



Committee: Directly to Council
Staff: Dr. Costis Toregas, Council IT Adviser
Purpose: To receive testimony/final action - vote expected
Keywords: #computers, #free computers, #getting online, #Montgomery Connects, #digital divide

AGENDA ITEM #8
June 28, 2022 **Public**
Hearing/Action

SUBJECT

Supplemental appropriation for Montgomery Connects Computers for You Emergency Connectivity Fund Grants, \$15,975,170

EXPECTED ATTENDEES

Gail Roper, Technology Enterprise Business Solutions (TEBS) director
Joe Webster, Chief Broadband Officer, TEBS

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

GO Committee review of deployment is scheduled in July to review detailed management processes and additional financial requirements for effective implementation

DESCRIPTION/ISSUE

Resolution # 22-94 requests a supplemental appropriation to the FY22 Operating budget for the Technology and Enterprise Business Solutions department that will enable the County to purchase 40,048 laptop computers to be distributed to low-income residents who do not have access to a computer sufficient for their educational needs. This grant will support the goals of digital equity for County residents. There is a no match requirement for the ECF (Emergency Connectivity Fund) cost-reimbursable grant.

SUMMARY OF KEY DISCUSSION POINTS

The proposed action to supplement the FY22 TEBS budget is required to fulfil financial acceptance and use parameters of the grant. The GO Committee will review the project in detail in early FY23 in order to assess TEBS management and distribution strategies, and explore how costs related to training, maintenance and software associated with the grant will be absorbed in the FY23 TEBS budget.

This report contains:

Transmittal memo
Resolution

Pages

© 1-18
© 19-20

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OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

June 2, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Supplemental Appropriation #22-94
Montgomery County Government
Technology and Enterprise Business Solutions
Montgomery Connects Computer for You
Emergency Connectivity Fund Grants, \$15,975,170

I am recommending a Supplemental Appropriation to the FY22 Operating Budget of the Department of Technology and Enterprise Business Solutions (TEBS) in the amount of \$15,975,170 for the Montgomery Connects Computer for You program. The source of funding is a Federal Emergency Connectivity Fund (ECF) grant, which will allow the County to purchase 40,048 laptop computers to be distributed to low-income residents who do not have access to a computer sufficient for their educational needs. There is a no match requirement for the ECF grant.

I appreciate your prompt consideration of this action.

ME:mh

Enclosure: Supplemental Appropriation #22-94

cc: Gail M. Roper, CIO and Director, Technology and Enterprise Business Solutions
Jennifer R. Bryant, Director, Office of Management and Budget
Ken Hartman, Director of Strategic Partnership, Office of the County Executive

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the County Executive

SUBJECT: Supplemental Appropriation #22-94 to the FY22 Operating Budget
Montgomery County Government
Technology and Enterprise Business Solutions
Montgomery Connects Computers for You
Emergency Connectivity Fund Grants, \$15,975,170

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. The County Executive has requested the following FY22 Operating Budget appropriation increases for Technology and Enterprise Business Solutions:

Personnel Services	Operating Expenses	Total	Source of Funds
\$0	\$15,975,170	\$15,975,170	Federal Grant

3. This increase is needed to provide spending authority to the Department of Technology & Enterprise Business Solutions (TEBS) Device Client Management (DCM) program to purchase and distribute computers to low-income County residents.
4. Upon receipt of computers, TEBS will submit invoices to the Universal Service Administrative Company (USAC) and be reimbursed within 90 days. Funding for the Emergency Connectivity Fund was established under Section 7402 of the American Rescue Plan and awarded to Montgomery County Public Libraries (MCPL). The TEBS DCM program is purchasing and distributing computers on behalf of MCPL.
5. Notice of public hearing was given, and a public hearing was held.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

A supplemental appropriation to the FY22 Operating Budget of the Technology and Enterprise Business Solutions is approved as follows:

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Total</u>	<u>Source of Funds</u>
\$0	\$15,975,170	\$15,975,170	Federal Grant

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council

ECF Revised Funding Commitment Decision Letter

2021**Contact Information:**

James Donaldson
MONTGOMERY CO DEPT OF PUB LIB
21 MARYLAND AVENUE, SUITE 310
ROCKVILLE MD 20850 - 2330
james.donaldson@montgomerycountymd.gov

ECF FCC Form 471: ECF202110740**Request Type:** PC Request**Application Nickname:** Vendor change**BEN:** 126362**Obligation Adjustment File:** 6

Totals

Original Commitment Amount	\$7,993,969.92
Revised Commitment Amount	\$7,993,969.92

What is in this letter?

Thank you for submitting your post-commitment request for the Emergency Connectivity Fund (ECF) Program.

Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received.

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.



Next Steps

Submit Requests for Reimbursement to the Emergency Connectivity Fund (ECF) Portal.¹

The Commission in the Emergency Connectivity Fund Report and Order provided two ways for applicants to be able to invoice for eligible equipment and services through the Emergency Connectivity Fund Program. Applicants and service providers, who agree to invoice on behalf of the applicant(s), are allowed to submit ECF Program requests for reimbursement.

- **If the applicant is invoicing:** After receiving the ECF-supported eligible equipment and/or services, the applicant will file the ECF FCC Form 472, the Billed Entity Applicant Reimbursement (BEAR) Form to invoice for reimbursement of the ECF-supported eligible equipment and/or services. If the applicant requests reimbursement prior to paying its service provider(s), the applicant will be required to provide verification that it paid its service provider(s) within 30 days of receipt of funds.
- **If the service provider is invoicing:** The service provider(s) must provide the ECF-supported eligible equipment and/or services and then file the ECF FCC Form 474, the Service Provider Invoice (SPI) Form, to invoice for reimbursement for the ECF-supported eligible equipment and/or services provided.

Applicants and service providers, who agree to invoice on behalf of the applicant(s), must provide invoices detailing the items purchased, along with the requests for reimbursement. In general, any request for reimbursement submitted without the necessary information will be rejected with an explanation as to the deficiency, and the funding recipient will need to timely resubmit its invoice submission in order to receive reimbursement.

Notice on Rules and Requirements

The applicants' receipt of funding commitments is contingent on their compliance with all federal, statutory, regulatory, and procedural requirements of the ECF Program and the FCC's rules. This also includes the certifications under penalty of perjury contained in their funding application(s). Funding recipients are subject to audits and other reviews that the Commission and other appropriate authorities may undertake periodically to ensure that committed funds are being used in accordance with such requirements and for their intended purpose. Please see paragraphs 116-134 of the Commission's *Emergency Connectivity Fund Report and Order* for more information regarding the Program's documentation, certification, and audit requirements.

¹ The *Emergency Connectivity Fund Report and Order* directed USAC to make the invoicing system available 15 days after the issuance of the first wave of commitments for the Emergency Connectivity Fund Program. *Establishing the Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Report and Order, FCC 21-58, para. 98 (rel. May 11, 2021) (*Emergency Connectivity Fund Report and Order*). If your funding commitment was released as part of the first wave, you may need to wait 15 days prior to submitting your request for reimbursement. USAC will announce when the invoicing system is available and requests for reimbursement can be submitted.



As referenced in paragraph 101 of the *Emergency Connectivity Fund Report and Order*, attached to this letter is the full text of Appendix A to 2 CFR Part 170, which provides additional information about the reporting requirements for reporting executive compensation (through <https://www.sam.gov>) and subaward activity (through <http://www.fsrs.gov>) under the Federal Funding Accountability and Transparency Act of 2006 as amended by the Digital Accountability and Transparency Act of 2014 (collectively the Transparency Act or FFATA/DATA Act) for award and subaward payments that equal or exceed \$30,000.

On behalf of the FCC, USAC may be required to reduce or cancel funding commitments that were not issued in accordance with these requirements, whether due to action or inaction of USAC, the applicant, or the service provider. The Commission and other appropriate authorities may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 30 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Please note that this is shorter than the deadline for appeals in the E-Rate Program.

Note: The Federal Communications Commission (FCC) will not accept appeals of ECF Program decisions that have not first been submitted and addressed in the Emergency Connectivity Fund (ECF) Portal. However, if you are seeking a waiver of ECF Program rules, you must submit your request directly to the FCC and not in the ECF Portal. Waivers of the ECF Program rules cannot be addressed within the ECF Portal.

- **To submit an appeal that is not a waiver**, visit the Appeals section in the [Emergency Connectivity Fund \(ECF\) Portal](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit the ECF Program's [website](#) for additional information on submitting an appeal, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number WC Docket No. 21-93 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request, identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For all appeals and waivers, be sure to keep a copy of your entire appeal or waiver document, including any correspondence and documentation, and provide a copy to the affected service provider(s).



BEN Name: MONTGOMERY CO DEPT OF PUB LIB
BEN: 126362
ECF FCC Form 471: ECF202110740
Obligation File: 6

ECF Revised Funding Commitment Decision Overview

Revised Funding Commitment Decision Overview

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Commitment	Request Decision
ECF2190015055	CACI	PC Request	\$4,009,754.88	APPROVED
ECF2190015063	CACI	PC Request	\$3,984,215.04	APPROVED



BEN Name: MONTGOMERY CO DEPT OF PUB LIB
BEN: 126362
ECF FCC Form 471: ECF202110740
Obligation File: 6

Request Number: ECFPC202101589	Request Type: PC Request	Request Decision: APPROVED
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FRN: ECF2190015055	Service Type: Equipment	Original Status: Funded	Revised Status: Funded
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Dollars Committed			
Monthly Cost		One-time Cost	
Months of Service	11		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$4,009,754.88
Revised Committed Amount		\$4,009,754.88	

Dates		Service Provider Information	
Service Start Date	8/1/2021	Service Provider	CACI
Service End Date	6/30/2022	SPIN (498ID)	
Service Delivery Date	6/30/2022		
Invoice Deadline Date	8/29/2022		

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:

A SPIN change from TelaForce to CACI was requested. This request appears to be an Operational SPIN change. In consultation with the applicant, the service provider has been changed to CACI.

Rationale:

Your request to change the SPIN on FRN ECF2190015055 has been approved.



BEN Name: MONTGOMERY CO DEPT OF PUB LIB
BEN: 126362
ECF FCC Form 471: ECF202110740
Obligation File: 6

Request Number: ECFPC202101589	Request Type: PC Request	Request Decision: APPROVED
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FRN: ECF2190015063	Service Type: Equipment	Original Status: Funded	Revised Status: Funded
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Dollars Committed			
Monthly Cost		One-time Cost	
Months of Service	11		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$3,984,215.04
Revised Committed Amount		\$3,984,215.04	

Dates		Service Provider Information	
Service Start Date	8/1/2021	Service Provider	CACI
Service End Date	6/30/2022	SPIN (498ID)	
Service Delivery Date	6/30/2022		
Invoice Deadline Date	8/29/2022		

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:

A SPIN change from TelaForce to CACI was requested. This request appears to be an Operational SPIN change. In consultation with the applicant, the service provider has been changed to CACI.

Rationale:

Your request to change the SPIN on FRN ECF2190015063 has been approved.



Appendix A to Part 170—Award Term

I. Reporting Subawards and Executive Compensation

a. Reporting of first-tier subawards.

Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).

2. Where and when to report.

- i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.
- ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting total compensation of recipient executives for non-Federal entities.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

- i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in 2 CFR § 170.320;
- ii. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR § 170.320 (and subawards), and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR § 170.320 (and subawards); and,
- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under sections 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at <https://www.sam.gov>
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

- i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR § 170.320 (and subawards) and,



(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under sections 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

- i. To the recipient.
- ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. *Exemptions.*

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. Subawards, and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. *Definitions.* For purposes of this award term:

1. Federal Agency means a Federal agency as defined at 5 U.S.C. § 551(1) and further clarified by 5 U.S.C. 552(f).
2. Non-Federal entity means all of the following, as defined in 2 CFR part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization; and
 - iv. A domestic or foreign for-profit organization
3. *Executive* means officers, managing partners, or any other employees in management positions.
4. *Subaward:*
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR § 200.331).
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
5. *Subrecipient* means a non-Federal entity or Federal agency that:
 - i. Receives a subaward from you (the recipient) under this award; and
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
6. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR § 229.402(c)(2)).

[2 CFR Part 170; 85 FR 49526, Aug. 13, 2020]

ECF Revised Funding Commitment Decision Letter

2021**Contact Information:**

James Donaldson
MONTGOMERY CO DEPT OF PUB LIB
21 MARYLAND AVENUE, SUITE 310
ROCKVILLE MD 20850 - 2330
james.donaldson@montgomerycountymd.gov

ECF FCC Form 471: ECF222120109**Request Type:** PC Request**Application Nickname:** Vendor Update**BEN:** 126362**Obligation Adjustment File:** 9

Totals

Original Commitment Amount	\$7,981,200.00
Revised Commitment Amount	\$7,981,200.00

What is in this letter?

Thank you for submitting your post-commitment request for the Emergency Connectivity Fund (ECF) Program.

Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received.

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.



Next Steps

Submit Requests for Reimbursement to the Emergency Connectivity Fund (ECF) Portal.¹

The Commission in the Emergency Connectivity Fund Report and Order provided two ways for applicants to be able to invoice for eligible equipment and services through the Emergency Connectivity Fund Program. Applicants and service providers, who agree to invoice on behalf of the applicant(s), are allowed to submit ECF Program requests for reimbursement.

- **If the applicant is invoicing:** After receiving the ECF-supported eligible equipment and/or services, the applicant will file the ECF FCC Form 472, the Billed Entity Applicant Reimbursement (BEAR) Form to invoice for reimbursement of the ECF-supported eligible equipment and/or services. If the applicant requests reimbursement prior to paying its service provider(s), the applicant will be required to provide verification that it paid its service provider(s) within 30 days of receipt of funds.
- **If the service provider is invoicing:** The service provider(s) must provide the ECF-supported eligible equipment and/or services and then file the ECF FCC Form 474, the Service Provider Invoice (SPI) Form, to invoice for reimbursement for the ECF-supported eligible equipment and/or services provided.

Applicants and service providers, who agree to invoice on behalf of the applicant(s), must provide invoices detailing the items purchased, along with the requests for reimbursement. In general, any request for reimbursement submitted without the necessary information will be rejected with an explanation as to the deficiency, and the funding recipient will need to timely resubmit its invoice submission in order to receive reimbursement.

Notice on Rules and Requirements

The applicants' receipt of funding commitments is contingent on their compliance with all federal, statutory, regulatory, and procedural requirements of the ECF Program and the FCC's rules. This also includes the certifications under penalty of perjury contained in their funding application(s). Funding recipients are subject to audits and other reviews that the Commission and other appropriate authorities may undertake periodically to ensure that committed funds are being used in accordance with such requirements and for their intended purpose. Please see paragraphs 116-134 of the Commission's *Emergency Connectivity Fund Report and Order* for more information regarding the Program's documentation, certification, and audit requirements.

¹ The *Emergency Connectivity Fund Report and Order* directed USAC to make the invoicing system available 15 days after the issuance of the first wave of commitments for the Emergency Connectivity Fund Program. *Establishing the Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Report and Order, FCC 21-58, para. 98 (rel. May 11, 2021) (*Emergency Connectivity Fund Report and Order*). If your funding commitment was released as part of the first wave, you may need to wait 15 days prior to submitting your request for reimbursement. USAC will announce when the invoicing system is available and requests for reimbursement can be submitted.



As referenced in paragraph 101 of the *Emergency Connectivity Fund Report and Order*, attached to this letter is the full text of Appendix A to 2 CFR Part 170, which provides additional information about the reporting requirements for reporting executive compensation (through <https://www.sam.gov>) and subaward activity (through <http://www.fsrs.gov>) under the Federal Funding Accountability and Transparency Act of 2006 as amended by the Digital Accountability and Transparency Act of 2014 (collectively the Transparency Act or FFATA/DATA Act) for award and subaward payments that equal or exceed \$30,000.

On behalf of the FCC, USAC may be required to reduce or cancel funding commitments that were not issued in accordance with these requirements, whether due to action or inaction of USAC, the applicant, or the service provider. The Commission and other appropriate authorities may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.

How to Appeal or Request a Waiver of a Decision

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Please note that this is shorter than the deadline for appeals in the E-Rate Program.

Note: The Federal Communications Commission (FCC) will not accept appeals of ECF Program decisions that have not first been submitted and addressed in the Emergency Connectivity Fund (ECF) Portal. However, if you are seeking a waiver of ECF Program rules, you must submit your request directly to the FCC and not in the ECF Portal. Waivers of the ECF Program rules cannot be addressed within the ECF Portal.

- **To submit an appeal that is not a waiver**, visit the Appeals section in the [Emergency Connectivity Fund \(ECF\) Portal](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit the ECF Program's [website](#) for additional information on submitting an appeal, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number WC Docket No. 21-93 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request, identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For all appeals and waivers, be sure to keep a copy of your entire appeal or waiver document, including any correspondence and documentation, and provide a copy to the affected service provider(s).



BEN Name: MONTGOMERY CO DEPT OF PUB LIB
BEN: 126362
ECF FCC Form 471: ECF222120109
Obligation File: 9

ECF Revised Funding Commitment Decision Overview

Revised Funding Commitment Decision Overview

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Commitment	Request Decision
ECF2190031875	CACI	PC Request	\$7,981,200.00	APPROVED



BEN Name: MONTGOMERY CO DEPT OF PUB LIB
BEN: 126362
ECF FCC Form 471: ECF222120109
Obligation File: 9

Request Number: ECFPC202200731	Request Type: PC Request	Request Decision: APPROVED
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FRN: ECF2190031875	Service Type: Equipment	Original Status: Funded	Revised Status: Funded
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Dollars Committed			
Monthly Cost		One-time Cost	
Months of Service	9		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$7,981,200.00
Revised Committed Amount		\$7,981,200.00	

Dates		Service Provider Information	
Service Start Date	10/13/2021	Service Provider	CACI
Service End Date	6/30/2022	SPIN (498ID)	
Service Delivery Date	6/30/2022		
Invoice Deadline Date	8/29/2022		

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:

A SPIN change from TelaForce, LLC to CACI was requested. This request appears to be an Operational SPIN change. In consultation with the applicant, the service provider has been changed to CACI.

Rationale:

Your service provider modification request is approved.



Appendix A to Part 170—Award Term

I. Reporting Subawards and Executive Compensation

a. Reporting of first-tier subawards.

Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).

2. Where and when to report.

- i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.
- ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting total compensation of recipient executives for non-Federal entities.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

- i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in 2 CFR § 170.320;
- ii. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR § 170.320 (and subawards), and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR § 170.320 (and subawards); and,
- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under sections 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at <https://www.sam.gov>
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

- i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR § 170.320 (and subawards) and,



(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under sections 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

- i. To the recipient.
- ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. *Exemptions.*

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. Subawards, and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. *Definitions.* For purposes of this award term:

1. Federal Agency means a Federal agency as defined at 5 U.S.C. § 551(1) and further clarified by 5 U.S.C. 552(f).
2. Non-Federal entity means all of the following, as defined in 2 CFR part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization; and
 - iv. A domestic or foreign for-profit organization
3. *Executive* means officers, managing partners, or any other employees in management positions.
4. *Subaward:*
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR § 200.331).
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
5. *Subrecipient* means a non-Federal entity or Federal agency that:
 - i. Receives a subaward from you (the recipient) under this award; and
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
6. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR § 229.402(c)(2)).

[2 CFR Part 170; 85 FR 49526, Aug. 13, 2020]

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the County Executive

SUBJECT: Supplemental Appropriation #22-94 to the FY22 Operating Budget
Montgomery County Government
Technology and Enterprise Business Solutions
Montgomery Connects Computers for You
Emergency Connectivity Fund Grants, \$15,975,170

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. The County Executive has requested the following FY22 Operating Budget appropriation increases for Technology and Enterprise Business Solutions:

Personnel Services	Operating Expenses	Total	Source of Funds
\$0	\$15,975,170	\$15,975,170	Federal Grant

3. This increase is needed to provide spending authority to the Department of Technology & Enterprise Business Solutions (TEBS) Device Client Management (DCM) program to purchase and distribute computers to low-income County residents.
4. Upon receipt of computers, TEBS will submit invoices to the Universal Service Administrative Company (USAC) and be reimbursed within 90 days. Funding for the Emergency Connectivity Fund was established under Section 7402 of the American Rescue Plan and awarded to Montgomery County Public Libraries (MCPL). The TEBS DCM program is purchasing and distributing computers on behalf of MCPL.
5. Notice of public hearing was given, and a public hearing was held.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

A supplemental appropriation to the FY22 Operating Budget of the Technology and Enterprise Business Solutions is approved as follows:

Personnel Services	Operating Expenses	Total	Source of Funds
\$0	\$15,975,170	\$15,975,170	Federal Grant

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council

MEMORANDUM

June 28, 2022

TO: County Council

FROM: Dr. Costis Toregas, Council IT Advisor

SUBJECT: Supplemental appropriation for Montgomery Connects Computers for You
Emergency Connectivity Fund Grants, \$15,975,170

PURPOSE: **Public Hearing/Final Action Addendum** – roll call vote expected

We received the attached memorandum from the Office of Racial Equality and Social Justice after the Public Hearing/Action Staff Report was published. The memorandum was released on June 27, 2022.

This packet contains:
Office of Racial Equity and Social Justice Memorandum

Circle #
1-4



OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

Marc Elrich
County Executive


Tiffany Ward
Director

MEMORANDUM

June 27, 2022

To: Jennifer Bryant, Director
Office of Management and Budget

cc: Gabe Albornoz, President
County Council

From: Tiffany Ward, Director
Office of Racial Equity and Social Justice 

Re: Racial Equity Impact Assessment (REIA) for Supplemental Appropriation (SA) #22-94
Montgomery Connects Computer Grant Funding

- I. **FINDING:** The Office of Racial Equity and Social Justice (ORESJ) finds that Supplemental Appropriation #22-94 Montgomery Connects Computer Grant Funding is likely to advance racial equity and social justice in the County as it targets resources to households most burdened by the digital divide to help increase access to computers and reduce opportunity and achievement gaps in education such as the Homework Gap.
- II. **BACKGROUND:** The purpose of Supplemental Appropriation #22-94 Montgomery Connects Computer Grant Funding is to purchase 40,048 computers (10,048 in FY22 30,000 in FY23) for distribution to low-income residents participating in the Montgomery Connects Computer for You program in 2022. This program received federal funding from the Emergency Connectivity Fund which is a part of the American Rescue Plan Act of 2021. The Emergency Connectivity Fund grant program aims to help schools and libraries provide the tools and services their communities need for remote learning during the COVID-19 emergency period¹. The goal of this COVID-19 relief is to help close the

¹ Federal Communications Commission. Emergency Connectivity Fund. Available at: <https://www.fcc.gov/emergency-connectivity-fund>

Homework Gap for students who currently lack access to internet or the devices they need to connect to the classroom².

The Homework Gap describes an aspect of the digital divide specifically related to a households' lack of home internet or hardware necessary to support online learning. Prior to the pandemic, data suggests that as many as 17 million children under the age of 18 in the US³ were affected by this issue—disproportionately impacting low-income households and households of color specifically, those identifying as Black, Latino, and American Indian/Alaska Native⁴. Additionally, estimates suggest that the education of as many as 7.3 million children may be negatively impacted by not having a computer in their household⁵. In 2018, Black teens were more likely than any other racial or income group to report being unable to complete homework because of a lack of reliable access to a computer or the internet⁶ while Hispanic teens were more likely than any other racial group to do their homework on a cell phone⁷.

These data points suggest that even before the pandemic, students of color faced technology related barriers to academic achievement. For example, students who rely exclusively on smartphones for completing homework must deal with smaller screens which are less practical for writing, editing, calculations, and graphics and may carry financial or other barriers such as data caps or fewer features⁸. In an October 2020 interview, the Chairwoman of the US Federal Communications Commission, Jessica Rosenworcel, described the structural nature of this gap and the digital divide more generally⁹. She warned that—without intervention—the pandemic could exacerbate the Homework Gap¹⁰, worsening existing education and opportunity gaps.

Pew research confirms some of these early fears about the Homework Gap amid the pandemic. In a 2021 survey, 27% of parents said their children had to do schoolwork on a cell phone while 16% said their child was unable to complete schoolwork because of a lack

² Federal Communications Commission.

³ All4Ed. Homework Gap. July 21, 2020. Available at: <https://all4ed.org/publication/homeworkgap/>

⁴ All4Ed. See data analysis section.

⁵ All4Ed.

⁶ Katherine Schaeffer. Pew Research Center. "What we know about online learning and the homework gap amid the pandemic". October 1, 2021. Available at: <https://www.pewresearch.org/fact-tank/2021/10/01/what-we-know-about-online-learning-and-the-homework-gap-amid-the-pandemic/>

⁷ Katherine Schaeffer.

⁸ All4Ed.

⁹ Tanya Basu. MIT Technology Review. "Why the "homework gap" is key to America's digital divide". October 13, 2020. Available at: <https://www.technologyreview.com/2020/10/13/1010243/jessica-rosenworcel-homework-gap-key-to-americas-digital-divide/>

¹⁰ Tanya Basu. <https://www.technologyreview.com/2020/10/13/1010243/jessica-rosenworcel-homework-gap-key-to-americas-digital-divide/>

of computer access at home¹¹. As with the homework gap, these hardware challenges disproportionately impact lower-income families, with 37% of lower-income parents reporting their child had to do their schoolwork on a cell phone and 25% of lower-income parents reporting that their child was unable to do schoolwork because they didn't have access to a computer at home¹². These barriers have created concerns among teens about their academic achievement. In a Pew Research Center survey conducted between April and May 2022, most teens who at least sometimes do their homework on a cellphone say it's made keeping up with their homework harder¹³. Further, teens of color (19% of Black, 28% of Hispanic) were more likely than White teens (11%) to report being extremely or very concerned about falling behind in school due to the pandemic¹⁴.

Results from the Montgomery Connects Computer for You¹⁵ pilot and articulated racial equity and social justice goals point to a program with the potential of shrinking the Homework gap and reducing the digital divide in the County. The following are data points that accompanied this supplemental appropriation request:

- 55% of recipients earn less than \$25,000 per year and 35% earn between \$25,001 and \$50,000 per year;
- 54% of recipients are Black or African American, and 31% are of Hispanic, Latino, or Spanish origin;
- 85% of recipients responding to our survey stated they have a smartphone, but only 11% had a computer and most existing computers were more than 9 years old; and
- A combined 56% of recipients and events were in Upcounty (37%) and Eastern Montgomery¹⁶ (19%).

These datapoints suggest that structural inequities disproportionately impacting low-income households and households of color in accessing education-related technology are being addressed through targeted outreach and enrollment criteria. In addition, the program's racial equity and social justice goals—working with trusted partners, collocating enrollment for services (including broadband), and expanding language access—indicate an

¹¹ Katherine Schaeffer.

¹² Katherine Schaeffer.

¹³ Monica Anderson. Michelle Faverio. Colleen McClain. Pew Research Center. "How Teens Navigate School During Covid-19". June 2, 2022. Available at: <https://www.pewresearch.org/internet/2022/06/02/how-teens-navigate-school-during-covid-19/>

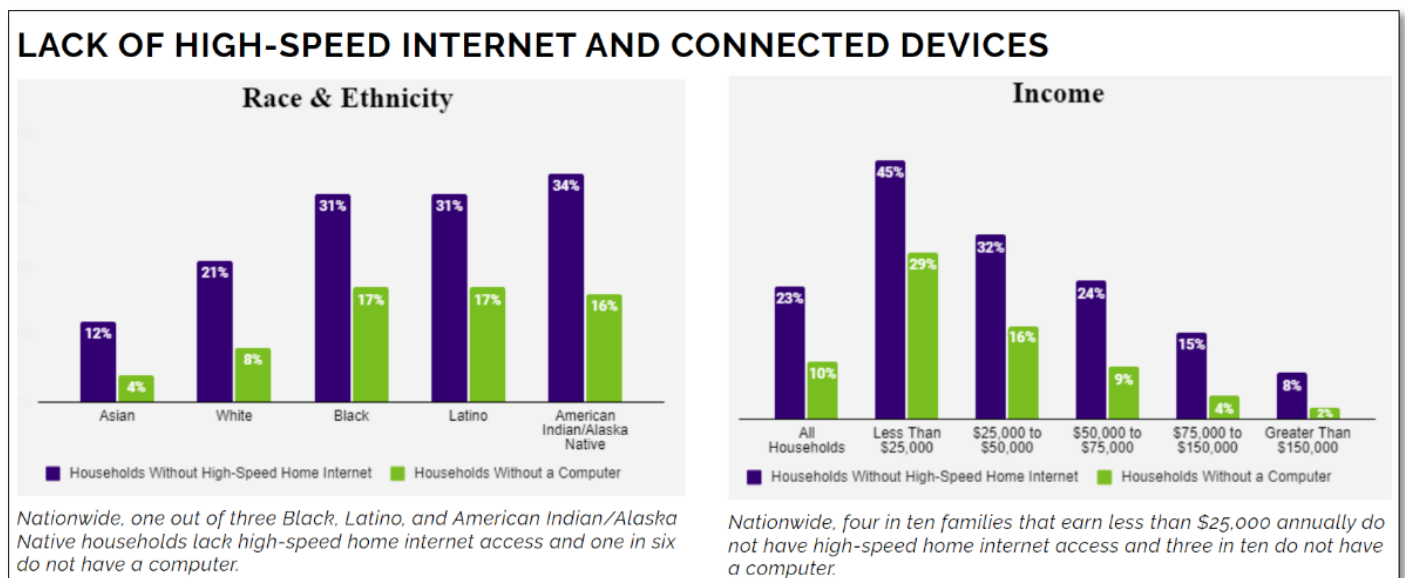
¹⁴ Monica Anderson. Michelle Faverio. Colleen McClain.

¹⁵ Montgomery County Government. *Montgomery Connects – Computer For You*. 2021. Available at: <https://www.montgomerycountymd.gov/obp/computer-for-you.html>

¹⁶ Montgomery County Government. *Regional Service Centers*. 2022. Available at: <https://www.montgomerycountymd.gov/Government/rsc.html>

understanding of common barriers to access for low-income communities and households of color. While beyond the scope of this grant funding, ongoing engagement with residents—through surveys or other follow-up—will help program staff understand and measure educational outcomes and the effect of this program on the Homework gap. It will also help future distribution efforts, including identifying opportunities for program improvement and areas where complementary services—such as pro bono tech support and relevant digital literacy education—may strengthen impact.

- III. **DATA ANALYSIS:** The charts below are from an All4Ed Analysis of 2018 American Community Survey Data. The data shows the percentage of households without high-speed home internet and without a computer by race and ethnicity as well as income. The data shows larger percentages of Black, Latino, and American Indian/Alaska Native households – compared to White and Asian households – do not have access to high-speed internet or a computer at home. The data also shows that nationwide 23% of households do not have access to high-speed internet at home, while 10% of households do not have access to a computer at home. Those percentages almost double for households making less than \$25,000 a year.



Source: Homework Gap. All4Ed. Published July 21, 2020. Available at:
<https://all4ed.org/publication/homeworkgap/>

cc: Ken Hartman, Director, Office of Strategic Partnership, Office of the County Executive
 Gail Roper, Director, Department of Technology Enterprise Business Solutions
 Anita Vassallo, Director, Montgomery County Public Libraries