



American Rescue Plan Act - Capital Projects Fund: Broadband Deployment Program ("BDP")

**Applicant's Handbook & Program Guidelines ("CPF
Handbook")**

DRAFT - subject to 2023 legislation

Introduction

The Oregon Business Development Department (“Business Oregon” or “Department”) and the Oregon Broadband Office¹ within the Department are pleased to provide the first edition of American Rescue Plan Act - Capital Projects Fund: Broadband Deployment Program Applicant’s Handbook and Program Guidelines. The Broadband Deployment Program (“BDP”) is supported by Coronavirus Capital Projects Fund moneys appropriated to the State of Oregon from the U.S. Department of the Treasury and is planned to run from 2022-2023. The State of Oregon is eligible to receive an allocation from the U.S. Treasury of \$156,795,418 from the Coronavirus Capital Projects Fund established by Section 604 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (“ARPA CPF”). All Capital Project Fund moneys are subject to the federal Guidance published by the U.S. Department of the Treasury in September 2021² (“Treasury Guidance”) as it may be updated from time to time.

States must select among the eligible uses outlined in the Treasury Guidance and create a Grant Plan for submission and approval by the U.S. Treasury. Oregon has elected to utilize its entire allocation to fund broadband infrastructure projects.

In 2022, the Oregon Broadband Office convened a Technical Working Group to gather input from industry experts, community leaders, and city/county associations³. Additionally, the Broadband Office held several Community Listening Sessions to gather input from residents, community leaders, and selected stakeholder groups⁴. This resulting Broadband Deployment Program is an effort by the Oregon Broadband Office to respond meaningfully to public input and needs while adhering to Treasury Guidance for the ARPA CPF moneys.

The purpose of this CPF Handbook is to provide applicants and staff with a concise, easy to use reference for Broadband Deployment Program (“BDP”) information pertaining to project development, eligibility, the application process, and conditions for an award. The content is organized into two sections, Program Information and Process. The

¹ ORS 285A.166 (statute establishing the Broadband Office within the Department).

² GUIDANCE FOR THE CORONAVIRUS CAPITAL PROJECTS FUND FOR STATES, TERRITORIES & FREELY ASSOCIATED STATES, U.S. Department of the Treasury, September 2021, available at <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf>.

³ Broadband Programs Technical Working Group: https://www.oregon.gov/biz/programs/Oregon_Broadband_Office/Pages/Technical_Working_Group_Meeting_Schedule.aspx.

⁴ Broadband Community Listening Sessions: https://www.oregon.gov/biz/programs/Oregon_Broadband_Office/Pages/Oregon_Broadband_Community_Listening_Sessions.aspx.

information included is as specific as possible, however it is difficult to foresee and address the variety of project circumstances that exist in communities. The Project Coordinators at the Oregon Broadband Office will also serve as a resource for specific questions about application development. Contact information is available on the Oregon Broadband Office webpage,⁵

This program handbook is based on current legislative statutes, administrative rules, Treasury Guidance, and Business Oregon department policy. Legislation in 2023 is expected to fine tune the BDP and confirm authority. The Handbook is subject to periodic revisions to meet evolving needs or advance the priorities for program funding. The current Handbook will be posted on the Oregon Broadband Office webpage.

Suggestions and comments regarding the program guidelines are always welcome. Please direct suggestions to:

Subject: Broadband Deployment Program Suggestion/Comment
To: Broadband.Oregon@biz.Oregon.gov

⁵ Oregon Broadband Office Webpage:
https://www.oregon.gov/biz/programs/Oregon_Broadband_Office/Pages/default.aspx.

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Program Information

Purpose

Business Oregon and the Oregon Broadband Office created the Broadband Deployment Program (“BDP” or “Program”) as the state’s sole program that will be funded by the American Rescue Plan Act, Coronavirus Capital Projects Fund (“ARPA CPF”). The Program will utilize funds paid by the U.S. Department of the Treasury to the State of Oregon to fund grant awards for the development of broadband infrastructure.

Governing Rules and Statutes

The CPF Handbook is published to give applicants guidance on eligible activities, application development, how to apply for funds, and how to administer projects financed by the Program. The Definitions contained in this handbook apply only to this federally funded Broadband Deployment Program.

“Eligible location” means a street address location where a household or business is not currently served by a wireline connection that reliably delivers at least 100 megabits per second (Mbps) of download speed and 20 Mbps of upload speed.

“Served location” means a street address location where a household or business is currently served by a wireline connection that reliably meets or exceeds symmetrical download and upload speeds of at least 100 megabits per second.

“Unserved location” means a street address location where a household or business is not currently served by a wireline connection that reliably delivers at least 10 Mbps of download speed and one Mbps of upload speed.

Eligible Applicants

The following entities are eligible to apply for funding through this Program if they have authority for the Project:

- Municipalities (as defined in ORS 285B.410(9)).⁶
- Private and for-profit entities
- Electric utilities
- Co-operatives
- Municipal affiliates (economic development corporations, regional planning and development councils, and councils of government)

⁶ ORS 285B.410(9) provides: “Municipality” means an Oregon city or county, the Port of Portland created by ORS 778.010, a county service district organized under ORS chapter 451, a district as defined in ORS 198.010, a drainage district organized under ORS chapter 547, a tribal council of a federally recognized Indian tribe in this state, or an airport district organized under ORS chapter 838.

- Nonprofit organizations

Note: All applicants for Program funding must have authority for their proposed Project. For example, while ports are generally eligible applicants as they are included within the definition of municipality, ORS 777.271 limits the authority of rural ports to acquire certain telecommunications infrastructure or facilities and to provide certain telecommunications services.

Partnership Applications

Eligible applicants may apply alone, as part of a regional partnership, as part of a public-private partnership, or as part of an existing formal or informal partnership. Applications that include multiple collaborating entities must designate a single eligible organization or entity as the lead and fiscal sponsor for the application.

Affordable Connectivity Program

To be eligible, all wireline and wireless providers, whether applying directly or in partnership, **must** participate in the Federal Communications Commission's Affordable Connectivity Program (ACP), and also must include the Project area in the ACP. Applicants should, in their application, document any planned or current consumer outreach to raise awareness and encourage enrollment in the ACP program. For wireline providers new to the ACP program, the FCC has published a Consumer Outreach Toolkit and may provide consumer experts to explain the ACP at events.

Compliance with Existing Laws

Broadband service providers receiving a Grant must comply with all existing laws governing service including but not limited to rules issued by the Oregon Public Utility Commission. For example, Oregon Administrative Rules (OAR) Chapter 860, Division 250 covers requirements for businesses providing internet service to a state, local, or special government body, including net neutrality requirements. OAR Chapter 860, Division 28 provides rules related to pole attachments, and the location and colocation of telecommunications facilities. OARs can be found on the Oregon Secretary of State [website](#).⁷

Eligible Projects, Locations, and Activities

Eligible Projects

(1) The sole eligible activity for this Program is the construction and deployment of Broadband Infrastructure Projects ("Projects") that offer reliable 100/100 Mbps broadband service to locations lacking at least 100/20 Mbps reliable service.

⁷ [OR Secretary of State OAR Search: https://secure.sos.state.or.us/oard/ruleSearch.action](https://secure.sos.state.or.us/oard/ruleSearch.action)

(2) While Treasury Guidance is focused on providing wireline service at the requisite speeds, pursuant to HB 2173 (2019), the Department promotes technology and provider neutrality by focusing on desired outcomes rather than specific technological solutions. Therefore, Projects that utilize wireline or wireless solutions are both eligible.

(3) Eligible Projects are those that will primarily construct and deploy broadband infrastructure. "Broadband Infrastructure" means physical real or personal property used for the transmission of data that provides broadband services to locations in Oregon. Infrastructure includes but is not limited to facilities, cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure. For example, Projects that solely fund customer premise equipment, such as satellite receivers, and do not represent any permanent investment in the State's connectivity are not eligible Projects under the BDP.

(4) Per U.S. Treasury requirements, all ARPA CPF moneys must be expended by December 31, 2026. Awarded projects will typically be required to be completed within fifteen months from agreement execution.

Overbuilding Eligibility Restrictions

Projects that traverse areas served by 100/20 wired service are eligible for Program grants if such areas are less than or equal to 20% of the Project's total route miles. Grant funds may not be used for service drops and end-user connections to locations with existing wired 100/20 Mbps service.

Projects building through areas served by 100/20 wired service will be required to offer interconnection agreements with the incumbent provider as a condition of the award.

For Projects whose awards are conditioned upon offering interconnection agreements with incumbent providers, any additional network capacity necessary to support interconnections are eligible Project costs. Such costs include, but are not limited to fiber splice enclosures, slack loops / spare fiber that will remain on poles or in vaults for interconnection, and additional middle-mile/backhaul/transport capacity necessary to support more end-users.

Recycled Materials

Awardees are encouraged to utilize recycled materials, such as conduit, to the best of their ability.

Line Extension Eligibility Requirements

Grant funds may be used to cover costs to extend last mile service to hard-to-reach locations. Awardees may use Program funds to pay for all such costs or pay a portion of such costs customarily paid for by customers in hard-to-reach locations, including but not limited to costs for trenching, conduit, splicing, Network Interface Devices,

installation, and turn-up.

Acknowledging that consumers at all passed locations may not immediately elect to enroll for upgraded service, reimbursement of these costs may extend through the life of the grant agreement. Agreement terms will require awardees to provide service to every consumer who requests a connection during the term of the agreement (Federal expenditure deadline for ARPA CPF is December 2026).

Middle-Mile Eligibility Requirements

Projects including middle-mile infrastructure are eligible only if the Project will also deploy new and/or improved last-mile service to eligible areas. If an applicant proposes a middle-mile-only Project that would coordinate directly with another applicant's last-mile Project, that is an eligible project. Both applicants must indicate this fact clearly in the Project Description and Project Readiness sections of their Applications. Applications for middle-mile-only projects will be scored based on the last-mile projects they support or enable. Middle mile projects supporting multiple last-mile builds will receive points for all associated last-mile projects.

End-user Speed Requirements

A. Projects are eligible for grant funding only if the infrastructure is designed to deliver, upon project completion, service that reliably meets or exceeds **download and upload speeds of 100 Mbps ("100/100 Mbps")**. Upon completion, the Department may request documentation to demonstrate Project areas are served by such minimum speeds.

B. Exception. If it would be impracticable, because of geography, topography, or excessive cost, for a Project to be designed to deliver 100/100 Mbps, a Project may be eligible if it is designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 and 100 Mbps upload speeds upon project completion. **Projects utilizing this exception must be scalable to 100/100 Mbps**. The Applicant must, in their application, submit a plan documenting how the Project can scale to symmetrical speeds. Use of the Project exception to the speed requirements is subject to approval by the Department.

Service Quality Requirements

Proposed Projects must be designed to provide end-users at all proposed locations with the following:

A. Minimum Speed: 100/100 Mbps (unless an exception is requested and approved as described above)

B. Network Capacity: Service must remain available at or near minimum speeds to all proposed locations, regardless of peak network load times.

C. Latency: End users must be able to access health, education, and remote work resources with a measured latency less than 100ms.

D. Data Caps, Throttling: Projects must provide service with un-throttled, full-speed data usage allowances of at least 1 terabyte per month for all subscription plans offered to end-users at Project locations.

Allowable Costs/ Grant Disbursement Requirements

The Department will primarily award Grant funds for the design, engineering, permitting, purchase, installation, and construction of broadband infrastructure necessary to complete a Project. All such Project costs are eligible for grant reimbursement. Grant funds may also be awarded for the purchase and installation of customer premise equipment and the installation of conduit or other costs associated with customer drops. All Grant funds will be disbursed to Awardees on a reimbursement basis, requiring grant Awardees to submit a cost invoice for the Department's review and approval before disbursement. The Department will make final determinations on cost eligibility at its sole discretion. All disbursements will also be subject to the Project Timeline and the not-to-exceed Grant award amount.

Ineligible Costs

- A. Awardees may not buy materials and resell them to the Project (as a component of the Awardee's capital contribution to the Project, or as an expenditure paid for with grant funds) at a profit.
- B. Awardees may not request reimbursement for costs incurred prior to the award date.
 - a. The Department will, at Applicant's request, reimburse eligible costs incurred after award but prior to agreement execution. Reimbursements are subject to agreement execution and payment will occur only after full execution.
 - b. Awardees may not request reimbursement for surplus materials not used in the Project. If Awardee purchases in bulk for a better price, the reimbursable amount of material used should be limited to the actual amount used in the Project.
- C. Other ineligible costs (as determined by the Department) include:
 - a. Personal expenses not directly related to the Project's construction (example: food and beverage, equipment maintenance).
 - b. Operational costs.
 - c. Expenses related to the provision of over-the-top services such as telephone or video services which are not necessary for the delivery of broadband service. Battery backup devices that support broadband during power

- outages are an allowed expense.
 - d. Fundraising activities.
 - e. Political endorsements, donations, or advertisements.
 - f. Computers or office equipment.
 - g. Vehicles as defined in ORS 801.590.
 - h. Retiring debt.
- D. Any requests for Grant reimbursement after December 31, 2026 are ineligible.
- E. The eligibility of costs is further subject to federal requirements and restrictions as they may be provided over time.

Ineligible Activities

The following are ineligible activities for Program grants:

- A. Service drops to locations outside of State boundaries.
- B. Permitting, planning, or development of communications facilities outside of State boundaries not directly necessary to serve in-State locations listed in an awarded Project.
- C. Middle mile projects that:
 - a. Are not accompanied by non-discriminatory interconnection agreements;
 - b. Do not connect or contribute to a committed or existing last-mile network;
 - c. Only serve commercial or institutional end-users; or
 - d. Only have capacity to serve a specific designated end-user or lack the capacity to enhance passed communities.

Project Priorities

The following priorities will be implemented through the Department's Application Scoring process. Further details will be given in the Application Scoring section of a specific funding announcement.

- A. The intent of the BDP is to fund construction and deployment of broadband service infrastructure by Applicants that will provide broadband service to unserved and underserved locations. In reviewing funding requests, the following priorities apply:
 - 1) First priority will be given to applicants who will primarily **serve unserved locations** (lacking service that reliably meets or exceeds 10 Mbps download and 1 Mbps upload).
- B. Priority will be given to projects that provide **speeds greater than 100 Mbps for uploads and downloads**.
- C. Priority will be given to projects that **address affordability** as a barrier to full use of the internet. Proposals should address whether the broadband service options

offered for the Project areas will be affordable.

- D. Additional priority will be given to applications seeking to **close the Digital Divide at a regional scale**, through unincorporated areas, and across city and/or county boundary lines. In circumstances where the Department receives applications that are nearby but leave unserved space between, the Department may request proposal amendments that address the unconnected space between the proposed Projects.
- E. The Department will prioritize Projects that involve **broadband networks owned, operated by, affiliated with, or in partnership with local governments, non-profits, and co-operatives**.
- F. **Project Readiness** will be an important factor in Department decisions around which projects to fund first. Additional priority will be given to projects that are planned, are pre-engineered, have identified necessary easements and permits, have standing agreements or MOU's, have a detailed construction schedule, and can demonstrate prior experience completing projects of similar scale in a timely manner.
- G. **Projects in areas or census tracts where there is a high level of digital inequity** will receive additional priority. Digital inequity may be indicated by⁸:
- Low rates of broadband availability
 - Low rates of broadband adoption
 - Low rates of broadband usage
 - Gaps in broadband affordability
 - Low rates of educational attainment
 - Low rates of computer ownership
 - High rates of disability
 - High rates of poverty
 - Other indicators of digital inequity in the area or census tract

Type of Financial Assistance Available

Awards made through the ARPA CPF-funded Broadband Deployment Program will be made solely as grants for reimbursement of eligible costs.

Grant Information

The maximum grant award amount is \$20,000,000 per applicant. The Department will determine the award amount and may offer an award amount lower from that which was

⁸ Microsoft's Map of Digital Inequity Indicators:

<https://app.powerbi.com/view?r=eyJrIjoiM2JmM2QxZjEtYWEzZi00MDI5LThlZDMtODMzMjhkZTY2Y2Q2IiwidCI6ImMxMzZlZWwLWZlOTItNDVlMCIiZWFiLTQ2OTg0OTczZTlzMlIsImMiOiF9>

requested in an application. Grant funds will be disbursed on a reimbursement basis unless otherwise allowed by the Department and provided in the Grant Agreement.

Process

Application Process Overview

1. Short-Form Pre-Application Submissions
 - a. Applicants shall submit the geographic boundaries of their proposed Project to the Department.
 - b. Applicants shall submit a short-form application describing the basic components of their Project to the Department.
 - c. Department Staff will post both the geographic boundaries and the short-form application publicly.
 - d. After Pre-Applications are submitted, Applicants, neighboring communities, and incumbent service providers will have 30 days to negotiate amongst themselves on altering Project boundaries and re-scoping Project(s).
2. Long-Form Application Submission
 - a. Not less than 30 days after submission of a short-form application, Applicants shall submit final geographic boundaries of their proposed Project based on the outcomes of the Pre-Application period negotiations.
 - b. Applicants shall submit a full application packet containing all the required elements described in the “Application Contents” Section below.
 - c. Department Staff will post applications, including the final geographic boundaries, publicly and begin the challenge period. The Department may redact confidential information.
3. Department Evaluation
 - a. After the respective challenge period, the Department will evaluate each Long-Form Application for completion based on “Application Contents,” “Application Review Criteria,” the “Project Priorities” sections of this Handbook, and the funding notice.
 - b. The Department may utilize a qualified third party to assist in Application Review.
 - c. The Department will score each application as provided in the Application Review Criteria and Scoring section of this handbook.
 - d. The Department will forward the Challenges and Public Comments along with the Applications and Scores to the Oregon Broadband Advisory Committee’s (OBAC) Grant Application Review Committee.

- e. The OBAC Grant Application Review Committee⁹ will review the Department's recommendations, Applications, Scores, Challenges, and Comments and provide recommendations to the Department.
4. Award Announcement: The Department will make final determinations and will announce Awardees, providing a letter of intent to award to each Awardee. The Awards may be in an amount less than that requested in the Long-Form Application.
5. Grant Agreement Negotiation: Most provisions of the Grant Agreements will be non-negotiable. The terms of the Project may be negotiable if the award is significantly less than requested.
6. Performance: Unless otherwise stated, Awardees will have fifteen months from agreement execution to complete the Project.
7. Close-out: Awardees will have 90 days from completion to close out the Project by completing final reporting requirements. The Department will withhold full reimbursement until reporting requirements are fulfilled.

Application Information

Application windows will be defined in separate funding notices, including Requests for Grant Applications (RFGAs). Applications meeting Program requirements will be posted publicly on the Oregon Broadband Office webpage. When the Department receives an application that does not meet Program requirements or the application content requirements, Staff may contact the Applicant's indicated point of contact via email to offer an opportunity to revise and resubmit.

Application Contents

Short-Form Applications shall contain the following:

- a. Applicants shall submit the geographic boundaries of the proposed Project on the Oregon Broadband Office's public-facing Map.
- b. Applicants shall write a brief narrative describing the basic components of the Project, including the following:
 - i. Number of locations to be served
 - ii. Technology/technologies to be used in serving end-users
 - iii. Project partnerships, and/or associations with other Applicants/Applications
- c. Applicants shall provide organization name and contact information for an authorized representative of the Project Application.

⁹ ORS 285A.154

Long-Form Applications shall contain all the following information:

A. Applicant Information:

- a. Applicant Name
- b. Applicant Organization Chart
- c. Denote any partnerships or co-applicant relationships
- d. Demonstration of experience managing projects of this type and scale
- e. History of relationship with involved municipalities and incumbent providers

B. Project Contact:

- a. Name, Position, Email address, phone number
- b. Additional contacts
- c. Authorizing executive or elected official of the Project Application

C. Project Description (must include, but not limited to the following):

- a. Project area: Description of how the Project area was determined, why the proposed geographic boundaries were selected, and whether/how the network could be expanded with additional time, investment, financing, or grant funding. Description of how the project will fit into a broader plan for universal broadband coverage and if does not, explain why not. Provide a description of the remaining areas needing service adjacent to the Project and provide a brief description of what would be necessary to serve them.
- b. Description of technology to be deployed (both throughout network and to all customers). If wireless technology will be used, indicate where, why, how many locations, and how it will achieve qualifying speeds set forth in the "Service Quality Requirements" section of this Handbook.
- c. Number of locations that will receive service from the project
- d. Number of fiber miles to be deployed (if applicable)
- e. Method of deployment (aerial, buried, mixed)
- f. Network Design & Capacity (middle mile and last mile): A brief description of the system design that will deliver service from the network's primary point(s) of presence to end-users, including network components that already exist and ones that would be added by the proposed Project. Provide an explanation of whether the existing middle-mile capacity will support the proposed buildout Project and whether the proposed Project includes additional middle mile capacity.
- g. Network ownership and operation model: Provide explanation of who will own the built infrastructure and who will serve as the Internet Service Provider for the Project area. Note whether the provider has or will have a local office capable of responding to service calls, new service requests, and

network outages in a timely manner.

- h. Type of Customer Premise Equipment needed for new customer enrollment.
- i. Project Management Plan and estimated timeline for completion of the Project's key components.

D. Project Readiness

- a. Describe current state of Project development (planning, engineering, permitting, existing agreements/relationships, network design, etc.)
- b. Provide a detailed project timeline and construction schedule. Identify specific tasks, staff, contractors, data collection, and estimated start/completion dates. Provide discussion about any anticipated barriers to timely completion of the project (permitting on federal lands, railroad crossings, etc.)
- c. Describe plans to promote customer take rates, including marketing activities, outreach plan, and other actions to reach identified serviceable locations. Provide an estimated take-rate and the basis for the estimate.
- d. Describe history of managing similar projects and grants.

E. Amount of Grant funds requested

- a. Provide a detailed budget that outlines how requested grant funds will be used, including an itemization of equipment, construction costs, and a justification of proposed expenses.
- b. If requesting funds to serve multiple distinct areas that are part of a single grant application, provide a delineated budget for each sub-project.
- c. Expenses should be substantiated by clear cost estimates. Include copies of vendor quotes or documented cost estimates supporting the proposed budget.

F. Amount of match provided (Value in \$)

- a. Financial: Provide a detailed outline of other Project funds anticipated for the Project and how they will be used.
- b. Nearby network upgrades to facilitate the project

G. Signed letters of support, and approvals from Mayor, City Manager, County Commissioners, or other relevant authorities. Letters of support from Project partners, stakeholders, pole-owning utilities, and any other relevant entities are encouraged - especially if they indicate a willingness to contribute to the Project's success and timely completion.

Confidentiality

(1) Applications will be posted to the Department website and will also be a public record that is subject to disclosure under Oregon Public Records Law except for material that

qualifies under a public records exemption. The Department will redact from disclosure only material exempt from the Oregon Public Records Law. Applicants must request that certain elements of their application remain confidential, such as specific financial information, network design elements that may pose a cybersecurity risk, or proprietary network design information. The Department will follow Oregon Public Records Laws in making disclosure decisions.

(2) When submitting materials to the Department, it is the Applicant's responsibility to only mark material that legitimately qualifies under an exemption from disclosure. To designate a portion of an Application as exempt from disclosure under the Oregon Public Records Law, the Applicant shall: (a) Clearly identify in the body of the Application only the limited material that is a trade secret or would otherwise be exempt under public records law; (b) Identify the public records law exemption the applicant believes applies; and (c) provide a justification for how each portion designated as exempt meets the criteria under the public records law.

(3) Applicants are advised to consult with legal counsel regarding disclosure issues. Applicants may wish to limit the amount of truly trade secret information submitted, providing only what is necessary to submit a complete and competitive application.

Evidence of Federal SAM Enrollment

All applicants must register in the Federal System for Award Management (SAM) at <https://www.sam.gov> and provide a Commercial and Government Entity (CAGE) number with their submitted application. SAM registration must be active with current data at all times, from the application review throughout the active award period. To maintain an active SAM registration, the applicant must review and update the information in the SAM database annually from the date of initial registration or from the date of the last update. Applicants must ensure that the information in the database is current, accurate, and complete.

Authorization to Apply

Applications from municipal entities or affiliates must be signed by the applicant's highest elected official or a properly authorized official. Documentation that verifies the official's authorization to sign on behalf of the Applicant such as a resolution, ordinance, order, governing body meeting minutes, or charter must be submitted with the application.

Eligibility and Application Mapping

Prior to opening the application window, the Department will publish a list of all eligible locations in the State "Eligibility Map". Eligible locations shall be any location lacking service that reliably meets or exceeds speeds of 100/20 Mbps.

The Eligibility Map published by the Department will contain street-address level data on service availability. Applicants are expected to carefully submit applications that reflect each individual location they propose to serve. Potential Challengers will also be expected to place challenges at the same level of detail.

Eligibility Map; Proposing to serve ineligible locations

If an Applicant has data demonstrating the Eligibility Map is incorrect, the Applicant may include otherwise ineligible geographic location(s) in the proposed Project so long as the Applicant provides data capable of adequately demonstrating that the geographic location(s) in question have service levels beneath the eligibility threshold. Such data may be in the form of speed tests, resident testimonials, or - if the applicant is the provider for the locations in question - network design information.

The Department may request additional information from Applicants whose proposed Project is composed of a geographic area containing locations listed as ineligible according to the Eligibility Map.

Public Comments; Challenges

Public Comments

All received applications, after confirmed by the Department as credible and meeting minimum requirements, will have their Project geographic area publicly displayed on the Eligibility Map as an Application Map. Any member of the public may submit comments in response to an Application, including the geographic area covered.

Challenging an Application

For a period of time specified in the funding notice, grant applications requesting funds from the Program will be open to formal challenges. Prospective challengers are strongly encouraged to contact applicants directly and discuss the contested project area or component before submitting a formal challenge.

Except for instances where a challenge involves a credible allegation of willful misrepresentation made within a submitted application, formal challenge submissions are reserved for entities that would be directly impacted by the Project described in an application for the development of broadband service infrastructure.

The Department will only consider challenges that effectively demonstrate at least one of the following:

- The proposed project will result in an Overbuild because the challenger currently provides, or has begun construction to provide, broadband service to a portion of the Applicant's proposed locations at speeds equal to or greater than 100/20 Mbps.

- The Applicant made a willful misrepresentation in their application.

The burden for proving claims made within submitted challenges will fall on the challenging entity, whose responsibility it will be to provide enough evidence to fully support their claims. Incumbent providers submitting a challenge on the basis of their own existing service availability must provide for the Department's inspection specific geographic and speed test information that fully support their claim (See Appendix C – Speed Test Requirements).

A Challenge Intake Form published alongside the funding notice will serve as an affidavit to the facts in the challenge.

Challenge Outcomes

If a challenge effectively demonstrates service availability at an applicant's proposed locations, the Department will uphold the challenge and reject or request modifications for the relevant application and its associated project. The following procedures apply:

- The applicant's proposed locations for which a challenger has demonstrated the existence or construction of 100/20 Mbps service will no longer contribute to Application Scoring.
- If a challenged Applicant receives an award, expenses incurred in serving end-users at the successfully challenged locations will be ineligible for grant reimbursement if overbuilt. The Department may reduce the award on a pro-rated basis. An award will be conditioned upon the offer of an interconnection agreement with the incumbent provider.
- See "Overbuilding Eligibility Restrictions" section for more information.

Persistence or Dismissal of Challenges

Unless dismissed, challenges submitted in response to an application will remain attached to and be considered alongside an Application for as long as the Application remains in consideration for grant funding.

The Department may reject or otherwise dismiss a challenge. The Department will notify a challenger in the event their submission is rejected or otherwise dismissed.

Abuse and Disqualification

The Department may dismiss a challenge if the Department determines, in its sole discretion, that the entity's challenge is an abuse of the challenge process. Reasons for such a determination may include but are not limited to the following:

- Serial submission of meritless challenges;
- Intentional repeated challenges of a single project;

- Multiple challenges containing no supporting information; or
- Harassment of Department staff, applicants, or subject community members.

For entities found to have abused the challenge process, the Department may deny their eligibility to participate in, apply for, challenge, or appeal any current or future Broadband Programs. Dismissed challenges will not be considered alongside applications.

Application Review Criteria and Scoring

The Department and the OBAC Grant Review Committee will evaluate the Applications requesting funds through the Program for each round of funding. Additionally, the Department may use a third-party telecommunications specialist and engineer to review proposals.

The Department will (1) apply a percentage score to Application Contents and (2) apply a points system to the Proposed Infrastructure Project (See Appendix C for scoring form) to evaluate the Applications. The Infrastructure Project score will be multiplied by the Application Contents percentage score for an Overall Score.

Application Contents Scoring (Total Maximum Score of 100%):

- Applicant Information & Project Contacts (10%)
- Project Description (30%)
- Project Readiness (30%)
- Amount of Funds Requested (20%)
- Signed Letters of Support (10%)

Proposed Infrastructure Project Scoring will use a matrix to award points based on the following Project Details:

- Total Number of Eligible Locations proposed
- Number of Locations lacking 10/1 (+5 points per)
- Number of Locations between 10/1 and 100/20 (+2 points per)
- Number of locations that will gain access better than 100/100 Mbps (+5 points per)
- Number of locations that will gain access to better than 100/20 Mbps (+2 points per)
- Monthly cost of 100/100 package (details on scoresheet)
- Match Amount (+ 100 points per 1% match)
- Priorities Met (+5% to Project Score for each Priority satisfied. Refer to "Project Priorities" section)

The Department will use the following formulas to score and compare projects:

$$\mathbf{[Raw\ Project\ Score] * [Priorities\ Bonus\ (+5\% \ for\ each)] = [Total\ Project\ Score]}$$

[Total Project Score] * [Application Contents %] = [Overall Score]

[Overall Score] ÷ [# of eligible locations] = [Score per location]

The Department will provide a sample Scoresheet for Applicants to fully understand how their proposed Project will be evaluated. See Appendix C – Infrastructure Project Scoring for a sample score sheet.

The Department will generally award to the highest ranked applications. However, the Department reserves the right to disburse the funding in more than one round. Submitted applications may be carried over to subsequent rounds. The Department may also group like Projects together and rank them respectively in making award decisions. The Department may also make award adjustments to provide state geographic diversity and meet funds available.

Notice of Decision

Business Oregon will notify applicants of the decision regarding individual applications, providing the following information:

- Completeness/rejection
- Evaluated Score
- OBAC Grant Review Committee Date

Contract Administration

A. Grant awards will be contingent on the Department's receipt of the following:

- 1) Documentation that all other funds necessary to undertake and complete the project have been committed and are available prior to issuance of the Grant Agreement.

B. Business Oregon will award funds by entering into a contract with the Awardee (Grant Agreement). The Grant Agreement will include, but will not be limited to, provisions regarding the following requirements:

- 1) An agreement that the Awardee will proceed expeditiously to complete the Project as defined in the Grant Project Description. The required completion will typically be within 15 months from the date of execution of the Grant Agreement for project. Details of the Project Description are subject to negotiation.
- 2) Awardee must certify that a registered professional engineer or qualified telecommunications specialist will be responsible for any engineering or network design that takes place during the project.

- 3) Business Oregon will make payments under the Award as reimbursements for actual work performed. Awardees must adhere to the Project Description and submit proof of expenses when seeking reimbursement. The Department will consider but may deny requests for advance payments not to exceed \$20,000 under the Broadband Deployment Program Grant.
- 4) A provision that for a period of up to six (6) years after project completion, Business Oregon may request that the Awardee, at its own expense, submit additional data related to the Project for reporting purposes.
- 5) Applicants shall be subject to transparency and both state and federal reporting requirements including, but not limited to, reporting, tracking, and documentation of incurred costs, and providing access to records related to the project.

Other Program Information

- A. Funding decisions will be based on applicable rules in place at the time of the award.
- B. Municipalities may apply for projects located inside their jurisdiction that are also within the jurisdiction of another municipality (e.g., a county application for a project within a city's boundaries) provided that an intergovernmental cooperation agreement is signed by both municipalities and a copy accompanies the application.
- C. Awardees must be timely in keeping Broadband Office staff well informed of the progress of activities and any significant changes to a project. Amendments to the grant agreement may be required when there are changes to the Project's cost, budget, Project Description, or time frame for completion. Failure to gain prior approval for amendments could result in ineligible expenses, a delay in reimbursement, or a breach of the Grant Agreement with other appropriate levels of remedy.

Remedies

Broadband Deployment Program will be disbursed only after a Grant Agreement is executed by the applicant and Business Oregon. This contract will detail the terms and conditions under which financial assistance is provided. In the event an applicant fails to comply with these terms and conditions, Business Oregon may seek appropriate legal remedies as defined in the contract.

Exceptions and Appeals

Applicants will be notified if their application is incomplete or contains inconsistencies and will be given reasonable time and opportunity to provide supplemental information or correct the application as necessary to bring it into conformance. The Director of Business Oregon may waive non-statutory requirements of the program if it is demonstrated such a waiver would serve to further the goals and objectives of the program.

The Director of Business Oregon will consider appeals of Business Oregon's funding decisions. Only Applicants may appeal, and they may only appeal decisions related to their own submission. An appeal must be submitted in writing to the Director within 5 business days of the event or action that is being appealed. A project that would have been funded but because of a technical error in Business Oregon's review was not, will be funded as soon as sufficient funds become available, provided the project is still viable. The Director's decision is final.

Appendix A – Speed Test Requirements

As outlined in the BDP Handbook, the Department reserves the right to request verified speed tests on all or portions of an Awardee's, Applicant's, or Challenger's pre-existing or grant-funded network. Upon the Department's request, a verified speed test must be conducted at times of peak network usage and be distributed throughout the area in question.

The Department prefers speed tests be conducted at the access point (i.e., customer premise equipment, router, or modem) at the end-user location. Recognizing the feasibility constraints of conducting speed tests, speed tests that are reported by the management application software at the network operations center will also be considered as valid.

The Awardee/Applicant/Challenger must provide results of speed testing in a CSV file with the following fields:

- Address Number
- Street (address number and street in separate columns)
- Test device ID (IMEI, etc.)
- Test location latitude
- Test location longitude
- Test Date
- Test Time
- Upload Speed (Mbps)
- Download Speed (Mbps)
- Test height at which compliant speed was recorded
- CPE used to record compliant speed
- Test Server IP Address

Appendix B – Previously Funded Areas

Applicants must do their due diligence to determine if their proposed Project area has been in whole or in part awarded other state or federal broadband funds. These programs include, but are not limited to, Connect America Funds II (CAF II), United States Department of Agriculture (USDA) Reconnect, USDA Community Connect, Alternative Connect America Cost Model (ACAM), and the Rural Digital Opportunity Fund (RDOF).

Federally and state funded areas with existing agreements to build service to, or are currently served with, access to internet at speeds less than 100/20 Mbps are eligible to submit applications through BDP. Federally funded areas with service obligations at or over 100/20 Mbps will not be considered for the Program.

In some cases, recipients of federal or state funds were awarded funding to provide service at less than 100/20 Mbps but provide service over this threshold. In instances where the network infrastructure in the previously funded area under this scenario has been constructed, an internet service provider must submit a challenge on the basis of actual serviceability in the previously funded area. In instances where network infrastructure has not been constructed in the previously funded area, a challenger may provide speed test data from existing service locations to be considered as that provider's capability to provide service over the 100/20 Mbps threshold. Please see Appendix A for additional guidance on the number of speed tests required and acceptable practices for conducting speed tests. In instances where possible, the Department encourages local governments to explore partnerships with internet service providers which received the previous state or federal award to upgrade coverage in these areas. **The Department will only cover the difference in cost between providing the originally proposed speeds and speeds that meet standards of this program.**

In the event an Applicant has been awarded federal broadband funds, they cannot use those funds as matching funds. However, they are encouraged to leverage their federal award and apply for funding to extend service to locations beyond those that were awarded federal funds or to improve a Federally awarded project to standards outlined in this Handbook.

Appendix C – Infrastructure Project Scoring Sample

The Department will share a functional version of this scoresheet along with an announcement of funding availability. This is an example of a project which would build 100/100 Mbps service to 500 locations; would charge \$49/month for the 100/100 package; would provide a 25% match; meets all 7 key priorities; and was accompanied by a Long-Form Application that scored 100%.

Project Details			
Deployment Characteristics			
	# of locations	Points explained	
Total Number of Eligible Addresses proposed	500		
Number of Addresses lacking 10/1 Mbps service (Unservd)		1 location = 5 points	0
Number of Addresses currently between 10/1 and 100/20 (=[#Eligible] - [#Unservd])	500	1 location = 2 points	1000
Number of Addresses proposed to receive service better than 100/100	500	1 location = 5 points	2500
Number of Addresses proposed to receive service better than 100/20		1 location = 2 points	0
Points for Deployment			3500
Service Cost			
Monthly cost of 100/100 package (regular, non-introductory price) *,**	\$ 49.00	Price <= \$30?	FALSE
		Price <= \$50?	TRUE
*: Price before ACP factored in. This price must remain in place through the life of the Award (estimated December 2026)		<=\$30.00/mo = 5 points per location capable of achieving 100/100;	0
**: Must include at least 1.2TB data per month at full speeds		\$30.00 - \$50.00/mo = 2 points per location	1000
Points added for End-User Pricing			4500
Match			
	Percentage Match		
Match Amount	\$ 750,000	25%	
Total Estimated Project Cost (including Match)	\$ 3,000,000		
Points added for Match			2500
Priorities			
Unservd Locations	<input checked="" type="checkbox"/>	TRUE	
Greater than 100/100 Mbps	<input checked="" type="checkbox"/>	TRUE	
Affordability beyond ACP	<input checked="" type="checkbox"/>	TRUE	
Regional Scale Considerations	<input checked="" type="checkbox"/>	TRUE	
Muni/Co-Op/Non-Profit Affiliated	<input checked="" type="checkbox"/>	TRUE	
High level of Readiness	<input checked="" type="checkbox"/>	TRUE	
Census Tract w/ Digital Inequity	<input checked="" type="checkbox"/>	TRUE	
Priorities Met			7
% Bonus applied			35%
Raw Project Score 10,500			
Score after Priorities 14,175			
Application Contents Score 100%			
Total Score		14,175	
Score Per Location		28.35	