Alabama Broadband Accessibility Fund

2022 Grant Application and Guide



broadband.fund@adeca.alabama.gov

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Alabama Broadband Accessibility Fund

2022 Grant Application and Guide

**2022 Grant Application Guidelines**

An application workshop will be held at 401 Adams Avenue, Montgomery, Alabama in the 7th Floor Auditorium on March 31, 2022, at 10:00 AM, CST. The meeting will be held both in-person and virtually. To join the meeting, please make sure that you have signed up to be on the Broadband Alabama Mailing List which can be found at <https://adeca.alabama.gov/broadband-alabama-mailing-list/> and you will receive instructions on how to join the meeting.

An online version of the workshop and questions and answers from the workshop will be posted on the Alabama Department of Economic and Community Affairs (ADECA) website after the workshop, at <https://adeca.alabama.gov/broadband-webinars-and-workshops/>.

Applications shall be submitted in PDF format by email to broadband.fund@adeca.alabama.gov. Applications will be accepted starting on March 31, 2022. Completed applications must be submitted by 12:00 PM (Noon), CST, on June 28, 2022. Any applications received after the deadline will not be considered. All applications must be complete; however, ADECA reserves the right to contact applicants for additional information and/or clarifications.

Prior to submitting applications, *applicants are required to provide a letter of intent* to submit an application by 12:00 PM (Noon), CST, on April 29, 2022. The letter of intent shall include the applicant’s contact information and the proposed project area in either a .kmz, .kml, or shapefile format. The applicant’s shapefile must use a polygon format to represent the proposed project area. Other formats such as lines or points will not be accepted. The applicant must also ensure that the polygon format covers the rooftop locations of all addresses in the proposed project area. Additionally, if an applicant intends to apply for funds under the eligibility defined under section (h) (2)-(3) of Alabama Code Section 41-23-213 (as discussed in Section A, 8 and A, 9), the applicant shall include that information in the letter of intent.

The letters of intent will be posted on the ADECA website and publicly available to promote coordination between applicants and with existing Internet Service Providers (ISP) regarding overlapping service areas. Applicants and existing ISPs are strongly encouraged to contact applicants regarding their letters of intent within 30 days of the posting of the letters on the ADECA website to ensure compliance with the grant program deadline.

**Note:** *A sample letter of intent and ISP contact and communication form are included here as Appendix A. Minor changes to the project area between the time the letter of intent is submitted, and the final application is submitted are allowed; however, applicants are instructed to clearly identify any changes in the final application map and narrative.*

An applicant may submit more than one application; however, each project must have a separate application and budget. Each project must stand alone in meeting the Alabama Broadband Accessibility Fund (ABAF) program requirements.

Eligibility

Eligible applicants are entities that are cooperatives, corporations, limited liability companies, partnerships, other private business entities, or units of government that provide broadband service. An entity is not eligible for a grant unless the entity has submitted, within the one-year period preceding the awarding of the grant, the entity's broadband service availability information to Alabama's broadband mapping program.

Funding

The grant will be in the form of a reimbursement of eligible costs up to the award amount and/or percentage in the grant agreement. Reimbursement will be conditioned on the following:

* Project completion within two years of awarding of the grant. Applicants who demonstrate project complexity may request more than two years to complete the project. Recipients who demonstrate that the project is progressing may request an extension for up to one year for project delays beyond the recipient’s control. If a recipient fails to complete a project within the two-year deadline, or within the extended deadline, ADECA may revoke the grant in its entirety and rededicate the funds to a new recipient.
* The progressive completion, as measured on not more than a quarterly basis, of the approved project. Grants for projects not showing progress may be rescinded.
* Operational testing, when possible, to confirm the level of service proposed in the grant application. Such regulations shall not exceed in degree or differ in kind from testing and reporting requirements imposed on the grant recipient by the Federal Communications Commission, as adjusted for the service specifications in the ADECA grant agreement.
* Continued participation in Alabama’s broadband mapping program throughout the entire project period.

All projects will be scored based on the established rating criteria (more information about the grant process and the criteria can be found at [https://adeca.alabama.gov/grant-application-and-implementation/](https://adeca.alabama.gov/grant-application-and-implementation/%29).) Those eligible projects receiving the highest scores will be selected for funding. The number of projects funded will be determined by the funds available and the total amount of requests made. ADECA may request amended projects and/or offer reduced grant participation.

ADECA shall ensure that not less than 40% of funds appropriated for grants be utilized in unincorporated areas of the state. Further, grants awarded for MIDDLE MILE projects and projects to provide broadband service to a specific hospital, health care facility, public school, public safety, or economic development site shall not exceed 40% of the total funds appropriated for grants on an annual basis. Individual grant awards will be for projects in UNSERVED AREAS that will be capable of transmitting broadband signals at or above 100 megabits per second of download speed and 100 megabits per second of upload speed (100Mbps/100 Mbps) and may not exceed the lesser of 80 percent of the project cost, or $5,000,000.

Definitions

END USER. A residential, business, institutional, or government entity that uses broadband services for its own purposes and does not resell such broadband services to other entities. An ISP and mobile wireless service provider are not an END USER.

MIDDLE MILE PROJECT. A broadband infrastructure project that does not provide broadband service to END USERS or to END USER devices.

TERRESTRIAL BROADBAND SERVICE. Including wireline or fixed wireless service; excluding both cellular and satellite service.

MINIMUM SERVICE THRESHOLD. A connection to the Internet that provides capacity for transmission at an average speed per customer of at least 100 megabits per second (100 Mbps) downstream and at least 20 megabits per second (20 Mbps) upstream (100 Mbps/20 Mbps).

RURAL AREA. Any area within this state not included within the boundaries of any incorporated city or town having a population in excess of 25,000 inhabitants, according to the last federal census.

UNSERVED AREA. Any RURAL AREA in which there is not at least one provider of TERRESTRIAL BROADBAND SERVICE that is either: (1) offering a connection to the Internet meeting the MINIMUM SERVICE THRESHOLD; or (2) is required, under the terms of another state or federal grant, to provide a connection to the Internet at speeds meeting the MINIMUM SERVICE THRESHOLD within the same or similar timeframe of projects, similar complexity, or scale awarded during each grant cycle.

**APPLICANTS MUST USE THE FOLLOWING APPLICATION FORM, COMPLETE IT IN ITS ENTIRETY, AND LABEL ATTACHMENTS AS INSTRUCTED. FAILURE TO DO SO, MAY RESULT IN A LOSS OF POINTS.**

**2022 Grant Application**

Applicant Information

|  |
| --- |
| Project Name: |
| Legal Name of Entity: |
| Mailing Address: |
| Name and Title of CEO: |
| Name and Title of Contact: |
| Phone Number and Email of Contact: |
| Federal Identification Number: |

**Note:** *All successful applicants will be required to complete and submit the Beason-Hammon Alabama Taxpayer and Citizen Protection Act Certification, a complete copy of their E-Verify Memorandum of Understanding (MOU), the State of Alabama Disclosure Statement, and the Signatory Authority Form. Additionally, all Recipients must register in the State of Alabama Accounting and Resource System (STAARS) Vendor Self Service (VSS). The Taxpayer ID number, entity name, and entity address must match across all documents and with the information in STAARS.*

A. Project Description

**This section is worth up to 45 points. Up to 25 points will be awarded for all applicants adequately answering the questions below, up to 10 bonus points for applicants adequately demonstrating the criteria listed in number seven (7) below, and up to 10 bonus points for applicants applying for service areas where the existing connection to the Internet provides capacity for transmission at an average speed per customer of less than 25 megabits (25 Mbps) per second downstream and three megabits (3 Mbps) per second upstream (25 Mbps/3 Mbps). Points will be awarded based on verifiable information only.**

Please complete the project description sections below. Any additional documentation can be included in a separate electronic file titled Attachment A, Project Description and submitted with this application.

1. A discussion of the proposed project area, including boundaries, number of households, businesses, and any community anchors (libraries, schools, police and fire stations, hospitals, etc.). The applicant shall also identify if the project area is located within an unincorporated area and provide information regarding how the area meets the definition of RURAL AREA (see definition on page 4).

Please complete the following table.

|  |  |
| --- | --- |
| Number of Households to be Served |  |
| Number of Businesses / Industries to be Served |  |
| Number of Community Anchors to be Served |  |

If the applicant chooses to request the bonus points for an area with existing connection speeds less than 25 Mbps/3 Mbps, the applicant shall provide documentation confirming that the existing connection speeds of the proposed project area are below 25 Mbps/3 Mbps. Applicants may reference the Alabama Broadband Map, provide speed tests (run while connected via Ethernet to the modem), or engineering analysis of the network’s performance characteristics.

1. A discussion of the technology to be deployed (fiber, cable, DSL, etc.). Additionally, include a discussion of future usage projections and the ability to upgrade.

1. A discussion of broadband service options to be offered, including pricing data for each proposed service speed, which must include pricing for at least one service offering at 100 Mbps symmetrical. The applicant should also provide a description of the terms and conditions of each service offering including data metering and cap fees, and other service details. Applicant should also describe any low-cost options meeting or exceeding the FCC’s definition of broadband and its current or intended participation in any federal programs that provide low-income consumers with subsidies on broadband internet access services, including the Affordable Connectivity Program (ACP).
2. A preliminary technical evaluation of the project certified by a licensed Professional Engineer. This evaluation shall include:
3. A description of how the proposed infrastructure will provide the promised speeds of no less than 100 Mbps symmetrical that is required to all potential END USERS in the project area, 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
4. A project cost estimate (the cost estimate shall include construction costs, any “make ready” costs, costs associated with easements and permits, and a contingency of 10-15 percent)
5. Project schedule and timeline
6. The applicant shall include a map of the proposed project area shown as a polygon. The polygon must encompass all proposed new customers. Other depictions such as lines or points will not be accepted. Maps shall be in .kmz, .kml, or shapefile format.

Generally, applicants may establish that the proposed project is in an UNSERVED AREA and in a RURAL AREA by using the Alabama Broadband Map (<https://broadband.alabama.gov/broadband-maps/>).

**Note:** *Applicants are strongly encouraged to conduct a field review. If an area is shown as unserved on the Alabama Broadband Map at the time of the application but becomes served prior to the execution of the grant agreement, the project may not be eligible for funding. The Alabama Broadband Map show service speeds and percentages by Census block, areas within the Census blocks may be eligible, even if shaded.*

The applicant shall discuss any easement and/or permitting requirements for the proposed project area. Additionally, the applicant shall identify any easement and/or permitting requirements that will necessitate coordination with the Alabama Department of Transportation.

1. A discussion of the operator’s technical and managerial capabilities to complete the project within two years of awarding the grant. Applicants who demonstrate project complexity may request more than two years to complete the project as part of the application. If an increased time for completion is approved by ADECA, the increased timeframe will be included in the grant agreement. Recipients who demonstrate that the project is progressing may request an extension for up to one year for project delays beyond the recipient's control. If a recipient fails to complete a project within the two-year deadline, or within the extended deadline, ADECA may revoke the grant in its entirety and rededicate the funds to a new recipient.

Recipients will be required to report progressive completion quarterly until closeout. Grants for projects not showing progress may be rescinded by ADECA.

1. A discussion of the applicant’s average pole attachment rates charged to an unaffiliated entity (does not apply to a utility as defined under Section 37-4-1-(7)a).
2. A discussion of the applicant’s plan to use vendors and subcontractors that have been certified by the Office of Minority Business Enterprise or that are Disadvantaged Business Enterprises. Please be advised if an applicant chooses to claim consideration under this criterion, a quarterly report documenting activities will be required. Vendor and subcontractor self-certification of Minority, Female Owned, or Disadvantaged Business Enterprise status will not be accepted.
3. A discussion of MIDDLE MILE PROJECT (if applicable). The applicant shall demonstrate that the project will connect other service providers eligible for grants under this section with broadband infrastructure further upstream in order to enable such providers to offer broadband service to END USERS; provided that eligible projects under this subdivision may include projects in (i) an UNSERVED AREA or (ii) a RURAL AREA that does not meet the definition of an UNSERVED AREA but otherwise meets the requirements of this section, for which the grant applicant demonstrates, by specific evidence, the need for greater broadband speeds, access, capacity, resiliency, or service which is not being offered by an existing service provider. An example of specific evidence can be found in the Alabama Broadband Accessibility Fund Frequently Asked Questions at <https://adeca.alabama.gov/grant-application-and-implementation/>.
4. A discussion of hospital, health care facility, public school, public safety, or economic development projects that do not meet the definition of UNSERVED AREA, but otherwise meets the requirements of the program (if applicable). The applicant must demonstrate by specific evidence, the need for greater broadband speeds, access, capacity, resiliency, or service which is not being offered by an existing service provider. An example of specific evidence can be found in the Alabama Broadband Accessibility Fund Frequently Asked Questions.

B. Application Budget

**This section is worth up to 25 points. Points will be awarded based on verifiable information only.**

For the table, please complete the unshaded boxes. The shaded boxes will populate automatically. If you are unable to use the formulas in the table, use the following formulas to calculate the percentages: (i) 20 percent of total project cost is calculated by multiplying the total project cost by .20, (ii) 80 percent of total project cost is calculated by multiplying the total project cost by .80. The total grant amount cannot exceed the lesser of 80 percent of total project costs, or $5,000,000. If other state or federal funds are involved in the project, please see number 4 below.



Please complete the project budget sections below. Any additional documentation can be included in a separate electronic file titled Attachment B, Project Budget and submitted with this application.

1. Itemize eligible project expenses. Generally, eligible expenses will be limited to construction and construction-related costs of broadband infrastructure. Operating expenses are not eligible expenses. Any additional expenses associated with the project, but not part of the grant budget, should be included in the narrative.

\* **Note**: *The applicant may break out materials and labor costs,* ***or*** *use a lump sum for construction/installation. Do not complete both.*



1. A discussion of the applicant’s necessary financial resources to:
	1. sustain service to the project area (business model); and

* 1. provide adequate project financing (additional documentation may be requested by ADECA).
1. A discussion of any partners or subcontractors associated with the project’s deliverables including but not limited to adoption, deployment, and service delivery. Please describe each party’s role in the project.
2. A description of any funds that will be used by the applicant to complete the project that are from sources other than the Broadband Accessibility Fund.
	1. Projects to serve UNSERVED AREAS in which the grant applicant is either or both: (i) an existing or future service provider which has or will receive support through federal universal service funding programs designed specifically to encourage broadband deployment in an area without broadband access; or (ii) an entity that currently provides service which has or will receive other forms of federal or state financial support or assistance, such as a grant or loan from the United States Department of Agriculture.
	2. Any award under the Accessibility Fund, when combined with other forms of state or federal support or assistance dedicated to the project, other than interest-bearing loans, may not exceed 90 percent of the total project costs.

C. Other Program Priorities

Please answer each of the following questions either “YES” or “NO”. For each “YES” answer, provide a brief narrative and any supporting documentation in a separate electronic file titled Attachment C, Other Program Priorities and submitted with this application. Any claims that cannot be verified will receive zero points in our scoring system. “NO” answers will receive zero points in our scoring system.

**Note:** *“YES” answers (that can be verified) will receive up 10 points.*

|  |  |  |  |
| --- | --- | --- | --- |
| Does this project seek to leverage grant funds through private investment? | YES[ ]  | NO[ ]  | If yes, include an explanation and documentation in a file titled Attachment C. |
| Will this project be an extension of existing infrastructure?  | YES[ ]  | NO[ ]  | If yes, include an explanation and documentation in a file titled Attachment C. |
| **\***Does this project serve locations with demonstrated community support, including, but not limited to, documented support from local government?  | YES[ ]  | NO[ ]  | If yes, include an explanation and documentation in a file titled Attachment C. |
| Is the proposed project the most cost effective and technically efficient proposal to serve the highest number of UNSERVED homes, businesses, and community anchor points for the least grant fund cost and best level of service?  | YES[ ]  | NO[ ]  | If yes, include an explanation and documentation in a file titled Attachment C. |
| Does this project emphasize the highest broadband speeds (at least 100 Mbps/100 Mbps)?  | YES[ ]  | NO[ ]  | If yes, include an explanation and documentation in a file titled Attachment C. |
| Will this project provide material broadband enhancement to hospitals, clinics, and other medical facilities?  | YES[ ]  | NO[ ]  | If yes, include an explanation and documentation in a file titled Attachment C. |
| Will this project support local libraries in this state for the purpose of assisting the libraries in offering digital literacy training pursuant to state library and archive guidelines?  | YES[ ]  | NO[ ]  | If yes, include an explanation and documentation in a file titled Attachment C. |
| Will the project provide support for the deployment of infrastructure to be owned and operated exclusively by Internet service providers serving subscribers in Alabama for at least three years or organizations incorporated, headquartered or with a principal place of business in Alabama?  | YES[ ]  | NO[ ]  | If yes, include an explanation and documentation in a file titled Attachment C. |
| Has the applicant committed to improving the adoption rate of broadband services by offering programs to households that meet guidelines established by ADECA or the funding source, including, but not limited to, special service rates, internet-enabled devices that meet the needs of the user, and digital skills training?  | YES[ ]  | NO[ ]  | If yes, include an explanation and documentation in a file titled Attachment C. |
| Has the applicant been certified by the ADECA Office of Minority Business Enterprise or otherwise as a Disadvantaged Business Enterprise? Documentation of certification does not include self-certification as provided in SAM.gov.  | YES[ ]  | NO[ ]  | If yes, include an explanation and documentation in a file titled Attachment C. |

**\*Note:** *Matching fund commitments by a local entity must be described in a resolution that is adopted by the local entity. Applicants must submit this resolution as part of Attachment C to the application. Please note that Local Entities that commit funding to satisfy budget requirements for a project must also enter into a Memorandum of Understanding with ADECA. In addition, an applicant may seek bonus points by demonstrating a commitment to serve the local community through a project or supported partnership that supplements and complements the applicant’s grant proposal to deploy broadband to the area. The applicant should include a letter from the local community documenting any community projects and support for the proposed grant proposal.*

*A sample resolution for local government matching funds and a sample community support letter, as well as examples of projects that qualify as “demonstrated community support,” are available in Appendix B.* *This list is not intended to be exhaustive but, rather, to provide guidance on the necessary scope, scale, and intended impact of these projects. A sample Memorandum of Understanding between ADECA and a Local Entity that commits funding to a project is attached here as Appendix C.*

Grants issued by ADECA shall be conditioned upon compliance with the Grant Agreement but shall not otherwise be revocable. A template version of the Grant Agreement can be found on the ADECA Accessibility Fund program website for reference (<https://adeca.alabama.gov/grant-application-and-implementation/>.) This template is subject to change and will be tailored for the circumstances of each funded grant project.

D. Certifications

1. The applicant certifies all new customers served as a result of this project will have access to an internet connection that provides a capacity for transmission at an average speed per customer of at least 100 Mbps/100 Mbps.
2. The applicant certifies that it has the technical and managerial capabilities to complete the project within (check one):

[ ]  Two years of awarding the grant; or

[ ]  Applicant has demonstrated project complexity and has requested more than two years to complete the project.

1. The applicant certifies that it has submitted, within the one-year period preceding the awarding of the grant, the entity's broadband service availability information to Alabama’s broadband mapping program. Further, the applicant certifies that it will continue to participate in Alabama’s broadband mapping program throughout the entire project period by providing accurate, complete, and timely responses to mapping data requests from ADECA or its contractors.

|  |
| --- |
| Certification |
| I the undersigned am authorized to obligate my entity and enter into agreements for my organization. I understand that the above certifications do not guarantee funding and a grant agreement will be executed prior to project funds being expended. I further understand that if the above statements cannot be verified, no grant funds will be awarded under this program. Finally, to the best of my knowledge the above certifications are true and correct. |
| Signature of Applicant: | Date: |
| Title of Applicant: |

For more information regarding the Alabama Broadband Accessibility Fund, please send questions to Chris Murphy at broadband.fund@adeca.alabama.gov, or call (334) 353-4589 between the hours of 8:00 AM to 4:00 PM, Monday through Friday.

**Appendix A**

Sample Letter of Intent

ISP Contact and Communication Form

Applicant Logo/Letterhead

Applicant physical address

Applicant email address

Date

Maureen Neighbors

Chief, Digital Expansion Division

Alabama Department of Economic and Community Affairs (ADECA)

Via email: broadband.fund@adeca.alabama.gov

Dear Ms. Neighbors,

[Applicant] intends to submit an application for funding from the Alabama Broadband Accessibility Fund grant program. Attached to this letter of intent, as Attachment A, is a shapefile that represents our proposed funded service area. We have reviewed the ADECA 2022 Grant Application and Guide document and other related Accessibility Fund grant program documents and have complied with all relevant requirements. [Applicant] consents to ADECA posting this letter and its attachments to ADECA’s public website.

For additional questions or inquiries about this letter of intent and our proposed service areas, please contact [Name, title] at [email and phone number].

Sincerely,

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[Signature of Authorized Representative of Applicant]

Name

Title

Applicant

Email

Phone Number

Attachment A: [Title of document illustrating proposed service area in .kmz, .kml, or shapefile format.]

**Sample Email for Existing Service Providers to Communicate with Alabama Broadband Accessibility Fund Applicants**

To: Alabama Broadband Accessibility Fund Applicant

cc: broadband.fund@adeca.alabama.gov

Email subject: Letter of Intent for Alabama Broadband Accessibility Fund grant application

Body of email:

[ISP name] has reviewed your letter of intent submitted to the Alabama Broadband Accessibility Fund on [date]. As a service provider in the area, we are sending you this communication to inform you of our current service and future plans for providing service in portions of the proposed service area identified in your Letter of Intent. We are providing the following (select all that apply):

**□ Information on our current broadband service area.** We currently provide broadband service of at least 100 Mbps download and 20 Mbps upload (100 Mbps/20 Mbps) within the proposed service area identified in your Letter of Intent. We have attached a GIS file for the portion(s) of your project where we provide this service.

**□Information on our current broadband construction efforts.** We currently have construction underway to improve or expand our broadband service to provide at least 100 Mbps/20 Mbps in the proposed service area identified in your Letter of Intent. This construction began on [insert date construction began] and is estimated to be completed by [insert estimated end date for construction]. We have attached a GIS file showing the portion(s) of your project where this construction is occurring.

**□ Information on our broadband deployment plans:** We have substantial plans to improve or expand our broadband service to provide at least 100Mbps/20 Mbps in a portion(s) of the proposed service area identified in your Letter of Intent by [date]. We have attached a GIS file showing the portion(s) of your project where we have substantial plans to expand or improve our service.

If you would like to have further discussions regarding this information, please contact [Name, title, phone & email].

[Signature block]

[Attach map files in .kmz, .kml, or shapefile format or place in a shared location and provide a link to that location if file(s) is too large for email transmission.]

Cc: broadband.fund@adeca.alabama.gov

**Appendix B**

ABAF Municipality Match Resolution Template

ABAF County Match Resolution Template

Example Projects and Letters for Demonstrated Community Support

**ABAF Municipality Match Resolution Template**

**Whereas** (Applicant Name), hereinafter referred to as the Applicant is applying for grant funding under the Alabama Broadband Accessibility Fund (ABAF) administered by the Alabama Department of Economic and Community Affairs hereinafter referred to as ADECA; and

**Whereas** the Applicant proposes to build network facilities capable of providing high-speed broadband services to residents and businesses of (Municipality Name) that are within the proposed funded service area hereinafter referred to as the Project; and

**Whereas** the (Municipality Name) has determined that the proposed project, if completed, would meet a public purpose; and

**Whereas** the ABAF may not exceed the lesser of 80 percent of project costs, or $5,000,000 and requires the Applicant to provide any funds beyond those awarded through the ABAF necessary to complete the project; and

**Whereas** the Applicant must provide no less than 20 percent of the Project’s cost through sources of funding other than the ABAF and no less than 10 percent must come from non-state and non-federal grant sources; and

**Whereas** the Applicant has requested that (Municipality Name) provide matching funds in the amount of (Match Amount Requested) or (Percentage of total Project Cost Requested) percent of total project costs; and

**Whereas** (Municipality Name) certifies that it has reviewed all relevant rules and guidelines for the ABAF, and has consulted legal counsel and received confirmation that it has authority to commit these funds to this Project; and

**Whereas** (Municipality Name) certifies that it has consulted legal counsel and that it is aware of, and capable of complying with, all obligations and compliance requirements attached to this source of funding and can comply with all relevant ABAF requirements and those of the other state or federal source of the matching funds obligated to this Project by (Municipality Name); and

**Whereas** (Municipality Name) and the Applicant will enter into an agreement detailing how, when, and under what conditions (Municipality Name) funds will be paid to the Applicant; and

**Whereas** (Municipality Name) agrees that if the Applicant completes the Project at a cost lower than the approved budget for the Project, (Municipality Name) will still be obligated to contribute funding, but at a reduced amount in the same proportion of committed funding to the original budgeted amount; and

**Whereas** (Municipality Name) has worked with the Applicant to ensure that the Project considers the broadband connectivity and adoption needs of the residents of (Municipality Name); and

**Now, therefore,** (Municipality Name) authorizes the provision matching funds in the amount of (Match Amount Requested) or (Percentage of total Project Cost Requested) percent of total project costs to be paid through an agreement with the Applicant detailing the terms and conditions for payment and any other terms and conditions if the proposed Project is awarded through the ABAF; and

(Municipality Name) authorizes the Mayor to enter into to a memorandum of agreement with ADECA regarding the sharing of data related to project progress and completion

**Adopted** this the (Day) of (Month), 2022

**ABAF County Match Resolution Template**

**Whereas** (Applicant Name), hereinafter referred to as the Applicant, is applying for grant funding under the Alabama Broadband Accessibility Fund (ABAF) administered by the Alabama Department of Economic and Community Affairs, hereinafter referred to as ADECA; and

**Whereas** the Applicant proposes to build network facilities capable of providing high-speed broadband services to residents and businesses of (County Name), hereinafter referred to as the County, that are within the proposed funded service area, hereinafter referred to as the Project; and

**Whereas** the County supports the approval of a constitutional amendment proposed by Ala. Acts, Act No. 2022-117, to authorize Alabama counties to grant federal award funds or any other source of funding designated for broadband infrastructure by state law to any public or private entity for the purpose of providing or expanding broadband infrastructure; and

**Whereas** the ABAF may not exceed the lesser of 80 percent of project costs, or $5,000,000, and requires the Applicant to provide any funds beyond those awarded through the ABAF necessary to complete the project; and

**Whereas** the Applicant must provide no less than 20 percent of the Project’s cost through sources of funding other than the ABAF and no less than 10 percent must come from non-state and non-federal grant sources; and

**Whereas** the Applicant has requested that the County provide matching funds in the amount of (Match Amount Requested) or (Percentage of Total Project Cost Requested) percent of total project costs; and

**Whereas** the County certifies that it has reviewed all relevant rules and guidelines for the ABAF, and has consulted legal counsel and received confirmation that, subject to the adoption of the constitutional amendment referenced above, it will have the authority to commit these funds to this Project; and

**Whereas** the County certifies that it has consulted legal counsel and that it is aware of, and capable of complying with, all obligations and compliance requirements attached to ABAF funding and can comply with all relevant ABAF requirements and those of the other state or federal source of the matching funds obligated to this Project by the County, provided that any agreement for provision of funds is conditioned upon the adoption of the constitutional amendment referenced above and compliance of any award by the County to Applicant is subject to the terms and conditions of any federal award supporting the project including, without limitation, provisions regarding the period of performance; and

**Whereas**, subject to the conditions as set forth in the recitals herein, the County and the Applicant will enter into an agreement detailing how, when, and under what conditions the County’s funds will be paid to the Applicant; and

**Whereas** the County agrees that if the Applicant completes the Project at a cost lower than the approved budget for the Project, the County will still be obligated to contribute funding, but at a reduced amount in the same proportion of committed funding to the original budgeted amount, provided that such continued funding is consistent with the terms and conditions of any federal award supporting the project and the terms of any subaward agreement with the Applicant governing the terms and conditions of the award of such funds; and

**Whereas** the County has worked with the Applicant to ensure that the Project considers the broadband connectivity and adoption needs of the residents of the County.

**Now, therefore,** the County authorizes the provision of matching funds, subject to the conditions herein, in the amount of (Match Amount Requested) or (Percentage of Total Project Cost Requested) percent of total project costs to be paid through an agreement with the Applicant detailing the terms and conditions for payment and any other terms and conditions if the proposed Project is awarded through the ABAF; and

The County authorizes the Chairperson to enter into a mutually agreeable memorandum of understanding with ADECA regarding the sharing of data related to project progress and completion

**Adopted** this the (Day) of (Month), 2022

[Applicant Logo/Letterhead

Applicant physical address

Applicant email address

Date

Maureen Neighbors

Chief, Digital Expansion Division

Alabama Department of Economic and Community Affairs (ADECA)

Via email: broadband.fund@adeca.alabama.gov

Dear Ms. Neighbors,

I am writing on behalf of the [Local Entity] to express our support for the grant application and proposed project submitted by [Applicant] to the Alabama Broadband Accessibility Fund on [DATE]. We have reviewed the application, including the proposed project service area and proposed service offerings described by [Applicant] and believe that this project will expand access to reliable, high-speed broadband services to our community.

In addition, we have discussed the needs and opportunities within our community with [Applicant]. Specifically, [Applicant] has agreed to work with us on an additional broadband project that will directly benefit our community. [Applicant] has agreed to [**insert community support project description, including estimated number of impacted customers and estimated completion date or initiation date if it is an ongoing project. See attached list of examples for community support projects**.].

We look forward to working with [Applicant] to bring these benefits to our community and we urge ADECA to approve this grant application. Please contact [Name, Title, Phone, Email] with any questions or to discuss our work with [Applicant] on this proposed project.

Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Signature of an Authorized Representative for Local Entity]

Name, Title

Local Entity

Address

Phone

Email

**Examples of Community Support Projects**

As part of its application and intent to show “demonstrated community support,” an applicant could commit to providing public benefits that go beyond the basic intent to serve a community with broadband service. An applicant could enter into an agreement with a local community, or multiple communities, within the project area to provide specific public benefits and provide a letter or other documentation from the Local Entity describing the project. A sample list of qualified projects is included below. This list is not intended to be exhaustive but, instead, to give applicants and Local Entities an idea of the scope and scale of these projects. To request “bonus points” for its work with the local community, the applicant should provide documentation which could include a letter from the Local Entity with a description of the project; a copy of the agreement or MOU between the ISP and Local Entity that contains a description of the project; or a resolution, proclamation, declaration from the Local Entity regarding their understanding of the project.

It is important to note that ADECA will have no obligation or authority over these community specific projects and will not be monitoring the process or progress of these specific projects. These projects will be governed strictly pursuant to the agreement between the ISP and the Local Entity. These projects may include more than one “local entity” and could be region-wide or a consortium of local entities which should be reflected in the documentation of these projects as part of the Application process.

**Access**

* Public WiFi services at key community spaces within the Local Entity’s jurisdiction including parks, athletic fields, municipal buildings, municipal community centers, performing arts centers, and libraries, possibly targeting low-income or disadvantaged communities.
* WiFi services at public school sites or on school buses parked in locations throughout the community to help address the “homework gap.”
* Infrastructure deployment, including but not limited to WiFi, to homeless facilities, affordable housing, senior living housing, and municipal hospitals serving low-income neighborhoods.
* Infrastructure deployment to support public safety, for example to fairgrounds and other facilities used for evacuation or command center coordination.

**Devices**

* Commitment to provide free devices (tablets, laptops, Chromebooks, phones, routers) for identified populations such as families with school-age children, homeless, low-income households, foster youth, formerly incarcerated, and veterans.
* Subsidized device programs that may not be “free” but significantly discounted that could be bundled with discounted services offered over the new or existing infrastructure.
* Technical support for the set up and repair of these devices either through a contract with a local agency or company or through the ISP itself.

**Affordability**

* Subsidized or free access to the Public Wi-Fi networks described above.
* Robust low-income pricing program targeted to the local community (if ISP does not plan to provide a low-income program more generally).
* Resources to support a consumer education program regarding low-income discount programs and device subsidies.
* Support for a “digital navigator” program to help families apply for discounted services, such as the Affordable Communications Program.
* Subsidized or free service (beyond participation in ACP) for specific periods of time for anchor institutions, affordable housing residents, homeless shelters, community facilities, and other municipal facilities.
* Programs that provide discounts on services and equipment to small businesses in economically disadvantaged neighborhoods.

**Digital Literacy**

* Sponsorship and technical assistance for digital literacy programs implemented by public agencies or through anchor institutions and nonprofits in the community. This could include:
	+ Creating the content for a series of digital literacy programs or paying for a third-party content creator to develop the curriculum.
	+ Sponsorship of rental fees for the facility where classes are held or offering to host classes in their own offices.
	+ Payment of the equipment and fees associated with on-line digital literacy instruction for both the “host/teacher” and the “student,” including computers, routers, seat licenses, on-line applications, and materials.
	+ Payment for advertising of the classes (flyers, radio, print ads, web pages, etc.);
	+ “Loaning” ISP personnel as volunteers to support these programs.
	+ Free or heavily subsidized devices and/or services once a participant completes the training.
	+ Providing translation services for class material into Spanish or other languages most commonly used in the community.
* Digital Literacy classes through the public, charter, and private schools with predominantly low-income student population that include evening events for parents and family members.
* Technical/customer support and “train the trainer” services including how to troubleshoot technical problems with related equipment and a “hotline” available after completion of the class for technical assistance.

**Workforce and Job Training**

* Work with relevant local businesses to support internship and apprenticeship programs for the planning, design, and construction of communications networks.
* Work with local community colleges and other technical training resources to design a program that will create a pipeline of local talent into communications networks construction (likely done on a region-wide basis).

**Appendix C**

Template Memorandum of Understanding for ADECA and Local Entities

ABAF Grant No.:

Memorandum of Understanding

Alabama Broadband Accessibility Fund-Awarded Project

This Memorandum of Understanding (MOU) is entered into as of the date last signed below by and between the Alabama Department of Economic and Community Affairs, hereinafter referred to as ADECA and (Community Name), hereinafter referred to as the Community.

PURPOSE: ADECA has awarded a grant in the amount of (Award Amount) to (Recipient Name), hereinafter referred to as the Recipient through the Alabama Broadband Accessibility Fund (ABAF). The Recipient is required to provide a match of (Match Amount), or (Percent of Project Cost) of project cost as indicated in the project budget. The Community has committed to a portion of that match by a resolution approved by the community and submitted with the application. The Community has agreed to provide matching funds in the amount of (Local Commitment Amount), or (Percent of Project Cost) of the project cost.

Therefore, the Community and ADECA enter into this MOU to identify the obligations between ADECA and the Community.

ADECA shall notify the Community of:

1. Any ADECA-approved extensions or amendments.
2. The project’s completion and successful completion of close out requirements.
3. The reimbursement amount paid by ADECA to the Recipient.
4. The total amount of documented project costs.
5. The amount of reimbursement for match the recipient may receive from federal or state funds (Community match).

ADECA is not otherwise obligated to notify, update, or communicate with the Community regarding the status, progress, or any changes to the project.

The Community Shall:

1. Enter into a separate agreement between the Recipient and the Community to establish any and all agreements between the Recipient and the Community related to the project.
2. Will be responsible for any reporting required by the state or federal entity providing the matching funds.
3. Will notify ADECA the amount of final reimbursement from state or federal funds made to the Recipient by the Community and when such payment is made.

ADECA specifically denies liability for any claim arising out of any act or omission by any other party involved in the Project.

The parties agree that no funds shall be exchanged between ADECA and the Community as a condition of this MOU.

**Not to Constitute a Debt of the State** - It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment No. 26.

If any provision of this Agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this Agreement, be enacted, then that conflicting provision in the Agreement shall be deemed null and void.

The parties to this agreement recognize and acknowledge that ADECA is an instrumentality of the State of Alabama, and as such, is immune from suit pursuant to Article I, Section 14, Constitution of Alabama 1901. It is further acknowledged and agreed that none of the provisions and conditions of this Agreement shall be deemed to be or construed to be a waiver by ADECA of such Constitutional Immunity.

In the event of any dispute between the parties, senior officials of both parties shall meet and engage in a good faith attempt to resolve the dispute. Should that effort fail and the dispute involves the payment of money, a party’s sole remedy is the filing of a claim with the Board of Adjustment of the State of Alabama.

For any and all other disputes arising under the terms of this contract which are not resolved by negotiation, the parties agree to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation. Such dispute resolution shall occur in Montgomery, Alabama, utilizing where appropriate, mediators selected from the roster of mediators maintained by the Center For Dispute Resolution of the Alabama State Bar.

**Amendments** – This MOU may not be modified or amended in any respect except in writing executed by the parties hereto.

**Termination** - This MOU may be terminated by either party upon thirty (30) days written notice to the other party. The MOU shall automatically terminate once the Community has notified ADECA that it has made its final reimbursement to the Recipient

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| --- | --- | --- | --- | --- |
| Alabama Department of Economic |  |  | (Community Name) |  |
| And Community Affairs |  |  |  |  |
|  |  |  |  |  |
| Kenneth W. Boswell | Date |  | Authorized Official | Date |
|  |  |  |  |
| This MOU has been reviewed for content, legal form, and complies with all applicable laws, rules, and regulations of the State of Alabama governing these matters. |  |  | Title |  |
|  |  |  |  |
|  |  |  |
|  |  |
| ADECA Legal Counsel |  |  | Contact Person email, phone, and mailing address |  |
|  |  |  |  |  |
|  |  |  |  |  |