

Oklahoma ARPA SLFRF Broadband Investment Grant Program

Questions and Responses

Please note that this FAQ was developed as a broad public resource and is intended to be strictly informational. The Answers contained in this FAQ will not include complete information as the questions posed do not provide complete information. This document may be consulted as a reference but should not be relied on for a complete assessment. The OBO encourages potential applicants to consult their legal counsel in finding answers to these questions.

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1. On the scoring rubric there are 2.5 points allocated to whether the project “is a necessary investment that is responsive to an identified need to achieve or maintain an adequate minimum level of service.” Can more detail be provided?

This information can be found in the NOFO, Section I, Overview, as well as the page 1 footnote.

2. Under the workforce section of the rubric, how is the OBO defining the “prevailing rate?”

The term “prevailing rate” has been defined by the US Department of Labor and additional information and definitions may be found on its website [here Home | U.S. Department of Labor \(dol.gov\)](#).

3. In the Scoring Criteria under fiber-optic infrastructure, 5 points are given to projects investing in fiber-optics. Is that only in reference to last-mile fiber?

There are separate preferences given for fiber optic technology-based projects and for last mile projects.

4. Are areas with sub-100/20 speeds eligible for this program?

Unserved (less than 25/3 Mbps) and underserved (less than 100/20 Mbps and more than 25/3) areas are both eligible for this program.

5. What sources will OBO use to verify existing broadband speeds and will OBO dispatch personnel to the field as part of this verification process?

The OBO will use a combination of 3rd party data and field testing.

6. To meet the burden of proof for the Overbuild Prevention Contest Process, what documents will an ISP need to submit?

- A shapefile, list of addresses, and the CostQuest fabric IDs of the serviced locations within the broadband deployment project area that the challenging service provider currently serves a minimum speed of 100/20 Mbps scalable to 100/100 Mbps to homes and businesses and a minimum of 1/1 Gbps to anchor institutions; or

- A feasibility study, construction plan, or other relevant documentation that clearly and convincingly demonstrates that the challenging internet service provider will be under construction within 12 months of the supplemental inquiry closure date, which may, at the discretion of the office, be extended for up to an additional 6 months because of undue construction delays; or
- Loan documents, grant award documentation, or other financial information that clearly and convincingly demonstrates to the office that the challenging internet service provider has received adequate funding from another governmental (state, federal, tribal, etc.) grant program to complete broadband deployment in the award area.

7. Are service providers subject to any type of penalties if they fail to fulfill a 12 or 18-month projected buildout as described in an application protest?

Please see section VIII of the NOFO.

8. What factors will OBO consider in extending the allowable buildout timeline of a provider from 12 to 18 months?

Requests for an extension will be considered in extraordinary circumstances on a case-by-case basis.

9. Are applicants who provide a matching or in-kind funds or matching above 25% given priority consideration for funding?

Please see the scoring template on the OBO website.

10. Is the matching a set amount of 25% and required by all applicants?

A minimum matching of 25% or more is required by all applicants.

11. What are the parameters for in-kind match?

In-kind matching includes any materials, real estate or labor done by the subrecipient or a partnering entity.

12. What are the minimum and maximum dollar amounts for each grant application?

There are no dollar amount parameters for the application.

13. Are applicants eligible to receive more than one award?

Yes.

14. Will applicants be allowed to submit multiple applications with different technology in the same location?

Please submit individual applications for each county that you wish to serve utilizing ARPA SLFRF funding. Additionally, a separate application should be submitted for each technology type to be deployed within each county.

15. What are the distance limits for ISPs who serve multiple towns? Will each location be a different proposal?

If a proposal covers multiple counties, then individual applications need to be submitted for each county covered. However, if a proposal covers multiple towns within one county, one application is sufficient to cover all those locations.

16. Will applications for each county need to serve the entire county?

Projects must be submitted by county; however, projects are not required to cover entire counties. Projects can be submitted for the entire county or a portion of the county.

17. What are the OBO's definitions for unserved and underserved areas and how each relates to eligible grant opportunities?

Unserved is less than 25/3 Mbps and underserved is less than 100/20 Mbps and more than 25/3 Mbps. See the posted scoring template for US Dept of Treasury for preference details.

18. Are other funding obligations eligible to be utilized as match for the OBO SLFRF program (e.g., A-CAM, RDOF, CAF)

No other funding obligations may be used as matching funds for ARPA-SLFRF.

19. Will a GIS dataset of defined unserved/underserved locations be available?

Location IDs for unserved and underserved BSLs are available on the OBO website.

20. Please clarify the prioritized areas regarding density factors.

See Section II, Funding Available for Award of the NOFO.

21. Can a project be withdrawn or resubmitted after it has been submitted?

A project can be withdrawn after submission via an email to tim.allen@broadband.ok.gov that provides identifying information including but not limited to applicant name, partnering entities, location, and technology. If an applicant has submitted multiple applications, further information may be requested to ensure the proper submission is identified and withdrawn. No project can be resubmitted after submission. Instead, an applicant would simply follow the discussion above to withdraw an application, and then submit a new project.

22. The Scoring Criteria maximum point total appears to be 130, and a statement at the bottom indicates an application must score 130 or does not move forward. Can this be clarified?

Applications can receive 130 points or less and still move forward. However, there are some qualifying factors listed in the document that if not met would cause an application to not move forward.

23. What is the timeline for the 100/100 symmetrical upgrade requirement?

While there is no specific timeline for the upgrade requirement, the entity must adequately prove to the OBO that the ISP can meet the upgrade requirement if necessary as well as meet the burden of proof that the 100/100 Mbps speed cannot be achieved as a result of topography, geography, or excessive cost.

24. What is the definition of a low-cost service plan? Does the ACP discount count towards that cost?

OBO has defined the ACP option to be \$30 or lower after ACP benefit is applied. The ACP subsidy targets low-income consumers as identified by the Federal Communications Commission. Treasury also requires that a separate low-cost option be available to all consumers regardless of income status.

25. Do all previous proposals submitted through the previous portal now need to be resubmitted to be considered?

Yes. To be considered, projects must be submitted through the new ARPA SLFRF Grant Application Portal on or after September 18, 2023.

26. What makes an awardee low/moderate/high risk?

Once an award has been made, the awardee will go through a risk assessment. Questions pertaining to the risk assessment can be found on page 9 of the ARPA SLFRF Application Sample. Risk categories and their associated rights and obligations are discussed in the cash management policies of the Grant Agreement.

27. Can one ISP submit multiple applications? If so, is there a limit on the number of applications that can be submitted?

ISPs can submit multiple applications and there is no limit to the number that can be submitted. However, ISPs must submit individual applications for each county that they wish to serve utilizing ARPA SLFRF funding. Additionally, a separate application should be submitted for each technology type to be deployed within each county.

28. Please clarify the eligibility for applying for this grant program. Are Tribal Governments eligible to apply?

Internet service providers are eligible to apply for this grant opportunity. Tribal Governments which are operating an ISP may also apply. Additionally, if a Tribal Government knows which ISPs it would like to have operating within its tribal boundaries, the Tribal Government should work directly with those ISPs to submit an application.

29. In the “Project Location Data and Maps” section of the application, it asks for Fabric ID numbers. Where do we gain access to this information?

The Fabric ID #, also known as the Location ID #, can be found on the spreadsheets posted to the OBO website, [here](#) and [here](#). Additionally, applicants are required to obtain a CostQuest NTIA Tier D License which can be obtained [here](#).

30. Can a project be partially funded?

Yes. See Section II, Funding Available for Award of the NOFO.

31. Do matching funds have to be liquid assets held in a bank account or can it be fixed assets (towers, real estate, etc.)?

Please see Section VII, Eligible Project Costs, of the NOFO.

32. The NOFO states tribal approval is required for any applications located on tribal land. Would a signed letter from a tribal representative be sufficient, or is the OBO looking for something more specific?

At the time of application submission, the applicant must submit documents evidencing correspondence with the tribe. Once the application portal closes, the OBO will release the formal letter, the Consent Resolution, that must be signed by the head of government within the Tribal Nation and returned to the OBO no later than January 12, 2024.

33. How many Tribal Consent forms will be required from an ISP?

Proof of correspondence with each Tribal Government with potentially impacted assets in a project area is required with submission of the application. A Consent Resolution, to be provided after the application portal closes, must be signed by the head of each Tribal Government, and provided by the ISP to the OBO no later than January 12, 2024.

34. The NOFO states the project area must remain in one county – does the proposed service area have to be contiguous or can there be two service areas (separate polygons) in one county?

If projects are within the same county and the same technology is being deployed throughout the proposed project areas, one application may be submitted.

35. Within the Project Matching section, please define match.

An ISP must provide a minimum match of 25% of the total project cost. For example, if an ISP is proposing a \$100 project, the ISP would provide at least 25%, or \$25, and would be requesting \$75 in grant funds.

36. Where can we find data sets for unserved and underserved BSLs in Oklahoma?

Links to location IDs for both unserved and underserved BSLs can be found on the ARPA SLFRF webpage, <https://oklahoma.gov/broadband/grant-programs/arpa-slfrf.html>, or can be downloaded [here](#) (unserved) and [here](#) (underserved).

37. What is the purpose of the purple-shaded Oklahoma Unserved BSL Map linked from the ARPA SLFRF webpage?

The Oklahoma Unserved BSL Map, which shows density of unserved BSLs across the state using census block data, is provided for illustrative and scoring preference purposes. BSL data from the FCC National Broadband map, available for download at <https://oklahoma.gov/broadband/grant-programs/arpa-slfrf.html> must be used when submitting applications.

38. Will ISPs submitting projects use the Draft Application to do so, or will a new Application be provided?

The provided application sample located on the OBO website will mirror the information that is requested on the portal. Applicants are encouraged to fill out the draft application for an easier copy and paste submission.

39. What do the un/underserved vs served splits need to be in order to maximize score? Is it correct that a decimal of points may be awarded in this area? For example, if a provider has 75% unserved and unserved areas would they receive 7.5 points?

That is correct. The percentage of the unserved and underserved areas will be multiplied by 10. Hence, if 50% of the project is unserved, 25% of the project is underserved, and 25% of the project is served, the ISP will receive 7.5 points out of 10.

40. How are letters of support for an area scored for an application?

Please see the section titled Local Governments/Tribal Entities/Non-Profits/Cooperatives in the Scoring Criteria.

41. Is it correct that the portal will officially open on September 18th, and close at the end of the day October 9th?

Yes, the portal opened Monday, September 18th and will close at 11:59pm on Monday, October 9th.

42. Does the Department of Labor Regulations 20 CFR Part 5 require ISPs to follow the Davis Bacon standard?

Eligible SLFRF projects do not require compliance with Davis Bacon, but the U.S. Department of Treasury's quarterly reporting does require additional programmatic reporting for infrastructure projects. This programmatic reporting for infrastructure projects is outlined on page 126 of the SLFRF P-E Report User Guide, <https://home.treasury.gov/system/files/136/Apr-2023-PE-Report-User-Guide.pdf>. In short, there are two options for compliance with the Treasury's quarterly programmatic reporting for broadband infrastructure projects over \$10 million in expected total cost: (i.) Certify compliance with Davis Bacon and implement processes and controls to collect required payroll records and contractor / subcontractor certifications during the project; or (ii.)

Provide a Project Employment and Local Impact Report. Please see section IX, GRANT SUBAWARD ADDITIONAL TERMS AND CONDITIONS.

43. The NOFO mentions that Appendix II of Part 200 requires projects over \$100,000 to comply with a specific labor law. The Scoring Criteria indicates that compliance with this labor law is mandatory. If a provider cannot certify to compliance, should it apply for funding?

Compliance with labor laws is required by the Federal Government for federal funding.

44. The Scoring Criteria states: 'Your project does not rely on provider's advertised speeds'. Does this mean that for all projects funded by the OBO required speeds will have to be greater than or equal to 100/100 Mbps as measured in multiple real-world tests?

Yes, that is correct. The OBO will require speed tests for all projects using ARPA-SLFRF funding to ensure that the speeds meet the minimum threshold requirement.

45. What preference or priority will be given to applicants that provide service to the priority service areas designated by the Oklahoma Unserved BSL Map?

Please see the [Scoring Criteria](#) on the OBO website for a preference breakdown.

46. Page 7 references a Notice of Award and a 5-business day return for the Grant Agreement after receiving the Notice of Award. Can this timeline be extended? In addition, will the OBO provide a copy of the draft agreement for review during the proposal process?

No, this timeline cannot be extended. However, the Grant Agreement will be made available for review no later than October 2, 2023.

47. If locations are covered by other funding programs (i.e.: USDA ReConnect, RDOF, CAFII) will these areas be considered for funding?

If a BSL has already been awarded funding from another grant program that cannot be matched with ARPA SLFRF funding, those BSLs would not be eligible for ARPA SLFRF funds.

48. The Scoring Criteria states: "Your project does not rely on provider's advertised speeds." What does that mean and does an applicant get the points if the answer is yes or no?

The OBO will require speed tests for all projects funded using ARPA-SLFRF funding to ensure that the speeds meet the minimum threshold requirement.

49. The Scoring Criteria states: "Your Project is in an area that has no previous terrestrial service provider." Does this mean that there is no terrestrial provider currently in that area providing speeds greater than 25/3Mbps?

A preference, per US Dept of Treasury Guidance, is given to areas where there is not a current terrestrial internet service provider (this does not include wireless or satellite technologies) offering speeds of 100/20 Mbps.

50. Are the following questions and point opportunities mutually exclusive: Will applicants receive points in both sections if they directly employ internal workforce & contractors/subcontractors with high labor standards? If mutually exclusive, could the maximum of 25 points in the section be awarded to any applicant?

Yes, this is mutually exclusive and will be scored individually.

51. Are eligible investment locations determined by the FCC National Broadband Map, or by the FCC Broadband "Funding" Map, or both?

Only the FCC National Broadband Map will be used for funding determinations.

52. Throughout the NOFO it refers to ISPs as "subrecipients." The Treasury's Supplementary Broadband Guidance, which is referenced, indicates that states may treat providers as either "contractors" or "subrecipients" and may issue awards to subrecipients as "fixed amount awards." It appears Oklahoma has chosen to treat providers as "subrecipients." Is that correct?

Per the Treasury's May 17, 2023 "SLFRF and CPF Supplementary Broadband Guidance", the OBO reserves the right to determine whether the Internet Service Providers that are selected to install broadband infrastructure be considered subrecipients or contractors based on the nature of the broadband program. This determination will be on an application/program by program basis.

53. Near the end of the NOFO it states that Treasury's guidance says all non-federal entities, including ISPs, are subject to Part 200 Subpart F audit requirements. But Part 200 also defines "non-federal entities" to include governmental entities and not-for-profit companies. The Treasury guidance also says that "for-profit subrecipients are not subject to Subpart F..." How are audit requirements applied to various potential applicants?

The OBO cannot provide legal counsel on how subrecipients or contractors might comply with specific provisions of the Code of Federal Regulations. This would be a matter for an applicant to seek legal counsel to answer.

54. Can the OBO provide an example of documentation evidencing correspondence with a Tribal nation?

An email to a Tribal nation providing notice of a proposed infrastructure project would be acceptable at the time of application submission.

55. On page 3 in the scoring criteria under "Last Mile vs. Middle Mile," points are awarded for including areas that are at various levels of unserved from 1 to 20 points. In order to get the maximum points, does the entire project need to be within the highest point category or does it just have to include areas that meet that category? For example, if a project has two towns with a density of 71 to 100 but the rest of the project has a density of 41 to 70, does the proposal get the full 20 points?

The density of the majority of the proposed project will be used to determine the score.

56. If an application is submitted for wireless towers that are fiber fed (as a middle mile to backhaul the traffic) would that be one application or two because different technologies are involved? The fiber

is only there to support getting enough bandwidth to the tower to provide the required speeds. Last mile in this application would be only wireless.

It's one application, but please specify in the budget spreadsheet which expenses are middle mile and which are last mile.

57. How would a provider be required to incorporate speed tests in order to receive points?

Once awarded and throughout the duration of the project, the OBO will require speed tests for all projects funded using ARPA-SLFRF funding to ensure that the speeds meet the minimum threshold requirement.

58. Is there a county allocation of ARPA funds?

No. Per page 4 of the NOFO, eligible applicants include internet service providers, including co-operatives, electric utilities, and other entities that build or operate broadband networks. Partnerships and consortium applications are also allowed, as the Treasury prioritizes support for broadband networks owned, operated by, or affiliated with local governments, non-profits, and co-operatives.

59. In the Grant Application Portal, under the "Documents" section, "Letters of Support from Project Partners" are marked with an asterisk. Does this mean that the guidelines mandate a partnership, or is it not mandatory to have a partnership?

Partnerships are not mandatory, but Treasury prioritizes support for broadband networks owned, operated by, or affiliated with local governments, non-profits, and co-operatives. See page 4 of the NOFO.

60. Is funding available directly to a middle mile (only) network provider to support upgrades to existing middle mile networks that in turn provide connectivity to networks being built out by rural electric cooperatives and others.

No this is not an eligible use. See page 3-4 of the NOFO. Treasury's eligible use for middle mile is limited to middle-mile expenditures that are necessary as part of an applicant's proposed project to facilitate last-mile covered speeds in eligible service areas. (31 CFR Part 35, Coronavirus State and Local Fiscal Recovery Funds Final Rule, Supplementary Information, pg. 307. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>.)

61. We understand that ARPA funding cannot be provided when federal or state funding from another source has been provided. Our question is: How is this specially applied? Does an ISP completely remove the physical network and cost from its ARPA requested project, or can an ISP subtract the other provided funding from its request (as it does not cover the entire cost of the physical network for the covered BSL)?

Funding is allocated to FCC-determined BSLs. If a location has funding allocated towards providing service from an existing program or independent buildout, then the location(s) and project would not be eligible for ARPA SLFRF funding. If the proposed project is being matched by other funds,

then the requested project cost on the application should only include eligible costs/expenses related to the proposed project that are not being matched by a third party.

62. The NOFO specifically states that projects started any time after March 2021 can be included in the ARPA application. If an ISP built out an area in 2021 and 2022, but it now shows served, could it receive funding?

See page 5 of the NOFO. Projects in process or recently completed are not eligible. Eligible project related costs incurred from March 3, 2021, can be reimbursed if they relate to the proposed project in the application. Previously incurred project costs that are eligible for reimbursement are pre-project costs that are associated with planning (i.e., engineering costs) for the eligible broadband infrastructure build-out.

63. The grant application has a table for including the percentages of households and businesses that are unserved/underserved and served. Into what category do mixed-use buildings fall?

Please see page 9 footnote 27 of the NOFO, for the July 2022 Treasury's Project and Expenditure User Guide, specifically pages 37-38 for definitions of residential locations (housing unit) and businesses. <https://home.treasury.gov/system/files/136/July-2022-PE-Report-User-Guide.pdf>

64. How does an ISP get the addresses for the underserved and unserved for an area?

See page 2 of the NOFO. Eligible investment locations will be determined by V2 of the FCC Broadband Map, in alignment with FCC BDC data. The FCC's National Broadband Map allows users to download data reported by providers on the broadband serviceable locations (or BSLs) they serve, and the type of service offered at each BSL. These downloadable data are available by Location ID, which is the unique identifier for each BSL on the map and in the Fabric. Please see the CostQuest link below for further information on how to access the FCC fabric.

<https://www.costquest.com/broadband-serviceable-location-fabric/#how-to-access-the-fcc's-broadband-serviceable-location-fabric>

65. If an ISP has a polygon that includes partial census block data, would the percentage of unserved locations outside the proposed boundary be included in the evaluation and scoring?

See page 4 of the NOFO, and footnote 12 which states "A proposed project area is limited to a county, multiple counties will require separate applications. However, an ISP is not required to cover a county in its entirety." The unserved percentage calculation is based on the data in the proposed project area, not the census block as a whole.

66. Is there a waiver for Tribes to not have to pay the matching funds for the ARPA SLFRF grant?

While there is not an official waiver for tribal entities, per Treasury Guidance, Tribal entities either acting as an internet service provider or partnering with an ISP will receive a preference under the "LOCAL GOVERNMENTS/TRIBAL ENTITIES/ NON-PROFITS/ COOPERATIVES" portion of the scoring criteria.