

DEPARTMENT OF COMMERCE**National Telecommunications and Information Administration**

[Docket No. 990302059-9059-01]

RIN 0660-ZA07

Public Telecommunications Facilities Program: Closing Date

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce.

ACTION: Notice of availability of funds.

SUMMARY: The National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, announces the solicitation of applications for a grant for the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) Program. Applications for the PEACESAT Program grant will compete for funds from the Public Broadcasting, Facilities, Planning and Construction Funds account. An announcement regarding the submission of applications for the Public Telecommunications Facilities Program (PTFP) which is also funded from this account, was published in the **Federal Register** on November 6, 1998.

Applicants for grants for the PEACESAT Program must file their applications on or before April 15, 1999. NTIA anticipates making the grant award by September 30, 1999. NTIA shall not be liable for any proposal preparation costs.

DATE: Applications for the PEACESAT Program grant must be received on or before 5:00 p.m. on April 15, 1999. Applicants sending applications by the United States Postal Service or commercial delivery services must ensure that the carrier will be able to guarantee delivery of the application by the Closing Date and Time. NTIA will not accept mail delivery of applications posted on the Closing Date or later and received after the above deadline. However, if an application is received after the Closing Date due to (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the Closing Date, or (2) significant weather delays or natural disasters, NTIA will, upon receipt of proper documentation, consider the application as having been received by the deadline. Applicants submitting applications by hand delivery are notified that, due to security procedures in the Department of Commerce, all packages must be cleared by the Department's security office. The security office is located in

Room 1874, located at Entrance No. 10 on the 15th St. NW side of the building.

ADDRESSES: To submit completed applications, or send any other correspondence, write to: NTIA/PTFP, Room H-4625, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: William Cooperman Acting Director, Public Broadcasting Division, telephone: (202) 482-5802; fax: (202) 482-2156.

SUPPLEMENTARY INFORMATION:**I. Application Forms and Requirements**

Funding for the PEACESAT Program is provided pursuant to Pub. L. 105-277, "The Department of Commerce and Related Agencies Appropriations Act, 1999." Pub. L. 105-277 provides that "notwithstanding any other provision of law, the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Broadcasting Facilities, Planning and Construction funds." The PEACESAT Program was authorized under Pub. L. 100-584 (102 Stat. 2970) and also Pub. L. 101-555 (104 Stat. 2758) to acquire satellite communications services to provide educational, medical, and cultural needs of Pacific Basin communities. The PEACESAT Program has been operational since 1971 and has received funding from NTIA for support of the project since 1988.

Pub. L. 105-277 appropriated \$21 million for this account to be awarded for Public Telecommunications Facilities Program (PTFP) grants and for PEACESAT Program grants. The solicitation notice for the PTFP Program was published in the **Federal Register** on November 6, 1998 (63 FR 60191). Applications submitted in response to this solicitation for PEACESAT applications are not subject to the requirements of the November 6, 1998 Notice and are exempt from the PTFP regulations at 15 CFR part 2301. NTIA anticipates making a single award for approximately \$450,000 for the PEACESAT Program in FY1999.

NTIA requests that each applicant for a PEACESAT Program grant supply one (1) original signed application and five (5) copies, unless doing so would present a financial hardship, in which case the applicant may submit one (1) original and two (2) copies of the application. The application form consists of the Standard Form 424 Application for Federal Assistance; Standard Form 424A Budget Information—Non-Construction Programs; Standard Form 424 B,

Assurances; Standard Form CD-511 Certification; and Standard Form LLL, Disclosure of Lobbying Activities (if applicable). These requirements are subject to the Paperwork Reduction Act and have been approved by the Office of Management and Budget under control numbers 0348-0043, 0348-0044, 0348-0040 and 0348-0046.

Applicants are not required to respond to a collection of information sponsored by the Federal Government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice.

Eligible applicants will include any for-profit or non-profit organization, public or private entity, other than an agency or division of the Federal government. Individuals are not eligible to apply for the PEACESAT Program funds.

Grant recipients under this program will not be required to provide matching funds toward the total project cost.

Applicants are hereby notified that any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible.

The Fly America Act requires that Federal travelers and others performing U.S. Government-financed foreign air travel must use U.S. flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only when a U.S. flag air carrier is unavailable, or use of U.S. flag air carrier service will not accomplish the agency's mission.

Applicants should note that they must comply with the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs." The Executive Order requires applicants for financial assistance under this program to file a copy of their application with the Single Points of Contact (SPOC) of all states relevant to the project. Applicants are required to provide a copy of their completed application to the appropriate SPOC on or before April 15, 1999.

Applicants may be required to submit Name Check forms (Form CD-346) which may be used to ascertain background information on key individuals associated with potential grantees as part of the application, per Department Pre-Award Administrative Requirements and Policies.

All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the

following explanations are hereby provided:

(1) *Nonprocurement Debarment and Suspension*. Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

(2) *Drug Free Workplace*. Grantees (as defined at 15 CFR part 26, Section 605) are subject to 15 CFR part 26, subpart F, "Government-wide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

(3) *Anti-lobbying*. Persons (as defined at 15 CFR part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applicants/bidders for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

(4) *Anti-lobbying Disclosures*. Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," (OMB Control Number 0348-0046) as required under 15 CFR part 28, Appendix B.

Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the grant award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to the Department. SF-LLL submitted by any tier recipient or subrecipient should be submitted to the Department in accordance with the instructions contained in the award document.

If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department.

Recipients and subrecipients are subject to all Federal laws and Federal and Department policies, regulations,

and procedures applicable to Federal assistance awards. In addition, unsatisfactory performance by the applicant under prior Federal awards may result in the application not being considered for funding.

If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that they have received, there is no obligation on the part of the Department to cover preaward costs.

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either: (1) The delinquent account is paid in full; (2) a negotiated repayment schedule is established and at least one payment is received, or (3) other arrangements satisfactory to the Department are made.

Applicants are reminded that a false statement on the application may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

II. Scope of Project and Eligible Costs

Projects funded pursuant to this Notice are intended to support the PEACESAT Program's acquisition of satellite communications to service Pacific Basin communities and to manage the operations of this network.

Allowable costs incurred under approved projects shall be determined in accordance with applicable federal cost principles, i.e. OMB Circular A-21, A-87, A-122, or 48 CFR part 31, as applicable. If included in the approved project budget, NTIA will allow costs for personnel, fringe benefits, travel, consultants and other contractual services, supplies, and other costs which are reasonable and necessary to manage the operation of a satellite communications network.

Communications and computer equipment costs are eligible as necessary in order to provide communications services to meet the education, medical, and cultural needs of the Pacific Basin communities. The costs allowable under this Notice are not subject to the limitation on costs contained in the November 6, 1998 Notice regarding the PTFP Program.

The total dollar amount of indirect costs proposed in an application must not exceed the indirect costs rate negotiated and approved by a cognizant federal agency or 100 percent of the total proposed direct cost dollar amount in the application, whichever is less.

III. Notice of Applications Received

NTIA will publish a notice in the **Federal Register** listing all applications received in response to this notice. Listing an application in such a notice merely acknowledges receipt of an application to compete for funding with other applications. Publication does not preclude subsequent return or disapproval of the application, nor does it assure that the application will be funded. The notice will also include a request for comments on the applications from any interested party.

IV. Evaluation Process

Each eligible application will be reviewed by a panel of outside reviewers who have demonstrated expertise in the programmatic and technological aspects of the application. The review panel will evaluate applications according to the following evaluation criteria and will provide written ratings of each application. The first three criteria, (1) Meeting the Purposes of the PEACESAT Program, (2) Extent of Need for the Project, and (3) Plan of Operation for the Project, are each worth 25 points. Criterion (4) Budget and Cost Effectiveness is worth 20 points and Criterion (5) Quality of Key Personnel is worth 5 points.

Criteria 1. Meeting the purposes of the PEACESAT Program (i) how well the proposal meets the objectives of the PEACESAT Program and (ii) how the objectives of the proposal further the purposes of the PEACESAT Program.

Criteria 2. Extent of need for the project. Determine the extent to which the project meets the needs of the PEACESAT Program, including consideration of: (i) The needs addressed by the project; (ii) how the applicant identified those needs; (iii) how those needs will be met by the project; and (iv) the benefits to be gained by meeting those needs.

Criteria 3. Plan of operation for the project, including (i) The quality of the design of the project; (ii) the extent to which the plan of management is effective and ensures proper and efficient administration of the project; (iii) how well the objectives of the project relate to the purpose of the program; (iv) the quality of the applicant's plan to use its resources and personnel to achieve each objective; and (v) how the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition.

Criteria 4. Budget and cost effectiveness. To determine the extent to

which: (i) The budget is adequate to support the project; and (ii) costs are reasonable in relation to the objectives of the project.

Criteria 5. Quality of key personnel applicant plans to use on the project, including: (i) The qualifications of the project director (if one is to be used); (ii) the qualifications of each of the other key personnel to be used in the project; (iii) the time that each person will commit to the project; and (iv) how the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition. In this section, qualifications refer to the experience and training in fields related to the objectives of the project; and any other qualifications that pertain to the quality of the project.

V. Selection Process

The program staff prepares summary recommendations for the Director of the Public Broadcasting Division. These recommendations include outside reviewers' ratings and will incorporate analysis based on the degree to which a proposed project meets the program purpose and cost eligibility as described in Section II of this Notice. Staff recommendations also consider (1) project impact, (2) the cost/benefit of a project and (3) whether review panels have consistently applied the evaluation criteria. The analysis of program staff will be provided to the Director of the Public Broadcasting Division in writing.

The Director will recommend the funding order of the applications for the PTFP and PEACESAT Programs taking into consideration the outside reviewers' ratings, the summary recommendations prepared by program staff, and the relative rating of the PEACESAT and PTFP applications. The Director will present recommendations to the Office of Telecommunications and Information Applications (OTIA) Associate Administrator for review and approval. The Director recommends the funding order for applications in three categories: "Recommended for Funding," "Recommended for Funding if Funds Available," and "Not Recommended for Funding." The selection factors retained by the Director, OTIA Associate Administrator, and the Assistant Secretary for Telecommunications and Information for the PTFP Program are described in 15 CFR 2301.18. These sections factors will also be used, as applicable, for selection of applications for funding for the PEACESAT Program.

Upon review and approval by the OTIA Associate Administrator, the Director's recommendations will then be presented to the Selection Official, the NTIA Administrator. The NTIA Administrator selects the applications to be negotiated for possible grant award taking into consideration the outside reviewers rating, the Director's recommendations and the degree to which the slate of applications, taken as a whole, satisfies the PTFP and PEACESAT Program's stated purposes. These applications are negotiated

between NTIA staff and the applicant. The negotiations are intended to resolve whatever differences might exist between the applicant's original request and what NTIA proposes to fund. During negotiations, some applications may be dropped from the proposed slate, due to lack of Federal Communications Commission licensing authority, an applicant's inability to make adequate assurances or certifications, or other reasons. Negotiation of an application does not ensure that a final award will be made. When the negotiations are completed, the Director recommends final selections to the NTIA Administrator applying the same factors as listed above. The Administrator then makes the final award selections from the negotiated applications taking into consideration the Director's recommendations and the degree to which the slate of applications, taken as a whole, satisfies the stated purposes for the PTFP Program in 15 CFR 2301.1(a) and (c) and for the PEACESAT Program.

VI. Project Period

Any project awarded pursuant to this notice will be for a one-year period.

Authority: Pub. L. 105-277, "The Department of Commerce and Related Agencies Appropriations Act, 1999."

Dr. Bernadette McGuire-Rivera,
*Associate Administrator, Office of
Telecommunications and Information
Applications.*

[FR Doc. 99-6390 Filed 3-15-99; 8:45 am]

BILLING CODE 3510-60-P