditions which materially affect the ability to attain project objectives occur or prevent the meeting of milestones or goals. Modifications of the Application Template or ACP Pilot Programs Application, or changes in the awardee's budget may be approved by the ADO provided that, in FCC's opinion, the modification is justified and there is a likelihood that the recipient can accomplish the goals set out and approved in the Application Template or ACP Pilot Programs Application during the modification period. See the FCC Grants Manual for additional guidance on informing FCC.

The recipient shall use award funds only for the eligible purposes and activities approved by FCC in their budget. Any uses not provided for in the approved budget must be approved in writing by FCC. *See* Section 15. Prior Written Approval. Cumulative transfers among direct cost budget categories totaling more than 10 percent of the total budget must have prior written approval by FCC.

A change of any activities and processes must be submitted in writing then approved by the ADO. *See* Section 15. Prior Written Approval.

3. ORDER OF PRECEDENCE

In the event of any inconsistency between provisions of the award, the inconsistency will be resolved by giving precedence in the following order:

- Applicable laws and statutes of the United States, including any specific legislative provisions mandated in the statutory authority for the award – 47 USC 1752(b)(10)(C)
- Code of Federal Regulations (CFR) – 47 CFR Part 54, and 2 CFR, Subtitle B, Part 6000
- ACP Report and Order (for Navigator Pilot Program Grant recipients), ACP Grant Program Second Report and Order (FCC 22-64), Third Report and Order (FCC 22-65) (for Your Home, Your Internet Grant recipients)
- ACP Outreach Grants Program Terms and Conditions
- Agency policy
- Application documents

4. APPLICABLE REGULATIONS AND NATIONAL POLICY REQUIREMENTS

In consideration of this award by FCC to the awardee, to be made pursuant to the Infrastructure Investment and Jobs Act of 2021, Division J, Title IV, Public Law 117-58, 135 Stat. 429 (November 15, 2021) (47 U.S.C § 1752(b)(10)(C)), the awardee will provide a program/project in accordance with the terms of this agreement and applicable regulations. The awardee agrees to comply with the following regulations, as applicable. The full text of Code of Federal Regulations (CFR) references may be found at eCFR—Code of Federal Regulations. Should a national requirement be missing, the recipient is nevertheless responsible for compliance with the applicable national policy requirements. In addition to any other terms and conditions stated herein, recipients shall be bound by the applicable statutory and national policy requirements which hereby are incorporated in this grant award by reference and such other provisions as specified herein.

Applicable Regulations and National Policy Requirements

This award and subawards at any tier under this award shall be governed to the extent applicable by the administrative provisions in effect at the time of award. These provisions are outlined in the FCC Grants Manual which specifies any updates made and the effective dates of those updates.

5. OTHER REQUIREMENTS

See the FCC Grants Manual for any additional program-specific requirements that apply to this award.

6. FLOW-DOWN OF REQUIREMENTS UNDER SUBAWARDS

The terms and conditions of the award flow down to subrecipients from the recipients, including the terms and conditions incorporated from the ACP Report and Order (for Navigator Pilot Program Outreach Grant recipients), ACP Grant Program Second Report and Order, Third Report and Order (for Your Home, Your Internet Outreach Grant recipients), 47 CFR Part 54, and 2 CFR, Subtitle B, Part 6000, unless the terms and conditions of the Report and Orders, the grant regulations cited above, or these Terms and Conditions specify an exception. See 2 CFR 200.101. Recipient Grants Management Officers should familiarize themselves with the requirements for reporting subawards set forth in the Federal Funding Accountability and Transparency Act of 2006 (FFATA or Transparency Act-P.L.109-282, as amended by section 6202(a) of P.L. 110-252) and 2 CFR Part 170.

FFATA Reporting

The FFATA requires accurate and prompt subawards reporting through the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS). Reports are made publicly available through USASpending.gov, which is vital to monitoring the implementation of funded activities and FCC's ability to focus resources on mission essential initiatives.

Pursuant to 2 CFR Part 170, the FSRS is the reporting tool that all federal awardees must use to capture and report compensation of \$30,000 or more to any subaward (i.e., to contractors or subrecipients). See the FCC Grants Manual for additional information on FFATA reporting.

Subaward Reporting

As required by FFATA, 2 CFR 200.308, and these Terms and Conditions, recipients must report each action that obligates \$30,000 or more in funds, not including Recovery Funds (as

defined in Section 1512(a)(2) of the American Recovery and Investment Act of 2009, Public Law 111-5) in FSRs, and recipients have a continuing responsibility to update data on new obligations into subawards.

7. RECIPIENT AND FCC AGENCY CONTACTS

If a recipient fails to fully comply with mandatory requirements and award terms, FCC may impose additional award conditions or take other actions as appropriate under the circumstances, including those actions outlined in 2 CFR 200.338 and Section 30. Remedies for Noncompliance.

The following contacts are provided for the awardee's assistance.

Recipient Contacts:

The Recipient Project Director or Principal Investigator contact is identified in Field 7. of the Notice of Award.

FCC Contacts:

Questions regarding technical matters should be referred to the Program Official identified in Field 10 of the Notice of Award.

Questions regarding administrative matters should be referred to the Grants Management Specialist identified in Field 9 of the Notice of Award.

The CGB Chief's mailing address, and email address are as follows:

Federal Communications Commission
Consumer and Governmental Affairs Bureau
45 L Street NE
Washington, DC 20554
E-mail: ACPgrants@fcc.gov

8. PERIOD OF PERFORMANCE

"Period of Performance" has the meaning given in 2 CFR 200.77, with the additional clarification that the term includes any extension of the end date of the award, such as a no-cost extension authorized by 2 CFR 200.309. The period of performance is identified in Field 26 of the Notice of Award. Statutory language or agency policy may limit the maximum potential period of performance (including any awards transferred from another institution or organization). The period of performance will commence on the effective date cited in the award instrument. Any such limitation also applies to subcontracts made under awards subject to a period of performance limitation. Appropriations cannot be restored after expiration of the account. *See* Section 16. Extensions and Wind-down.

The recipient may charge to the award only allowable costs incurred during the period of performance. *See* 2 CFR 200.309. For FCC grants, any costs incurred before the FCC or pass-through entity made the award are unallowable. *See* Section 9. Pre-Award Costs.

9. PRE-AWARD COSTS

As outlined in 2 CFR 200.458, pre-award costs are those incurred prior to the start of the performance period. FCC does not allow pre-award costs for any FCC grant programs.

10. ALLOWABLE COSTS

Allowable costs shall be determined in accordance with the applicable program legislation, the purpose of the award, the terms and conditions of the award as contained herein, and by the following federal cost principles as outlined in 2 CFR 200 Subpart E—Cost Principles. For guidance on program-specific allowable costs, please see the FCC Grants Manual.

11. UNALLOWABLE COSTS AND FUNDING RESTRICTIONS

Costs incurred for any purpose prohibited in the Federal Cost Principles 2 CFR Part 220, 2 CFR Part 225, 2 CFR Part 230 are unallowable. Additionally, the FCC has adopted the Uniform Administrative Requirements, Cost Principles, and Audit Requirements set forth in 2 CFR Part 200, Subpart E as well as 2 CFR, Subtitle B, Part 6000.

The following funding restriction applies to recipients and subrecipients in accordance with the ACP Grant Program Second Report and Order and Third Report and Order (for Your Home, Your Internet Pilot Participants).

Neutrality of Grant-Funded Outreach Activities

Grant and subgrant recipients must maintain neutrality among ACP participating service providers or groups of service providers when conducting grant-funded outreach activities. Eligible households can be directed to the Companies Near Me Tool or be shown the complete list of ACP provider(s) serving the area. If there is only one service provider serving the area, the grant or subgrant recipient may inform the eligible household of that provider's information. This neutrality requirement ensures that the grant funding is not being used in a manner intended to specifically increase a particular provider's program enrollment and protects eligible households' right to choose their ACP provider and the type of broadband service that best fits their needs.

Grant and subgrant recipients are expressly prohibited from favoring, directing, steering, incentivizing or otherwise encouraging households to enroll with a particular provider when performing grant-funded outreach activities. When conducting grant funded outreach, grant and subgrant recipients are also expressly prohibited from using service provider-branded items such as outreach materials, gifts, or incentives, and from offering or providing consumers gifts or other incentives provided by service providers. Grant and subgrant recipients may not accept funding in any form, including in-kind contributions, from a participating provider or a specific group of participating providers (including, but not limited to, broadband industry groups such as trade associations) for the purpose of conducting ACP outreach activities.

Service providers may attend grant-funded outreach events to provide eligible households information on the available service offerings to which they may apply their ACP benefit. All service providers in the area where the outreach is conducted must have the same opportunity to attend and provide information on their services to which the ACP benefit can be applied. The Companies Near Me Tool can be used to obtain a list of all providers operating in areas where eligible households are being targeted with outreach events.

Grant and subgrant recipients may collaborate with state agencies, public interest groups, and non-profit organizations to carry out public awareness campaigns that highlight the value and benefit of broadband internet access and the ACP.

Funds Transfer Restriction

The grant recipient is prohibited from transferring funds between ACP grant programs (i.e., National Competitive Outreach Program (NCOP), Tribal Competitive Outreach Program (TCOP),

Your Home, Your Internet (YHYI), and Navigator Pilot Program (NPP)) and must comply with each program's unique reporting requirements. Recipients that submitted a project where funds come from multiple funding sources (i.e., NCOP, TCOP) are not allowed to divert funding from one program to another due to the specific funding allocations, which were established by the FCC.

Prohibition of Supplanting Other Outreach Funding

Grant or subgrant recipients may supplement but are prohibited from supplanting (replacing) funds that have already been obtained or are expected to be received from other sources, such as federal, state, or non-governmental funding provided to carry out ACP outreach activities as described in the applicable NOFO. Grant or subgrant recipients may not supplant funding from an ACP participating provider or a specific group of participating providers (including, but not limited to, broadband industry groups such as trade associations) provided to carry out ACP outreach activities as described in the applicable NOFO. ACP Outreach Grant Program funding is intended for ACP outreach costs for which applicants and their expected pass-through entities do not already have or expect to receive other funding. Pilot Program Outreach Grants funding is intended for targeted ACP outreach and application assistance costs to federal housing assistance recipients and other ACP eligible households for which applicants and their expected pass-through entities do not already have or expect to receive other funding.

Prohibition of Service Provider In-Kind Contributions for Funded Outreach

Acceptance of in-kind contributions from any broadband provider or a specific group of ACP participating providers (including broadband industry groups and trade associations) for grant-funded outreach activities is prohibited.

Prohibition of Profit, and Fees or Charges to Eligible Households

As stated in the NOFO, grantees may not make a profit from or otherwise financially benefit from conducting ACP outreach through the ACP Outreach Grant Program. A profit or other incremental charge above actual cost of grant-funded outreach activity is prohibited under the Pilot Program Outreach Grants. Fees or charges to eligible households for educating or providing enrollment assistance are also prohibited. Grantees are also prohibited from selling, disclosing to third parties for any reasons unrelated to grant activities, or otherwise using for profitmaking purposes (e.g. marketing or fundraising) any personally identifiable information collected in relation to grant activities.

Prohibition of Commissions or Compensation Linked to ACP Applications or Enrollment

Commission or compensation to individuals conducting funded outreach based on the number of ACP applications submitted or households enrolled is prohibited.

Prohibition of Remote Application Assistance

All funded ACP application assistance support must be done in person. Remote ACP application assistance support is prohibited. ACP application assistance to eligible households must be done in-person. Entities may provide process assistance to eligible households remotely, meaning, explaining the ACP enrollment process to eligible households. But assisting eligible households with completing and submitting their ACP application must be done in-person.

Prohibition of Lobbying

Use of appropriated funds, without the express authorization of Congress, to directly or indirectly pay for personal services or communications intended or designed to influence Members of Congress, jurisdictions, or officials of any government with regard to any legislation, law, ratification, policy, or appropriation is prohibited.

In accordance with the Second Report and Order, the use of grant funds is subject to certain restrictions on publicity, propaganda, and lobbying. *See, e.g.*, Division E—Financial Services and General Government Appropriations Act, 2021, Consolidated Appropriations Act, 2022, Pub. L. No. 117-103 (03/15/2022), Sections 715 (prohibiting the use of appropriated funds for publicity, propaganda, or lobbying Congress in support or opposition of pending legislation), and 718 (prohibiting the direct or indirect use of appropriated funds for publicity or propaganda purposes within the United States not authorized by Congress).

12. INDIRECT COSTS

Indirect costs are costs incurred by the recipient for a common or joint purpose that benefits more than one cost objective.

As outlined in 2 CFR 200.414(f), any recipient that has never had a negotiated indirect cost rate may use a de minimis rate of 10% of modified total direct costs (MTDC), which may be used indefinitely. No documentation is required to justify the 10% de minimis indirect cost rate. As described in 2 CFR §200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. MTDC are described in 2 CFR §200.1.

Recipients may voluntarily choose to waive indirect costs or charge less than 10% of their MTDC.

Indirect costs will be allowed for the award when specifically included as a line item in the approved budget for this award.

13. COST SHARING OR MATCHING REQUIREMENTS

There are no cost-sharing or matching requirements associated with the ACP Outreach Grant Program. However, if the recipient chooses to include such funds in their budget, whether cash or in-kind, their award is subject to the requirements of 2 CFR 200.306. Unrecovered indirect costs, including indirect costs on cost sharing or matching, may be included as a part of cost sharing or matching only with the prior approval of the FCC.

The budget plan is the financial expression of the project or program as approved during the award process. The approved budget includes the federal share of project costs and that portion of the non-federal share of project costs, if any, that the recipient and the FCC formally agree upon as cost sharing (*see* Memoranda 01-06 -- Clarification of OMB A-21 Treatment of Voluntary Uncommitted Cost Sharing and Tuition Remission Costs (archives.gov), January 5, 2001). Post-award requests to modify cost sharing commitments are budget revisions, and must be submitted electronically through GrantSolutions for approval by FCC as described in the FCC Grants Manual.

14. PROGRAM INCOME

Program income is defined in 2 CFR 200.1, except as provided in 2 CFR 200.307. Program income derived from this award must be managed according to 2 CFR 215. For FCC, the additive method of 2 CFR 200.307(e)(2) will be used to dispose of program income.

15. PRIOR WRITTEN APPROVAL

This section identifies prior approvals required as outlined in 2 CFR 200.308 and other sections of 2 CFR 200.

Prior approval is required for the following:

- Compensation-personal services (*see* 2 CFR 200.430)
- Compensation-fringe benefits (*see* 2 CFR 200.431)
- Entertainment costs (*see* 2 CFR 200.438)
- Fines, penalties, damages and other settlements (*see* 2 CFR 200.441)
- Fund raising and investment management costs (*see* 2 CFR 200.442)
- Insurance and indemnification (*see* 2 CFR 200.447)
- Memberships, subscriptions, and professional activity costs (*see* 2 CFR 200.454)
- Organization costs (*see* 2 CFR 200.455)
- Rearrangement and reconversion costs (*see* 2 CFR 200.462)
- Selling and marketing costs (*see* 2 CFR 200.467)
- Travel costs (*see* 2 CFR 200.474)

See the FCC Grants Manual for instructions on requesting prior approval.

16. EXTENSIONS AND WIND-DOWN

No-cost extensions to the initial period of performance will only be considered through formal, written requests to the recipient's CGB Grants Management Specialist containing specific justifications as to why an extension is required. No-cost extension requests will not be reviewed or approved after the wind-down process begins (*see* "Wind-down" subsection below). Requests must be submitted electronically through <https://grantsolutions.gov>. Recipients are advised to coordinate with their assigned FCC Grants Management Specialist when preparing an extension request. Additional information on requesting extensions is included in the FCC Grants Manual.

Grant recipients should submit all proposed extension requests to the FCC for review and consideration at least 120 days prior to the end of the period of performance to allow sufficient processing time. Extensions will not be granted for more than a six-month period and may be impacted by the wind-down (see additional information below). Any amendment of the award to extend the period of performance is at the sole discretion of the FCC.

Requests for no-cost extensions of time after expiration date

FCC may consider and approve requests for no-cost extensions of time up to 120 days following the expiration of the award. These will be approved only for extenuating circumstances, as determined by FCC. The awardee's Authorized Representative must submit the requirements identified in the FCC Grants Manual, as well as an "extenuating circumstance" justification.

The fact that funds are expected to remain unobligated at the expiration of the award is not in itself sufficient justification to receive an extension of time unless otherwise authorized in the program legislation. The period of performance (including any subsequent authorized extensions of time) shall not exceed any applicable statutory limit as well as any expiring appropriation limitation. *See* Section 20. Payments.

Wind-down

The wind-down process will begin when the forecasted end of the ACP is announced. The significance of the wind-down for recipients is that, once the wind-down is announced, there will no longer be sufficient time to implement and execute new outreach efforts. Recipients and subrecipients may continue to use their grant funds for outreach until ACP enrollments cease pursuant to any wind-down procedures established for the ACP, which are described in the FCC Grants Manual. Once ACP enrollments cease, any unobligated funds that have not been drawn down by the recipient may be allocated back to the larger ACP budget.

17. FINANCIAL REPORTING

The recipient will submit quarterly and final Federal Financial Reports (SF-425) in accordance with 2 CFR Part 215. The form and its instructions for completion can be found at Grants.gov under the Forms tab, “Post Award Reporting Forms”. **Please note: The SF-425 is a cumulative report; enter cumulative amounts from the start of the period of performance through the end date of the reporting period specified.**

Recipients must submit quarterly Federal Financial Reports (FFRs) via the Payment Management System (PMS) no later than 90 days after the end of the budget period, and the Final FFR via PMS no later than 120 days after the end of the period of performance. Additional instructions on completing and submitting the SF-425 can be found in the FCC Grants Manual.

If a recipient fails to submit a complete and accurate quarterly FFR within 10 business days after the established deadline, FCC will restrict the recipient’s access to their PMS account until the recipient is current with required reporting. If a recipient fails to submit a complete and accurate final FFR within 30 business days after the established deadline, FCC will begin administratively closing out the associated grant and unspent funds will be de-obligated.

There should not be any unliquidated obligations reported on the final SF-425 report (*see* definition in 2 CFR 200.97). If the recipient still has valid obligations that remain unpaid when the SF-425 is due, the recipient shall request an extension of time to submit the report. *See* Section 15. Prior Written Approval.

If any remaining funding is needed by the recipient when the performance period ends, they must contact FCC and request a draw, providing FCC with justification and documentation to support the draw. Such draw requests will only be approved in extenuating circumstances, as determined by FCC. Regardless of extensions given for the submission of the SF-425, funds will not be available for any drawdowns that exceed statutory limits as well as any expiring appropriations (*see* Expiring Appropriation under Section 20. Payments).

A recipient may submit a final financial report in lieu of a quarterly financial report if all approved project(s) are successfully completed ahead of the end of the period of performance.

18. REPORTING PROGRAM PERFORMANCE

As outlined in 2 CFR 200.329, the recipient is responsible for oversight of the operations of the award support activities. The recipient must monitor the activities to assure compliance with applicable federal requirements and performance expectations are being achieved. Monitoring must cover each program/project, function, or activity. 2 CFR 200.301 addresses performance measurement. Performance Progress Reports (PPRs), including the PPR Supplemental, must be submitted by the recipient in accordance with Subpart D of 2 CFR 200.

Quarterly progress and final progress reporting on this grant are to be completed through GrantSolutions. Complete progress submissions will include both the standard and supplemental PPR templates. Information on PPR requirements can be found in the FCC Grants Manual. Questions regarding the report content should be referred to the CGB Grants Management Specialist identified in Field 9 of the Notice of Award via email or telephone.

Quarterly Performance Progress Reporting

Quarterly PPR will be submitted by the recipient within 30 days after the end of each reporting period, including partial calendar quarters, as well as in periods where no grant award activity occurs. PPR must indicate progress against performance measures as specified in the FCC Grants Manual and should relate financial data to the performance accomplishments of the recipient's federal award.

FCC will monitor PPR submissions to ensure that minimum performance requirements are being met.

Final Performance Progress Report

The Final PPR will cover the entire period of award including any no cost extension period that is approved in the agreement and is due no later than 120 days after the end date of the Period of Award. The Final PPR will follow the format of the quarterly PPR to include the same information required in those reports but also must include a summary of participants, target audiences, products (outputs), accomplishments (outcomes/impacts), and changes/problems.

For guidance on required components of Final PPRs and subrecipient performance reporting, see the FCC Grants Manual.

Use of Reported Information

Please note the vital importance of preparing well-written progress reports. Information reported may be used extensively by FCC for describing the work the FCC funds, planning and defending its budget, assessing its programs, and communicating project results to Congress. This depends on quality reports written in lay terms.

19. RESPONSIBILITY FOR SUBRECIPIENT MONITORING AND MANAGEMENT

If the project involves subaward agreements, the pass-through entity is responsible for assessing the risk of subrecipients and ensuring subrecipients are meeting the performance goals and objectives (*see* 2 CFR 200.331 through 200.333).

The pass-through entity must provide to subrecipient(s) appropriate terms and conditions concerning closeout of the subaward(s). Requirements for pass-through entity monitoring of subrecipients are described in 2 CFR 200.332(d).

20. PAYMENTS

Subject to 31 CFR 208.3, notwithstanding any other provision of law, all federal payments made by the FCC shall be made by electronic funds transfer (EFT), unless a waiver applies (*see* 31 CFR 208.4).

As outlined in 2 CFR 200.305(b), for recipients other than states (as defined in 2 CFR 200.1), payment methods must minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the recipient, whether the

payment is made by EFT, or issuance or redemption of checks, warrants, or payment by other means.

The FCC will use the grantee organization name, address, and UEI found in SAM.gov to register the official organization for payments. In order to receive payment, grant recipients **must maintain an active SAM registration and FCC Registration Number (FRN)** with current information at all times during which they have an active federal award. Payments to grant recipients will be made on a reimbursement basis through FCC's financial management system; as such, the SF-270 shall not be submitted by the recipient.

The recipient agrees to carry out agreement activities and seek reimbursement in accordance with the approved project budget. The funding of eligible items identified in the approved budget constitutes FCC's authorization for the recipient to incur these costs, if they are allowable, allocable, necessary, and reasonable. *See* Section 15. Prior Written Approval.

Payments shall be paid only to the grant recipient or pass-through entity identified in the NoA. It shall be the responsibility of the grant recipient or pass-through entity to pay any subrecipients in accordance with 2 CFR Part 200. **Recipients should take note of the impact program wind-down may have on the availability of unobligated funds (see Section 16. Extensions and Wind-down, and additional information on the process included in the FCC Grants Manual).**

21. INTEREST EARNED ON FEDERAL ADVANCE PAYMENTS

Requirements related to interest earned on federal advance payments are outlined in 2 CFR 200.305(b)(9). Questions should be referred to the CGB Grants Management Specialist identified in Field 9 of the Notice of Award via email or telephone.

22. EQUIPMENT

Equipment is defined in accordance with 2 CFR 200.1 (*see also* 2 CFR 200.12 Capital assets, 200.20 Computing devices, 200.48 General purpose equipment, 200.58 Information technology systems, 200.89 Special purpose equipment, and 200.94 Supplies).

Equipment is an unallowable cost under the ACP Outreach Grant Program.

Fixed Equipment and Real Property

No funds awarded under the ACP Outreach Grant Program may be used for the renovation or refurbishment of a building or facility; the purchase or installation of fixed equipment in such spaces; or for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

23. PROCUREMENT

Recipients shall adhere to the requirements of 2 CFR 200.317 through 2 CFR 200.326 which prescribes standards in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with federal funds.

See FAQs 200.110-6, 200-318-1, 200.320-2 of the *Frequently Asked Questions for The Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200* (located at <https://cfo.gov/cofar>) regarding procurement.

24. SUBRECIPIENT AND CONTRACTOR DETERMINATIONS

The recipient may concurrently receive federal awards as a recipient, a subrecipient, or a contractor, depending on the substance of its agreements with federal awarding agencies and pass-through entities. Therefore, a pass-through entity must make case-by-case determinations whether each agreement it makes for the disbursement of federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. If the FCC supplies or requires recipients to comply with additional guidance to support these determinations, it will be described in the FCC Grants Manual and will not conflict with this section.

Regardless of whether an award is a grant, cooperative agreement, subgrant or contract under an award, all are expected to follow the applicable OMB cost principles in 2 CFR 200—Subpart E. The recipients are also responsible for ensuring all contracts contain the appropriate provisions outlined in 2 CFR 200, Appendix II.

25. CONFLICT OF INTEREST

Awards are subject to the conflict of interest requirements outlined in 2 CFR 200.112, the Second Report and Order, and the ACP Outreach Grants and Pilot Program NOFOs, including the requirement that recipients disclose in writing any potential conflicts of interest to the FCC or pass-through entity in accordance with applicable FCC policy.

*See FAQ 200.112-1 of the *Frequently Asked Questions for The Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200* (located at <https://cfo.gov/cofar>) regarding Conflict of Interest.*

26. ACCURACY AND ACKNOWLEDGEMENT OF SUPPORT ON PUBLICATIONS, AUDIOVISUAL AND NON-VISUAL OUTREACH MATERIALS

ACP Outreach grantees and subrecipients must ensure that promotional materials created with FCC grant funding accurately reflect the ACP rules and requirements. A description of the ACP rules and requirements can be found on FCC's website at www.fcc.gov/acp, along with sample ACP promotional materials. If questions arise during the development or repurposing of ACP promotional materials, they can be addressed to your assigned Grants Management Specialist.

All ACP Outreach Grant Program recipients shall acknowledge federal funding when publicizing projects or programs funded in whole or in part with grant funds. This includes the disclosure that outreach materials are developed for educational purposes. The recipient Project Director will be responsible for appropriately acknowledging the FCC's funding support in publications, public announcements, press releases, and other media sources.

The recipient shall have an acknowledgement of FCC support placed on:

- a. Any publications written or published with grant support and, if feasible, on any publication reporting the results of or describing a grant-supported activity, and
- b. Any audiovisual which is produced with grant support and which has a direct production cost to the recipient of over \$5,000.

The results of the project assisted by award funds may be published by the awardee without prior review by FCC, provided that such publications acknowledge the support provided by funds pursuant to the provisions of the Infrastructure Investment and Jobs Act of 2021, Division J, Title

IV, Public Law 117-58, 135 Stat. 429 (November 15, 2021) (47 USC 1752(b)(10)(C)). The recipient will submit final products produced using grant funds to the ACP's Knowledge Library. Submitted documents will be made available to ACP Outreach Grant Program recipients and select documents may be chosen by the Grants Program Officer and CGB Chief for public use.

Acknowledgement of Support and Disclaimer

The awardee is responsible for acknowledging FCC for work primarily supported by the FCC grant funding during news media interviews, including popular media such as radio, television, and news magazines. When acknowledging FCC support, awardees must use one the following acknowledgments of FCC support which must appear in the publication of any material, whether copyrighted or not, and any products produced in electronic formats (e.g., World Wide Web pages, computer programs, etc.) that is substantially based upon or developed under this award:

"This material is based upon work supported by the Federal Communications Commission, Consumer and Governmental Affairs Bureau, under Award No. [enter the applicable award number here]."

"Funding was provided by the FCC Consumer and Governmental Affairs Bureau" or

"Funding was provided by FCC"

In addition, all publications and other materials, must contain the following statement:

"Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the Federal Communications Commission."

FCC ACP Logo

FCC requires that the awardee use ACP's official logo in all of their publications, posters, websites, and presentations resulting from this award. The logo and rules for using the logo can be found on the ACP webpage.

Press Announcements and Media Interviews

FCC awardees are requested to coordinate press releases, newsletters, and press interviews with their assigned FCC National Community Impact Manager. Simultaneous announcement by FCC and the awardee is preferred.

27. TERMINATION OF THIS AWARD AGREEMENT

Award termination will be considered pursuant to 2 CFR 200.340. In such instances, FCC may reimburse the awardee for eligible costs incurred prior to the effective date of the suspension or termination and may allow all necessary and proper costs that the awardee could not reasonably avoid. FCC will withhold further payments and awardees are prohibited from further use of award funds, pending corrective action.

FCC may terminate this award in whole or in part per 2 CFR 200.340. When a federal award is terminated or partially terminated, both the FCC or pass-through entity and the recipient remain responsible for compliance with the requirements in closeout and post-closeout adjustments and continuing responsibilities.

28. AUDIT REQUIREMENTS AND FRAUD, WASTE AND ABUSE POLICY

Recipients are responsible for obtaining audits in accordance with the audit requirements of 2 CFR 200.500 through 200.521. In addition, recipients are subject to the audit requirements found in the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507). In accordance with 2 CFR 200.511, an auditee is responsible for follow-up and corrective action on all audit findings.

A recipient that expends \$750,000 or more in a fiscal year in federal awards must have a single or program-specific audit conducted for that year. A recipient that expends less than \$750,000 during their fiscal year in federal awards is exempt from federal audit and requirements for that year, except as noted in 2 CFR 200.503.

The audit must be performed in accordance with the requirements of the Government Accountability Office's (GAO) Government Auditing Standards, located at <https://www.gao.gov/yellowbook/overview>, the requirements of Subpart F of 2 CFR Part 200, and the requirements of Title 2 Subtitle B Chapter LX Part 6000 (as may be revised by the Federal Register).

The Single Audit Report must be submitted electronically to the Federal Audit Clearinghouse (FAC) within 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period. All auditees are to submit their audit reports directly to the FAC at <https://facides.census.gov/Account/Login.aspx>. Any future updates to the location of the FAC may be found at the OMB web site. Recipients may contact FAC at the toll-free number: (800) 253-0696.

Fraud, Waste and Abuse Policy

Pursuant to the Inspector General Act of 1978 (Pub.L. 95-452) and FCC's Fraud, Waste and Abuse policy located at <https://www.fcc.gov/inspector-general/hotline>, recipients must notify the FCC

Office of the Inspector General of suspected fraud, waste, and abuse in Agency programs, including the ACP Outreach Grant Program. FCC's policy outlines the types of activities that would qualify as suspected fraud, waste and abuse, the process for filing a complaint anonymously or requesting it be handled confidentially and contact information for submitting a complaint.

29. DEBARMENT AND SUSPENSION

Per OMB guidance, federal awarding agencies are required to check the SAM.gov Exclusions list of persons and entities ineligible for federal awards. This requirement flows down to federal award recipients, who are required to check SAM Exclusions for all subawards and contracts. Recipients must obtain prior written approval from the FCC for all proposed subawards, regardless of size (*see* 2 CFR 200.308(c)(1)(vi)). When requesting approval, recipients must confirm that they have conducted a risk-assessment of each of the proposed subrecipient(s) by name; and verify that each subrecipient does not have active exclusions in SAM and does appear on the Suspension and Debarment List.

- In accordance with 2 CFR 200.214, recipients and contractors will be subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180, upon the adoption of rules implementing 2 CFR Part 180 by the FCC. Until such time as the FCC adopts rules implementing 2 CFR Part 180, recipients must comply with the OMB Guidelines on Governmentwide Debarment and Suspension in

Subpart C of 2 CFR Part 180, Responsibilities of Participants Regarding Transactions Doing Business with Other Persons. Recipients are responsible for requiring the inclusion of a similar term or condition in any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, Covered Transactions.

- Recipients are also responsible for further requiring the inclusion of a similar term or condition in any subsequent lower-tier covered transaction.
- To comply with 2 CFR 180.335 of the OMB Guidelines on Governmentwide Debarment

and Suspension, before entering into any transaction for a federal award, recipients must provide the disclosures required by 2 CFR 180.335 to the FCC, supplementing any disclosures made in their initial application. See the FCC's Grants Manual for additional guidance on submission.

The recipient acknowledges that failing to disclose the information required under 2 CFR 180.335 may result in the termination of the award, or pursuance of other available remedies.

30. REMEDIES FOR NONCOMPLIANCE

As outlined in 2 CFR 200.339, if a recipient fails to comply with federal statutes, regulations or the terms and conditions of the award, the FCC or pass-through entity may impose additional conditions, as described in 2 CFR 200.208 Specific conditions. If the FCC or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the FCC or pass-through entity may take additional actions as appropriate in the circumstances. *See* the FCC Grants Manual.

31. RETENTION REQUIREMENTS FOR RECORDS

In accordance with 2 CFR 200.334, financial records, supporting documents, statistical records, and all other recipient records pertinent to an award must be retained for a period of three years from the date of submission of the final expenditure report. For information on exceptions to these record retention requirements, please see the FCC Grants Manual.

32. REQUESTS FOR TRANSFER OF RECORDS

As outlined in 2 CFR 200.335, the FCC must request transfer of certain records to its custody from the recipient when it determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping, the FCC may decide for the recipient to retain any records that are continuously needed for joint use.

33. ACCESS TO RECORDS

As outlined in 2 CFR 200.337, the FCC, inspectors general, the Government Accountability Office (GAO) and the pass-through entity or any of their authorized representatives have the right of access to recipient records. The recipient also may view pertinent records of subrecipients and contractors for similar purposes (2 CFR 200.331(a)(5)).

- If an audit begins before the three-year period expires, the relevant records must be retained until final resolution (2 CFR 200.334).
- The access rights to a recipient's grant records do not expire at the end of the retention period. Authorized federal officials have access rights as long as the records are retained by the recipient (2 CFR 200.336(c)).
- In furtherance of 2 CFR 200.211, Reporting potentially classifiable information: The

recipient will not be granted access to classified information. The FCC does not expect that the results of the project will involve classified information.

Release of Information

The Freedom of Information Act of 1966 (FOIA) (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a) shall govern the release or withholding of information to the public in connection with this award project. The release of information under these laws and regulations applies only to records held by the FCC and imposes no requirement on the awardee or on any subrecipient

to permit or deny public access to their records. With respect to protected personally identifiable information, recipients must comply with the requirements contained in 2 CFR 200.303(e).

Additional information, including what information is subject to FOIA requests and the process for filing a FOIA request, is available at <https://www.fcc.gov/foia>.

The regulations cited herein do not affect the retention period for project-related records or rights of access to such records or documents by the FCC, the Comptroller General, or their authorized representatives.

34. CLOSEOUT REQUIREMENTS

Award closeout is the process by which FCC determines that all required project activities have been performed satisfactorily and all necessary administrative actions have been completed. This award and any subcontracts hereunder shall be closed out as soon as possible after expiration or termination of the project. While the awardee may use its own policies and procedures in closing out awards made to its recipients, the closeout of the award will be done in accordance with 2 CFR Part 215. *See also* Sections 17 and 18. Reporting of this document for instructions regarding final performance and financial reports.

See 2 CFR 200.344 for information regarding award closeout requirements and process.

Unless the FCC grants an extension, the recipient must submit the following no later than 120 calendar days after the end date of the period of performance:

- a. Final Financial Report (SF-425),
- b. Final Performance Report (Final PPR),
- c. Final Performance Report Supplemental (Final PPR Supplemental), and
- d. Other reports as required by or identified in the FCC Grants Manual

See Section 17. Financial Reporting and Section 18. Performance Reporting Requirements for further information about the submission of final reports.

35. POST-CLOSEOUT ADJUSTMENTS AND CONTINUING RESPONSIBILITIES

See 2 CFR 200.344, for a description of recipient requirements and obligations that continue beyond closeout of a grant.