

Alabama Capital Projects Fund Application Guide



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Alabama Capital Projects Fund Application Guide

The Alabama Department of Economic and Community Affairs (ADECA) is issuing a solicitation for subaward applications for grants to support the deployment of last-mile broadband infrastructure in rural, unserved areas of Alabama through the Alabama Capital Projects Fund (CPF). This guide is intended to assist applicants with completing the *Alabama Capital Projects Fund Application*.

Applicants should review the *Alabama Capital Projects Fund Application*, *Alabama Capital Projects Fund Program Guide*, *Alabama Capital Projects Fund Frequently Asked Questions*, and *Alabama Capital Projects Fund Rating Criteria* as well as the federal Capital Projects Fund guidance issued by the U.S. Department of the Treasury (Treasury) for more information and relevant definitions for completing the application.

CPF Application Workshop/Application Process

ADECA will hold a CPF application workshop at 10:00 a.m. (Central) on Monday, July 31, 2023. An online version of the workshop and questions and answers from the workshop will be posted on the ADECA website after the workshop at <https://adeca.alabama.gov/broadband-webinars-and-workshops/>. The workshop will be held at 401 Adams Avenue, Montgomery, Alabama, 36104 in the 7th Floor Auditorium. The meeting will be held both in-person and virtually.

ADECA will accept CPF applications beginning on August 14, 2023, and applications must be submitted no later than 11:59 p.m. (Central) on October 13, 2023. Any application received by ADECA after the deadline will not be considered. Applications and all supporting documentation must be submitted in PDF format to ADECA by email to broadband.fund@adeca.alabama.gov.

Applicants must use the *Alabama Capital Projects Fund Application* form, complete it in its entirety, and label attachments as instructed. The application must include all supporting documentation at the time of submission. Failure to complete the application in full or provide all supporting documentation at the time of submission may result in a loss of points or application rejection. ADECA may contact applicants for additional information and/or clarifications regarding their CPF applications.

Applicants **should not** include confidential information in their applications. Applications are subject to public records requests in accordance with the Alabama Open Records Law and other applicable laws.

Letter of Intent

Before applying, CPF applicants must submit a letter of intent to submit an application no later than 11:59 p.m. (Central) on August 14, 2023. The letter of intent will include the applicant's contact information and the proposed project area in a 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 locations in the proposed project area. Letters of intent must be submitted to ADECA by email to broadband.fund@adeca.alabama.gov.

Letters of intent will be posted on ADECA's website and publicly available to promote coordination between CPF applicants and with existing internet service providers regarding potentially overlapping service areas. A sample letter of intent as well as an internet service provider contact and communication form template can be found in Appendix A of this guide.

Service providers are strongly encouraged to contact CPF 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. 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 reduce the project area that was referenced in the letter of intent but may not increase the size. However, ADECA may request that the applicant revise the proposed project service area to include additional unserved locations reflected in the Alabama Broadband Map.

Eligible Applicants

Generally, an entity is eligible to apply for a CPF grant if it is a cooperative, corporation, limited liability company, partnership, non-profit, other private business entity, or unit of government that currently provides broadband services. An entity that does not currently provide broadband services in any state or territory is not eligible for CPF funding. An entity that currently provides broadband services only outside of Alabama may be eligible for CPF funding if it submits (a) a certification that it currently does not provide broadband service in Alabama and (b) documentation identifying its current broadband service areas and service performance outside of Alabama. Such an entity must contact ADECA at broadband.fund@adeca.alabama.gov before submitting an application. For more information on CPF applicant eligibility, please refer to the *Alabama Capital Projects Fund Program Guide*.

Project Selection

Applications for eligible CPF projects will be evaluated according to scoring criteria developed by ADECA, which can be found on ADECA's website at <https://adeca.alabama.gov/alcapitalprojectsfund/>. ADECA will select applicants for CPF grants based on the applicant's score and ADECA's evaluation of all supporting documentation. The number of applicants receiving grants will be determined based on the funds available and the total amount of eligible applications received. ADECA may request amended projects and/or offer reduced grant participation to successful applicants. ADECA also may request that a provider revise the proposed project service area to include additional unserved locations reflected in the Alabama Broadband Map.

ADECA will grant CPF subawards only to applicants that will provide at least one service offering that is capable of delivering broadband service that reliably meets or exceeds symmetrical speeds of **100/100 Mbps** to customers in rural, unserved areas of Alabama. 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 CPF program requirements.

For more information on CPF project selection, please refer to the *Alabama Capital Projects Fund Program Guide*.

CPF Application Guidance

The following sections provide additional guidance regarding certain parts of the *Alabama Capital Projects Fund Application*. **Only those questions that were deemed to require additional explanation and clarification are included below. The applicant must answer all questions in the *Alabama Capital Projects Fund Application*.** If an applicant has any questions regarding the *Alabama Capital Projects Fund Application* not addressed in this guidance, it should contact ADECA by email at broadband.fund@adeca.alabama.gov.

A. Applicant Information

In the Applicant Information table, the Project Name should include the name of the county or counties and city (if applicable) where the project is located. The Applicant Legal Name and Mailing Address must be consistent with what is recorded for the applicant in the Alabama Buys eProcurement Portal. The applicant also must provide the name and title of its CEO, who must be authorized to obligate the entity to a subaward if the applicant is selected for a grant.

If the CPF application is referenced as part of a proposed Alabama Anchor Institution/Middle-Mile (AIMM) Program project, the applicant must provide the name of both the AIMM project/application and the applicant in the table provided.

Each CPF applicant must obtain a Unique Entity Identifier (UEI) from the federal System of Award Management (SAM) and provide its UEI to ADECA as part of its application. **No entity may receive a CPF subaward from ADECA until the entity has provided its UEI to ADECA.** More information on obtaining a UEI and SAM can be found at <https://sam.gov/content/entity-registration>.

B. Project Description

This section is worth up to 35 points. Up to 25 points will be awarded to applicants based on their answers to the questions in this section. In addition, up to 10 bonus points will be awarded to 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 25/3 Mbps. ADECA will determine if the applicant is eligible for the 10 bonus points based on the information provided in the application. Points will be awarded based on verifiable information. ADECA may request additional documentation from applicants to verify application information.

- In the project description, applicants must provide information demonstrating how a proposed project area meets the definitions of both a rural area and an unserved area.
 - A rural area is any area within Alabama 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.
 - An unserved area is any rural area in which there is not at least one provider of terrestrial broadband service that is either (a) offering a connection to the internet

providing 100/20 Mbps or higher speeds or (b) required under the terms of another state or federal grant to provide a connection to the internet providing 100/20 Mbps or higher speeds within the same or similar timeframe of projects of similar complexity or scale awarded during the CPF grant cycle. Terrestrial broadband service includes wireline or fixed wireless service and does not include cellular or satellite service.

- Generally, applicants may establish that a proposed project is in a rural area and in an unserved area by using the Alabama Broadband Map located at <https://broadband.alabama.gov/broadband-maps/>. The Alabama Broadband Map identifies addresses unserved at 100/20 Mbps speeds based on information collected by ADECA through the state's broadband mapping program.
- In the project description, applicants must discuss how a proposed project will address a critical need in the communities the project will serve and how the project will directly enable work, education, and health monitoring for the residents of the community. As a result, the applicant should address the following activities as applicable to the proposed project, in accordance with Treasury guidance:
 - Work includes activities to help community members engage in employment, search for employment, and/or develop the requisite skills and knowledge to become employed (e.g., participate in career counseling programs, workforce training programs, as well as gain access to internet websites to search for and apply to jobs). A project is not considered to directly enable work simply because individuals are employed at the location of the completed project; rather, the project must enable new and further employment opportunities beyond employment at the location of the completed project. In addition, job creation related to project construction and operations (e.g., employment of construction workers) would not satisfy this requirement.

An applicant therefore should discuss how the proposed project will promote work, including by facilitating remote work, employment searches, and job skills development in the communities served by the project.

- Education includes activities to acquire knowledge and/or skills, undertaken as part of a person's participation in school, an academic program, extracurricular program, social-emotional development program for students or youths, internship, or professional development program, or in another educational environment.

An applicant therefore should discuss how the proposed project will promote education, including by facilitating remote learning and knowledge/skill development or by improving internet access in educational environments in the communities served by the project.

- Health Monitoring includes services to monitor an individual's health, including with respect to either physical or behavioral health. Health monitoring activities are often conducted as part of telemedicine appointments with a healthcare provider, but these activities can be conducted in a variety of other ways, such as during in-person appointments with health care providers or as part of community health screening programs.

An applicant therefore should discuss how the proposed project will promote health monitoring, including by facilitating telehealth services and remote medical device monitoring or by improving internet access at medical or other health-related facilities.

- Applicants must complete the table provided in this section indicating the number of households, businesses, and community anchors to be served by a proposed project.
 - A household location is a residential location that is or contains “housing units” or “group quarters” based on the U.S. Census Bureau’s definition of these terms.
 - A business location is a non-residential structure on a property without residential locations that would expect to demand internet access services.
 - A community anchor location may include an entity, such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.
- One of the CPF program goals is to provide connectivity to as many broadband serviceable locations as possible. Applicants are encouraged to design projects that will provide service to all currently unserved broadband serviceable locations in the proposed project area.
- Applicants must complete the table provided in this section indicating the total cost for the proposed project, total grant amount requested, total match amount, and other information.
 - CPF grants may not exceed 80% of the total cost of the proposed project or \$5,000,000, whichever is less.
 - Any CPF grant, when combined with other forms of state or federal support or assistance dedicated to the proposed project, other than interest-bearing loans, may not exceed 90% of the total cost of the project.
 - The 20% match obligation represents the minimum required for consideration for CPF funding. Applicants are encouraged to commit additional match and will receive a higher score for including additional match commitments in their applications.
- Applicants must complete the table provided in this section explaining the proposed service, technology type, advertised download and upload speeds, and monthly price (non-promotional). More rows may be added as necessary.
 - The table must include at least one service offering providing symmetrical speeds of 100/100 Mbps or faster as well as at least one service offering eligible for support under the Federal Communications Commission’s Affordable Connectivity Program (ACP).

- The symmetrical speeds of 100/100 Mbps benchmark represents the minimum required for consideration for CPF funding. CPF applicants are encouraged to provide faster broadband speeds and will receive a higher score for demonstrating the ability to provide faster broadband speeds in their applications.
- Applicants must discuss any plans they have to offer services that are affordable to customers in the proposed service area. This discussion should include any relevant pricing data, service characteristics, non-recurring costs, data caps, and average service fees in the communities to be served. Affordability considerations also include, but are not limited to:
 - Availability of ACP-supported service offerings, including offerings that include additional provider discounts so that service is delivered at no cost to eligible end users.
 - Advertising and promoting discounted service offerings under the ACP.
 - Advertising and promoting additional low-income and low-cost programs beyond ACP.
 - Affordability and subsidy programs offered by third-party organizations working with the applicant.
 - Demographic and socioeconomic descriptions of the proposed funded service area(s).
 - Plans to conduct outreach or participate in community events regarding affordable service offerings.
- Applicants must provide a preliminary technical evaluation of the proposed project, certified by a currently licensed Professional Engineer. The Professional Engineer is not required to be licensed in Alabama to provide the preliminary technical evaluation of the proposed project. The preliminary technical evaluation will provide detailed project information, including:
 - A discussion of the applicant's resiliency plans for the proposed project. This discussion may include plans for natural disaster response, rebuilding plans including insurance and contingency financing, and specific technical considerations for the proposed project construction to minimize damage from disasters.
 - A detailed description of how the proposed infrastructure will deliver service that reliably meets or exceeds symmetrical 100/100 Mbps speeds to all potential end users in the project area, including a discussion of assumptions regarding oversubscription and capacity, 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. If the proposed network leverages infrastructure from an existing network, describe that infrastructure and how the proposed network interconnects with it. Describe what portions of the network will be built using underground and/or aerial construction (new or overlash), the construction methods (e.g., plowing, trenching, microtrenching), the physical medium (e.g., fiber, coaxial), and why the method was chosen. Describe the proposed placement of vaults and other splice enclosures. For a wireless network, provide the location and make and model

of base station equipment, technology type (e.g., 4G, 5G, proprietary, mesh), spectrum, antenna height, method of backhaul, assumptions regarding line of sight, assumptions regarding oversubscription and capacity (including the maximum number of locations that can be served from an antenna), and a description of customer premises installation (e.g., outdoor and/or indoor customer premises equipment, building or pole-mounted antennas).

- A project cost estimate, which shall include construction costs, any “make ready” costs, and costs associated with easements and permits. Please describe any special conditions that the applicant expects will contribute to greater than average costs for certain items, such as major water crossings, large-scale pole replacements, tower construction, and hard rock areas, etc. Any cost estimate contingency shall not exceed 15 percent of total project costs.
- A detailed project timeline demonstrating planning, management, and completion of the proposed project within two years (or an extended timeframe requested by the applicant due to project complexity, subject to federal program deadlines). An applicant requesting an extended timeframe must provide a specific explanation of the proposed project’s complexity, including any challenges presented by project infrastructure deployment. If an increased project completion timeframe is approved by ADECA, it will be included in the CPF subaward agreement for the project.

Note: CPF subrecipients will be required to adhere to federal and state reporting requirements, including but not limited to reporting on the progressive completion of their projects on a quarterly and annual basis until closeout.

- A map of the proposed project area shown as a polygon. The polygon must encompass all locations to be served. Other depictions such as lines or points will **not be accepted**. Maps shall be in a shapefile format.
- Applicants must discuss their technical and managerial capabilities to complete the proposed project within two years of the CPF subaward (or requested extended timeframe). This discussion will include a description of any applicant experience with large-scale last-mile broadband deployment projects as well as federal and state grant-funded broadband deployment projects. This discussion will also include a description of the applicant’s broadband design experience and ability to provide high-quality broadband services. This discussion will also include the areas of risk that the applicant foresees, the strategies the applicant will use to manage those risks, and if and how the applicant’s prior experience will help manage those risks.

C. Application Budget

Applicants must provide a proposed project budget using the table provided in the application.

- Subrecipient project costs eligible for reimbursement generally will be limited to construction and construction-related costs of broadband infrastructure, in accordance with applicable law, CPF program materials, and Treasury/ADECA guidance. Some examples of eligible project expenses include:

- The costs of repair, rehabilitation, construction, improvement, and acquisition of broadband infrastructure for the project;
 - Costs of long-term leases (i.e., for terms greater than one year) of facilities required to provide broadband service for the project (including indefeasible right-of-use agreements and capital leases); and
 - Personnel costs related to project deployment.
- By contrast, subrecipient operating costs for the project, including but not limited to short-term operating lease costs, are not eligible for reimbursement. Subrecipient indirect costs also are not eligible for reimbursement. In addition, subrecipient costs for the project incurred before or after the term of the CPF subaward agreement will not be eligible for reimbursement. CPF grant funds may not be used for research and development costs and may not be used to cover costs that have been or will be reimbursed – or otherwise paid – by other federal or state funding sources.
 - More information on eligible and ineligible CPF project expenses may be found in the *Alabama Capital Projects Fund Program Guide*. CPF participants should contact ADECA by email at broadband.fund@adeca.alabama.gov with any questions regarding the eligibility of CPF project expenses.
 - When completing the proposed project budget table, applicants may break out material and labor costs or use a lump sum for construction and installation. Do not complete both without prior approval from ADECA. Successful CPF applicants including contingency costs in their proposed project budgets will be required to submit amended project budgets reallocating contingency costs to line-item expenses eligible for reimbursement as part of the CPF subaward agreement process.
 - Supplementary documentation for this section can be included in a separate electronic file submitted with the application titled Project Budget Attachment.

D. Technical Assistance

Previously unsuccessful Alabama Broadband Accessibility Fund (ABAF) applicants that received technical assistance from ADECA regarding their prior ABAF application may receive up to 10 additional points in this category for their CPF application. Applicants must disclose if the project was previously submitted under ABAF and if it received technical assistance from ADECA on the project. Applicants who did receive technical assistance from ADECA on the project must explain in detail how they incorporated the technical assistance recommendations given by ADECA into the CPF application, including any changes to project scope, budget, or community support plans.

E. Other Program Priorities

This section is worth up to 100 points, with each question worth up to 10 points. For each question answered “YES,” the applicant must provide a brief narrative and any supporting documentation in a separate electronic file submitted with the application titled Other Program

Priorities Attachment. ADECA may request additional documentation from applicants to verify application information.

- Any matching fund commitments by a local entity (i.e., municipality/county) must be described in a resolution that is adopted by the local entity. Applicants must submit this resolution as an attachment to the application.
 - Local entities that commit match funding for a project must also enter into a Memorandum of Understanding with ADECA.
 - An applicant also may seek bonus points by demonstrating a commitment to serve a community through a project or supported partnership that supplements and complements the applicant's project proposal to deploy broadband to the area. The applicant should include a letter from the community documenting any community projects and support for the proposed project.
- A template resolution for local entity matching funds and a template community support letter, as well as examples of "demonstrated community support" projects, are provided in Appendix B of this guide. This list is not intended to be exhaustive but rather provide guidance on the necessary scope, scale, and intended impact of these projects.
- A template Memorandum of Understanding between ADECA and a local entity that commits match funding for a proposed project is provided in Appendix C of this guide.

F. CPF Risk Assessment Questionnaire

This section seeks information regarding an applicant's ability to comply with program requirements and applicable laws, allowing ADECA to conduct a risk assessment in accordance with federal law. Applicants should answer each question in the CPF Risk Assessment Questionnaire either "YES," "NO," or "N/A," as applicable. Please note that if audit findings are cited, the applicant must provide a brief narrative describing any corrective action plan for correcting the findings.

G. Applicant Certifications and Assurances

Applicants must review and provide the required certifications and assurances, which must be signed and dated by someone with the authority to obligate the applicant and enter into agreements for the applicant. Additional certifications and assurances will be required in the subaward agreement if the applicant receives a CPF grant. However, applicants are reminded of the following:

- Neither the applicant nor its principals nor any of its contractors, subcontractors, or affiliates can be presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in the CPF or other grant programs by any federal agency or by any department, agency, or political subdivision of the State of Alabama. Successful CPF applicants will verify the suspension and debarment status for all contractors and subcontractors receiving CPF grant funds and will be solely

responsible for any recoupments or penalties that might arise from noncompliance should they receive a CPF subaward.

- Successful CPF applicants will be required to obtain and maintain an active SAM registration with current information at all times during which they have an active federal award or an application or plan under consideration by a federal awarding agency should they receive a CPF subaward.
- Successful CPF applicants may be required to provide subrecipient executive compensation information for federal reporting purposes and must have the necessary processes and systems in place to comply with any applicable reporting requirements should they receive a CPF subaward.

Appendix A

Letter of Intent Template

Internet Service Provider Contact and Communication Form Template

Letter of Intent Template

Applicant Logo/Letterhead

Applicant physical address

Applicant email address

Date

Maureen Neighbors

Chief, Alabama 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 Capital Projects Fund grant program. Attached to this letter of intent, as Attachment A, is a shapefile that represents our proposed funded service area. [Applicant] consents to ADECA posting this letter and its attachments to ADECA's public website and in the Alabama Broadband Map.

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

Sincerely,

[Signature of Authorized Representative of Applicant]

Name

Title

Applicant

Email

Phone Number

Attachment A: [Title of document illustrating proposed service area in a shapefile format.]

Internet Service Provider Contact and Communication Form Template

To: Alabama Capital Projects Fund Applicant

cc: broadband.fund@adeca.alabama.gov

Email subject: Letter of intent for Alabama Capital Projects Fund grant application

Body of email:

We have reviewed your letter of intent submitted to the Alabama Capital Projects Fund. As a service provider in the area, we are sending you this communication to inform you of our current service and/or 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 a shapefile format or place in a shared location and provide a link to that location if file(s) is too large for email transmission.]

Appendix B

CPF Municipality Match Resolution Template

CPF County Match Resolution Template

Example Letter and Projects for Demonstrated Community Support

CPF Municipality Match Resolution Template

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

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

Whereas, the Municipality has determined that the proposed Project, if completed, would meet a public purpose; and

Whereas, grants awarded under the CPF may not exceed the lesser of 80 percent of Project costs, or \$5,000,000, and the CPF requires the Applicant to provide any funds beyond those awarded through the CPF 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 CPF and no less than 10 percent must come from non-state and non-federal grant sources; and

Whereas, the Applicant has requested that the Municipality provide matching funds in the amount of [(Match Amount Requested) or (Percentage of Total Project Cost Requested)]; and

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

Whereas, the Municipality certifies that it has consulted legal counsel and that it is aware of, and capable of complying with, all applicable obligations and compliance requirements attached to CPF funding and the requirements of the other local, state, or federal source of the matching funds obligated to this Project by the Municipality; and

Whereas, the Municipality and the Applicant will enter into an agreement detailing how, when, and under what conditions the Municipality's funds will be paid to the Applicant; and

Whereas, the Municipality agrees that, if the Applicant completes the Project at a cost lower than the approved budget for the Project, the Municipality 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, the Municipality has worked with the Applicant to ensure that the Project considers the broadband connectivity and adoption needs of the residents of the Municipality.

Now, therefore, the Municipality authorizes the provision of matching funds in the amount of [(Match Amount Requested) or (Percentage of Total Project Cost Requested)] to be paid through

an agreement with the Applicant detailing the requirements for payment and any other terms and conditions, if the proposed Project is awarded through the CPF; and

The Municipality authorizes the Mayor to enter into to a memorandum of understanding with ADECA regarding the sharing of data related to Project progress and completion.

Adopted this the (Day) of (Month), 20__.

CPF County Match Resolution Template

Whereas, (Applicant Name), hereinafter referred to as the Applicant, is applying for grant funding under the Alabama Capital Projects Fund (CPF) administered by the Alabama Department of Economic and Community Affairs (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 has determined that the proposed Project, if completed, would meet a public purpose; and

Whereas, grants awarded under the CPF may not exceed the lesser of 80 percent of Project costs, or \$5,000,000, and the CPF requires the Applicant to provide any funds beyond those awarded through the CPF 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 CPF 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)]; and

Whereas, the County certifies that it has reviewed all relevant rules and guidelines for the CPF and has consulted legal counsel and received confirmation that it has 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 applicable obligations and compliance requirements attached to CPF funding and the requirements of the other local, state, or federal source of the matching funds obligated to this Project by the County; and

Whereas, 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; 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 in the amount of [(Match Amount Requested) or (Percentage of Total Project Cost Requested)] to be paid through an

agreement with the Applicant detailing the requirements for payment and any other terms and conditions, if the proposed Project is awarded through the CPF; and

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

Adopted this the (Day) of (Month), 20__.

[Local Entity Logo/Letterhead]

Local Entity physical address
Local Entity email address

Date

Maureen Neighbors
Chief, Alabama 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 [Local Entity] to express our support for the subaward application and proposed project submitted by [Applicant] to the Alabama Capital Projects Fund. We have reviewed the application, including the proposed project service area and proposed service offerings, 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]. [Applicant] has agreed to work with us on an additional broadband project that will directly benefit our community. Specifically, [Applicant] has agreed to **[insert community support project description, including estimated number of impacted citizens and approximate initiation and completion dates. See attached list of examples of community support projects.]**

We look forward to working with [Applicant] to bring these benefits to our community and we urge ADECA to approve this subaward 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

The following list provides examples of projects potentially representing “demonstrated community support” for an Alabama Capital Projects Fund subaward application. This list is not exhaustive and ADECA will determine whether a proposed project qualifies as demonstrating community support. Applicants requesting additional consideration for their applications as a result of a community support project must provide sufficient project documentation, which may include a letter from the local entity with a description of the project or a copy of an agreement, memorandum of understanding, resolution, proclamation, or declaration from the local entity describing the project.

ADECA will not be administering these community support projects and, except as required by applicable law, will not be monitoring the process or progress of such projects.

These projects instead will be governed by the agreements reached between the applicants and the local entities. These projects may include more than one local entity and could be regionwide or involve a consortium of local entities, which should be reflected in the project documentation submitted by the applicant to ADECA.

Access

- Public Wi-Fi 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, particularly in low-income or disadvantaged communities.
- Public Wi-Fi 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 public Wi-Fi services, to homeless facilities, affordable housing, senior living housing, and municipal hospitals serving low-income communities.
- Infrastructure deployment to support public safety, such as fairgrounds and other facilities used for evacuation or emergency command center coordination.

Devices

- Commitment to provide free/reduced-cost devices (tablets, laptops, smartphones, routers) for identified populations, such as families with school-age children, homeless, low-income households, foster youth, formerly incarcerated, and veterans.
- Technical support for the setup and repair of these devices, either through a contract with a local agency or company, or through the applicant itself.

Affordability

- Subsidized or free access to the public Wi-Fi networks described above.
- Robust low-income pricing program targeted to the local community.
- Resources to support a consumer outreach and education program regarding low-income discount programs for broadband services and devices.
- Support for a “digital navigator” program to help families apply for discounted broadband services and devices through other programs, such as the Affordable Connectivity Program (ACP).

- Subsidized or free service (beyond participation in ACP) for specific periods of time for community 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 community anchor institutions and nonprofits. This could include:
 - o Creating the content for a series of digital literacy programs or paying for a third-party content creator to develop the curriculum.
 - o Sponsorship of rental fees for the facility where classes are held or offering to host classes in their own offices.
 - o Payment of the equipment and fees associated with online digital literacy instruction for both the “host/teacher” and the “student,” including computers, routers, seat licenses, online applications, and materials.
 - o Payment for advertising of the classes (flyers, radio, print ads, web pages, etc.).
 - o “Loaning” applicant personnel as volunteers to support these programs.
 - o Free or heavily subsidized devices and/or services once a participant completes the training.
 - o 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.

Workforce and Job Training

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

Appendix C

Memorandum of Understanding for ADECA and Local Entities Template

Memorandum of Understanding
Alabama Capital Projects 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 (ADECA) and (Community Name) (Community).

Purpose: ADECA has provided a subaward grant in the amount of (Award Amount) to (Subrecipient Name) (Subrecipient) through the Alabama Capital Projects Fund (CPF). The Subrecipient is required to provide a match of [(Match Amount) or (Percent of Project Cost)] for the project, 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 Subrecipient's CPF application. The Community has agreed to provide matching funds in the amount of [(Local Commitment Amount) or (Percent of 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 to the project.
2. The project's completion date.
3. The reimbursement amount paid by ADECA to the Subrecipient.
4. The total amount of documented Subrecipient project costs.
5. The amount of reimbursement for match the Subrecipient may receive from local, state, or federal sources (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 with the Subrecipient to establish any and all terms and conditions of matching funds between the Subrecipient and the Community related to the project.
2. Be responsible for any reporting required by the local, state, or federal entity providing the matching funds.
3. Notify ADECA of the final payment amount from local, state, or federal funds made to the Subrecipient by the Community and when such payment is made.

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

Disclaimer: ADECA specifically denies liability for any claim arising out of any act or omission by any person, agency, or any other party involved in the project or this MOU.

No recipient, subrecipient, contractor, subcontractor, or agency performing services under any agreement, contract, grant, or any other understanding, oral or written, other than an actual employee of ADECA, shall be considered an agent or employee of the State of Alabama or ADECA or any division thereof. The State of Alabama, ADECA, and their agents and employees assume no liability to any recipient, subrecipient, contractor, subcontractor, or agency, or any third party, for any damages to property, both real and personal, or personal injuries, including death, arising out of or in any way connected with the acts or omissions of the recipient, subrecipient, contractor, subcontractor, or agency, or any other person.

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 XI, Section 213, Constitution of Alabama, 2022, or any recompilation thereof.

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

Immunity and Dispute Resolution: The parties to this MOU 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, 2022, or any recompilation thereof. It is further acknowledged and agreed that none of the provisions and conditions of this MOU 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 MOU 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.

Assignability: The Community shall not assign any interest in this MOU and shall not transfer any interest in the same (whether by assignment or novation) without the prior written consent of ADECA.

Compliance with Other Federal, State, and Local Laws: In addition to the provisions provided herein, the Community shall be responsible for complying with any and all other applicable laws, ordinances, codes, executive orders, and regulations of the federal, state, and local governments. ADECA assumes no liability to the Community for any damages arising out of or in any way connected with the Community's non-compliance with laws, ordinances, codes, executive orders, and regulations of the federal, state, and local governments.

In compliance with Alabama Act 2016-312, the Community hereby certifies that it is not currently engaged in, and will not engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which this state can enjoy open trade.

By signing this MOU, the contracting parties affirm, for the duration of the MOU, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the MOU and shall be responsible for all damages resulting therefrom.

Amendments: This MOU may not be modified or amended in any respect, except in a 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 payment to the Subrecipient.

**Alabama Department of Economic
and Community Affairs**

(Community Name)

Kenneth W. Boswell, Director Date

Authorized Official Date

Title

This Memorandum of Understanding has been reviewed for content and legal form, and complies with all applicable laws, rules, and regulations of the State of Alabama governing these matters.

Contact Person Name

Contact Person Phone Number

ADECA Legal Counsel

Contact Person Email Address

Contact Person Mailing Address

Disclaimer

This project is being supported, in whole or in part, by federal award number CPFFN0162 awarded to the State of Alabama by the U.S. Department of the Treasury.