



February 8, 2016

MEMORANDUM FOR: Michael Poth
Chief Executive Officer
First Responder Network Authority

Carol N. Rice

FROM: Carol N. Rice
Assistant Inspector General for Economic
and Statistical Program Assessment

SUBJECT: *Audit of FirstNet's Efforts to Include Federal Agencies in its NPSBN*
Final Memorandum No. OIG-16-017-A

This memorandum provides the results of our most recent audit of the efforts FirstNet has taken to include federal government needs and requirements into the planning of the Nationwide Public Safety Broadband Network (NPSBN). Specifically, we assessed FirstNet's effectiveness regarding (1) informing federal agencies about FirstNet and the NPSBN and (2) soliciting and addressing federal agency concerns. See appendix A for specific details on our objectives, scope, and methodology.

Background

The Middle Class Tax Relief and Job Creation Act of 2012 (the Act) requires FirstNet to consult with a variety of public safety entities—including state, local, tribal, and federal organizations responsible for responding to emergencies—as FirstNet develops, builds, and operates the NPSBN.¹ The Act emphasizes state consultations and authorizes \$135 million for the State and Local Implementation Grant Program (SLIGP), providing states with funds to participate in FirstNet planning efforts.² The Act also requires FirstNet to follow specific requirements for conducting state consultations.³

In contrast, the Act does not provide funding for federal agencies to participate in FirstNet consultation, and FirstNet has noted that federal “[d]epartments and agencies must fund all participation in outreach or consultation to the extent they wish their input to be included.”⁴ The Act also does not specify any requirements detailing how or to what extent FirstNet should conduct its federal consultation.

¹ Public Law 112-96, *Middle Class Tax Relief and Job Creation Act of 2012*, § 6206(b)(1).

² Public Law 112-96, §§ 6301-6302.

³ Public Law 112-96, § 6206(c)(2).

⁴ FirstNet response on July 17, 2015, to OIG audit inquiry.

Consistent with the Act's emphasis, FirstNet has focused the bulk of its consultation and outreach resources on state consultation efforts and is consulting with federal agencies as part of its general consultation requirements. Also, FirstNet is consulting with federal agencies because they are potential customers of the NPSBN. Although federal public safety entities represent only one component of the nationwide public safety community, a FirstNet official noted that adoption by federal agency public safety users is important to how FirstNet will measure mission success.⁵

FirstNet has taken steps to consult with federal public safety entities, including steps to inform federal stakeholders about the NPSBN and to provide mechanisms for federal agencies to submit feedback. We noted FirstNet progress in the following areas:

- FirstNet has developed a process to inform federal agencies and other public safety stakeholders regarding FirstNet's NPSBN development. FirstNet has provided NPSBN information on the FirstNet.gov website and through social media sites such as Twitter, YouTube, and LinkedIn. In addition, FirstNet has held multiple public meetings to discuss the status of the NPSBN development, including FirstNet Board meetings, industry day meetings, and informational webinars.⁶ According to FirstNet, from June 2014 to August 2015, FirstNet officials attended approximately 120 events and meetings with federal agency representatives, where a variety of topics pertaining to the planning and development of the NPSBN was discussed.
- FirstNet kicked off its formal federal consultation program in January 2015 and has focused its consultation efforts on the 14 agencies that compose the Emergency Communications Preparedness Center (ECPC), a federal interagency group focused on the federal government's role in emergency communications coordination.⁷ The ECPC agencies established points of contact (POCs) to represent the 14 agencies. FirstNet has consulted with those and other agency POCs. FirstNet holds regular meetings—including monthly conference calls, webinars, and individual consultations—in addition to sending informational emails.
- FirstNet has continuously updated its Federal Stakeholder Engagement Plan (Engagement Plan). FirstNet prepared its first version of the Engagement Plan in November 2014 and has developed multiple versions since, with the most recent version updated in August 2015. The August 2015 version included the federal outreach and consultation mission, goals, plans, and approach for the program.
- FirstNet generally received positive reviews from the federal POCs we interviewed about FirstNet's communication efforts. We interviewed 6 of the 14 ECPC POCs

⁵ FirstNet response on July 17, 2015, to OIG audit inquiry.

⁶ Industry day meetings are held as part of FirstNet's ongoing effort to consult with interested parties on acquisition matters regarding the development of the NPSBN.

⁷ ECPC, administered by the Office of Emergency Communications within the Department of Homeland Security, consists of representatives from: the Federal Communications Commission, the General Services Administration, and the U.S. Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Homeland Security, the Interior, Justice, Labor, State, Transportation, and the Treasury.

participating in the FirstNet federal consultation program to understand the POCs' interactions with FirstNet. Five of the six POCs stated that communication with FirstNet has been adequate and responsive. POCs stated that FirstNet has frequently provided information about FirstNet and the NPSBN, as well as timely responses to particular questions.

FirstNet devoted considerable resources to preparing a request for proposal (RFP) to build and operate the NPSBN, which it issued on January 13, 2016.⁸ In an effort to incorporate feedback, for example from the public safety community and industry, into the RFP development, FirstNet published 13 requests for information (RFI), 2 public notices soliciting comments, and a special notice to its draft RFP, providing stakeholders the opportunity to provide critical information regarding development of the NPSBN. FirstNet planned to use information obtained from its federal consultation and outreach program, due September 30, 2015, to identify specific federal needs and incorporate those needs into the RFP.

Findings and Recommendations

We found FirstNet's process to inform federal agencies about the benefits of the NPSBN and its initial efforts to address federal agency challenges reasonable given the limitations on federal consultation mentioned throughout this report. However, we identified opportunities to improve the effectiveness of the federal consultation program, including strengthening accountability, increasing federal input, and documenting federal agency analyses.

I. FirstNet's Accountability Mechanisms Need to Be Strengthened

To strengthen accountability, FirstNet should (1) develop federal consultation and outreach performance indicators that are measurable and unbiased and (2) document and consistently measure, track, and report milestones.

A. FirstNet's Federal Consultation and Outreach Performance Indicators Are Subjective and Difficult to Measure

At our request—and not included in the Engagement Plan—FirstNet provided a list of six performance indicators for federal consultation and outreach (see box, right). However, three of those indicators were subjective, without a clear approach to objectively measure performance against them. For example, FirstNet's

FirstNet Performance Indicators for Federal Consultation

- (1) active participation by federal agencies in the consultation process;
- (2) provision by federal agencies of data and informational inputs through the consultation process;
- (3) demonstrated understanding of FirstNet's purpose and goals by practitioners and key decision makers across the Federal Executive Branch, departments, and agencies;
- (4) consistent messaging and acceptance of FirstNet as a valuable resource for federal public safety users;
- (5) facilitation as necessary or desirable state, local, and tribal public safety user interface; and
- (6) establishment of FirstNet as the intended provider of choice for federal public safety agency broadband needs.

⁸ The RFP issuance is a critical milestone that will move FirstNet closer to deploying the NPSBN. In addition, RFP development has the purpose of identifying and negotiating key private-public partnership arrangements; network planning and development; consultation with regional, state, tribal, and local jurisdictions; and organizational operations and infrastructure.

- first indicator—“active participation by federal agencies”—does not define active participation;
- third indicator—“demonstrated understanding of FirstNet’s purpose and goals by practitioners and key decision makers”—provides no concrete means to measure or account for understanding; and
- fourth indicator—“consistent messaging and acceptance of FirstNet as a valuable resource”—does not define consistent messaging, acceptance, or valuable resource.

The Government Accountability Office (GAO) stated, in its September 2014 *Standards for Internal Control in the Federal Government (Standards for Internal Control)*, that management is responsible for defining measurable objectives to allow for performance assessment.⁹ It states that measurable objectives, quantitative or qualitative, are generally unbiased and do not require subjective judgments for measurement.¹⁰ Here, FirstNet cannot effectively use its own performance indicators to identify whether it is at risk of failing to meet its federal consultation objectives and whether corrective actions are needed.

B. FirstNet Does Not Specify and Document How Federal Consultation and Outreach Milestones Will Be Tracked

FirstNet’s User Advocacy Office, which is responsible for federal consultation and outreach activities, provided a list of milestones as well as its Engagement Plan.¹¹ However, neither includes a mechanism to track progress against milestones. FirstNet has provided documentation showing the ways in which the User Advocacy team reports on its progress to senior management. Only recently, though, has the team developed a specific methodology for tracking milestones, adapting a system it had originally used for budget formulation. The system, the Integrated Master Schedule (IMS), is a function within Microsoft Project that allows milestones to be tracked and reported.

Nonetheless, as of September 17, 2015, FirstNet had not begun to update this new system—even though the Engagement Plan included some activity with due dates near the beginning of fiscal year (FY) 2016, and activity to meet those milestones had begun. Additionally, FirstNet did not mention or define the purpose of the IMS in its

⁹ Although the updated *Standards for Internal Control in the Federal Government*, September 2014 was not effective until October 1, 2015, we applied these standards because in April 2015 GAO indicated that FirstNet was adopting the *Standards for Internal Control* early.

¹⁰ GAO, September 2014, *Standards for Internal Control in the Federal Government*, GAO-14-704G, p. 35. GAO further states that management may develop a numerical value or target percentage to measure quantitative objectives and may specify performance measures, such as milestones, to track qualitative objectives. GAO, *Standards for Internal Control in the Federal Government*, p. 36.

¹¹ FirstNet’s Engagement Plan includes information on how FirstNet will conduct its federal consultations and outreach. It includes, among other things, the federal consultation and outreach mission, goals, roles and responsibilities, and consultation approach.

Engagement Plan, which FirstNet uses as an operational guide and has undergone multiple revisions.

The *Standards for Internal Control* includes principles for an effective internal control system, which state that management is responsible for designing, implementing, and monitoring internal controls.¹² Further, “internal control helps an entity (1) run its operations efficiently and effectively and (2) report reliable information about its operations.”¹³ Without a documented internal control monitoring plan and consistent updates to IMS, FirstNet cannot adequately and consistently gauge the effectiveness of its internal controls and adjust the internal controls to address changing risk.

II. FirstNet Received a Low Level of Federal Data Input

Although FirstNet stated that a key goal of the federal consultation program was to receive and incorporate federal information into NPSBN planning efforts, including collecting data for the RFP, it received minimal federal agency input. To achieve its goal, FirstNet distributed 2 data input requests to the 14 ECPC POCs with a due date of September 30, 2015.¹⁴ However, as of September 30, 2015, FirstNet had received a low level of input from federal agencies:

- For the initial data request distributed in January 2015, FirstNet received responses from 4 of 14 agencies (29 percent), and the information received was incomplete.
- For the follow-up data request distributed in July 2015, FirstNet received input from 3 of 14 agencies (21 percent), and the information received was also incomplete. Of these 3 agencies, 2 had submitted responses to the initial data request.

The lack of federal agency funding to participate in FirstNet consultation and the corresponding lack of dedicated staff likely contributed to the low federal agency response. Nevertheless, FirstNet can take steps to increase the likelihood of federal input, including (1) addressing specific activities to compensate for the lack of federal funding and (2) communicating the appropriate level of information to address federal agencies’ security concerns.

A. *FirstNet’s Federal Outreach Plan Did Not Address Specific Activities to Compensate for the Lack of Federal Agency Funding*

FirstNet’s Engagement Plan did not identify the mitigating steps it would take to respond to the risk of low federal agency participation due to the lack of federal agency funding. As stated in the background section of this report, federal agencies are neither required

¹² GAO, *Standards for Internal Control in the Federal Government*, p. 6.

¹³ GAO, *Standards for Internal Control in the Federal Government*, inside cover, “What is the Green Book and how is it used?”

¹⁴ FirstNet set the due date to allow enough time to incorporate agency information into the RFP, which was issued on January 13, 2016. FirstNet stated that if agency data was not received by the due date, it would rely on its baseline data without agency verification.

by the Act to participate in FirstNet consultation efforts nor provided funding to participate. Consequently, federal agencies are devoting limited resources to FirstNet consultation. Four of the six federal agency POCs we interviewed stated that they allocated only 5–10 percent of their time for FirstNet consultation efforts.

The *Standards for Internal Control* states that “management should design control activities to achieve objectives and respond to risks,” and “identify, analyze, and respond to significant changes that could impact the internal control system.”¹⁵ While FirstNet recognized the funding limitation for federal agencies, its Engagement Plan did not identify activities based on the federal agencies’ limited level of participation.

Instead, FirstNet initially structured its federal consultation program similarly to the state consultation program, including requesting data in a similar manner and extent from both entities. However, states received SLIGP funding to collect and provide requested data while federal agencies did not. Thus, some states have dedicated staff to work exclusively on FirstNet consultation planning, while federal agency personnel work on FirstNet consultation efforts as an additional component of their workload. Three of the six agency POCs we interviewed stated that the data requests were either too burdensome, or that they did not have the internal resources to complete FirstNet’s data requests.

As a result, the low level of federal response indicates that the data requests were ineffective. FirstNet stated that it began collecting baseline data from its own independent research to capture federal needs; however, without direct feedback, FirstNet risks missing important federal agency details and needs. FirstNet is planning to distribute a second data request in FY 2016, which will provide it an opportunity to increase federal input.

B. FirstNet Did Not Provide an Appropriate Level of Information So That Federal Representatives Could Assess Their Agencies’ Information Security Concerns

At the July 2015 webinar to discuss FirstNet’s federal agency data request, OIG observed that representatives from three different federal agencies expressed serious concerns about how FirstNet would secure the agencies’ responses. Agency representatives argued that FirstNet’s request asked for sensitive public safety data, including identification of federal agency high-risk areas, vulnerabilities in coverage areas, and locations of public safety incidents. Agency representatives stated that aggregating this information in one location would pose a serious risk and would entice hackers to access the information.

In response, FirstNet representatives limited their response to legal issues, stating that FirstNet’s legal team determined that the data should not be classified because it wanted to allow the data to be publically available later in the RFP process. FirstNet did not alleviate the federal representatives’ concerns and told representatives to provide only data they felt comfortable sending. Left unsaid during this discussion was that FirstNet is

¹⁵ GAO, *Standards for Internal Control in the Federal Government*, p. 70.

subject to the Federal Information Security Modernization Act (FISMA) of 2014—which, among other things, provides a framework for ensuring the effectiveness of information security controls over resources that support federal operations and assets.

We followed up with FirstNet regarding the security measures it is taking to protect federal agency responses. FirstNet noted that all information it collects is maintained on the National Telecommunications and Information Administration’s (NTIA’s) servers, also subject to FISMA. FirstNet stated that its data is accessible only by authorized users within FirstNet via secure shared drive access, and the shared drives are protected by Department and NTIA firewalls.

Although these security measures were subsequently communicated to the OIG, FirstNet did not communicate these measures during the webinar.¹⁶ As a result, FirstNet risked discouraging federal agencies from providing input into the NPSBN development.

III. FirstNet Had Not Analyzed and Documented Federal Consultation Efforts

FirstNet did not achieve a key goal in its federal Engagement Plan to timely analyze and document its analysis of the 14 federal agencies participating in consultation. In November 2014, FirstNet established a goal to analyze each agency and gauge the level of assistance or engagement. The analysis would also assess each agency’s willingness to participate in FirstNet consultation and the agency’s level of current broadband capabilities.

As mentioned in the background section of this report, FirstNet has engaged in several consultation and outreach functions that have enabled it to analyze agency needs; however, in August 2015, when the OIG requested federal agency analyses or profiles, FirstNet was unable to provide the information. Instead, FirstNet gave us an incomplete template that it planned—but had not yet started—using.

FirstNet officials stated that agency analyses were not performed because staff did not have the time to complete the template due to competing federal outreach program responsibilities. FirstNet’s federal outreach plan includes activities for a level of 4.5 full-time employees (FTEs), but FirstNet had only 2.5 FTEs dedicated to federal outreach through 2015—56 percent of the human resources identified as necessary to achieve its planned goals and activities.¹⁷ Of the 2.5 FTEs, the federal outreach program was primarily led by one staff member with limited administrative support and management oversight.

GAO’s *Standards for Internal Control* states that key events should be promptly recorded to maintain their relevance and value to management in controlling operations and

¹⁶ Management should communicate necessary quality information so that external parties can help the entity achieve its objectives and address related risks. GAO, *Standards for Internal Control in the Federal Government*, p. 62.

¹⁷ As of January 2016, FirstNet stated that it filled the two additional positions.

making decisions.¹⁸ In addition, documentation provides a means to retain organizational knowledge and mitigate the risk of having that knowledge limited to a few personnel, as well as a means to communicate that knowledge, as needed, to external parties.¹⁹

Without having detailed analyses of each agency, FirstNet does not have readily available assessments of their specific needs and challenges, hindering management's capability to fully and efficiently understand federal agencies' needs and concerns. Further, in the absence of documentation, FirstNet risks losing key knowledge should the few federal outreach personnel separate from the organization. Finally, documenting federal agency analysis will enable FirstNet to be better prepared for its planned FY 2016 data request.

Recommendations

We recommend that the FirstNet Chief Executive Officer

1. Identify and document non-subjective performance indicators and milestones and define and document how each will be measured.
2. Identify steps to mitigate the risk of low federal participation in FirstNet's Federal Stakeholder Engagement Plan.
3. Perform and document analysis of federal consultation and outreach efforts, including analyses specific to the 14 ECPC agencies.

Summary of Agency Response and OIG Comments

On January 20, 2016, OIG received FirstNet's response to the draft memorandum report, which we include here as appendix B. FirstNet agrees to implement all OIG recommendations and has already begun taking corrective action. FirstNet also provides additional details related to its federal consultation activities and notes its concerns with some OIG findings. Based on FirstNet's response and to clarify our concerns, we have responded to their comments and revised the report where appropriate.

A. Performance Indicators

FirstNet agrees with OIG's recommendation to identify and document non-subjective performance metrics; however, FirstNet asserts that the six performance indicators cited in the OIG report were not intended to be FirstNet's adopted performance metrics, and instead, were working goals that do not necessarily have to be quantifiable.

OIG notes that the performance indicators cited in the report were quoted directly from FirstNet's written response to OIG's request to provide "key performance indicators or measures which FirstNet intends to use to gauge its success of the Federal outreach program." FirstNet named its six metrics "Key Performance Indicators."

¹⁸ GAO, *Standards for Internal Control in the Federal Government*, p. 48.

¹⁹ GAO, *Standards for Internal Control in the Federal Government*, p. 29.

B. Low Federal Data Input

FirstNet agrees to implement OIG's recommendation to identify steps to mitigate the risk of low federal participation in its Federal Outreach Engagement Plan. However, FirstNet "disagrees with OIG's finding that FirstNet did not take sufficient steps to mitigate the risk of low federal agency participation and disagrees with the conclusion that FirstNet's federal data collection efforts were ineffective."

As described in the background section of this report, OIG acknowledges the collaborative outreach approach FirstNet has taken, and reported that these general activities were documented in FirstNet's written Engagement Plan. However, OIG specifically found and reported that "FirstNet's Engagement Plan did not identify the mitigating steps it would take to respond to the risk of low federal agency participation due to the lack of federal agency funding." FirstNet's written Engagement Plan, provided to OIG, made no mention of the lack of federal agency funding or consequently, specific steps it would take to mitigate this risk. To strengthen controls in this area, planned actions should be documented.

FirstNet states in its response that federal agencies are accustomed to data requests and have significant resources to draw upon for that purpose. However, three of six POCs we interviewed stated that they either did not have the internal resources necessary to complete FirstNet's data requests or that FirstNet's data requests were too burdensome to complete. Therefore, OIG reaffirms our conclusion that for some federal agencies, the lack of resources is a risk that should be mitigated and included in FirstNet's federal outreach Engagement Plan.

FirstNet also states concerns regarding OIG's finding that the data requests were ineffective. FirstNet states that the federal organizations that provided feedback represented 60 percent of the estimated total federal public safety population; however, this number did not include active duty military, which makes up a significant portion of federal agency first responders. In addition, this assertion regarding federal public safety coverage does not address the low percentage of ECPC agencies that responded to the data requests as noted in our report.

This final memorandum report will be posted on OIG's website pursuant to section 8M of the Inspector General Act of 1978, as amended. In accordance with Departmental Administrative Order 213-5, please submit to us—within 60 calendar days of the date of this memorandum—an action plan that responds to the recommendations in this memorandum report.

We appreciate your cooperation and courtesies extended to us by your staff during our audit. If you have any questions or concerns about this memorandum report, please contact me at (202) 482-6020 or Chris Rose at (202) 482-5558.

Appendix A. Objectives, Scope, and Methodology

The objective of our audit was to assess FirstNet’s effectiveness regarding (1) informing federal agencies on their anticipated use and the benefits associated with the NPSBN and (2) soliciting and addressing concerns federal agencies may have with the development and planned operation of the NPSBN. To meet our audit objective, we assessed risks associated with informing and collecting data from federal agencies.

To accomplish our audit objective, we conducted the following activities:

- interviewed FirstNet personnel regarding (1) federal agency impact on the NPSBN, (2) risks of failing to consult with federal agency users, (3) key challenges facing federal adoption of the NPSBN, (4) projected revenue from federal users, and (5) ranking of federal users based on the agency’s impact to the NPSBN;
- interviewed FirstNet personnel regarding FirstNet’s federal consultation and outreach plan, including goals, milestones, and performance indicators;
- reviewed FirstNet’s federal consultation and outreach plan (including goals, milestones, and performance indicators), staffing plans, and other federal consultation and outreach documentation;
- interviewed a sample of federal public safety agencies regarding their participation in FirstNet’s federal consultation and outreach activities, including the NPSBN planning process and perceived FirstNet challenges; and
- observed consultation and outreach meetings, including webinars, an initial consultation meeting with a federal agency, quarterly Board meetings, and other public meetings.

We reviewed the following laws, regulations, policies, and documents:

- the Middle Class Tax Relief and Job Creation Act of 2012; and
- the GAO *Standards for Internal Control in the Federal Government* (September 2014).

We reviewed controls significant within the context of the audit objectives by interviewing officials at FirstNet, examining relevant policies and procedures, and reviewing documentation. In satisfying our audit objectives, we did not rely on computer-processed data. Instead we reviewed documentation submitted by FirstNet; therefore, we did not test the reliability of FirstNet’s information technology systems.

We conducted this performance audit in accordance with generally accepted government auditing standards. These standards require that we plan and perform our audit to obtain sufficient, appropriate evidence that provides a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We conducted our review from June 2015 through October 2015 under the authority of the Inspector General Act of 1978, as amended, and Department Organization Order 10-13, dated April 26, 2013. We performed our work at the Department of Commerce headquarters in Washington, DC; FirstNet offices in Reston, Virginia; and the OIG regional office in Denver.

Appendix B. Agency Response



MEMORANDUM FOR: Carol N. Rice
Assistant Inspector General for Economic and Statistical Program
Assessment

FROM: TJ Kennedy *TJK*
President
First Responder Network Authority (FirstNet)

DATE: January 19, 2016

SUBJECT: Comments on the Draft Memorandum Entitled, "*Audit of
FirstNet's Efforts to Include Federal Agencies in its NPSBN*"

Thank you for sharing with us the December 14, 2015, memorandum by the Office of Inspector General (OIG) entitled "Audit of FirstNet's Efforts to Include Federal Agencies in its NPSBN." We appreciate the opportunity to respond, and our specific comments on the OIG's findings are attached.

In its audit, the OIG reviewed FirstNet's efforts to consult with federal agencies in the development of the Nationwide Public Safety Broadband Network (NPSBN). The Middle Class Tax Relief and Job Creation Act of 2012 (the Act) charges FirstNet with ensuring the building, deployment and operation of the NPSBN, in consultation with federal, state, local, and tribal public safety entities. As the OIG recognized, however, while the Act provides the states with money to participate in consultations with FirstNet, it does not provide funding to federal agencies for consultation with FirstNet.¹ Moreover, whereas the Act spells out specific requirements for FirstNet's consultation with the states, it does not include specific requirements for consultation with federal agencies.

Nevertheless, beyond its general consultation requirements, FirstNet has undertaken numerous actions to engage the federal agencies and seek their input, as noted by the OIG in its memorandum. As a governmental start-up, FirstNet is pleased with the progress it has made over a short period of time in conducting federal outreach, and very much appreciates the

¹ The Act provides for the establishment of a State and Local Implementation Fund of up to \$135 million, to be used for the State and Local Implementation Grant Program (SLIGP). See 47 U.S.C. §§ 1441-1442.

recognition by the OIG of the strides made by its federal outreach program. Naturally, though, the lack of funding and resources federal agencies have available to participate in consultations with FirstNet presents challenges to FirstNet's federal outreach program, and so we welcome the OIG's identification of areas where FirstNet's federal participation can be improved.

As detailed in our attached response, FirstNet agrees with, and has already begun implementing, the OIG's recommendations regarding performance metrics and analyzing and documenting federal consultation efforts. However, as explained in the attached memo, FirstNet disagrees with the OIG's finding that FirstNet did not take sufficient steps to mitigate the risk of low federal agency participation, and disagrees with the OIG's conclusion that FirstNet's federal data collection efforts were "ineffective." Nevertheless, FirstNet will implement the OIG's recommendation to establish a plan to mitigate the risk of low federal participation.

Attachment

**FirstNet Comments on “Audit of FirstNet’s Efforts
to Include Federal Agencies in its NPSBN”**

Response to Finding on Performance Indicators and Milestones

We appreciate the OIG’s recognition of FirstNet’s efforts to inform federal agencies of the NPSBN and to engage federal agencies in the planning and development of the NPSBN, particularly in light of the fact that federal agencies are neither required to participate in such consultation, nor are they provided with the funding or resources to do so. The OIG pointed out, for example, that FirstNet has held numerous meetings and webinars to discuss the NPSBN development, and has disseminated information regarding the NPSBN on its website as well as through social media. Moreover, the OIG found, through its interviews with federal agency points of contact who participate in the interagency Emergency Communications Preparedness Center, that FirstNet’s communications have been adequate and responsive, and that FirstNet timely answers questions about FirstNet and about the NPSBN. At the same time, FirstNet is very appreciative of the level of support and engagement that the federal agencies have provided to date, and FirstNet looks forward to continuing to engage with the federal stakeholders.

We note that the OIG cited six performance indicators that it characterized as FirstNet’s metrics to measure the success of its federal outreach program. Those six performance indicators, however, are the working goals of the federal outreach team. They are not, and were never intended to be, FirstNet’s adopted and established performance metrics for its federal outreach efforts. Some of the goals articulated by the federal outreach team, such as the third goal – “demonstrated understanding of FirstNet’s purpose and goals by practitioners and key decision makers across the Federal Executive Branch” – do not lend themselves to objective and quantifiable measurement. Other working goals, such as the first goal (“active participation by federal agencies in the consultation process”), reflect a desire of FirstNet but are dependent on action by the federal agencies themselves, which, as discussed, are provided with neither the resources nor the funding to participate in the consultation process. Nevertheless, FirstNet acknowledges that it is useful to develop performance metrics in order to measure progress against goals. Thus, pursuant to the OIG’s recommendation, FirstNet will, as appropriate, devise performance metrics from those goals that lend themselves to quantifiable and non-subjective measurement. However, due to the nature and complexity of the work being conducted by FirstNet, not all goals of consultation will lend themselves to non-subjective measurement, but they are nonetheless essential parts of the federal consultation results that FirstNet is working toward.

Additionally, FirstNet agrees that it is important to document federal consultation efforts and track milestones, and it is already doing so using the Customer Relationship Management (CRM)

system described in its October 8, 2015 Action Plan, submitted to the OIG.² As described in the Action Plan, the CRM tool is used on a daily basis to track stakeholder events and meetings, as well as stakeholder contacts. The system is also used to report on progress to senior management. Thus, consistent with the recommendation of the OIG, FirstNet is using the CRM system to capture its consultation efforts and the progress it is making.

Response to Finding on Mitigating Risk of Low Level of Federal Data Input

In its memorandum, the OIG states that FirstNet has failed to identify ways to facilitate responses from federal agencies to data requests that FirstNet sends to federal agencies for information on the agencies' needs. Additionally, The OIG states that FirstNet's failure to facilitate responses from federal agencies resulted in data requests that "were ineffective."³ FirstNet respectfully disagrees with the OIG's assessment.

FirstNet recognizes that federal agencies do not have the same ability or compulsion that the states do to respond to FirstNet's data requests. However, FirstNet has, in fact, taken steps to facilitate receipt of responses from federal agencies. The steps that FirstNet has taken to assist the federal agencies in their responses to the data requests have reaped quantifiable benefits, and the FirstNet data collection effort of 2015 was, overall, immensely successful. FirstNet received 5,400 files representing 15.1 Gigabytes of total data. Nearly 11,600 public safety entities were surveyed representing 1,600,000 personnel. The seven federal organizations that provided FirstNet feedback represent over 60 percent of the estimated total federal public safety population (less active duty military and U.S. Coast Guard personnel).

As FirstNet continues to assess the data that was provided, we fully understand that many federal public safety entities were requested to commit to the data collection effort without grant dollars or external funding to resource the effort. However, we note that federal agencies are accustomed to responding to requests for data, and have significant resources to draw upon to do so. These resources include communications offices dedicated to responding to requests for information and comment, with staff that can assist with gathering the information requested from the relevant sections of the agency. Accordingly, federal agencies have resources and staff that they can utilize to participate actively in the consultation process. FirstNet anticipates that as the consultation efforts move into 2016, the growth of the FirstNet organization and increasing awareness among federal agencies will result in increased participation by federal entities, drawing upon their existing organizational assets.

In order to address the OIG's recommendation, FirstNet will work with federal agencies in advance of future data collection to obtain their feedback on the best ways to compile the necessary information. In the past, FirstNet has collaborated with certain agencies prior to

² FirstNet submitted this Action Plan to the OIG in response to its findings in OIG memorandum number OIG-15036-A, entitled "Audit of FirstNet's Workforce and Recruiting Challenges, Participation at Discretionary Outreach Events, and Internal Control."

³ See, OIG Memorandum entitled "Audit of FirstNet's Efforts to Include Federal Agencies in its NPSBN," at page 6.

sending out data requests, and will plan to do this more broadly for future federal consultation efforts. As with its state outreach efforts, FirstNet believes this kind of collaborative approach will increase the likelihood that federal agencies will be able to fully participate in the data collection efforts. In addition, FirstNet has already taken steps to facilitate federal agency responses by gathering and using public data on, for example, an agency's staffing and personnel, as a baseline for the requests sought from federal agencies. FirstNet will continue to "pre-populate" as many of the data requests as it can in order to ease any burden on federal agencies. Additionally, FirstNet has in the past offered to spend time with federal agency officials to assist them in responding to the future data requests, and will continue to do so. Finally, FirstNet will continue to use its stakeholder engagements and meetings to impress upon federal officials the importance of responding to FirstNet's data requests. With additional staff on its outreach team, we anticipate that FirstNet will be better able to increase its outreach efforts to federal agencies so that it can collect the data it needs. FirstNet is also working with the Office of Management and Budget to come up with additional ways to facilitate federal consultation. For the reasons described above, FirstNet disagrees with the OIG's finding that it has not identified and taken steps to mitigate the risk of low federal participation, and that FirstNet's data requests were "ineffective." Nevertheless, FirstNet will implement the OIG's recommendation and develop a written plan to mitigate the risk of low federal participation in consultations.

We also note that the OIG states that at a July 2015 webinar where representatives from a few federal agencies expressed concern about how FirstNet would secure their responses, including sensitive public safety data, FirstNet did not communicate the security measures it has in place. Namely, as described by the OIG, data collected by FirstNet is accessible only by authorized users within FirstNet and is stored on servers protected by firewalls. As we informed the OIG during the audit, we reiterate here that all collected information is maintained on the Department of Commerce's (DOC's) National Telecommunications & Information Administration (NTIA) physical servers in the DOC data center at the Herbert C. Hoover Building (HCHB) in Washington, DC. NTIA has all FirstNet data secured and partitioned from NTIA data and users, and it is only accessible by authorized FirstNet users via secure drive access. The drives are hosted on federal government servers which are protected by DOC and NTIA firewalls. Data on the shared drive is backed up and stored at a secure offsite location. To the extent that FirstNet has not communicated these measures to federal agencies, it will endeavor to do so, to assure agencies that their information is secure and that FirstNet follows all requisite protocols and efforts to thwart cybersecurity threats.

Response to Finding on FirstNet's Failure to Analyze and Document Federal Consultation Efforts

The OIG states in its memorandum that FirstNet was developing, but had not yet completed, a template that would be used to document and analyze each federal agency's level of engagement.

As a new agency that is growing and evolving, FirstNet is assessing and implementing how best to document and analyze information on federal agencies. FirstNet did, in fact, complete the template described by the OIG; however, the template was pre-decisional at the time of our interview. Now that the CRM system is up and running, however, FirstNet has transitioned to the CRM tool rather than the template to consistently document its contacts with federal agency officials as well as other engagements and meetings. FirstNet has also created agency profiles that provide a high-level overview of each agency. FirstNet is now able to not only document its consultation efforts, but also to analyze an agency's needs and its level of participation in consultation. Thus, consistent with the OIG's recommendation, FirstNet is, in fact, documenting and analyzing its federal consultation and outreach efforts.

The OIG also mentions that FirstNet had only 2.5 full-time employees (FTEs) dedicated to federal outreach even though its federal outreach plan outlined activities for 4.5 FTEs. Since the OIG performed its audit, however, FirstNet has hired two additional FTEs for its outreach efforts, doubling the staff levels. FirstNet intends to use the expanded capability to increase the frequency and level of engagement with the agencies as well as to increase the consultation and engagements at the regional and sector-level to meet federal organizational structures and focus upon those areas of greatest interest to the nation, such as the southwestern border, rural, managed lands and international trade centers located within the United States.