



Loachapoka Region Broadband Grant Application

American Rescue Plan Act

Coronavirus State and Local Fiscal Recovery Funds

Introduction

The American Rescue Plan Act (ARPA) was signed into law on March 11, 2021, and established the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Program. The program is intended to provide support in responding to the impacts of COVID-19 on communities, residents, and businesses. ARPA specifically provides funds to support broadband infrastructure projects. The state of Alabama recently ratified an amendment to its constitution allowing counties to provide funds to broadband providers with the goal of improving broadband access across the state.

Lee County intends to dedicate an amount not to exceed \$4,392,071.00 of its ARPA funds to support broadband access in the county. The county invites interested eligible applicants to apply for county ARPA funds to provide broadband service to specific unserved and underserved areas identified by the county as set out in the Project Description and County Priorities section below. Successful applicants will enter into a subrecipient agreement with the county to perform the services set forth in this application.

Terminology and Definitions

Applicant: A company or entity submitting required documentation for consideration of a grant under the terms and conditions of this Grant Application.

Application: Refers to the submission by an applicant in response to this solicitation.

Broadband: A high-capacity transmission technique using a wide range of frequencies, which enables large amounts of data to be communicated simultaneously. The Federal Communications Commission (FCC) defines broadband as meeting minimum transmission speeds of at least 100 megabits per second (Mbps) download and 20 Mbps upload.

Customer: A resident or business located in the project area who has access to residential or business broadband service from an ISP.

Eligible Applicant: A cooperative, corporation, limited liability company, partnership, other private business entity or unit of local government that currently provides broadband service.

Grant Application: The solicitation submitted for consideration of receiving a grant that responds to the notice of funding opportunity advertised by the county and any attachments, exhibits, or addendum published or provided by the county.

Inappropriate Communications: Phone calls, meetings, conversations, texts, or other communications that ask questions about this solicitation in a casual or informal way.

Project: All work required to be performed to provide a total solution that meets the goals of the county as set forth in the Grant Application.

Subrecipient: Applicant awarded a grant by the county to provide a complete solution for the project as defined in the Grant Application.

Subrecipient Agreement: The contract executed between the county and successful applicant awarding the grant and setting out terms and conditions for performance of the project by the successful applicant.

Take Rate: The percentage of potential subscribers offered the service that actually do subscribe.

Unserved and Underserved Areas: Households or businesses that lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload.

Submission Requirements

Applications must be submitted to:

Holly Leverette
Chief Administrative Officer
215 S. 9th Street Opelika, AL 36801
hleverette@leeco.us

by no later than **Friday, July 19, 2024**, to be considered. One (1) original and one (1) electronic PDF copy must be submitted. It is the applicant's responsibility to ensure the electronic PDF copy is an exact, searchable copy of the original.

Project Description and County Priorities

This project will consist of the construction of approximately 9.1 miles of broadband infrastructure in the Loachapoka region of the county as seen on the attached map, included as **Attachment 5**. The pink lines represent the recommended routes for extending broadband service to the proposed service area of potential customers. The extent of the lines may vary depending on the actual location of source broadband infrastructure to be tied to. The yellow

shaded region represents census blocks impacted within a 2,000' buffer of the proposed infrastructure and does not represent a totality of area required to be served by this project. Rather, the project should focus on serving potential customers within the 2,000' buffer of the recommended routes. The map identifies all known areas where there are currently funded Rural Digital Opportunity Fund (RDOF) grant projects in place. However, there may be currently funded areas unknown to the county. Projects in areas where there are existing approved RDOF or any other publicly-funded grant projects will not be available for funding under this grant application. Therefore, applicants shall ensure and attest that areas included in any application submitted do not include construction of broadband infrastructure in areas where there are existing federal or state funding commitments for reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed or for costs that will be reimbursed by other federal or state funding streams.

Questions

From the time that the Grant Application is published until such time as the County has entered into a subrecipient agreement, all informal communications between the County and the applicant(s) shall cease. Questions and clarifications shall only be submitted as set out herein. Inappropriate communications related to this Grant Application between the applicant or any agent of the applicant and the County, or any elected official, employee, or agent of the County, may result in disqualification from the process.

Questions and clarifications shall be directed to the County's sole point of contact, Holly Leverette, Chief Administrative Officer at hleverette@leeco.us. Questions must be received by **Friday, July 5, 2024**. If appropriate, the County will post answers to questions on its website, www.leeco.us. All questions must be submitted in, and responded to, in writing to be relied upon by the applicant.

Pre-award Requirements and Qualifications

Eligible applicants may be a cooperative, corporation, limited liability company, partnership, other private business entity or unit of local government that currently provides broadband service. Engineering firms or other vendors interested in participating in one aspect of a solution, but that do not offer a complete solution, are not considered eligible applicants, but may partner with an eligible Applicant.

The Applicant shall comply with all applicable federal, state, and local laws, as well as any and all terms and conditions of the ARPA, including the Final Rule, published by the United States Department of Treasury on January 6, 2022, and as further provided in response to Frequently

Asked Questions as may be published or revised by Treasury, the 2021 SLFRF Compliance Supplement and the 2022 SLFRF Compliance Supplement.

Technical Requirements

Customers served because of an awarded project must not have existing access to reliable wireline 100 Mbps download and 20 Mbps upload or greater, nor a commitment of federal or state funding to provide access to reliable wireline 100 Mbps download and 20 Mbps upload or greater by December 31, 2024. Other areas that currently have access to reliable 100/20 Mbps service or greater may be included in the project if specific evidence is provided documenting the need for greater access, capacity, broadband speeds, resiliency, affordable access, or a service not offered by an existing provider that the proposed project will fulfill.

A Professional Engineer licensed in Alabama must approve the preliminary network designs as capable of delivering the stated speeds by including a stamped and dated certification signature that must be submitted as part of the application.

Customers served by an awarded project, upon project completion, must have access to an internet connection and at least one service offering that can transmit broadband signals at or above 100 Mbps of download speed and 20 Mbps of upload speed (100/20 Mbps). Projects capable of delivering higher speeds of 100/100 Mbps or greater with the capability to increase speeds as technology changes in the future are desired.

The county is required to obligate ARPA funds to an eligible broadband project by December 31, 2024, and work must be completed and related funds expended no later than December 31, 2026. The county intends to have the funds committed and work completed well before these deadlines, and within two years of the execution of any subrecipient agreements.

Administrative Requirements

Minimum legal terms and conditions that are applicable to this project are included by reference as **Attachment 1** to this Grant Application and shall be incorporated into any resulting Subrecipient Agreement. For convenience, available forms to be included in any Subrecipient Agreement are included in **Attachment 2** to this Grant Application. **Attachment 3** to this Grant Application is the most recently published guidance from the U.S. Treasury Department regarding compliance and reporting requirements. Attachment 3 is provided as an example of the type of data reporting that will be required. However, the subrecipient shall be expected to stay informed regarding any updates to these compliance and reporting requirements. Specific reporting and

data requirements will be incorporated into any offered subgrant agreement. See also the Assistance Listing in SAM.gov under assistance listing number 21.027 for more information.

ARPA funds are required to be obligated by the county to an eligible broadband project by December 31, 2024, and work must be completed and related funds expended by no later than December 31, 2026. The county intends to have the funds committed and work completed well before these deadlines, and within two years of the execution of any subrecipient agreements.

Subrecipients must comply with regular reporting requirements, including ongoing reports relating to speed, pricing, and data allowance information. ARPA Terms and Conditions, examples of required certifications, and examples of reporting requirements currently in effect can be found in **Attachments 1, 2, and 3** to this Grant Application. Subrecipient shall be responsible for staying abreast of any revisions to reporting requirements and comply accordingly.

Prior to final payment and closeout, the subrecipient must provide independent inspection of the construction process (meaning the inspectors are independent from, and not employed by, the applicant) verifying that the constructed network meets the design specification of the network.

Subrecipients must be willing to offer service to every home and business in the proposed service area. Subrecipients must provide at least one broadband solution that is affordable for all Customers in the project area. Additionally, Subrecipients must participate in at least one broad-based affordability program to low-income consumers. The obligation to participate in the low-income based program must continue for at least five years. For the avoidance of doubt, a qualifying affordability program will be analogous to the Federal Communications Commission (FCC) Affordable Connectivity Program (ACP), or other legacy program established by the FCC.

Upon project completion, operational testing shall be provided by Subrecipient to confirm the level of service proposed in the Grant Application and Subrecipient Agreement. Such requirements shall not exceed in degree or differ in kind from testing and reporting requirements imposed on the recipient by the FCC, as adjusted for the service specifications in the subrecipient agreement.

Evaluation Criteria

The Lee County Administrator will develop and oversee an application review team to consider each application submitted to the county on a timely basis, with recommendations made to the county commission following completion of review. Review shall be based upon the objective criteria set out in this Grant Application; provided the county reserves the right to request

additional information from an applicant during the review process as needed for clarification related to material included in or missing from the application. Failure to provide any such clarification in a timely manner may result in disqualification. The county commission shall make its final decision regarding award of a grant and funding therefore based upon the overall conformance of responses to the grant application and county designated project area, as determined by the county commission. The county commission reserves the right to reject all applications submitted and make no grant award for this project.

Grant evaluation will be based on the following criteria:

Criteria	Percent
1. Operational Experience of the ISP	10%
2. Construction Experience of the ISP	10%
3. Grant Experience of the ISP	10%
4. Project Plans re: Conformance to Project Description and County Priorities	10%
5. Project Approach	10%
6. Customer Support, Service Offerings and Pricing	10%
7. Schedule, Required Leases and Permitting	20%
8. Project Budget, Matching Funds, and Business Plan Indications	20%
Total	100%

Grant Application

Instructions: Complete the table below and be sure your answers in the table are consistent with the answers provided throughout the Application.

Project Name:	
Project Location:	
Legal Name of Entity:	
Mailing Address:	
Unique Entity ID:	FEIN:
Fabric ID No:	FCC Provider ID No:
CAGE Code:	CAGE Code Expiration Date:
Name and Title of Authorized Signatory:	
Name and Title of Project Contact:	
Contact Phone:	Contact Email:
Project Start Date:	Project End Date:
Grant Amount Requested:	Match Amount Pledged:
Total Project Cost:	ISP Total Years in Business:
Total New Miles of Wireline:	Number of Addresses Passed:

Narrative Instructions: The applicant shall provide a detailed narrative in response to the requests below. Attach supporting documents as requested and/or necessary. The narrative provided by the applicant must be provided in the following order and should be labeled and numbered consistent with this Grant Application.

1. Operational Experience of the ISP - 10%

- 1.1 Provide an overview of the Applicant such as date established, number of employees, and website. The overview should specifically discuss whether it is owned, operated by, or affiliated with a local government, nonprofit, or cooperative. Applicants that are owned or operated by a local government,

cooperative, or nonprofit will be given additional points on evaluation. All private businesses must be registered to do business in the state of Alabama.

- 1.2 List the counties in Alabama where the ISP currently provides broadband service.
- 1.3 How many broadband customers do you have in Alabama?
- 1.4 How many employees do you have in Alabama?
- 1.5 Describe the technical and managerial capabilities of the applicant including a description of key staff member role(s) on the project, and their availability to work on this project.
- 1.6 List any other states that the ISP provides active retail broadband service.
- 1.7 Describe other lines of business conducted by the applicant.
- 1.8 Describe any recent mergers or acquisitions.
- 1.9 Provide information (narrative or attachments) to demonstrate the financial viability and stability of the ISP. If the ISP declared bankruptcy in the previous 10 years, describe its status or resolution.
- 1.10 Describe any pending lawsuits related to the applicant's ISP business.

2. Construction Experience of the ISP - 10%

- 2.1 Have you constructed broadband in Alabama previously?
- 2.2 Describe your previously constructed broadband, including dates of construction, number of passings, route miles, available speeds, etc.
- 2.3 Describe any ongoing broadband construction projects, including dates of construction, number of passings, route miles, available speeds, etc.
- 2.4 Describe any broadband construction projects that you have planned for the next two years, including number of passings, route miles, available speeds, etc.
- 2.5 Have you ever constructed, or do you plan to construct broadband in Lee County or adjacent counties? If yes, where, and when?
- 2.6 Have you used your own employees for construction, contractors, or a combination of both? Provide details such as number of employees, names of contractors, etc.
- 2.7 Regarding engineering design of your broadband construction projects, do you use in-house engineers, consultants, or a combination of both? Provide details such as number of employees and their experience, names, and experience of consultants, etc.
- 2.8 Describe any efforts and opportunities to include local hires or local firms in your project.

- 2.9 Discuss any plans to use vendors and subcontractors that have been certified by the Office of Minority Business Enterprise or that are Disadvantaged Business Enterprises.
- 2.10 Speak to the wages and benefits of workers on the proposed project by labor classification. Applicants are encouraged to provide prevailing wages for workers of the Project.

3. Grant Experience of the ISP - 10%

- 3.1 In the past five years, have you received any state grants for broadband construction? If yes, describe your entity's experience in managing the state grant award(s), including the status of the grant(s) (pending award, awarded, closed-out).
- 3.2 In the past five years, have you received any federal grants for broadband construction? If yes, describe your entity's experience in managing the federal grant award(s), including the status of the grant(s) (pending award, awarded, closed-out).
- 3.3 In the past five years, have you been awarded state or federal funds to construct broadband in any portion of the project area covered by this application? If yes, discuss and provide a copy of the corresponding grant application and grant agreement.
- 3.4 Do you have any pending state or federal grant/funding applications to construct broadband in any portion of the project area covered by this application? If yes, describe the scenario, including anticipated date of grant announcements, and provide a copy of the grant application(s).

4. Project Plans re: Conformance to Project Description and County Priorities – 10%

- 4.1 Describe plans to execute and conform to the Project Description and County Priorities section of this grant application.
- 4.2 Describe and attach maps outlining proposed routes for the construction of necessary infrastructure in the county priority areas.
- 4.3 Describe and provide justification for any proposed deviation from county priority areas.
- 4.4 Provide a shape file(s) of your proposed project area which comply with project areas focusing on county priorities and conformance with ARPA guidelines.

5. Project Approach - 10%

5.1 How many passings, to include households, businesses, and any community anchors (libraries, schools, police and fire stations, hospitals, etc.) does your engineering design identify in the project area? Complete the table below.

Households	Businesses	Community Anchors

5.2 Discuss the proposed construction type or types and the reasons for your proposed approach including whether aerial or underground fiber is proposed. Applicants that provide a fiber solution will be given additional points on evaluation. If fiber is not proposed, provide a detailed explanation of the proposed construction type and why it was chosen.

5.3 Discuss the technology to be deployed, future usage projections, and the ability to upgrade.

5.4 Discuss the proposed broadband speeds to be provided, including at least 100/20 Mbps. Will the project have 100/100 or greater capability?

5.5 Attach a preliminary technical evaluation of the project stamped and signed, certified by an Alabama licensed Professional Engineer, including:

5.5.1 A description of how the proposed infrastructure will provide the promised speeds of no less than 100/20 Mbps that is required to all potential end users in the project area.

5.5.2 How the network will work using the proposed equipment, and how the network will be connected to sufficient backhaul infrastructure to support the proposed maximum speeds, including during peak hours.

5.5.3 Describe your design philosophy for determining the size of customer nodes and for the expected level of oversubscription.

5.6 Do you anticipate supply chain issues, and if so, how will you address them?

5.7 Describe your process for identifying and mitigating utility conflicts.

6. Customer Support, Service Offerings, and Pricing - 10%

6.1 The county desires a quality customer service experience for residents and businesses. Answer the following questions along with any other information you care to provide about your customer service:

6.1.1 Where are your closest fiber-based broadband customers to the county?

- 6.1.2 Where is the nearest office to the county that includes live customer service agents? Is this the location where calls from county customers will be answered? If not, provide the location (state/county) of customer service agents who will service county customers.
- 6.1.3 Where will the home location be for any outside technicians who will be assigned to the service area?
- 6.2 Describe your plan to provide a broad-based low-income program in this area. At a minimum, this must include Customer eligibility requirements, monthly costs (including all fees), products and speeds offered at the discounted cost, and an approximate number of customers in the project area that would qualify.

6.3 Proposed Residential Services- Complete the table below. Identify up to four proposed residential internet service tiers. **Include the highest performance tier** typically offered to residential users **and the most affordable tier** typically offered to residential users. Pricing provided should be for stand-alone (unbundled) internet service and non-promotional. The “Data Cap” should be any level of cumulative usage in a month above which users (i) cannot continue to use the service, (ii) may only receive service with reduced performance (“throttling”), or (iii) incur extra charges for continued use. If none in any category below, enter “N/A.”

Proposed Residential Services

A. Tiers	B. Download Speed (Mbps)	C. Upload Speed (Mbps)	D. Data Cap (GB/month)	E. Monthly Recurring Charge (\$/month)	F. Recurring Mandatory Equipment Charges (\$/month)	G. Other Recurring Fees and Surcharges (\$/month)	H. Charge for Use above Data Cap (\$/month)	I. Total Monthly Charges (Add E-H) (\$/month)	J. Non-recurring Service Activation or Equipment Fees (\$)
Tier 1									
Tier 2									
Tier 3									
Tier 4									

6.4 Proposed Business Services- Complete the table below. Identify up to four proposed business internet service tiers. **Include the highest performance tier** typically offered to business users **and the most affordable tier** typically offered to business users. Pricing provided should be for stand-alone (unbundled) internet service and non-promotional. The “Data Cap” should be any level of cumulative usage in a month above which users (i) cannot continue to use the service, (ii) may only receive service with reduced performance (“throttling”), or (iii) incur extra charges for continued use. If none in any category below, enter “N/A.”

Proposed Business Services

A. Tiers	B. Download Speed	C. Upload Speed	D. Data Cap	E. Monthly Recurring Charge	F. Recurring Mandatory Equipment Charges	G. Other Recurring Fees and Surcharges	H. Charge for Use above Data Cap	I. Total Monthly Charges (Add E-H)	J. Non-recurring Service Activation or Equipment Fees
	(Mbps)	(Mbps)	(GB/month)	(\$/month)	(\$/month)	(\$/month)	(\$/month)	(\$/month)	(\$)
Tier 1									
Tier 2									
Tier 3									
Tier 4									

7. Schedule, Required Leases, and Permitting - 20%

- 7.1 Provide a project timeline, including major project milestones showing that the project can be completed in a maximum of 24 months. Additional points may be awarded to applicants that commit to an expedited schedule of less than 24 months.
- 7.2 Discuss any easement and/or permitting requirements for the proposed project, including, but not limited to, county, municipal, or Alabama Department of Transportation (ALDOT).
- 7.3 Discuss any required pole attachment agreements and their status.

8. Project Budget, Matching Funds, and Business Plan Indications - 20%

- 8.1 Complete **Attachment 4-** Broadband Grant Application Budget Workbook.
- 8.2 Use the Key Data Tab from the Budget Workbook to complete the summary table below.

Key Budget Data Summary

Total Grant Request Amount	
Total Matching Funds	
Total Other Funds	
Total Project Cost	
New Miles of Wireline	
Total Addresses Passed	
Grant Amount Per Mile of Wireline	
Grant Amount Per Address Passed	

- 8.3 For any proposed matching funds or other funds claimed on the budget breakdown tab, describe the source of funds, and attach appropriate backup documentation committing the matching or other funds, including a signed letter, resolution, grant agreement, etc.
- 8.4 What are your expectations for achieved customer take rates by year three after the end of construction? By year 5? Complete the table below.

Take Rates

Year 3	Year 5

8.5 Justify your level of grant request with information from a business plan or analysis, Pro Forma Financial Projections, loan documents, etc.

8.6 Estimate your projected grant funding needs per quarter in the table below:

Projected Grant Dollars Needed Per Project Quarter

Quarter	Grant Dollars Needed
Q1	
Q2	
Q3	
Q4	
Q5	
Q6	
Q7	
Q8	
Total Grant Request	

8.7 If your request is not fully funded, what adjustments are you prepared to make, if any?

Certifications

Initial

1. By signing below, I certify that the project is designed to, upon completion, meet or exceed 100 Mbps download speed and at least 20 Mbps upload speed. _____

2. By signing below, I confirm that the ISP does, or will upon completion of the project, participate in the Federal Communications Commission (FCC) Affordable Connectivity Program (ACP). _____

3. By signing below, I confirm that the applicant will comply with all applicable federal, state, and local laws, and further has read and will comply with the terms and conditions of the county's ARPA award (Attachment 1), should a grant be awarded. _____

4. By signing below, I confirm that, to the best of knowledge of the applicant, that areas included in any application submitted do not include construction of broadband infrastructure in areas where there are existing federal or state funding commitments for reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed or for costs that will be reimbursed by other federal or state funding streams. _____

5. By signing below, I confirm that the applicant can and will comply with the Administrative Requirements of 2 C.F.R. Part 200, as applicable, should a grant be awarded. _____

6. By signing below, I confirm that the applicant is not debarred or suspended from receiving federal funds consistent with 2 C.F.R. Part 180. _____

Name

Date