



Spectrum Auction Planning Grant GUIDELINES (Second Round)

APPLICATION DEADLINE: March 24, 2015

OVERVIEW

The Corporation for Public Broadcasting (“CPB”) will make matching grants of up to \$50,000 to eligible public television licensees to help station management obtain the professional expertise and analyses needed to make informed decisions about participation in the planned FCC spectrum auction, and to engage boards and community members in strategic discussions about their options.

This grant program is part of a multi-pronged effort by CPB – the Supporting Healthy Stations’ Spectrum Auction Planning Initiative – that includes a series of informational webinars, spectrum auction decision-making tools and access to national spectrum experts.

BACKGROUND

In early 2016, the Federal Communications Commission (FCC) is planning to hold an auction in which television stations, including public television stations, will be able to bid on surrendering their licenses, moving from a UHF channel to one in the VHF band, moving from a higher VHF channel to a lower, or sharing a channel with another station, in exchange for cash. Following the spectrum incentive auction, the FCC will “repack” the remaining television stations so that they occupy a narrower band of spectrum.

This spectrum incentive auction and repacking process present both challenges and opportunities to the public media system. Potential lost coverage area and decreased bandwidth for public television could affect the provision of free, over-the-air access to public television content, reduce the scope and diversity of services and audiences, and result in high out-of-pocket expenses for stations. On the other hand, auction revenue could provide funding for stations to increase their service to communities.

Decisions about whether and how to participate in the planned auction are therefore some of the most significant ever faced by public television managers and their governing authorities.

ELIGIBILITY

Applicants must be CPB Television Community Service Grant recipients (“TV CSG Recipients”) in good standing.

Eligibility requirements include a commitment by the Applicant to apply a substantial majority

of any auction proceeds it receives toward activities that benefit public media. Community licensees must provide a board resolution to this effect. Institutional or governmental licensees must provide a written confirmation from an appropriate senior licensee official (who is not a station employee).

GRANT PROGRAM DESCRIPTION

Available Funding and Eligible Activities

Spectrum Auction Planning Grants are intended to help Applicants obtain the legal, economic, technical, business, development and other expertise needed to inform strategic discussions between management and governing boards, regarding both the auction and the licensee's future use of spectrum.

Applicants may apply for one grant of up to 50% of total direct costs for eligible activities, up to \$50,000. Eligible activities include:

- Briefing boards or other governing bodies;
- Engaging and communicating with other stakeholders, including key partners, donors and the community at large;
- Developing a spectrum strategy:
 - Assessing public service value of licensee's current use of spectrum;
 - Obtaining spectrum valuation estimates;
 - Assessing future service opportunities; including those stemming from next generation broadcasting platforms such as ATSC 3.0;
 - Analyzing legal and financial obligations that could affect spectrum auction participation, as well as rights issues;
 - Evaluating coverage area and service implications of different channel-sharing partnerships or moves from UHF to VHF;
- Developing channel-sharing agreements;
- Developing technical and facilities plans and cost estimates;
- Interpreting FCC rules and clarifying procedures;
- Other proposed activities, to be deemed eligible by CPB on a case-by-case basis.

CPB may consider making matching grants higher than \$50,000 in rare circumstances. Note that the grant program will not support staff costs, indirect/overhead costs or equipment acquisition, nor will it fund costs already incurred. *Please note that issues and costs related to post-auction repacking will not be addressed or supported by this grant program.*

Funding Priorities

Because funds are limited, CPB has developed a set of funding priorities. Applications from eligible licensees will be considered in the following order:

1. An Applicant considering participation in the spectrum auction that is the only provider of public television service to a material portion of its coverage area;

2. An Applicant considering a channel-sharing bid with, in order of priority:
 - a. Itself or another public television licensee, or
 - b. A commercial licensee;
3. An Applicant with Non-Federal Financial Support (NFFS) of \$5,000,000 or less;
4. Other Applicants, with the exception of those planning a bid to relinquish their license.

CPB, in special circumstances, may make grant funding available to licensees based on priorities other than those listed above.

Additional Evaluation Criteria

Applications will also be evaluated on whether the Applicant:

- Makes a compelling case that the FCC is likely to accept bids in the Applicant's Designated Market Area(s). (Applicants may wish to reference published FCC estimates or opening bids, or similar materials from credible third parties.)
- Makes a convincing case that the funds will be used to support strategic decision-making with boards, governing institutions, and communities.
- Clearly describes how grant-funded information and analyses will be utilized to inform its decision.
- Describes a transparent decision-making process regarding participation in the auction that includes community consultation.
- Describes the increased efficiency and collaboration in the provision of local public media services that could result from grant funding.

Grant Term

Grant project activities must be conducted within six months of the execution of a binding grant agreement, or by the FCC's deadline for applying to participate in the reverse auction (currently scheduled for fall 2015), whichever is earlier.

REQUIRED APPLICATION ELEMENTS

- A. ***Cover Page*** – Include the grant program name (“Spectrum Auction Planning Grant”), and applicant information: licensee name, **CSG ID**, requested amount of matching grant funding, primary contact name, mailing address, e-mail address and phone number.
- B. ***Eligibility/Priority Statement*** – Provide a narrative (of approximately 1,000 words) describing how the Applicant or application meets grant program eligibility requirements and funding priorities, as described in “ELIGIBILITY” and “*Funding Priorities*” above, and describing the likelihood of the FCC accepting bids in Applicant's DMA(s).
- C. ***Project Description*** – Provide a narrative (of approximately 2,000 words) describing

how the project will be conducted, including:

1. Eligible activities to be undertaken;
2. Leadership roles and responsibilities;
3. Activity timeline;
4. As available, selected expert vendors and their qualifications;
5. Total project cost (which must exclude staff, equipment, indirect or overhead costs, and costs already incurred);
6. How grant-funded expertise and information will be used in a transparent and strategic decision-making method or process.

D. ***Applicant Resolutions and/or Confirmation Letters*** – Regarding use of any auction proceeds. See “ELIGIBILITY” above.

Note that grant agreements will require that grantees report on, among other things, the progress and results of their spectrum-related strategic decision-making process, and, that grantees will certify final project costs and match.

APPLICATION PROCESS AND TIMELINES

Questions

Any questions about program guidelines, applications, or Conditions of Agreement should be submitted by email to spectrum@CPB.org. Questions will be answered by CPB staff members, and may be shared (without applicant attribution) on CPB’s website, using a Frequently Asked Questions format.

Deadlines and Submission

Grant applications are due March 24, 2015.

Applications must be submitted electronically, in PDF files. Please name files appropriately. Submit by email to spectrum@cpb.org, including licensee name and “Grant Application” in message title. Each application received will be acknowledged via email. Please note that CPB may ask for additional information from applicants at any time during the review and selection process.

Application Rights and Responsibilities

Proposals submitted in response to this open call for grant applications by an applicant (“Applicant”) shall be valid for at least 60 days following the application deadline.

Proposals shall be prepared simply and economically, providing a straightforward, concise description of the Applicant’s proposals to meet the requirements of this application. Neither multiple nor alternate proposals will be accepted. An Applicant should give specific attention to

the clear identification of those portions of its proposal that it considers confidential, proprietary commercial information or trade secrets.

The selected Applicant shall be responsible for all products and services required by this APPLICATION. Subcontractors must be identified and a complete description of their role relative to the proposals must be included in the Applicant's proposals.

By submitting an offer in response to this application, an Applicant, if selected for award, shall be deemed to have accepted the terms of this application. Any exceptions to this application must be clearly identified in the proposal. A proposal that takes exception to these terms may be rejected.

As part of the application review process, CPB may share materials, data, other information and analyses (collectively, "Information") with Applicants. As a condition of receiving such Information, Applicants responding to this application shall be deemed to agree to protect, preserve and maintain all such Information on a strictly confidential basis, and to promptly return to CPB upon its request all tangible copies of such Information in your possession.

CPB is not responsible for loss or damage to the material submitted. Any submission to CPB shall become the property of CPB (not including any intellectual property rights contained in such submission), and CPB is not required to return any submitted materials to any Applicant. CPB is not responsible for any violation of copyright, trademark, patent, trade secret, or other rights that may result from disclosure made by response to this application.

Solicitation by CPB of proposals does not constitute an agreement by CPB to extend funding to any party for the project under consideration. CPB may, in its sole discretion, elect not to pursue this project in any manner.

By submitting a proposal, each Applicant grants to CPB the right to duplicate, use, disclose, and distribute all of the materials submitted for purposes of evaluation, review, and research. In addition, each Applicant guarantees that the Applicant has full and complete rights to all of the information and materials included in the proposal. Each Applicant also guarantees that all such materials are not defamatory and do not infringe upon or violate the privacy rights, copyrights, or other proprietary rights of any third party. Additionally, each Applicant agrees to indemnify CPB with respect to the aforementioned guarantees.

PREVIEW OF GRANT REQUIREMENTS

- A. Grant payments will be contingent upon the delivery of specific components related to project implementation, including but not limited to reports on the progress and results of spectrum related strategic decision-making process.
- B. Grantees will be required to certify final project costs and grantee match.

CONDITIONS OF AGREEMENT

CPB will require all grant recipients to agree to these terms and conditions and does not plan to modify them for individual grant recipients.

If an application is selected for funding, Applicants will be required to sign a binding agreement. Until both parties have signed an agreement, no express or implied commitment has been made to provide financial support. Applicants are not authorized to commence work until the agreement is fully executed. If Applicants opt to commence work, they do so at their own risk. No oral or written statement other than the signed, written agreement will govern or modify the relationship.

As a condition of agreement, Applicants must guarantee that, among other things, any work they undertake on behalf of CPB is not defamatory and will not violate or infringe upon the privacy rights, copyrights, or other proprietary rights of any third party. Applicants must also agree to indemnify CPB against any loss resulting from breach of any of the guarantees contained in the agreement.

Those receiving funds from CPB must be able to comply with a number of requirements that will be included in the agreement. These requirements include, but are not limited to:

1. A demonstration of adequate financial support to complete the work for which they have been contracted and to deliver reports and/or other intellectual property created pursuant to the agreement;
2. Maintenance, for 3 years following receipt of relevant funds, of all financial records to the project, which records shall be accessible to CPB, and to the U.S. Comptroller General or other representatives for examination and audit purposes. (Applicants will additionally ensure that any subcontractors or consultants under the agreement shall also maintain such records for the period specified and under the same terms);
3. Maintenance, for 3 years after approval of a final financial report, of a complete file of all subcontracts and other agreements, licenses, clearances, and other documents related to the work undertaken, copies of which shall be made available to CPB on request;
4. Compliance with equal employment opportunity and nondiscrimination laws and policies;
5. No funds provided by CPB will be used (i) for any activity designed to influence legislation or appropriations pending before the United States Congress or any State legislative or (ii) to conduct any reception or provide any other entertainment for any officer or employee of the Federal Government or any State or local government; and
6. Applicants will be required to indemnify and hold CPB harmless from and against all

claims, damages, liabilities, costs and expenses (including legal fees) arising out of or related to (i) any alleged or actual breach of any representation or warranty in the operative agreement; (ii) any other default by such applicant of any term or provision of the operative agreement; or (iii) Applicant's performance under the project.

7. Applicants will be required to provide documentation as to actual costs; and
8. The agreement will be governed by construed in accordance with the laws of the District of Columbia without regard to its conflict of law provisions.

Other material terms and provisions will be set forth in the documents provided to the Applicant that successfully completes the selection process.

CPB will be provided with non-exclusive rights to use and copy the reports created as deliverables for this project.

CPB will not be responsible for any costs incurred by an Applicant in preparing and submitting a proposal, or in performing any other activities relative to this solicitation.