
LEE COUNTY COMMISSION



AMERICAN RESUCE PLAN ACT APPLICATION FOR CORONAVIRUS STATE AND LOCAL RECOVERY FUNDS FOR BROADBAND EXPANSION PROJECT

Grant Application Overview

Introduction

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

Lee County has allocated a portion of its ARPA funds to the expansion of broadband infrastructure in areas of the county which are currently unserved or underserved with a wireline connection delivering at least minimum speeds of 25 Mbps download and 3Mbps upload. Following the completion of a broadband feasibility study conducted to identify such unserved and underserved areas of the county, the county approved a broadband expansion grant program aimed at soliciting and contracting with companies having the technological qualifications and experience to expand broadband infrastructure and provide services in areas identified as priorities by the county. The county has awarded and allocated funds for three broadband expansion grants for projects to be

performed in three separate regions of the county: the Loachapoka Region, the Salem Region, and the South Central Region. Maps identifying the broadband expansion grant areas for these regions are attached to this Application as Attachment 1.

Lee County is now considering making additional appropriations of remaining ARPA funds allocated for the expansion of broadband in any remaining portions of the county where there are citizens who are unserved or underserved with a wireline connection delivering at least minimum speeds of 25 Mbps download and 3Mbps upload. In an effort to identify projects that meet the criteria for expenditure of ARPA funds under the federal SLFRF Program and will be in the interest of the County by providing quality broadband service in areas that are unserved or underserved, the County is now seeking broadband expansion project proposals from qualified companies (defined as internet service providers which are a cooperative, corporation, limited liability company, partnership, other private business entity, or unit of local government that currently providing broadband service).

In order to: (1) determine the viability of any proposed project; (2) ensure any expenditure of ARPA funds to support broadband access in the county complies with all federal and state laws, regulations, and guidelines; and (3) ensure that any applicants have the financial and programmatic capability to complete their proposed project within the timeframes and requirements of the SLFRF Program, the Lee County Commission requests that any company desiring to submit a project proposal to the county fully complete the following application for funding. If the Lee County Commission determines that making an appropriation to one or more companies submitting a proposed project will be an appropriate use of ARPA funds which will provide significant benefits to citizens of the county and approves the project submitted, each such company will be required to enter into a subrecipient agreement with the Lee County Commission to perform the services set forth in the applicant's proposed project, which agreement will include the specific details of the broadband expansion project agreed to between Lee County and will require the company to comply with all federal and state requirements for an award of financial support for such a project under the SLFRF program. All approved projects shall be completed no later than December 31, 2026 to be eligible for ARPA funds.

Terminology and Definitions

For the purposes of this application and, unless otherwise provided, all agreements and documents related to any grant funding which may be awarded pursuant to this application process, the following terms and definitions shall apply:

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

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

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

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

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

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

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

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

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

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

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

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

Project Description

In addition to completing the specific questions set out below and providing all documentation requested in the application, the company shall provide an overview of the proposed broadband expansion project for which it is requesting ARPA funds from the Lee County Commission, which shall include specifically time frames for beginning and completing the project and an attached map or maps setting out the areas to be covered by the project and the proposed routes for construction of broadband infrastructure. To the extent known by the company, the map should

identify any known areas where there are currently funded Rural Digital Opportunity Fund (RDOF) or other government-funded grant projects in place and/or any known areas within the proposed project area where reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed is currently available to citizens in the area. The applicant should also describe how the company has become aware of this information such as from review of ADECA or FCC Broadband Maps, field research, etc. The company shall also ensure and attest in this application that areas included in its proposed project do not include construction of broadband infrastructure in areas where there are existing federal or state funding commitments, including the locations to be funded by the County pursuant to the County's first round of broadband expansion grants which are identified in the map set out as Attachment 1, or ongoing privately-funded projects for reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed or for costs that will be reimbursed by other federal or state funding streams.

Included in this proposal packet is a map that, to the best of the County's knowledge, identifies areas of the county where there are one or more existing providers in place which offer reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed, areas where there are existing federal or state commitments or ongoing privately funded projects for reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed, and the locations to be served following the County's initial application process. See Attachment 2. Companies submitting a proposed project shall provide any additional or differing information regarding ongoing projects or currently existing service in portions of the area included in their proposed project, and if the proposed service area does include one or more existing providers, the company shall provide an explanation and available documentation evidencing that the proposed service area would be considered unserved or underserved as these terms are defined for purposes of broadband projects eligible for ARPA funding (households or businesses that lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload).

Eligible Applicants

An applicant for this grant application may be a cooperative, corporation, limited liability company, partnership, or other private business entity or unit of local government that currently provides broadband service. Engineering firms or other vendors interested in participating in only one aspect of a project are not considered eligible applicants but may partner with an eligible Applicant.

All applicants shall comply with all applicable federal, state, and local laws, as well as any and all terms and conditions of the ARPA, including the Final Rule, published by the United States Department of Treasury on January 6, 2022, and as further provided in response to Frequently Asked Questions as may be published or revised by Treasury, the 2021 SLFRF Compliance Supplement and the 2022 SLFRF Compliance Supplement.

Evaluation Criteria

The Lee County Administrator will develop and oversee an application review team to consider each application submitted to the county on a timely basis, with recommendations made to the county commission following completion of review. Review shall be based upon the objective criteria set out in this Application; provided the county reserves the right to request additional information from an applicant during the review process as needed for clarification related to material included in or missing from the application. Failure to provide any such clarification in a timely manner may result in disqualification. The county commission shall make its final decision regarding award and funding for any applications submitted based upon the overall conformance of the project criteria established by the county as set out in this application. The county commission reserves the right to reject all applications submitted and make no award of funding for a broadband expansion project.

Grant evaluation will be based on the following criteria:

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

Packet Contents and Submission Procedures

This proposal packet consists of the funding request application set out sections below including maps identifying existing county broadband expansion projects (Attachment 1), a project budget workbook to be completed by the applicant (see Attachment 3), the federal terms and conditions applicable to a subaward of ARPA funds for the purpose of carrying out a broadband project on behalf of the County (See Attachment 4), and the most current version of Treasury’s Compliance and Reporting Guidance for State and Local Fiscal Recovery Funds (see Attachment 5).

Completed responses to all portions of the proposal packet, as well as a certification of the company's review and receipt of the federal terms and conditions applicable to the project should be submitted to:

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

Applications and all attachments, including maps of proposed project areas, shall be submitted no later than **Friday, May 10, 2024**. One (1) original and one (1) electronic PDF copy must be submitted. It is the applicant's responsibility to ensure the electronic PDF copy is an exact, searchable copy of the original.

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

Questions and clarifications shall be directed to the County's sole point of contact, Holly Leverette, Chief Administrative Officer at hleverette@leeco.us. Questions must be received by **Wednesday, April 17, 2024**. If appropriate, the County will post answers to questions on its website, www.leeco.us. All questions must be submitted in, and responded to, in writing to be relied upon by the applicant.

Funding Request Application

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

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

Narrative Instructions: Please provide a detailed narrative in response to each of the questions set out below. Please also attach supporting documentation as requested and/or necessary.

1. Project Description

Provide a detailed narrative of applicant's proposed broadband expansion project and include detailed maps identifying locations and proposed routes. The narrative shall address all aspects of the Project Description as described in the Grant Application Overview set out above and include budget requirements and steps to be taken to ensure the project will be completed no later than September 2026.

2. Company Operational Experience

Provide an overview of the company including at a minimum, the following information:

- 2.1 Date company established and number of employees. If there is a company website, provide the website address.
- 2.2 Is this company owned, operated by, or affiliated with a local government, nonprofit, or cooperative?
- 2.3 Provide proof that the company is registered to do business in the state of Alabama.
- 2.4 Provide a list of counties in Alabama and of any other states where the company currently provides broadband service.
- 2.5 How many broadband customers do you currently have in Alabama?
- 2.6 How many employees do you currently have in Alabama?
- 2.7 Describe the company's technical and managerial capabilities including a description of key personnel who will be working on the project.
- 2.8 Describe other lines of business conducted by the company.
- 2.9 Describe any recent mergers or acquisitions.
- 2.10 Provide narrative or documentary information to demonstrate the financial viability and stability of the company. If the company has declared bankruptcy in the previous 10 years, state when and describe the status or resolution of the bankruptcy.
- 2.11 Describe any currently pending lawsuits filed by or against the company and the status thereof.

3. Company Broadband Construction Experience

- 3.1 Have you previously constructed broadband in Alabama?
- 3.2 Describe your previously constructed broadband, including dates of construction, number of passings, route miles, available speeds, etc.
- 3.3 Describe any ongoing broadband construction projects, including dates of construction, number of passings, route miles, available speeds, etc.
- 3.4 Describe any broadband construction projects that you have planned for the next two years, including number of passings, route miles, available speeds, etc.

- 3.5 Have you ever constructed, or do you plan to construct broadband in Madison County or adjacent counties? If yes, where and when?
- 3.6 Have you used your own employees for construction, contractors, or a combination of both? Provide details such as number of employees, names of contractors, etc.
- 3.7 Regarding engineering design of your broadband construction projects, do you use in-house engineers, consultants, or a combination of both? Provide details such as number of employees and their experience, names, and experience of consultants, etc.
- 3.8 Describe any efforts and opportunities to include local hires or local firms in your project.
- 3.9 Discuss any company programs or efforts to use vendors and subcontractors that have been certified by the Office of Minority Business Enterprise or that are Disadvantaged Business Enterprises.
- 3.10 Does the company plan to provide prevailing wages and benefits to workers on the proposed project?

4. Company Grant Experience

- 4.1 In the past five years, have you received any federal or state grants for broadband construction? If yes, describe the company's experience in managing these grants. What is the current status of the awarded grant projects?
- 4.2 In the past five years, have you been awarded state or federal funds to construct broadband in any portion of the proposed project area covered by this application? If yes, discuss the status of the project and provide a copy of the corresponding grant application and grant agreement.
- 4.3 Do you have any pending state or federal grant/funding applications to construct broadband in any portion of the proposed project area covered by this application? If yes, describe the scenario, including anticipated date of grant announcements, and provide a copy of the grant application(s).

5. Project Approach

- 5.1 Discuss in detail the service area or areas the applicant proposes to accommodate through their project. Where applicable, include information such as many passings, including households, businesses, and any community anchors (libraries, schools, police and fire stations, hospitals, etc.) your engineering design identifies in the proposed project area or areas and any other relevant or identifying information available.
- 5.2 Discuss the proposed construction type or types and the reasons for your proposed approach including whether aerial or underground fiber is proposed. If fiber is not proposed, provide a detailed explanation of the proposed construction type and why it was chosen.

- 5.3 Discuss the technology to be deployed, future usage projections, and the ability to upgrade.
- 5.4 Discuss the proposed broadband speeds to be provided, including at least 100/20 Mbps. Will the project have 100/100 or greater capability?
- 5.5 Attach a preliminary technical evaluation of the project stamped and signed, certified by an Alabama licensed Professional Engineer, including:
 - 5.5.1 A description of how the proposed infrastructure will provide the promised speeds of no less than 100/20 Mbps that is required for all potential end users in the project area.
 - 5.5.2 A description of how the network will work using the proposed equipment, and how the network will be connected to sufficient backhaul infrastructure to support the proposed maximum speeds, including during peak hours.
 - 5.5.3 A description of your design philosophy for determining the size of customer nodes and for the expected level of oversubscription.
 - 5.5.4 Do you anticipate supply chain issues, and if so, how will you address them?
- 5.6 Describe your process for identifying and mitigating utility conflicts.

6. Customer Support, Service Offerings, and Pricing

The county wants to ensure that any citizens served by a project funded with ARPA funds will result in quality internet and customer service for residents and businesses utilizing the service. To help assess these goals, answer the following questions along with any other information you care to provide about your customer service:

- 6.1.1 Where are your closest fiber-based broadband customers to the county?
- 6.1.2 Where is the nearest office to the county that includes live customer service agents? Is this the location where calls from county customers will be answered? If not, provide the location (state/county) of customer service agents who will service county customers.
- 6.1.3 Where will the home location be for any outside technicians who will be assigned to the service area?
- 5.1.4 Does the company participate in the Affordable Connectivity Program (ACP), and if not, will it agree to join the program as a condition of funding from the county?

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

Proposed Residential Services

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

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

Proposed Business Services

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

7. Schedule, Required Leases, and Permitting

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

8. Project Budget, Matching Funds, and Business Plan Indications

- 8.1 Complete the attached Broadband Grant Application Budget Workbook and complete the summary table below using data from the workbook.

Key Budget Data Summary

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

- 8.2 Is the company proposing to provide any matching funds or other funds for this project, and if so, describe the source of funds, and attach appropriate backup documentation committing the matching or other funds, including a signed letter, resolution, grant agreement, etc.

- 8.3 What are your expectations for achieved customer take rates by year three after the end of construction? By year 5? Complete the table below.

Take Rates

Year 3	Year 5

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

- 8.5 Estimate your projected funding needs per quarter in the table below:

Projected Grant Dollars Needed Per Project Quarter

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

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

Certifications

Initial

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

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

3. By signing below, I confirm that the company will comply with all applicable federal, state, and local laws, and further has read and will comply with the terms and conditions of the county's ARPA award (Attachment 4), should funding be approved. _____

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

5. By signing below, I confirm that, to the best knowledge of the company, areas included in this application do not include areas where reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed is currently available to citizens in the area or has provided an explanation and available documentation evidencing that the proposed service area would be considered unserved or underserved as these terms are defined for purposes of broadband projects eligible for ARPA funding. _____

6. By signing below, I confirm that the company can and will comply with the Administrative Requirements of 2 C.F.R. Part 200, as applicable, should funding be approved. _____

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

Name

Date