

# 2022 Rural Infrastructure Improvement Fund Application

## Application Period Opens: September 1, 2022

Issued by  
The Office of Broadband Development

### ✓ Prepare your grant application

- Read this entire application document carefully
- Gather all documentation required
- Follow the format templates to complete the project cover sheet and application body

### ✓ Submit your grant application

- Submit the complete application package at any time.
- By electronic submission to [broadband@ky.gov](mailto:broadband@ky.gov) or
- Applications may be delivered by mail or courier service to the below attention:

COMMONWEALTH OF KENTUCKY  
OFFICE OF BROADBAND DEVELOPMENT  
100 AIRPORT ROAD, THIRD FLOOR  
FRANKFORT KY 40601  
(502) 573-0260  
Email Address: [broadband@ky.gov](mailto:broadband@ky.gov)

### ✓ Confirm receipt of your application

- Email [broadband@ky.gov](mailto:broadband@ky.gov) to confirm each application package was received.

## **1.0 GRANT PROGRAM: PROGRAM INFORMATION & DEFINITIONS**

### **Introduction**

The Office of Broadband Development is implementing a grant program to award up to \$20 million in federal funds from the American Rescue Plan Act's State Fiscal Recovery Fund through Kentucky's Rural Infrastructure Improvement Fund for eligible pole replacement costs related to broadband deployment projects for unserved locations. The program is codified in Kentucky Revised Statutes 224A.1123.

The purpose of the Rural Infrastructure Improvement Fund is to expedite and facilitate the deployment of broadband service to individuals, businesses, agricultural operations, and community access points in unserved locations by reimbursing a portion of eligible utility pole replacement costs incurred by eligible applicants. The Office of Broadband Development has the authority to award grants to assist with pole replacements costs as defined in this document.

The utility pole replacement projects solicited by this application are to assist in the funding of the construction, development, or improvement of broadband infrastructure and provide supplemental funding for recipients of federal government awards, specifically to support the deployment or expansion of broadband networks that will result in broadband service with a minimum speed of 100 megabits per second downstream and 100 megabits per second upstream in unserved areas of the Commonwealth.

### **Funding Availability**

The Rural Infrastructure Improvement Fund Grant Program has received an appropriation of \$20 million through House Bill 315 from the 2022 Regular Session of the General Assembly from the federal American Rescue Plan Act's State Fiscal Recovery Fund. The maximum grant amount is \$5,000 for each pole replaced. The maximum grant funding award cannot exceed 50 percent of the eligible pole replacement costs. Awards under the program will be the lesser of \$5,000 for each pole replaced or 50 percent of the total amount incurred or paid for eligible pole replacement costs.

### **Eligible Applicant**

An eligible applicant for this program is any retail provider that incurs actual and reasonable costs for an eligible pole replacement to accommodate the attachment of facilities to be used, in whole or in part, by a retail provider to provide qualifying broadband service access to residences or businesses within an unserved area.

### **Unserved Area**

Unserved area means any project area where broadband service with a minimum 25 megabits per second downstream and 3 megabits per second upstream is not available.

### **Eligible Pole Replacement**

An eligible pole replacement means the removal of an existing utility pole and replacement with a new utility pole in an unserved area in order to accommodate the attachment of facilities to be used, in whole or in part, by a retail provider to provide qualifying broadband service access to residences or businesses within an unserved area.

## **Ineligible Pole Replacement**

An ineligible pole replacement includes the removal and replacement of a utility pole in order to accommodate facilities used only for the provision of wholesale broadband or data transport service, where the owner of the facilities, or its affiliate, does not use the facilities to provide qualifying broadband services directly to residences or businesses.

## **Eligible Pole Replacement Costs**

Eligible costs mean the actual and reasonable costs paid or incurred to perform an eligible pole replacement; the amounts of any expenditures to remove and dispose of the existing utility pole, to purchase and install a replacement utility pole, or to transfer any existing facilities to the new pole; and/or the costs of reimbursing another party for the costs of performing an eligible pole replacement, when paid or incurred by the person responsible for the costs.

## **Ineligible Pole Replacement Costs**

Ineligible pole replacement costs include:

- Costs paid or incurred to perform an eligible pole replacement by a party who is not responsible for those costs, and which are charged or passed along to the responsible party;
- Costs for which the party incurring or paying the costs separately has received or is entitled to receive reimbursement under the terms of a state or federal grant program for the deployment of broadband facilities; and/or
- The receipt of a state or federal grant where the pole replacement costs, for which reimbursement is requested, exceed the pole replacement costs that were reasonably anticipated at the time of, or on which the amount of, the other support funding was predicated.

## **Qualifying Broadband Service**

Qualifying broadband service means a retail wireline broadband service capable of delivering internet access at speeds of at least 100 megabits per second in both downstream and upstream directions, and with latency at a level sufficient to permit real-time, interactive applications.

## **Pole Owner**

Pole owner means any person or entity that owns or controls a utility pole.

## **Utility Pole**

Utility pole means any pole used, in whole or in part, for any wire communications or electric distribution, regardless of the owner or operator of the pole.

## **Geographic Limits for Each Application**

Each application shall be limited to pole replacements for unserved locations within a single Kentucky county, unless the project is contiguous when crossing into an adjoining county. There is no limit to the number of applications that may be submitted by an applicant.

### **Completed Application**

A completed application must provide all required information. An application is complete only after any further clarifying information that is requested by the Office of Broadband Development is received and deemed satisfactory.

### **Award Amount**

The Rural Infrastructure Improvement Fund Grant Program can award the lesser of: \$5,000 for each pole replaced, or 50 percent of the total amount incurred or paid by the eligible applicant for eligible pole replacement costs.

### **Timing of Eligible Costs Incurred**

Eligible pole replacement costs to be included in a grant application are those that are incurred on or after July 1, 2022, the effective date of the availability of the \$20 million appropriation to the Rural Infrastructure Improvement Fund.

### **Application Filing Window – September 1, 2022 – Continuous Application Process**

The grant application window will open on September 1, 2022 and will end when the funds have been exhausted. Kentucky Revised Statutes 224A.1123(4)(h) requires the Office of Broadband Development to make awards within 60 days of receipt of a completed application establishing the eligibility of costs for reimbursement. Any application pending at the exhaustion of the fund shall be deemed denied but may be refiled if sufficient moneys are later made available in the fund.

## **2.0 GRANT APPLICATION INFORMATION**

### **Grant Application Organizational Format**

- ❖ **Grant Application Cover Sheet**
- ❖ **Part I – Key Project Data**
- ❖ **Part II – Application Funding Request**
- ❖ **Part III – Payment Information Instructions**
- ❖ **Part IV – Grant Assistance Agreement**

## Grant Application Cover Sheet

Items to be included on the grant application cover sheet are important grant application information that are extracted from other portions of the application.

- Applicant's Legal Name:**
  
- Applicant's Unique Entity ID (from SAM.gov-a requirement for the receipt of American Rescue Plan Act's State and Local Fiscal Recovery Funds).** Applicants can go to SAM.gov and get a Unique Entity ID only (no entity registration required). The information required for getting a Unique Entity ID without registration is minimal. It only validates your organization's legal business name and address.
  - <https://sam.gov>
  
- Applicant's Primary Contact:**  
*-Mailing Address, and Location Address if different from Mailing Address, Telephone Number, Email Address*
  
- Vendor Registration Number with the Commonwealth of Kentucky.** To receive a grant award an applicant must have a Vendor Number obtained online through the Kentucky Finance and Administration Cabinet. This Vendor Number is required for the Grantee to receive payments.
  - [Vendor Registration Guide](#)
  - [Link to the Vendor Self Service Site](#)
  
- Utility Pole Replacement Location:** *[brief description of the project area]*
  
- List Community/Communities Served by Project:**
  
- Grant Request Amount:**  
 \$\_\_\_\_\_ *[round to nearest dollar]*  
 \_\_\_\_\_% of total request
  
- Total Number of Utility Poles to be Replaced:**

Total Number of Utility Poles	Total Incurred or Paid Costs	Total Grant Amount Requested

## Part I – Key Project Data

- Applicant’s Name:**
- Applicant’s Unique Entity ID (from SAM.gov-a requirement for the receipt of American Rescue Plan Act’s State and Local Fiscal Recovery Funds).** Applicants can go to SAM.gov and get a Unique Entity ID only (no entity registration required). The information required for getting a Unique Entity ID without registration is minimal. It only validates your organization's legal business name and address.
- Applicant’s Primary Contact:**  
*-Mailing Address, and Location Address, Telephone Number, Email Address*

### Description of Project Area:

Applicant should provide a short narrative paragraph here describing the geographic coverage of the proposed project within a single Kentucky county (a few sentences in length).

### County or City Coverage [also specify communities covered]

Identify the county, cities, and communities that the proposed project covers.

### Total Number of Unserviced Location Passings:

PASSINGS COUNTS	Households	Businesses
<u>Currently UNSERVED</u> Number of passings expected to improve speeds to at least 100/100 Mbps as a result of the project.		

The grant application must attach the Excel spreadsheet accompanying this grant announcement which provides a list of addresses of all unserved locations.

### Method of Determining Unserviced Locations

Describe the method or methods utilized to determine the unserved locations.

## Part II – Application Funding Request

### How much grant money from the Commonwealth of Kentucky is being requested in this application?

Identify whether the application is for the lesser of \$5,000 for each pole replaced, or 50 percent of the

total amount incurred, or paid by the applicant for eligible pole replacement costs. What percent of the total eligible project cost does the grant funding request represent?

**Total Number of Utility Poles to be Replaced.**

Number of Utility Poles at \$5,000	Incurred or Paid Costs	Grant Amount Requested
Number of Utility Poles at 50% of Costs	Incurred or Paid Costs	Grant Amount Requested
Total Number of Utility Poles	Total Incurred or Paid Costs	Total Grant Amount Requested

**Demonstrate that the project in which the utility pole(s) were required to be replaced is capable of delivering internet access at speeds of at least 100 megabits per second in both the downstream and upstream directions.**

This information must be certified by either the manufacturer of the equipment to be utilized, or by a registered Professional Engineer.

**Information sufficient to establish the number, cost, and eligibility of eligible pole replacements that qualify for reimbursement**

The applicant shall submit the Make Ready Engineering detail indicating the number of utility pole replacements required, as verified and approved by the pole owner, and the invoices received or provided by the pole owner that reflect the number of pole replacements and the cost per pole replacement.

**Documentation sufficient to establish that the claimed eligible pole replacements have been completed**

The applicant shall submit a copy of the final as-built detail engineering drawings and photos of the work performed.

**Part III – Payment Information Instructions**

**Grant Award Disbursement**

Grant fund disbursement will be available within 60 days of receipt of a completed application.



## **Part IV –Grant Assistance Agreement**

The Office of Broadband Development shall make grant awards through a Grant Assistance Agreement with the applicant. The applicant must agree to comply with any requirements that the Office of Broadband Development determines to be necessary conditions on federal funding used in connection with the Kentucky’s Rural Infrastructure Improvement Fund Grant Program.

These include, but not limited to:

Agree to refund, with interest at the applicable federal funds rate as specified by KRS 355.4A-506, to the fund, any reimbursements or portions of reimbursements received from the Kentucky’s Rural Infrastructure Improvement Fund under this subsection, if the Office of Broadband Development finds, upon substantial evidence and after notice and opportunity to respond, that the recipient materially violated any of the requirements agreed to under this section.

Agree that no funds awarded by the program will be used to meet any cash match requirement under any other broadband program administered by the Commonwealth or one of its subdivisions.

Agree to submit reports as the Office of Broadband Development may require regarding broadband deployment facilitated by the Kentucky’s Rural Infrastructure Improvement Fund Grant Program, which may include reports demonstrating that an application that has received a federally funded award is meeting or exceeding buildout requirements contained in that award.

Agree to not include in any rates or fees charged for its services any eligible pole replacement costs that were reimbursed by the program, paid for by a broadband provider, or funded by another grant source.

### **3.0 INSTRUCTIONS FOR SUBMITTING A GRANT APPLICATION - TERMS AND CONDITIONS**

#### **Submittal Address**

Applications sent by mail or courier service shall use the below mailing address:

**COMMONWEALTH OF KENTUCKY  
OFFICE OF BROADBAND DEVELOPMENT  
100 AIRPORT ROAD, THIRD FLOOR  
FRANKFORT KY 40601  
(502) 573-0260**

Applicants shall submit one hard copy of the application in Microsoft Word or PDF format plus the completed unserved locations address listing in the Microsoft Excel template with one electronic thumb/flash drive.

Applications sent by email shall include the application in Microsoft Word or PDF format plus the completed unserved locations address listing in the Microsoft Excel template and use the following Email address: **broadband@ky.gov**

The outside cover of the package containing the response to this Application is to be marked:

**2022 Rural Infrastructure Improvement Fund Application  
Attention: Meghan Sandfoss**

## **Application Confidentiality**

Informational areas which normally might be considered proprietary shall be limited to individual personnel data, customer references, selected financial data, formulae, and financial audits which, if disclosed, would permit an unfair advantage to competitors. If a proposal contains information in these areas that an applicant declares proprietary in nature and not available for public disclosure, the applicant shall declare in the Transmittal Letter the inclusion of proprietary information and shall noticeably label as proprietary each file containing such information. Proprietary information shall be submitted separately and identified as "Proprietary Data". Proposals containing information declared by the applicant to be proprietary, either in whole or in part, outside the areas listed above may be deemed non-responsive to any future RFP.

## **Terms and Conditions**

### **Part I - EEO Requirements**

The Equal Employment Opportunity Act of 1978 applies to All State government projects with an estimated value exceeding \$500,000. The Contractor shall comply with all terms and conditions of the Act. <http://finance.kv.gov/services/eprocurement/PadesNendorServices.aspx>

### **Part II - Access to Records**

This application and any award shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884.

### **Part III- Provisions for Termination of the Contract**

Any award resulting from an application shall be subject to the termination provisions set forth in 200 KAR 5:312.

### **Part IV - Disclosure of Violation of Statutes**

Pursuant to KRS 45A.485, contractors are required to reveal final determinations of violation of certain statutes incurred within the last five (5) years and be in continuous compliance with those statutes during the contract. Where applicable, the Contractor is required to complete and submit Report of Prior Violations of Tax and Employment Laws.

### **Part V - Confidential Information**

The applicant shall comply with the provisions of the Privacy Act of 1974 and instruct its employees to use the same degree of care as it uses with its own data to keep confidential information concerning client data, the business of the Commonwealth, its financial affairs, its relations with its citizens and its employees, as well as any other information which may be specifically classified as confidential by the Commonwealth in writing to the applicant. All Federal and State Regulations and Statutes related to

confidentiality shall be applicable to the applicant. The applicant shall have an appropriate agreement with its employees, and any subcontractor employees, to that effect, provided however, that the foregoing will not apply to:

- A. Information which the Commonwealth has released in writing from being maintained in confidence;
- B. Information which at the time of disclosure is in the public domain by having been printed and published and available to the public in libraries or other public places where such data is usually collected; or
- C. Information, which, after disclosure, becomes part of the public domain as defined above, thorough no act of the applicant.

## **Part VI - Limitation of Liability**

The liability of the Commonwealth related to contractual damages is set forth in KRS 45A.245.

## **Part VII - Governing Law**

Any grant award shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky. Any action brought against the Commonwealth on a grant award, including but not limited to actions either for breach of contract or for enforcement of the contract, shall be brought in Franklin Circuit Court, Franklin County, Kentucky in accordance with KRS 45A.245.

## **4.0 LIST OF ATTACHMENTS**

ATTACHMENT A - Address Template Spreadsheet with Unserved Location Information

ATTACHMENT B - Certifications Required by Statute:

Provide a statement outlining that the costs for which reimbursement is requested have not been reimbursed through any other state or federal broadband grant program. If the applicant is a recipient of funding from another program, the statement shall include an explanation of how the costs for which reimbursement is requested exceed the pole replacement costs on which the original award was predicated or that were reasonably anticipated at the time of the original award.

Provide a notarized statement from an officer or agent of the applicant that the contents of the application are true and accurate, and that the applicant accepts the requirements of this section and any promulgated administrative regulations as a condition of receiving an award of program reimbursement.

**[END OF APPLICATION PACKAGE]**