

**Governor's Office of Planning and Budget
Georgia Capital Projects Grant Program
Notice of Funding Opportunity
August 15, 2022**

DISCLAIMER

This Notice of Funding Opportunity (“NOFO”) is intended to be a guide to the application process for perspective applicants applying for consideration of funding through the Georgia Capital Projects Grant Program (“CPF Grant Program”). This guidance is not exhaustive, binding, or final. The State’s final CPF Grant Program is subject to approval from the U.S. Department of the Treasury (“Treasury”).

I. OVERVIEW

The Governor’s Office of Planning and Budget (“OPB”) hereby notifies interested applicants of the opportunity of funds allocated for the Georgia Capital Projects Fund Grant Program (“CPF Grant Program”). The availability and use of these funds is subject to all applicable State and Federal laws including guidance from Treasury regarding the Coronavirus Capital Projects Fund (“CPF”) established by Section 604 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (“ARPA”). OPB is facilitating the distribution of the State’s CPF through the CPF Grant Program which has been designed in accordance with Treasury’s Capital Projects Fund Guidance for States, Territories, and Freely Associated States and their FAQs issued on April 28, 2022. Supplementary guidance may be published at any time by Treasury and/or the State.

Capital Projects must invest in capital assets designed to directly enable work, education, and health monitoring. The CPF Grant Program has been designed to address the critical need for high-speed, reliable connectivity that was highlighted by the COVID-19 pandemic. To address this need, the CPF Grant Program is seeking applications to provide funding for Broadband Infrastructure Projects (that reliably meet or exceed download and upload speeds of 100 Mbps) to unserved homes and businesses in Georgia. Applicants are strongly encouraged to consult and engage with the impacted community(ies) as part of this application process to consider the need for access and affordability levels for households and businesses. Additionally, applicants for the CPF Grant Program must participate in the Affordable Connectivity Program (“ACP”) and are strongly encouraged to provide at least one low-cost, affordable option offered at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning which the State deems as a minimum of 100/20 Mbps.

II. APPLICATION ASSISTANCE

During the grant application window, only staff designated by OPB as primary grant contacts can be contacted for assistance. The primary grant contacts for the CPF Grant Program are Jonna West (Jonna.west@opb.georgia.gov) and Jessica Simmons (Jessica.simmons@gta.ga.gov).

III. FUNDING AVAILABLE FOR AWARD

OPB anticipates that approximately \$240 million may be available under this NOFO, which may be increased or decreased at OPB’s discretion. OPB reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFO.

IV. ELIGIBLE PROJECT AREAS

The State of Georgia is committed to providing financial resources to help fund Broadband Infrastructure Projects that would not be feasible without assistance. In conformance with the requirements and preferences outlined in Treasury guidance, 44 preliminary eligible project areas have been identified by the State for the CPF Grant Program using data from the July 1, 2022 refresh of the Georgia Broadband Availability Map. Final eligible project areas will be announced following the Service Verification Process.

Applicants must design their submitted projects to serve all locations identified by the State in the selected eligible project area. Additionally, applicants that wish to apply for multiple project areas will need to submit separate applications for each of the eligible project areas.

In selecting the eligible project areas, the State considered the following criteria:

- The unserved nature of the county. The State focused project area selection for the CFP Grant Program on counties with the most need—meaning high percentages and numbers of unserved locations (currently lacking a terrestrial connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload) without funding commitments (State, Federal, private, etc.) to serve those locations.
- Specific locations that received funding awards from the State of Georgia’s competitive State Fiscal Recovery Fund Grant were excluded. Additionally, locations where there is an existing enforceable Federal or State funding commitment for reliable wireline service at speeds of at least 100 Mbps download and 20 Mbps upload (e.g. FCC Rural Digital Opportunity Fund, USDA ReConnect, NTIA Broadband Infrastructure Program, RUS Loans, etc.) were excluded. Locations that have existing Federal or State funding commitments for satellite service are eligible for the CFP Grant Program since O.C.G.A § 50-40-1(2) defines broadband as terrestrial service, making satellite-served locations unserved.
- Economic distress factors impacting the community(ies) to be served by the CPF Project.
- Many cities and counties within the 44 eligible project areas are also Broadband Ready designees.

V. ELIGIBLE APPLICANTS

Internet service providers (ISPs) including co-operatives, electric utilities, and other entities that build or operate broadband networks. Partnerships and consortium applications will be allowed (e.g., two providers partnering to serve an eligible project area).

VI. SCORING CRITERIA

The following criteria will be used by the committee to score applications for this Grant Program:

- Project Design and Implementation (25%)
 - A project timeline is a required document for this section. Failure to submit a project timeline will result in an application being deemed incomplete.
- Capabilities and Competencies (20%)
- Performance Measures (10%)
- Project Budget (including matching funds) (30%)
 - Documentation of the amount of grant funds being requested along with a detailed budget and matching funds must be submitted using the provided budget template. Failure to do so will result in an application being deemed incomplete.
- Community Engagement (10%)

- Including letters of support from local governments, elected officials, residents, public surveys, etc.
- Affordable Offering (5%)
 - Preference will be given to applications that provide at least one low-cost, affordable option offered at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning which the State deems as a minimum of 100/20 Mbps.

VII. SCORING PREFERENCES

Based on Treasury guidance, scoring preference in the “Project Design and Implementation” category will be given to projects that prioritize investments in fiber-optic infrastructure.

Additionally, if it would be impracticable, because of geography, topography, or excessive cost, for a Broadband Infrastructure Project to be designed to deliver services of at least 100/100 Mbps, the project must be designed so that it reliably meets or exceeds 100/20 Mbps and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds. Preference will be given to projects that propose reliable, symmetrical 100 Mbps speed or higher. If, for the reasons described above, 100/100 Mbps is not practicable, additional information, including a description of the technology being proposed and a rationale for why 100/100 Mbps cannot be reasonably met, must be provided and will be evaluated under the “Project Design and Implementation” metric.

VIII. MATCHING FUNDS

Significant investment from providers and public community partners contributes to a stronger application, and as such, preference will be given to the applications with higher matching funds and their impact on the total amount of CPF grant funds being requested.

IX. PARTICIPATION IN THE AFFORDABLE CONNECTIVITY PROGRAM

Service providers for approved CPF-funded Broadband Infrastructure Projects must participate in the Federal Communications Commission’s (“FCC”) Affordable Connectivity Program (“ACP”).

X. PARTICIPATION IN THE GEORGIA BROADBAND MAP PROGRAM

Service providers for approved CPF-funded Broadband Infrastructure Projects must participate in the Georgia Broadband Map program and submit regular network updates as requested by the State.

XI. PERIOD OF PERFORMANCE

All funds must be expended by December 31, 2026, which is the end of the period of performance.

The awardee may use CPF grant funds to cover costs incurred beginning from the date of executed Terms and Conditions and ending December 31, 2026. Projects must reach substantial completion before December 31, 2026. Substantial completion is defined by Treasury as the date for which the Project can fulfill the primary operations that it was designed to perform, delivering services to end-users. At substantial completion, service operations and management systems infrastructure must be operational.

Since the State is committed to providing financial resources to help fund Broadband Infrastructure Projects that would not be feasible without assistance, only new projects that have not started construction at the time of the release of this NOFO are eligible for the CPF Grant Program.

XII. ELIGIBLE PROJECT COSTS

Allowable costs are determined in accordance with the cost principles identified in 2 C.F.R. Part 200, Subpart E. Federal funds committed to an award may only be used to cover allowable costs incurred during the period of performance and for allowable closeout costs incurred during the grant closeout process. Please refer to Treasury's Capital Projects Fund Guidance for States, Territories, and Freely Associated States and the FAQs issued on April 28, 2022, for additional information on eligible costs.

XIII. GRANT PROGRAM TIMELINE

August 15, 2022: NOFO and Preliminary Eligible Project Areas Released

August 15, 2022: Service Verification Process Opens

August 17, 2022: Virtual Applicant Workshop 1 at 9:00 AM EST

August 26, 2022: Service Verification Process Closes at 5:00 PM EST

September 6, 2022: Application Window Opens

September 8, 2022: Virtual Applicant Workshop 2 at 10:00 AM EST

October 7, 2022: Applications Due by 5:00 PM EST

October 28, 2022: Application Review Complete

Fall 2022: Final Recommendations and Preliminary Awards Announced (Date is dependent upon Georgia's CPF Grant and Program Plan approval from Treasury)

XIV. APPLICATION REVIEW PROCESS

All applications will be reviewed for eligibility and completeness, and then evaluated based the priorities and criteria identified herein. Recommendations will be made to the governor for final selection.

XV. SERVICE VERIFICATION PROCESS

Based on the timeline stated in Section XIII, a map of State-identified preliminary eligible project areas will be publicly posted on [OPB's website](#) for service providers to review. If a service provider believes that a proposed eligible project location overlaps with their current service network or any new locations of theirs that are currently being built or have been built since the most recent publication of the Georgia Broadband Map (documentation will be required to show active buildouts, not just future plans), they can file a service verification by the deadline specified in Section XIII. Any provider submitting a service verification must complete the Service Verification Form available at <https://opb.georgia.gov/capital-projects-fund> along with providing address-level information for locations that they believe are already served.

XVI. APPLICATION AWARD AND NOTIFICATION

All applications will be reviewed and evaluated according to the scoring criteria, priorities, and preferences outlined in this NOFO. All award results will be posted on OPB's website and applicants notified in writing.

XVII. GRANT AGREEMENT AND TERMS AND CONDITIONS

An applicant selected for funding through the CFP Grant Program that wishes to accept this award must execute the CPF Grant Program Terms and Conditions within 60 days of award announcements. The State will not accept proposed changes or amendments to the Terms and Conditions. Failure or refusal to comply with this requirement will result in award funds being rescinded.

XVIII. COMPLIANCE WITH OTHER REQUIREMENTS¹

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, including 2 C.F.R. Part 200 apply to the CPF awarded projects, except for any provisions the Treasury may determine are inapplicable to an award. Each award is further subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.

Investments in Capital Projects must be carried out in ways that comply with applicable Federal laws, including the 2019 National Defense Authorization Act (“NDAA”). Among other requirements contained in 2 C.F.R. Part 200, 2 C.F.R. 200.216 implements certain provisions of the NDAA and contains prohibitions on the use of grant funds to procure or obtain certain telecommunications and video surveillance services or equipment provided or produced by designated entities, including certain entities owned or controlled by the People’s Republic of China. In addition, 2 C.F.R. 200.471 provides that certain telecommunications and video surveillance costs associated with 2 C.F.R. 200.216 are unallowable.

It is important that investments in Capital Projects be carried out in ways that produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency. Projects funded by the Capital Projects Fund must comply with all applicable Federal laws and regulations, and with all requirements for State, local, and Tribal laws and ordinances to the extent that such requirements do not conflict with Federal laws.

Capital Projects should incorporate strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions, not only to promote effective and efficient delivery of high-quality infrastructure projects but also to support the economic recovery through strong employment opportunities for workers. Using these practices in construction projects may help to ensure a reliable supply of skilled labor that would minimize disruptions, such as those associated with labor disputes or workplace injuries.

Treasury further encourages prioritization of employers (including contractors and subcontractors) without recent violations of Federal and State labor and employment laws as a further measure that may minimize project disruptions and delays.

Among other requirements contained in 2 C.F.R. 200, Appendix II, all contracts made by a Subrecipient in excess of \$100,000 that involve employment of mechanics or laborers must include a provision for compliance with certain provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. Part 5). And as noted below in Section III.C, Treasury will seek information from Recipients on their workforce plans and practices related to Capital Projects Fund Projects, as well as information about subcontracted entities. Further, Treasury encourages Recipients to prioritize in their procurement decisions employers who can demonstrate:

- Their workforce meets high safety and training standards, including professional certification, licensure and/or robust in-house training;

¹ *Guidance for the Coronavirus Capital Projects Fund For States, Territories & Freely Associated States U.S. Department of the Treasury*, (September 2021), <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf>.

- Prioritization in hiring of local workers and/or workers from historically disadvantaged communities;
- Direct employment of their workforce, or policies and practices in place to ensure contractors and subcontractors meet high labor standards; and
- No recent violations of Federal and State labor and employment laws.

Projects funded by the Capital Projects Fund must comply with all applicable Federal and State environmental laws. Generally, the National Environmental Policy Act does not apply to projects funded by the Capital Projects Fund.

XIX. REPORTING

Subrecipients awarded funding through the CFP Grant Program will be subject to all reporting requirements as set forth by the State and Treasury.

XX. OVERSIGHT

Subrecipients awarded funding through the CFP Grant Program will be subject to audit or review by the Treasury Inspector General and Government Accountability Office.