Rural Alaska Broadband Internet Access Grant Program Grant Application Guide

A. General Information

Believing that access to the Internet provides economic, employment, and educational opportunities to isolated, remote, and economically depressed areas of the country, the United States Congress enacted 7 U.S.C. 1926 Section 306 (a)(20) (E).

The statute authorized the use of funding from the U.S. Department of Agriculture (USDA) to the State of Alaska, Department of Community and Economic Development (DCED), Regulatory Commission of Alaska (RCA) for the establishment of the Rural Alaska Broadband Internet Access Grant Program. The RCA is an agency within DCED.

The RCA is now requesting proposals from applicants interested in receiving a grant under this newly established Program. The Program is intended to provide one-time financial assistance (funding) for projects that will: (1) establish common carrier facilities and services which will expand broadband Internet service into areas of Alaska currently without local (toll free) dial-up Internet access or broadband service, and (2) will continue to provide broadband Internet service to the residents of those communities at affordable and comparable rates to those paid by residents of Anchorage, Fairbanks, and Juneau.

For the purposes of this Program and grants awarded under this Program, broadband Internet service is defined as at least 200Kbps from the network (downstream) to the end user and at least 64Kbs (upstream) from the end user to the network.

B. Eligible Applicants

RCA's Expectation: Eligibility (eligible applicant) is limited to telecommunication carriers and cable operators that are capable of providing broadband Internet services in rural areas of Alaska.

Applicant's Proposal: A proposal must document that the applicant is an existing telecommunications carrier or cable operator and:

 Must identify its organization. A typical discussion includes the duration of an applicant's existence, an organizational diagram, and location of offices. It also includes the applicant's experience in the context of similar projects and the success of those projects, projects currently working on, and current services provided.

- Must include three years of certified or audited financial statements, if not currently on file with the Regulatory Commission of Alaska (RCA).
- Must identify key personnel that will be assigned to the project. A typical discussion includes their responsibilities, percentage of time each will commit to the project; each individual's experience reflected in an updated resume, and contingency if one or more of the key personnel terminates their employment.
- Should discuss the working relationship, interaction, and chain of communication within and between the applicant's employees, and the communities whom would benefit.

Evaluation of an Applicant's Proposal: This portion of an applicant's proposal may receive up to a maximum of 20 points by each member of the Evaluation Committee during the evaluation process.

C. Eligible Communities

RCA's Expectation: Applicant's projects must be structured so the benefit is specific (limited) to rural Alaskan communities that meet all of the following criteria:

- Is a city, town, village, or borough within rural Alaska with a population of less than 20,000.
- Has a not-employed rate of more than 19.5 percent.
- Residents within the community do not currently have local Internet access or broadband service. Internet access provided at some public schools and libraries through the E-rate program or access available for rural health care does not exclude a community from this Program.
- Communities whose residents currently have access to the Internet through local (toll free) dial-up Internet providers or broadband connection regardless of the quality of the connection are not eligible for this program.
- PLEASE NOTE: This list may not be up-to-date. If a community is believed to be eligible and is not identified on the list below, the applicant must provide substantive evidence that the community is eligible. If a community listed below has either local dial-up OR broadband services, the community is not eligible under this program.

Applicant's Proposal: A proposal must identify each community to be served and should also:

- Provide maps of the communities and/or areas.
- Discuss why the particular communities were selected.
- Discuss the positive and negative impacts of broadband Internet service on the community.
- Discuss each community's support or lack of support of an Internet training program and Internet business development course that the Applicant is encouraged to provide to community residents.
- Demonstrate that there is enough demand from residents for Internet services, that in the long-term, revenue generated from Internet fees paid by residents would be sufficient to cover the cost of maintaining Internet services. In essence, the project must be self-supporting, e.g. sustainable.
- Provide documentation from each community demonstrating community support and participation in the planning and implementation of the proposed broadband service. Such documentation can but is not limited to resolutions of support, cooperative agreements or memorandum of agreement between the Applicant and the community council, tribal council or nonprofit corporation, or other nonprofit organization representing the community.

Evaluation of an Applicant's Proposal: This portion of an applicant's proposal may receive up to a maximum of 20 points by each member of the Committee during the evaluation process.

D. Eligible Projects

RCA's Expectation: The RCA intends to provide one-time financial assistance (funding) for projects that will: (1) establish common carrier facilities and services which will expand broadband Internet service into areas of Alaska currently without local (toll free) dial-up Internet access or broadband service, and (2) will continue to provide broadband Internet service to the residents of those communities at affordable rates comparable to those paid by residents of Anchorage, Fairbanks, and Juneau.

For the purposes of this Program and grants awarded under this Program, the technical specification required for broadband Internet service is at least 200Kbps from the network (downstream) to the end user and at least 64Kbs (upstream) from the end user to the network.

Projects should have three distinct phases. For discussion purposes, the RCA has titled the three phases as the "Construction Phase," "Start-Up Phase," and

"Maintenance Phase." Following is a more detailed discussion of RCA's expectation for each phase.

 <u>The Construction Phase</u> begins when a successful applicant and the RCA enter into a Grant Agreement and continues through the completion and successful activation of broadband Internet service into the agreed upon rural communities. Applicants may propose installing broadband Internet services into multiple communities or just one.

The intent is to have the Construction Phase completed within 18 months. If an unforeseen and unavoidable event arises, up to a six-month extension may be requested and the RCA, totally at its discretion, may extend the Construction Phase up to six months.

It is during the Construction Phase that the applicant will develop its rate structure, recurring and non-recurring rates, and level of service and present it to the RCA for approval. All must be very similar to those identified in the applicant's initial application to the RCA and must be comparable to rates assessed in Fairbanks, Anchorage, and Juneau for similar services.

The applicant must agree to maintain the approved rate structure and level of service for two years from the completion of the Start-Up Phase.

The RCA may provide up to 75 percent of the funding required for the Construction Phase. The entire amount provided by the RCA must be for actual direct expenses incurred in the Construction Phase. An indirect rate, overhead rate, profit rate, indirect expense, overhead expense, and/or markup of direct expense are not allowed.

The applicant must provide at least 25 percent of the funding required for the Construction Phase. This amount may consist of actual direct expenses and/or an indirect rate that is no more than 19 percent of actual direct payroll costs.

The applicant's contribution (funding) must remain fairly consistent with RCA's contribution (funding) throughout the Construction Phase. If the applicant's funding decreases, the RCA's funding shall also decrease so that the agreed upon ratio of RCA to applicant funding remains constant.

 <u>The Start-Up Phase</u> begins upon completion of the Construction Phase and may be up to 18 months in length. There will be no extensions.

During the Start-Up Phase, the applicant is encouraged to provide free Internet training and Internet business development courses to community residents within six months after the beginning of the Start-Up Phase.

During the Start-Up Phase, the applicants is encouraged to provide the community with a telephone number of the technical representative who is able to resolve problems or answer questions regarding the broadband Internet service.

During the Start-Up Phase, the applicant must provide computers and software so that free broadband Internet service is available to the residents of the community from at least one public building.

During the Start-Up Phase, the applicant must make residents aware that eventually, residents will need to subscribe to and pay for the broadband Internet service.

After free public access is available in the public facility and residents have been notified that they will eventually need to pay for the broadband Internet services in the public facility, the applicant may begin installing and charging for the broadband Internet service provided to private residences. The recurring and non-recurring rates charged to community residents must be those approved during the Construction Phase.

Regardless of the grant's scheduled termination date identified in the Grant Agreement, an applicant's grant with the RCA will terminate immediately upon the applicant's charging community residents for broadband Internet services that was free in the public facility.

The RCA may provide up to 75 percent of the funding required for the Start-Up Phase. The entire amount provided by the RCA must be for actual direct expenses incurred in the Start-Up Phase. An indirect rate, overhead rate, profit rate, indirect expenses, overhead expenses, and/or markup of direct expenses are not allowed.

The applicant must provide at least 25 percent of the funding required for the Start-Up Phase. The amount may consist of actual direct expenses and/or an indirect rate that is no more than 19 percent of actual direct payroll costs.

The applicant's contribution (funding) must remain fairly consistent with RCA's contribution (funding) throughout the Start-Up Phase. If the applicant's funding decreases, the RCA's funding shall also decrease so that the agreed upon ratio of RCA to applicant funding remains constant.

Any remaining grant funds shall be returned to the RCA.

 <u>The Maintenance Phase</u> is mandatory and begins upon completion, including early termination, of the Start-Up Phase and shall be for two years. During this Phase applicants shall not modify their rate structure and/or level of service approved by the RCA during the Construction Phase. As of the beginning of the Maintenance Phase, the RCA will provide no further funding in any manner to the applicant.

If the applicant has not already done so, at the beginning of the Maintenance Phase, the applicant may begin charging for broadband Internet services that was free in the public facility during the Start-Up Phase.

Applicant's Proposal: An applicant's proposal must provide a detailed and comprehensive discussion of the *Construction and Start-Up Phases* of the project. Discussion should include, but by no means limited to, the items identified in the discussion below.

- A generalized discussion of the applicant's understanding of this Program's goal and intent. A generalized discussion and the applicant's intent.
- Detailed feasibility discussion; detailed and comprehensive plan; Internet quality of service factors and limitations; other unique characteristics and assumptions that may affect the level of service and quality of service.
- Detailed system design; engineering designs; technical specifications; maps; and other designs, plans, etc.
- Detailed facilities information such as identification, location, proposed modifications and/or upgrades, current facility's owner, proposed relationship with the owner of the facility(s) of where equipment will be located. Similar discussion if Internet access will be limited to specific buildings and not available to all residences.
- Identify major equipment necessary to provide broadband Internet services, and how it is to be acquired, logistics of how it will be transported to the community; initial installation, and continuing maintenance and replacement.
- Identification of materials and supplies, how acquired, transported, installed, and maintained.
- The Project's environmental and industry impacts, special requirements, permits, certifications, and/or other pertinent necessary approvals.
- In addition, identify the project's distinct Construction and Start-Up Phases throughout every aspect of the proposal: Identify other pertinent timeframes and milestones throughout the proposal such as: (1) if proposing Internet access for multiple communities identify the order and dates for each community; (2) dates of equipment installation; (3) dates when free broadband Internet services will be available to publicly accessible

computer(s); (4) dates when customers may begin to purchase Internet services.

- Specify timeframes and buildings where computers and software will be available, free of charge, so that community residents will have free Internet access during the Start-Up Phase.
- Specify whether, upon conclusion of the Start-Up Phase, Internet access will be accessible from all residences.
- Specify the proposed rate structure, recurring and non-recurring rate(s) and the level of services charged and provided to community residents for Internet services. The rate structure should be comparable to rates for similar levels of services assessed in Fairbanks, Anchorage, and Juneau. Provide a discussion of how rates charged in the eligible community(s) were developed.

Evaluation of an Applicant's Proposal: This portion of an applicant's proposal may receive up to a maximum of 20 points by each member of the Evaluation Committee during the evaluation process.

Applicant's Proposal: An applicant's proposal must provide a detailed and comprehensive budget that clearly identifies the *Construction Phase, Start-Up Phase and the combination of both.* Discussion should include, but by no means be limited to, the following items:

- Identify and project in detail any and all potential direct expenses. Examples include, but by no means are limited to, facility modifications, facility leases, equipment purchases, continuing services, materials, supplies, freight, transportation, training program for community residents, employee travel, employee salaries and benefits, and etc. Costs associated with provisioning bandwidth by satellite to a community will be limited to lease costs only.
- Manufacturers' or service providers' discounts and/or any other discounts received must be reflected as a reduction to actual direct expenses.
- Identify the expenses that are to be reimbursed (funded) by the RCA and the expenses that are to be paid (funded) by the applicant.
- If the applicant's contribution includes an indirect rate, it shall not exceed 19 percent of actual direct payroll expenses, and it must be clearly identified.
- If the applicant's contribution includes an "in-kind" contribution such as the
 use of existing equipment, the monetary-value of the "in-kind" contribution
 must be based on industry-standards and documented in the applicant's
 proposal.

- Identify funding, e.g. revenue, provided by any other source.
- Identify the timeframe and expense of equipment replacement and/or other improvements. Equipment depreciation and replacement schedules must be based on current industry rates and standards.
- Identify the amount and/or percentage of the amount anticipated as an initial advance; frequency of providing advances and example of summary financial reports on the entire project.
- Evaluation of an Applicant's Proposal: This portion of an applicant's proposal may receive up to a maximum of 20 points by each member of the Evaluation Committee during the evaluation process.

Applicant's Proposal: An applicant's proposal must provide a detailed and comprehensive discussion on every aspect of the *Maintenance Phase* of the project -- providing sufficient information to assure the long-term sustainability of the rate structure approved by the RCA will be maintained. Information presented must be consistent with information presented elsewhere in the applicant's proposal. Discussion should include, but by no means be limited to, the following items:

- Detailed expenditure projections which account for any and all operating, capital, and other expenses, short-term and long-term, necessary to continue to provide broadband Internet access at the same service level to community residents.
- Expenditure detail, at a minimum, should include equipment maintenance, repair, replacement, and upgrades; expansion & obsolescence for the proposed system design; salaries and benefits; on-going materials, supplies, travel, etc.
- Detailed revenue projections that substantiate sufficient revenue will be generated so that the same level of Internet access at the agreed upon rate structure will be maintained for a minimum of two years.
- Revenue detail, at a minimum, should include the proposed rate structure; when residents, community-by-community, would begin paying for Internet services; and projected number of residents that would be willing to pay for the services on a long-term basis.
- Discussion must be substantiated by information presented elsewhere in the applicant's proposal. For example:
- Expenditure projections must be consistent with equipment depreciation, replacement, upgrades; facility upgrades or modifications; and other

information presented in "Construction Phase" and/or "Start-Up Phase" of the applicant's proposal.

- Revenue projections must be consistent with the community support and resident's demand for service discussion in the "Community Eligibility" section of the applicant's proposal.
- Revenue projections must be consistent with the order and dates in which residents may begin to purchase Internet services presented in the "Construction and Start-Up Phases" sections of the applicant's proposal.
- Revenue projections must be consistent with the rate(s) proposed in the Construction Phase section of the applicant's proposal.

Evaluation of an Applicant's Proposal: This portion of an applicant's proposal may receive up to a maximum of 20 points by each member of the Evaluation Committee during the evaluation process.

E. Compliance with Federal and State Requirements

RCA's Expectation: The Department of Community and Economic Development (DCED) has entered into a Grant Agreement with the United States Department of Agriculture (USDA) in which the USDA will provide funding to the RCA, an agency within DCED, for the Rural Alaska Broadband Internet Access Grant Program (Program).

In turn, the RCA has established the Rural Alaska Broadband Internet Access Grant Program, will request proposals, and will eventually enter into "subrecipient" grant agreements for projects as discussed in this Grant Application Guide.

Since federal money is involved, all entities submitting a proposal for a grant under this Program must understand that in addition to state requirements, federal requirements also apply. Successful applicants must comply with all state and federal requirements.

As a government entity receiving federal funding, RCA must comply with:

- Federal Title 7, Chapter XXX, Part 3016 enacted by Department of Agriculture (USDA) for state governments receiving federal funding.
- Section 3016.22 incorporates the Cost Principles dictated by OMB Circular A-87.
- Section 3016.37 requires the RCA to give notice of all federal requirements to its sub-recipients.

- Federal Title 7, Chapter XXXV, Part 3570 enacted by Department of Agriculture, Rural Housing Services.
- Section 3570.83 incorporates the audit requirements in accordance with federal Title 7, Chapter XVII, and Part 1942.17(q)(4).

Applicant's Proposal: An applicant's proposal must provide a statement that the applicant understands that this Program is being funded with federal money that is being "passed" as a grant to the Department of Community and Economic Development (DCED) and then being "passed" by the DCED through the RCA to "sub-recipient" grantees -- telecommunication carriers and cable operators -- and that the applicant understands that the following federal requirements also apply to and are being "passed to" the sub-recipient. As a for-profit entity, receiving federal funding through a state government, the successful applicants (sub-recipients) must comply with:

- Federal Title 7, Chapter XXX, Part 3015 enacted by Department of Agriculture (USDA) for non-government entities receiving federal funding.
- Section 3015.21 requires the applicant retain all record for 3 years.
- Section 3015.24 allows the USDA and the Comptroller General of the United States, access to any books, documents, papers, or other records of the applicant, which are pertinent to the grant.
- Section 3015.113 requires changes in scope, objectives, or key people have prior approval by the USDA.
- Sections 3015.163 through .173 discuss key terms regarding property and equipment acquired under the grant. When the property or equipment is no longer needed for the authorized purpose of the grant, transfer or disposal may be required with compensation made to the federal government.
- Section 3015.194 incorporates the Cost Principles dictated by federal Title 48, Chapter 1, Part 31.2 (also referred to as 48 CFR Part 31)
- Section 3015.195 identifies that there may be different and conflicting requirements between initial and sub-recipient grantees.

As an entity receiving funding through a State of Alaska entity, the successful applicants (sub-recipients) must comply with the State's Single Audit Requirement established under Alaska Administrative Code 2 AAC 45.010.

Successful applicants are advised they will operate all facilities financed with grant proceeds in a nondiscriminatory manner on the basis of handicap. Refer to Rural Development Instruction 1942-A, Section 1942-17(k)(8), "Section 504 of the Rehabilitation Act of 1973."

Applicant must provide, with the sub-recipient application, the information in the federally required format reflected on the (1) Request for Environmental

Information - Form 1940.20 which also requires a detailed letter from the State Historic Preservation Office; and (2) the State of Alaska's Coastal Management Zone questionnaire.

Additional Requirements: Applicants selected to receive a sub-recipient grant will be required to comply with the requirements listed below and other requirements that may be contained in the sub-recipient grant agreement with the RCA.

Rights of Way

If selected for a sub-recipient grant, sub-recipients must obtain all title and
easements necessary to provide clear title or authority to construct and
maintain the project. USDA Rural Development, through the RCA, will
require written easements over private land and when necessary subrecipients shall be advised their legal counsel will be responsible for
obtaining and recording such easements. The following forms may be
used for these purposes.

Form RD 442-20 Right of Way Easement (suggested form)
Form RD 442-21 Right of Way Certificate, with map attached
Form RD 442-22 Opinion of Counsel Relative to Rights of Way

Construction and Equipment Purchase

- Planning, equipment, and construction must be of modest design and comply with Section 1942.18 of USDA Rural Development Instruction 1942-A and any additions as are necessary to comply with Alaska Law.
- Sub-recipients shall provide the RCA with a written statement that
 affirmative steps will be taken to assure that small and minority owned
 businesses are used when possible as sources of construction, equipment
 purchase, and services. This statement may include evidence that the
 total project had been divided into smaller contracts so as to permit
 maximum participation in bidding by small and minority-owned
 businesses.
- If a contractor is used, sub-recipients shall provide evidence that a Contractor's warranty bond or equivalent is in effect before the start of construction.
- Facilities must be constructed/renovated in compliance with the Americans with Disabilities Act, Public Law 101-336 if applicable.

 Sub-recipients will affix decals to end user equipment to acknowledge USDA Rural Development's participation in the funding of the project. USDA Rural Development will provide the decals.

Insurance and Bonding

- Worker's Compensation: Sub-recipients will be required to carry worker's compensation insurance for all employees in accordance with Alaska Law.
- If the applicant is chosen to receive sub-recipient grant funds, the applicant will be required to obtain a fidelity bond. Sub-recipient employees entrusted with the receipt and disbursement of funds and the custody of any property will be covered by a fidelity bond. The United States will be named as co-obligee in the bond. Form RD 440-24, "Position Fidelity Schedule Bond" may be used.

Sub-recipients grantees are subject to the provisions of the Civil Rights Act and Executive Orders. Sub-recipient grantees must execute the following forms if selected to receive grant funds:

- Form RD 400-1, Equal Opportunity Agreement
- Form RD 400-4, Assurance Agreement
- If selected, sub-recipients must execute Form AD-1048, "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion – Lower Tier Covered Transactions," to assure that they are not barred or suspended from government assistance. You must also execute Form AD-1049, "Certification Regarding Drug-Free Workplace Requirements".
- Any construction contracts must contain evidence of compliance with E.O. 11246 and include the Standard Federal Equal Employment Opportunity Construction Contract Specifications.

Handling of Project Funds

- Grant Funds will not be provided before the beginning of construction phase or purchase of equipment/service.
- Grant funds will be deposited in an account separate from other subrecipient funds. Project records shall be kept separate and apart from other records.

Accounts, Records, and Audit Reports Required

 Sub-recipients will be required to keep accounts and records in the operation of the facility(s). You must make these records available for review by the DCED/RCA and USDA Rural Development.

Transaction Closing and Disbursement of Funds

- The USDA grant through DCED and RCA will be closed in accordance with USDA Rural Development Instructions, legal requirements of the Office of General Counsel, availability of funds, and grant agreement between the sub-recipient and the Department of Community and Economic Development.
- Sub-recipients must certify in writing that their project is complete and satisfactory before final disbursement of funds.
- Sub-recipients should understand that any property acquired or improved with federal grant funds may have use and disposition conditions that apply to the property as provided by 7 CFR parts 3015, 3016, or 3019. The sub-recipient grantee should understand that any sale or transfer of property is subject to the interest of the United States Government in the market value in proportion to its participation in the project as provided by 7 CFR parts 3015, 3016, or 3019 in effect at this time and as may be subsequently modified.

Evaluation of an Applicant's Proposal: This portion of an applicant's proposal is required. Without the statement of understanding and required forms the application may be declared non-responsive and eliminated from the evaluation process.

F. Evaluation of Applications and Award of Grants

The various processes for the initial review of the grant applications, evaluation of the remaining grant applications, award of grants, and management of the grants will be similar to the following:

 Prior to evaluating the grant applications, the RCA will perform an initial review to identify grant applications that don't meet the minimum eligibility requirements, are incomplete, and/or have other problems. The RCA, at its sole discretion may contact the grant applicant for additional information and/or clarification or the RCA may declare the application as non-responsive and reject it in its entirety. If rejected, the grant application will be eliminated from the evaluation process. The RCA will notify applicants whose grant applications have been rejected. The remaining grant applications will be forwarded to an evaluation committee, each member of the evaluation committee shall independently evaluate each grant application based on the criteria, evaluation factors, and values identified in this document and summarized below:

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- The Evaluation Committee, at its sole discretion, may decide if discussion with grant applicants, presentations, and/or site inspection are necessary. If held, members if the Evaluation Committee may change their individual scores based on the additional information.
- The individual Evaluation Committee members will have the opportunity to meet as a Committee to discuss the grant applications before and/or after their individual review and scoring. Members of the Evaluation Committee may change their individual scores based on these discussions.
- When the individual Evaluation Committee members have completed their scoring, the total points for each grant application will be determined. Those applicants receiving "sufficient points" will then be afforded the opportunity of entering into a Grant Agreement with the RCA. "Sufficient points" will be determined later and will depend on the number and amount of the grant applications.
- The RCA will provide each applicant with a list reflecting all applicants and the score of each.
- Unsuccessful applicants have up to 10 working days from the date of receiving notice, to provide a written appeal to the RCA. The RCA, at its sole discretion, may consider the appeal and will notify the applicant accordingly.
- Successful applicants will be afforded the opportunity to enter into a Grant Agreement with the RCA. There will be little to negotiate in the Grant Agreements. The Grant Agreements will basically incorporate the applicant's application.

G. Tentative Schedule

<u>Approximate Dates</u> <u>Activity</u>

August 8, 2003 Grant Application Guide Available

November 3, 2003 Grant Applications (Proposals) Deadline

December 5, 2003 Grant Applications Reviewed and Evaluated

January, 9, 2004 Grant Applicants Notified

January 23, 2004 Ten Day Appeal Period Ends

February 6, 2004 Drafting Grant Agreements

H. Submission of a Grant Application (Proposal)

Grant applications may be mailed or hand delivered, as long as **seven** copies are physically delivered to the RCA no later than 4:30 p.m. **November 3, 2003** to the address listed below.

RURAL ALASKA BROADBAND INTERNET ACCESS GRANT PROGRAM REGULATORY COMMISSION OF ALASKA 701 WEST 8TH AVENUE, SUITE 300 ANCHORAGE, ALASKA 99501-3469

Failure to meet the deadline will result in disqualification of the application and it will not be reviewed. Faxed, e-mailed, and/or or electronic versions of a grant application are not acceptable.