



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
ACQUISITION AND GRANTS OFFICE

April 3, 2015

Mr. Patrick Mallon  
Executive Director  
Los Angeles Regional Interoperable Communications System Authority  
2525 Corporate Place  
Monterey Park, CA 91754-76721

Subject: Broadband Technology Opportunities Program  
Grant Award No. NT10BIX5570158  
Los Angeles Regional Interoperable Communications System  
Suspension of Award

Dear Mr. Mallon:

On October 14, 2010, the Los Angeles Regional Interoperable Communications System (LA-RICS) accepted a Broadband Technology Opportunities Program (BTOP) award from the National Telecommunications and Information Administration (NTIA) for the Los Angeles Public Safety Broadband Network (Project). Upon acceptance of the BTOP award, your organization agreed to comply with requirements specified in the terms and conditions of the award. On April 3, 2015, the National Oceanic and Atmospheric Administration (NOAA) Grants Management Division received notice from the NTIA Program Office that LA-RICS is not in compliance with these terms and conditions, as noted below. This letter is to notify you that, effective as of the date of this letter, the NOAA Grants Management Division is suspending your award. To avoid additional enforcement action, up to and including termination of the award, LA-RICS must submit a timely and acceptable response by April 13, 2015 to the corrective action plan (CAP) detailed below.

**REASON FOR SUSPENSION:** Under the terms and conditions of the BTOP award, LA-RICS must complete all project construction activities by the current award period end date of September 30, 2015. LA-RICS is severely behind schedule. In a response to a Corrective Action Plan implemented by the NOAA Grants Management Division in May 2014, LA-RICS supplied a project plan indicating that construction would be complete at over 150 project sites by the end of the award period. To date, construction has been completed at only 15 sites, which indicates the project is substantially lagging behind the timeline needed to successfully complete the Project.

Meeting the goals set forth in the project timeline is critical to the award. During the site visit conducted by the NTIA Program Office and the NOAA Grants Management Division on March 3-5, 2015, NTIA officials informed LA-RICS that any further delay would jeopardize their Project schedule and the successful completion of the Project. Since that site visit, actions taken by the Los Angeles County Board of Supervisors and the Los Angeles City Council on

March 24, 2015 and April 1, 2015, respectively, place LA-RICS's Project deployment schedule in severe jeopardy. See attached Board and City Council Resolutions. As a result of these actions, it is NTIA's and the NOAA Grants Management Division's understanding that project activity will be halted for an indefinite period at a significant number of Project tower sites.

As LA-RICS' May 2014 project implementation plan acknowledges, an extension to the grant deadline is not available. Because of the requirements of the Account Closing Statute (31 U.S.C. § 1552(a)), on September 30, 2015, all BTOP funds that remain unobligated will be cancelled and no longer available for obligation or expenditure for any purpose absent an act of Congress. Given the Project completion rate to date, the extent to which LA-RICS is behind schedule, and the substantial uncertainty regarding the project timeframe created by the County Board and City Council Resolutions, LA-RICS has not demonstrated compliance with its plan to successfully complete the Project within the remaining time period.

**RESULT:** Due to serious concerns regarding completion of the Project and the need to protect the Federal Government's interest, NTIA has recommended that the NOAA Grants Management Division suspend the LA-RICS BTOP Project. Under this suspension, your organization must stop all project work immediately. In accordance with 15 C.F.R. § 24.43(c), the only costs that will be allowable during this suspension will be costs related to the work listed below. Effective as of the date of this suspension, your U.S. Department of Treasury Automated Standard Application for Payments (ASAP) system authorization will also be suspended. This action means that any requests for funds through ASAP will be rejected.

If LA-RICS does not demonstrate compliance, as determined by NTIA and the NOAA Grants Management Division, with the CAP requirements detailed below, the NOAA Grants Management Division will consider other enforcement actions, up to and including termination of the Project. To avoid further enforcement actions, LA-RICS must provide a CAP response by April 13, 2015 that comprehensively and sufficiently addresses all of the NOAA Grants Management Division's and NTIA's concerns noted below.

Effective the date of this suspension, the NOAA Grants Management Division authorizes you to incur the following costs on an agency review basis only:

- Reasonable costs required to respond to specific requests for information from the NOAA Grants Management Division and NTIA;
- Reasonable costs required to comply with the County Board's and the City Council's requests for additional outreach to communities regarding the project;
- Reasonable costs associated with preparation for and participation in any future site visits;
- Reasonable costs associated with responding to the CAP outlined below;
- Reasonable costs necessary to secure any grant-funded property;
- Reasonable costs necessary to ensure the safety and security of the work sites; and
- Reasonable costs necessary to safely halt any construction that may have begun.

**REQUIRED CORRECTIVE ACTION:** The CAP below applies to your BTOP award.

1. LA-RICS must provide a revised deployment plan consistent with the goals of the Project that can be completed under the terms of the resolutions passed by the Los Angeles County Board of Supervisors and the Los Angeles City Council and in adherence with LA-RICS current award conditions and timeline by April 13, 2015.
2. If NTIA approves the revised deployment plan, which it will review in consultation with FirstNet, LA-RICS must obtain City and County approval, as appropriate, for its revised plan by the last day that it would have to restart its project to be complete by September 30, 2015.
3. LA-RICS must provide a list of sites that are not impacted by the County Board's and the City Council's recent actions by April 13, 2015.
4. LA-RICS must provide a determination as to whether or not any new sites are required to deliver the benefits of the project by April 13, 2015.
5. LA-RICS must provide an initial assessment of whether or not any future environmental and historic preservation work will be required to move forward with its proposed deployment schedule by April 13, 2015.

If Congress extends the BTOP appropriation period beyond September 30, 2015, NTIA and the NOAA Grants Management Division would consider providing an extension of the award to complete the remaining work. In addition, if the Los Angeles County Board of Supervisors and the Los Angeles City Council take further action expeditiously, including any changes to their actions halting Project work, NTIA and the NOAA Grants Management Division would consider the impact and timing of such actions in connection with this suspension.

Throughout this period, LA-RICS will remain on reimbursement only status and must submit any costs claimed for reimbursement to NTIA for review. Failure to provide a sufficient and adequate response to the CAP, as determined by NTIA and the NOAA Grants Management Division, may result in additional enforcement action, including termination of the award.

Please contact your Grants Management Specialist, Andrea Mack at 301-628-1312 or [andrea.mack@noaa.gov](mailto:andrea.mack@noaa.gov) or your Federal Program Officer, Christopher Holt at 202-482-4884 or [cholt@ntia.doc.gov](mailto:cholt@ntia.doc.gov) should you require further details about this request.

Thank you for your cooperation and assistance.

Sincerely,



Arlene Simpson-Porter, Director  
NOAA Grants Management Division

CC: Douglas Kinkoph, NTIA  
Aimee Meacham, NTIA  
Scott Woods, NTIA  
Christopher Holt, NTIA  
Andrea Mack, NOAA

Attachments

SPECIAL 1

MOTION

The City of Los Angeles has consistently supported interoperable communications between public safety agencies in the Los Angeles region. Toward this end, the City has been a member of the Los Angeles Regional Interoperable Communications (LA-RICS) Joint Powers Authority (JPA) since it was established in 2008.

The LA-RICS JPA was originally tasked with building an interoperable Land Mobile Radio (LMR) network that would enable seamless voice communications for public safety agencies throughout Los Angeles County.

Later, the LA-RICS JPA was awarded a Broadband Technology Opportunities Program (BTOP) grant to design and build a Long Term Evolution (LTE) data network exclusively for public safety use, referred to as the Public Safety Broadband Network (PSBN). LMR and LTE are two separate system projects that use different technology for different purposes, although the LA-RICS JPA governs both.

The LMR voice radio system is in the design phase, and the City remains committed to interoperable voice communications. The LTE is in the construction phase and must be completed by August 20, 2015 in order to make full use of the BTOP grant.

The LA-RICS JPA will have to bear the full costs of any required work not completed by this date. The City share of JPA costs could be up to 40 percent, depending on the participation of other jurisdictions. These cost uncertainties, coupled with continued withdrawals of other jurisdictions from the LA-RICS JPA, delays in construction, and concerns by end users at proposed LTE sites make it necessary to immediately halt the construction of the LTE System.

**I THEREFORE MOVE** that the Council determine, as provided in Section 54954.2(b)(2) of the Government Code, and pursuant to Rule 23 of the Rules of the City Council, that there is a need to take immediate action on this matter AND that the need for action came to the attention of the City Council subsequent to the posting of the agenda for today's Council meeting.

**I FURTHER MOVE** that the City of Los Angeles representatives on the LA-RICS JPA work to bifurcate the governance of the Land Mobile Radio (LMR) and Long Term Evolution (LTE) systems, allowing for jurisdictions to participate in either one or both.

**I FURTHER MOVE** that the City representatives work to terminate the LTE project if it is determined that bifurcation is not possible and the LTE system cannot be completed by the broadband Technology Opportunity Program (BTOP) grant deadline.

**I FURTHER MOVE** that the construction of the LTE system at City of Los Angeles Fire and Police Stations not commence, or immediately cease if started.

**I FURTHER MOVE** that the City of Los Angeles representatives on the LA-RICS JPA begin working on alternative locations, commercial structures or alternative and less intrusive technology solutions.

**I FURTHER MOVE** that should alternative locations or technology solutions be identified, that LA-RICS work with key stakeholders including but not limited to City Councilmembers, the United Firefighters of Los Angeles City, and the Los Angeles Police Protective League.

Co-Presented By: \_\_\_\_\_  
Councilmembers: Mitchell Englander, 12<sup>th</sup> District

Co-Presented By: \_\_\_\_\_  
Herb J. Wesson, 10<sup>th</sup> District

Seconded By: \_\_\_\_\_

APR 1 2015

**Amendment to Item #18:**

The objective of the Los Angeles Regional Interoperable Communications System (LA-RICS), which is to build reliable communication systems dedicated to law enforcement, fire personnel, and secondary responders, is important and universally supported.

Equally important are outreach efforts to its current and former members, the impacted employees and residents who rightfully want greater transparency and inclusion in this project.

A number of questions and concerns have been expressed by Local 1014 as well as some of the residents which need to be answered and addressed, including any health risks associated with radio-frequency emissions and modeling, aesthetics of the towers and consideration of alternative sites.

The Long Term Evolution (LTE) system, currently slated for 177 antenna sites for data communications and the 71 Land Mobile Radio (LMR) system for voice communications cannot be completed successfully without adequate time, resources, and the support of those directly impacted by the construction project.

The LTE system, which is underway for construction now, has received \$154.6 million in federal funds under the Broadband Technology Opportunities Program (B-TOP) grant which expires on September 30, 2015. An extension of that deadline will alleviate the rush to completion and allow LA-RICS, along with the public safety leaders, time to bring greater transparency to the project without compromising the significant resources from the federal government.

**MOTION**

SOLIS \_\_\_\_\_

RIDLEY-THOMAS \_\_\_\_\_

KUEHL \_\_\_\_\_

KNABE \_\_\_\_\_

ANTONOVICH \_\_\_\_\_

I, THEREFORE, MOVE that the Board of Supervisors direct the Interim Chief Executive Officer to:

1. Send a 5-signature letter to the Secretary of the U.S. Department of Commerce and the County's Congressional Delegation to request an extension of the BTOP grant and/or seek potential funding alternatives to the BTOP grant;
2. Direct the County's Washington, DC advocates to work with the Administration and schedule meetings with members of Congress to address this important issue during the Board of Supervisor's annual visit to Washington, DC;
3. Delay approval of item 18 on today's agenda, with the exception of sites unopposed by residents and/or employees, until a response regarding the grant deadline is received and halt construction at all Los Angeles County fire stations;  
*↳ that however be ratified, residents being impacted;*
4. Provide a report to the board in 2 weeks on the issue of co-location by commercial carriers and include recommendations;

I, FURTHER, MOVE that the Board of Supervisors request the Joint Powers Authority to:

1. Host regional community meetings, jointly with the Fire Chief and Sheriff, which include current and former member cities, impacted residents and employees to discuss the project with additional smaller meetings as necessary;
2. Modify the existing construction schedule to proceed with those construction sites which do not have opposition from residents or employees while holding outreach meetings in other areas; and,
3. Provide this Board with a report in 30 days on new and/or alternative revenue sources and models for back-up systems.

MDA: amg