

Municipal Infrastructure Program

Request for Applications



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Contact: MIP@esd.ny.gov using the subject line “MIP RFA”

This Request for Applications (“RFA”) is posted on the Empire State Development website:

<https://broadband.ny.gov/municipal-infrastructure-program>

Applications must be submitted through the New York State Consolidated Funding Application (CFA) Portal: <https://apps.cio.ny.gov/apps/cfa/index.cfm>

APPLICATIONS DUE DATES:

Applications will be accepted according to the phased review schedule referenced in the Application Review Section.

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Overview

Objective

The mission of the New York State Urban Development Corporation d/b/a Empire State Development (“ESD”) is to promote a vigorous and growing state economy, encourage business investment and job creation, and support diverse, prosperous local economies across New York State (“NYS”) through the efficient use of loans, grants, tax credits, real estate development, marketing, and other forms of assistance. To support broadband access for communities across the state, ESD’s ConnectALL Office (“CAO”), offers a Municipal Infrastructure Program (“MIP”) Request for Applications (“RFA”).

Through this RFA, CAO intends to establish the Municipal Infrastructure Program (“MIP”) to support the development of open-access and predominantly publicly controlled last mile fiber broadband infrastructure that will directly connect or facilitate connections to homes, businesses, community anchor institutions, data centers, internet exchange locations, or regional publicly controlled broadband infrastructure to reliable high-speed internet service, using funding from the U.S. Department of Treasury Capital Projects Fund (“CPF”). The objective of this RFA is to improve broadband access in communities across the state facing connectivity challenges due to the lack of affordable, high-speed internet infrastructure.

Background

Program Background

The ConnectALL Initiative, announced by Governor Kathy Hochul in January 2022, is an ambitious set of programs and activities aimed at addressing New York State’s digital divide, transforming the state’s digital infrastructure, and ensuring that all New Yorkers have access to reliable and affordable high-speed broadband internet service. ConnectALL programs are designed and administered by CAO.

The U.S. Department of Treasury has awarded the State of New York \$295.3 million through the American Rescue Plan’s Capital Projects Fund (“CPF”) to support New York’s program to promote municipal broadband network deployments. As part of the ConnectALL Initiative, CAO is establishing the Municipal Infrastructure Program (“MIP”). Through MIP, New York State will fund new last mile deployments to construct new fiber to the premises for thousands of properties statewide.

MIP will fund the infrastructure, and there is openness to consider a variety of models of municipal broadband and public-private partnership, subject to CAO’s discretionary review and approval. CAO expects broadband infrastructure deployed via MIP to be owned or managed by municipalities, state and local authorities, entities established pursuant to Section 99-y of the New York State General Municipal Law, not-for-profit entities, and/or other entities publicly controlled with stipulations on their use that will ensure long-term adherence to CAO standards. MIP will prioritize new public broadband infrastructure that will be made available on an open-access, non-discriminatory basis to private Internet Service Providers (“ISPs”) and Managed Service Providers (“MSPs”) to provide New Yorkers with high-quality, reliable, and affordable service options. MIP will prioritize projects that address unserved and underserved locations and address CAO’s mandate to develop a robust, equitable broadband marketplace. Operating expenses incurred by successful grant applicants will not be eligible for reimbursement pursuant to MIP terms and conditions.

To promote the sustainability and scalability of infrastructure through MIP, CAO will facilitate interconnection to infrastructure networks owned by statewide, regional, and local Public Entities, Municipal Utilities, and Utility Cooperatives; as well as ISPs, MSPs, and Broadband Infrastructure Owners.

This program is informed by:

- The ConnectALL municipal infrastructure pilots launched in 2022 in partnership with the New York Power Authority (“NYPA”), which used multiple approaches to connect hundreds of homes in four communities with newly constructed fiber owned and managed by regional public/nonprofit

infrastructure organizations, namely the Development Authority of the North County (“DANC”) and Southern Tier Network (“STN”), as well as Sherburne Electric, a municipal electric utility.

- Analysis published by the New York State Public Service Commission (“PSC”) in 2022, which indicates that the digital divide remains a significant challenge in New York. PSC’s data show that several thousand locations in the state, in both rural and urban communities, lack access to reliable high-speed service. Further, roughly 40% of served locations in the state only have access to one Internet Service Provider (“ISP”).¹ Previous findings also indicate that broadband affordability and ISP choice are correlated with household income.
- Engagement between CAO and Public Entities, Municipal Utilities, Utility Cooperatives, Broadband Infrastructure Owners, ISPs, MSPs, and broadband network investors. This includes a substantial number of Public Entities that indicated interest in or previous studies that determined the need for publicly controlled fiber networks to address challenges of network availability, performance, affordability, and consumer choice, among other local priorities, and to address digital equity locally.
- Engagement through other ConnectALL programs that indicates lower levels of interest from internet service providers in serving certain parts of counties or regions.

CAO will be the administrator of MIP. As such, CAO, or its duly authorized representative, will determine program structure and requirements, evaluate Applicant information, monitor Grantees for project completion and satisfactory performance, collect Grantee data to ensure compliance with all program requirements and verify allowable uses of funds, and approve disbursement of grant funds to selected Grantees.

Funding Sources

New York State received \$295.3 million in federal funding from the U.S. Department of Treasury through the American Rescue Plan Act to support New York’s program to promote publicly controlled open-access broadband network deployments. The investment comes from American Rescue Plan’s [Capital Projects Fund](#) (“CPF”),² a \$10 billion program designed to address the challenges exacerbated by the COVID-19 pandemic, particularly in rural America, Tribal communities, and low- and moderate-income communities. A key priority of the CPF is to make funding available to help ensure that all communities have access to high-quality modern infrastructure, including reliable, affordable high-speed broadband needed to access critical work, education, and health monitoring services.

Federal funding requirements related to the American Rescue Plan Act require **project construction funded by the Capital Projects Fund to be complete by December 31, 2026.**

¹ <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7B94520887-43D6-45D4-B140-A5CF72CBF708%7D>: New York State Public Service Commission Broadband Assessment Program, “2022 Report on the Availability, Reliability and Cost of High-Speed Broadband Services in New York State,” June 2022.

² <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/capital-projects-fund>

Program Assistance

Grants

MIP makes available financial assistance in the form of grants for use by applicants as defined in **Eligible Applicants**. Funds are available for the eligible uses described in **Eligible Uses**, and for the additional activities to be set forth in the grant disbursement agreement (“GDA”) that CAO will share with, negotiate, and agree upon with Grantees. This Program’s funding comes primarily from the Capital Projects Fund (“CPF”) and, therefore, the State and its Grantees are required to follow the respective compliance requirements of that program, as described under the *U.S. Treasury Guidance for The Coronavirus Capital Projects Fund for States, Territories & Freely Associated States*³, and associated guidance documents, including the Supplementary Broadband Guidance⁴ and FAQs⁵. The State and its Grantees may be required to follow additional compliance requirements of other future program funding sources.

Other Assistance

CAO may provide other forms of non-monetary assistance to improve a MIP project, such as:

- **Facilitation of underground deployment** in feasible areas where poles infrastructure is fully subscribed or otherwise unavailable to Applicants.
- **Make-ready assistance** to facilitate aerial fiber deployment for MIP projects.
- **Coordination with permitting entities** associated with completion of MIP projects.
- **Facilitated access to state assets** including real estate, conduits, fiber, towers, and other assets.
- **Facilitation of public-private partnerships** with internet service providers or investors.
- **Middle mile support** provided through CAO’s collaboration with regional public and nonprofit middle mile providers, to facilitate access to middle mile fiber as part of the creation of MIP.
- **ConnectALL program dashboard** to access information about projects and other public and nonprofit broadband infrastructure: <https://bit.ly/connectall-projects-dashboard>

Eligible Applicants

Eligible Public Applicants, fitting one or more of the following descriptions, may submit applications. Eligible Public Applicants must propose to own the planned infrastructure, in whole or in partnership.

- **Public Entities:** Municipalities, cities, counties, towns, villages, Tribal Nations, state and local authorities, entities established pursuant to Section 99-y of the NYS General Municipal Law, not-for-profit entities; and regional planning boards formed under the provisions of NYS General Municipal Law.
- **Municipal Utilities:** Local government entities, including those established by a municipality as nonprofits, which provide essential services such as electricity, telecommunications, water, sewer, and gas services over municipally owned infrastructure.
- **Utility Cooperatives:** Regulated, nonprofit entities that deliver electricity to their constituent members.

Eligible Private Partner Applicants, fitting one or more of the following descriptions, may submit applications with letters of endorsement from an Eligible Public Applicant. Eligible Private Partner Applicants

³ <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf>

⁴ <https://home.treasury.gov/system/files/136/SLFRF-and-CPF-Supplementary-Broadband-Guidance.pdf>

⁵ https://home.treasury.gov/system/files/136/Coronavirus-Capital-Projects-Fund-FAQs_FINAL.pdf

can have an ownership structure that may be in the form of public-private partnership, private or shareholder ownership, nongovernmental nonprofit, non-utility cooperative, or community trust.

- **Internet Service Providers (ISPs):** Entities providing internet services to consumers, not limited to providers of cable television or telephone services.
- **Managed Service Providers (MSPs):** Entities operating networks and providing service to residents and businesses by using existing internet infrastructure or partnering with construction entities to build networks.
- **Broadband Infrastructure Builders:** Entities that construct and/or deploy open-access broadband infrastructure assets.
- **Broadband Infrastructure Owners:** Entities that own, operate, or hold last mile or middle mile fiber infrastructure.

Eligible Public Applicants may apply in teams with other Eligible Public Applicants and/or with Eligible Private Partner Applicants to fulfill the broadband deployment, operation, maintenance, and end-user ISP roles. In certain instances, CAO may facilitate a match between an Eligible Public Applicant and an Eligible Private Partner Applicants.

Eligible Uses of Funds

Eligible uses for program funding include construction of new infrastructure or acquisition of existing infrastructure under the following categories:

1. Last mile fiber connections to address:
 - Last mile infrastructure: The cabling, wires, necessary pole replacements and make-ready and/or radios that ISPs use to distribute the internet from local Internet Exchanges to network and/or customer endpoints.
 - Drops to a building: The cabling or wires necessary to make the connection from passing fiber or cable on a street pole or in-street conduit into a building structure.
2. Fiber connections to Internet Exchange Points or Data Centers:
 - Middle mile fiber: The fiber to transport internet services to a local Data Center where an Applicant is connecting or facilitating its last mile infrastructure.
 - Networking equipment: The routers, switches, and other equipment necessary to interconnect networks in a Data Center.
 - Connections to Regional Infrastructure: The fiber and equipment to connect networks to each other or to regional infrastructure to increase resilience and maximize long-term operational efficiency and scalability.
3. Acquisition of existing infrastructure assets and related agreements:
 - Acquisition: The purchase of network assets from a public or private entity for incorporation by an Applicant into a Project Area, and related legal agreements.

Ineligible Uses: The program will not fund activities defined as ineligible uses under applicable state and federal law, including the New York State WIRED Broadband Act⁶ and federal guidance for the CPF program, as described in the *U.S. Treasury Guidance for The Coronavirus Capital Projects Fund for States, Territories & Freely Associated States*⁷, and associated guidance documents, including the Supplementary Broadband Guidance⁸ and FAQs⁹.

⁶ https://www.nysenate.gov/legislation/laws/UDA/16-GG*2 | <https://www.nysenate.gov/legislation/bills/2021/S8008>

⁷ <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf>

⁸ <https://home.treasury.gov/system/files/136/SLFRF-and-CPF-Supplementary-Broadband-Guidance.pdf>

⁹ https://home.treasury.gov/system/files/136/Coronavirus-Capital-Projects-Fund-FAQs_FINAL.pdf

Project Requirements

Projects funded through MIP must meet the below requirements. If an applicant would like to request a waiver for any of the requirements based on hardship, then a written justification must be provided to explain the reason(s) for the hardship and the corresponding inability to comply with the requirement.

For all Applicants, the minimum requirements are as follows:

- **Form of public ownership or other public control of infrastructure until December 31, 2034 that meets CAO standards:** CAO anticipates applicants offering ESD an Indefeasible Rights of Use (IRU) Agreement to use all or a portion of the infrastructure.
- **No duplication of federal or state funding:** Projects already receiving funding from other federal or state sources are not eligible for MIP funding for the same activity.
- **Project readiness:** Applicants should demonstrate ability to complete projects in the required time.
- **Applicant capability:** Applicants should demonstrate ability to meet reporting and compliance requirements, present a sound plan for mitigating project risks (such as costs and timeline implications for make-ready and licensing), and establish sound business and operational assumptions (e.g., identifying realistic project scopes, take rates, and cost assumptions, among others).
- **Reliable delivery of high-speed internet service that meets the Minimum Performance Requirements** (specified in Table 1): Projects must deliver or facilitate reliable service at speeds of at least 100 Mbps symmetrical and also meet the minimum performance requirements that are described in the below table. All projects must include at least one service option.
- **Affordable Pricing:** Applicants shall offer or facilitate a Broadband Service of symmetrical 100 Mbps Download/Upload speeds) at a cost to residential customers that is generally below the costs for other residential service in the area. Applicants must also participate in federal programs like FCC's Affordable Connectivity Program (ACP) or any successor program that provides low-income consumers with subsidies on broadband internet access services.
- **Interconnection with the publicly controlled infrastructure assets:** Projects should demonstrate how and where interconnections with publicly controlled infrastructure will occur or explain why it is not feasible in the project area.
- **Open-access connectivity with transparent rates:** Projects with non-public ownerships that may receive MIP funding must be operated and maintained as an open-access network with transparent rates by the Grantee for a period of at least 10 years from commencement of service, or another term approved by CAO.

Overall budget request: CAO intends to limit any individual grant award under the Municipal Infrastructure Program to a maximum of \$30 million. Applicants are encouraged to break larger projects into components to be under the \$30 million threshold. If a project cannot be segmented into multiple projects under the threshold, Applicant may submit a written request with justification for a waiver to exceed the threshold for a single project. Individual grant awards for Phase 4 projects are anticipated to be under \$10 million.

Federal and State Requirements: Applicants must follow all the requirements listed in the federal guidance for the CPF program, as described in the *U.S. Treasury Guidance for The Coronavirus Capital Projects Fund for States, Territories & Freely Associated States*¹⁰, and associated guidance documents, including the Supplementary Broadband Guidance¹¹ and FAQs¹², as well as the *New York State WIRED Broadband Act*¹³. In case of conflicting requirements, the more stringent requirements will precede.

¹⁰ <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf>

¹¹ <https://home.treasury.gov/system/files/136/SLFRF-and-CPF-Supplementary-Broadband-Guidance.pdf>

¹² https://home.treasury.gov/system/files/136/Coronavirus-Capital-Projects-Fund-FAQs_FINAL.pdf

¹³ https://www.nysenate.gov/legislation/laws/UDA/16-GG*2 | <https://www.nysenate.gov/legislation/bills/2021/S8008>

Minimum Performance Requirements

CAO requires all infrastructure to be capable of supporting retail broadband service that meets the minimum performance requirements specified below in Table 1.

Table 1: Minimum Performance Requirements

Performance Criterion	Requirement	Measurement Method
Minimum speed available to subscriber	100/100 Mbps	Measure using traffic generation software or other industry standard testing software or hardware
Latency (round trip ping time from user premises to core site router)	< 20ms	Measure using ping test generated via command line or industry standard testing software or hardware
Average outage time per subscriber	Less than 48 hours over any 365-day period	Measure using dashboard real-time network monitoring software
Network availability	99.5% of the time over a one-month period	Measure using dashboard real-time network monitoring software
Other criteria	No data caps or usage-based throttling	Measure using traffic generation software or other industry standard testing software or hardware

Network Design Requirements

Wireline Network Design

For wireline-based solutions, the Applicant must design a comprehensive wireline network with sufficient availability and capacity to serve all subscribers at a minimum speed of 100 Mbps downstream and 100 Mbps upstream (100/100). The selected Applicant must further develop the proposed design to achieve the level of detail required for implementation.

Alternate Network Designs

For alternate network solutions that provide sufficient availability and capacity to serve all subscribers at a minimum speed of 100 Mbps downstream and 100 Mbps upstream (100/100), the Applicant must explain why a wireline-based solution is not feasible for the properties the Applicant proposes to serve. The Applicant's proposed network design must serve each served location with the required throughput and capacity. The selected Applicant should further develop the proposed design to consider future growth in consumer demand and how upgrades would be performed to deliver higher performance levels (e.g., symmetric 1 Gbps).

Customer Premises Equipment

Applicants providing retail service must provide customer premises equipment ("CPE") to all end-users to connect the location to the Applicant's network that is providing the internet access service and to interface multiple end-user devices via wired Ethernet and wireless Wi-Fi connections inside the premises. The CPE must meet the specifications in Table 2: Minimum CPE Specifications below. Both indoor and outdoor CPE types will be acceptable, although solutions that are more aesthetically pleasing and that require less expensive efforts to install are desirable.

If the Applicant proposes an indoor CPE configuration, it must have an integrated modem, antenna, and Wi-Fi router. If the Applicant proposes an outdoor CPE configuration, it must have an outdoor antenna that connects to an indoor access point with a Wi-Fi router. Proposed CPE model(s) must deliver 100/100 Mbps to each household and meet or exceed all minimum specifications and requirements.

Applicants must manage the CPE, and as necessary troubleshoot, repair and/or replace CPE that is not operating properly.

Applicants must streamline and automate the setup and installation of the service for customers to the maximum extent possible while ensuring a high success rate. Applicants must be equipped to efficiently onboard customers, with a maximum lead time to install of 10 business days.

Applicants must professionally install CPE and associated materials when necessary, or otherwise provide a customer-friendly self-installation kit when professional installation is not necessary.

Table 2: Minimum CPE Specifications

Element	Specification
Power	Outdoor must be Power-Over-Ethernet (PoE) Indoor must plug into a standard AC 15-amp outlet
User Interface	Wi-Fi 802.11ac or better Ethernet
SSID	A minimum of two SSIDs must be supported Ability to provide a splash page to support guest hot spot connectivity
Routing	Able to redirect DNS to CIPA-compliant servers even if client device is configured to outside DNS
Filtering	Support for MAC OUI filtering with vendor masking support for bandwidth management via URL/IP locking Able to generate event logs accessible via a remote portal
Additional Management	Over the air (remote) flash of configuration and device software Temperature sensor of device Able to remotely disable services on CPE Support group policy changes vs. requiring individual device configurations
Logs	Maintain a log of all historically connected devices

Application Content and Scope of Services

Applicants shall deliver a unique Application containing all the required information detailed in the sections below as well as abiding by the requirements of this RFA. If an Applicant is submitting or is represented with multiple Applications, the Applicant should indicate the other Applications it has submitted or in which it is represented.

Applications shall include the following sections:

1) **Project Summary** [Not to exceed two pages]

Provide a summary of the following key points of the project including the list of applicants and any eligible partners, list of proposed project areas with a percentage of unserved and underserved locations, total miles of proposed new fiber construction, brief overview of the proposed project approach, proposed infrastructure ownership model, approach for sharing the newly built infrastructure as open-access or reserved for exclusive use, and total project budget with the amount requested from MIP grant funds.

2) **Applicant Profile**

- a) Type of entity for the lead Applicant. Choose one and specify:
 - Eligible Public Applicant
 - Eligible Private Partner Applicant
 - Specify your entity type
- b) Expected infrastructure ownership structure. Choose one and specify:
 - Public (from list of Eligible Public Applicants)
 - Public-Private Partnership
 - Private (only from list of Eligible Private Partner Applicants)
 - Specify the entity or entities and entity type that will ultimately own the proposed infrastructure.
- c) Applicant partners including a brief profile and role of each. Applicants that represent joint ventures or partnerships must clearly identify all partners and their roles on the project and indicate the lead entity and primary contact for their application.
- d) Brief description of operating model, specifying whether and how the infrastructure will be used by one or more internet service providers and what will be required of those ISPs.
- e) Key leadership of each entity and/or an organizational chart with their contact details.
- f) Demonstrated stable financial and managerial capacity
 - Eligible Private Applicants should provide three years of audited financial statements.
 - Managerial capability is expected to be comprehensive and robust and demonstrate a commitment to long-term success of the project well beyond the period of construction.
- g) Current staffing capacity.

3) **Experience and Relevant Qualifications**

- a) The Applicant team's experience in planning, project managing, delivering, and/or operating broadband infrastructure. Experience in other forms of infrastructure, such as power, water, wastewater, roads, or other, will be considered, but the Applicant should then be partnered with or prepared to contract with another entity that has broadband experience, or should explain how it will do so.
- b) Ability to mitigate cost and timeline risks to deployment
 - For aerial fiber: anticipated costs associated with control of poles, or partnerships with pole owners for accelerated pole make-ready, replacement, and licensing.
 - For underground fiber: Pathway to receive expedited permitting for right-of-way (ROW).
- c) Compliance history, including experience with grants, following regulations, permitting, reporting, and responsiveness to information requests. If previously awarded a publicly-funded grant, then the

Applicant is required to describe and indicate whether any public funding or loans have been suspended, paused, or rescinded at any time due to lack of performance or compliance with program rules or applicable laws.

- d) Indicate your capacity and processes, for adhering to quarterly reporting requirements CAO must make to the Treasury.
- e) Current or previous participation in the Affordable Connectivity Program (ACP) or other public subsidy programs.
- f) Demonstrated base of operations and capability in New York that is local to planned work
- g) Share two case studies of relevant past work done by the Applicant or team, with preference to work conducted in New York State. Include reference to adhering to relevant state and federal regulations. Case studies shall be brief and include the following for each:
 - Number of addresses served
 - Number of businesses subcontracted
 - Route miles constructed, and costs incurred by category (e.g., make-ready, permitting, engineering/design, labor, construction)
 - Description of the technology deployed and why it was the appropriate choice for the project
 - Service level commitment offered
 - Advertised download speed in megabits per second
 - Advertised upload speed in megabits per second
 - Monthly, non-promotional price for each service offered over the funded infrastructure
 - Specifications of signal latency and service reliability parameters
 - Descriptions of any delays or changes made to project timeline

4) Approach and Scope of Services

- a) Describe the broadband infrastructure project and the specific geography and locations it would service (the "Project Area"). Describe the needs of the Project Area relative to its level of broadband service, wealth and income profile, and address any patterns of non-investment or past challenges due to existing levels of broadband service.
- b) Provide a list of locations the project will serve:
Fill out the "MIP Location Data" tab of the MIP RFA Templates file
 - Provide all available location data such as FCC Location ID, address, and latitude/longitude for each location
 - Indicate which locations are Unserved, Underserved or Served
 - Business, Residential or Mixed
 - Community Anchor Institutions
 - Other (data centers, internet exchange locations, regional publicly controlled broadband infrastructure interconnection points)
- c) Business Model Proposal that includes, at minimum, the following information:
 - Total cost of the project
 - Funding sources and share, including the MIP grant request, any state and federal funds earmarked for the Project Area, and/or any private investment
 - The Applicant's access to capital to address any potential debt or operating revenue shortfalls
 - Total miles of new fiber construction
 - Service pricing (household, retail, enterprise, wholesale)
 - Number of passings
 - Take-rate projections for the first five years
 - Break-even take-rate to cover the Operations and Maintenance (O&M) costs
 - Revenue sharing model
 - Minimum duration of shared public ownership for public-private partnership
- d) Clearly identified financial assumptions and the methodology for determining cost estimates, including design, engineering, permitting, labor and material for construction, electronics, and testing.

- Project Budget using the “MIP Budget Template” tab of the MIP RFA Templates file to provide the estimated total project cost
 - Total MIP funding requested
 - Methodology for determining cost estimates, including design, engineering, permitting, labor and material for construction, electronics, and testing
 - Efforts to keep costs reasonable and competitive
- e) For acquisitions, describe the age and remaining useful life of infrastructure.
- f) Deployment plan and timeline
- Time to first connections.
 - Time to project completion.
- g) Work that has been done to date in developing the project and explain why this grant is necessary to advance the Applicant’s project to implementation.
- h) Open-access network offering with transparent pricing or other approach to shared use of the infrastructure.
- i) Risk mitigation plan.

5) Network Design

- a) Complete or close to complete network design.
- b) Network architecture, including:
- Network elements (both active and passive)
 - Connectivity to the internet backbone
 - Delivery to each served address with the required throughput and capacity
 - Engineering decisions required to achieve service speeds and latency, such as:
 - Backhaul connectivity
 - Head end deployment
 - Core network electronics
 - Fiber capacity and strand counts on each segment of the network
 - Maximum line speed at the premises
 - Oversubscription ratio
 - Split ratios
 - Splice points
 - Drop installation
 - In-unit termination specification
 - CPE or router model and capabilities (including Wi-Fi interface)
- c) Maps and address lists indicating the fiber routes and accompanying infrastructure (e.g., poles and huts) that the MIP grants would fund. Include a list of publicly controlled assets the project may use to support deployment. Include a .kmz or shapefile of the proposed routing with clearly defined layers for the various types of infrastructure and any other information relevant to the design, including:
- Fiber routes and segment types (backbone, distribution, etc.)
 - Installation method (direction bore, micro-trenching, etc.)
- d) Explain whether the network is completely fiber, and if not, then describe what percentage of the network is another medium and explain what engineering decisions or other factors led to that design.
- e) Identify any connections to existing publicly controlled middle mile and/or last mile infrastructure assets.
- f) State whether existing infrastructure would be integrated into the design.
- g) Describe performance metrics of your proposed network, including the speeds, latency, average outage, network uptime, and existence of data caps or throttling.

6) Service Quality and Affordability

- a) Describe what services and products will be offered to end-users by Applicant, and pricing for services and products, including completing the “MIP Service Tiers and Pricing” tab of MIP RFA Templates file.

- Include description of service tiers, speeds, and pricing, inclusive of all taxes and fees.
 - Indicate price for a service tier of 100 Mbps symmetrical upload and download speed
 - Indicate price for a service tier of 1 Gbps symmetrical upload and download speed
 - Indicate price, upload speed, and download speed for a product at or below \$30 per month, if such a price point is planned
 - Include description, including service speeds and means of delivery, of any free service tiers or free introductory periods, if available.
- b) Describe plans to market the service to customers and plans to work with customers to enroll
 - c) Describe the customer service and support plan, including channels, hours of operations, multi-lingual capabilities, human interaction vs. automated, etc.
 - d) Describe how Applicant will ensure long-term, high-quality connectivity and support for residents, including a proposed Service-Level Agreement.
 - e) Describe how proposed project will comply with net neutrality principles (including no blocking, no throttling, no unreasonable discrimination in the transmittal of lawful internet traffic, no paid prioritization).
 - f) Describe how the proposed project will protect the privacy and cybersecurity of residents and other end-users.

7) Digital Equity Impact, Workforce Development and Diversity Practices

- a) Multilingual Community Engagement Requirement.
- b) Adoption of support programs and outcomes.
- c) Outreach targets.
- d) Plan to provide devices, skills and safety trainings, or other support (for infrastructure partners retaining ownership, describe requirements for potential service providers using the infrastructure).
- e) Accessibility for people with disabilities (for infrastructure partners retaining ownership, describe requirements for potential service providers using the infrastructure).
- f) Free community Wi-Fi (for infrastructure partners retaining ownership, describe requirements for potential service providers using the infrastructure).
- g) Projected economic development and job creation impacts.
- h) Current practices align with NYS “good job” definitions and safety standards by committing to appropriate policies and investments to recruit, train, hire, retrain, and upskill a diverse workforce, particularly local workers and/or workers from historically disadvantaged communities, into good jobs that pay the prevailing wage (see Appendix B).
- i) Depth of workforce development programs and partnerships.
- j) Intent to hire additional employees if the Applicant is selected to be a Grantee. Please update the “MIP Workforce Development” tab of the MIP RFA Templates file.
- k) Current employee engagement strategy as it relates to ensuring good jobs for the Applicant’s employees.

8) Letters of Commitment

- a) Describe the interest of one or more eligible partners and vendors to support the project. Detail any specific commitments that have been made.
- b) Include documentation that the project will deliver or facilitate last mile service. Documentation can include Letters of Intent or Commitment to operate on the network from one or more ISP, indicating details of the ISP’s planned technology approach and demonstration of a currently functional network meeting CAO requirements elsewhere. Other supporting documentation may include letters of endorsement from ISP(s) currently operating on infrastructure built by the applicant elsewhere, and documentation from an operator using infrastructure built by the Applicant to host ISPs that meet CAO’s service requirements.
- c) Letters of commitment demonstrating workforce development and/or digital equity partnerships.

9) Acknowledgement of Requirements

- a) Applicant acknowledges it will meet all Project Requirements.
- b) Applicant acknowledges it must submit a performance report to the State, if selected to be a Grantee.
- c) Applicant acknowledges review of and compliance with addenda to this RFA. CAO reserves the right to amend the requirements.

Application Review

Upon receipt of applications, CAO will review applications for eligibility, completeness, quality, readiness, and conformance with these guidelines. Applications shall be processed in full compliance with the applicable provisions of federal and state law, including 16-GG*2 of the New York State Urban Development Corporation Act¹⁴.

Entities that apply as a team must indicate the lead entity and a primary contact in their applications. Applicant Teams shall clearly identify the participants, members, or partners in each partnership and/or joint venture that the application addresses. The response should also indicate the responsibilities of each member of the Applicant Team.

It is anticipated that this RFA will result in multiple grant recipients to maximize the utilization of New York's CPF award.

Following the evaluation of the proposals based on the requirements listed under **Project Requirements**, CAO will score the projects based on the following evaluation criteria for further due diligence.

Application Evaluation Criteria

	Criteria	Scoring Weightage
A	Applicant Profile	7 %
B	Experience and Relevant Qualifications	18 %
C	Approach and Scope of Services	42 %
D	Network Design	16 %
E	Service Quality and Affordability	9 %
F	Digital Equity Impact, Workforce Development and Diversity Practices	3 %
G	Letters of Commitment	5 %
	Total	100%

Grantee Selection Criteria and Timeline

CAO will accept applications to this Program on a phased basis, as described in the chart below, until the available funds are committed or until CAO pauses or closes the RFA. Phase 1 and Phase 2 are only open to Eligible Public Applicants. CAO reserves the right to modify the schedule or add phases in order to meet the goals of the program and the timeline required by the Treasury's Capital Projects Fund.

Respondents are encouraged to submit applications as soon as they are able. An award is not assured until it is final. Applicants that intend to address any unserved and underserved locations with their proposal are strongly encouraged to apply by the Phase 1 application due date. Phase 1 proposals that do not have a final award may be superseded by proposals in Phase 2 that receive higher scores. Phase 1 and Phase 2 proposals will be prioritized over proposals received in Phase 3. The acceptance of proposals in any phase does not guarantee that any eligible applicant will receive an award.

¹⁴ https://www.nysenate.gov/legislation/laws/UDA/16-GG*2 | <https://www.nysenate.gov/legislation/bills/2021/S8008>

Application Phase	Eligible Applicant	Application Due Date
Phase 1	Eligible Public Applicants	March 8, 2024
Phase 2	Eligible Public Applicants	April 19, 2024
Phase 3	Eligible Public and Private Applicants	August 12, 2024
Phase 4	Eligible Public and Private Applicants	April 25, 2025

CAO will evaluate the applications according to the evaluation criteria put forward in the RFA and based on the information provided in the applications (see Application Content and Scope of Services). Based on the availability of funds, CAO will deem the highest scoring proposals to be conditionally approved.

CAO will confer with the Conditional Awardees to improve the proposal, reduce risk (e.g., to on-time project completion), and ensure compliance with all program requirements. A conditional award or conditional award conference is not a guarantee of a grant award.

Milestone	Date
RFA issued	January 22, 2024
MIP Information Session	February 1, 2024
Phase 1 application submission due date	March 8, 2024
Anticipated notification of Phase 1 applicants' conditional eligibility	April 22, 2024
Anticipated incentive proposal execution for Phase 1 awardees	May 24, 2024
Phase 2 application submission due date	April 19, 2024
Anticipated notification of Phase 2 applicants' conditional eligibility	June 17, 2024
Anticipated incentive proposal execution for Phase 2 awardees	July 5, 2024
Phase 3 application submission due date	August 12, 2024
Anticipated notification of Phase 3 applicants' conditional eligibility	September 26, 2024
Anticipated incentive proposal execution for Phase 3 awardees	October 28, 2024
Phase 4 application submission due date	April 25, 2025
Anticipated notification of Phase 4 applicants' conditional eligibility	May 23, 2025
Anticipated incentive proposal execution for Phase 4 awardees	June 27, 2025
Target: MIP projects 50% completed	December 31, 2025
Target: MIP projects 100% completed	December 31, 2026
<i>All RFA schedule descriptions and dates are tentative and subject to change.</i>	

MIP Information Session: The State held a MIP Information Session via Webinar on February 1, 2024. For Phase 4, the State will hold another MIP Information Session via Webinar on April 3, 2025. All parties interested in responding to this RFA are encouraged to attend. The State will review the RFA process and clarify the terms of the RFA. Potential Applicants are encouraged to send questions to MIP@esd.ny.gov three days prior to the webinar. Anything stated at this MIP Information Session is not intended to change the solicitation document. Any changes will be in writing in the form of an addendum issued by CAO posted on the website: broadband.ny.gov.

Agreement Terms

As a condition of the grant award, CAO and the Grantees will enter into a Grant Disbursement Agreement ("GDA"), which will outline the program's stipulations in compliance with CPF and penalties for failures to comply. In cases of grant awards made for infrastructure with open-access and long-term public ownership terms, the GDA will outline the relevant terms a Grantee must follow.

The financial structure of the GDA may differ based on each Grantee (or subrecipient), the agreed upon scope of work, the regional variation in costs associated with the Project, and the pricing of the work in relation to market fluctuations as best as the pricing can be understood in advance of the work execution. Project cost estimates must be established based upon the federal cost principals or other pricing information as a guide (if adequate cost, historical, or unit pricing data is available to establish a reasonable estimate of actual cost). The Grantee may be required to enter into use agreements with asset-owning or -controlling public entities to support infrastructure deployment.

The anticipated terms of the grant agreements awarded will range, including start dates beginning May 2024 with terms until the final month of the CPF Program. Payments are expected to be made in the form of reimbursement of expenses at agreed upon project milestones that meet specific project requirements. The final portion will be due upon CAO's site inspection and approval of the subgrantee's verification of substantial completion and verification of completion of the project. Operating expenses incurred by successful grant applicants will not be eligible for reimbursement pursuant to MIP terms and conditions.

All grant agreements shall be subject to the U.S. Code of Federal Regulations Title 2, Part 200 including uniform guidance for fixed fee subrecipients, establishment of reasonable cost and pricing data, submission of audits (single and program), and administrative processes including cost-reimbursement. Additionally, the U.S. Treasury issued supplemental guidance on the applicability of the uniform guidance pertaining to broadband infrastructure, specifically regarding retention of federal interest in property (broadband infrastructure) through 2034, allowance of retention of income, cost principles, and audit and monitoring, which will be applicable to all agreements.¹⁵

Grantees selected to deploy infrastructure in their Project Areas will be responsible for coordinating directly with Address owners or their representatives to determine an agreed-upon project deployment schedule, secure access to facilities for installation work, and liaise with residents to ensure access to residential units as needed for installations.

CAO may provide a separate set of terms for long-term quality and use of broadband to provide affordable service in the form of Service-Level Agreements ("SLAs") between the Grantee and end-users. The SLA outlines the terms for service speed, uptime, latency, privacy, and customer service offerings, in accordance with CAO's service performance expectations.

Respondents must submit a fee and contracting structure that ensures competitive pricing, compliant with all applicable laws and regulations. A not-to-exceed (NTE) amount will be established as part of the contract negotiations. However, CAO reserves the right to select any payment structure that is in the State's best interest. Grantees providing retail ISP services will be required to participate in the [Affordable Connectivity Program \("ACP"\) federal subsidy](#). Grantees will be required to represent their commitment to the GDAs and to provide a copy of their provider enrollment verification for CAO's review. Grantees will be required to certify their continued participation in the ACP in regular reporting to CAO.

¹⁵ <https://home.treasury.gov/system/files/136/SLFRF-and-CPF-Supplementary-Broadband-Guidance.pdf>

Appendices

Appendix A: Non-discrimination and Contractor Diversity

Appendix B: Labor Requirements

Appendix A: Non-discrimination and Contractor Diversity

Pursuant to New York State Executive Law Articles 15-A and Article 3 of New York State Veterans' Services Law, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of New York State certified minority-and women-owned business enterprises (MWBEs) and service-disabled veteran-owned businesses (SDVOBs) in the performance of ESD projects. The Office of Contractor and Supplier Diversity has reviewed the project and has determined that, since this is a federally funded project, MWBE and SDVOB participation goals need not be applied to this project.

While no specific MWBE participation goals have been set for this project selected respondents shall be required to acknowledge and adhere to ESD's Non-Discrimination and Equal Employment Opportunity ("EEO") policy (<https://esd.ny.gov/sites/default/files/OCSD-1-Policy-Statement.pdf>).

Appendix B: Labor Requirements

CAO will ensure full compliance with federal and State labor and employment laws with respect to its MIP-funded projects.

Federal Labor Standards

Compliance with federal fair labor practices, including federal laws for minimum safety, wage, anti-discrimination, and other workplace standards, will be a critical component of MIP applicant evaluation and scoring.

Applicants will be required to provide:

- 1) Certification from an Officer/Director-level employee, or an equivalent, of consistent past compliance with federal labor and employment laws on broadband deployment projects in the last three years, including:
 - a) Certification that the prospective grantee, as well as its contractors and subcontractors, have not been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, or any other applicable federal labor and employment laws for the preceding three years; or disclosure of any findings of such violations
 - b) New entrants without a record of labor and employment law compliance will be permitted to mitigate this fact by providing specific, forward-looking commitments to strong labor and employment standards and protections with respect to MIP-funded projects
- 2) Details on how the potential grantee will ensure that its own practices, as well as those of its contractors and subcontractors, continue to remain fully compliant with federal labor and employment laws, including:
 - a) Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of broadband infrastructure
 - b) Plans for implementation of workplace safety committees authorized to raise health and safety concerns, including whether workers will be permitted to create worker-led committees that management meets with to ensure compliance
 - c) Confirmation that the grantee will recertify compliance annually for the duration of MIP implementation

State Labor Standards

New York State has some of the highest labor standards and protections in the country. CAO's objective is to ensure that all New York workers are protected by labor standards that ensure a fair workplace with a proper wage. Compliance with State fair labor practices will be a critical component of applicant evaluation and scoring.

Applicants will be required to provide:

- 1) Certification from an Officer/Director-level employee, or an equivalent, of consistent past compliance with New York State labor and employment laws in the last three years, including relevant policies on paid sick and family leave, workplace health and safety (including the NY HERO Act and Emergency

Preparedness Law¹⁶, workplace discrimination and harassment (including the New York State Human Rights Law¹⁷, wages and hours, retaliation protections, and employment of minors. Information to be submitted will include:

- a) Certification that the prospective grantee, as well as its contractors and subcontractors, have not been found to have violated New York State labor and employment laws for the preceding three years; or disclosure of any findings of such violations
- b) New entrants without a record of labor and employment law compliance will be permitted to mitigate this fact by providing specific, forward-looking commitments to strong labor and employment standards and protections with respect to MIP-funded projects
- 2) Details on how the potential grantee will ensure that its own practices, as well as those of its contractors and subcontractors, continue to remain fully compliant with State labor and employment laws, including:
 - a) Confirmation that the grantee will recertify compliance annually for the duration of MIP implementation
- 3) Discussion of the grantee's track record and commitment to maintaining high standards of workplace safety and training, including:
 - a) Certification of compliance with relevant safety standards, including the National Electrical Safety Code
- 4) Details on the potential grantee's other labor practices, including:
 - a) Confirmation that all staff employed on MIP-funded projects will be paid prevailing wages and benefits, in accordance with the New York State Labor Law
 - b) The anticipated size of the workforce required to carry out the proposed work, including details on whether full- or part-time staff will be used
 - c) Discussion of current and planned future approach to project labor agreements

CAO will work closely with its colleagues at the New York State Department of Labor (DOL) to support grantees in navigating State requirements, and to ensure compliance. Should a grantee not abide by State labor standards and protections, CAO will consider termination of the contract, and pursue violating employers as appropriate.

Mandatory Grantee Commitments

CAO will require grantees to pay prevailing wages and benefits (Pursuant to Chapter 31, Article 8, Section 224-E of New York State's Labor Law, as amended by the New York State WIRED Broadband Act (2022)). Under New York State Labor Law, contractors and subcontractors must pay the prevailing wage to all workers under a public work contract; DOL ensures compliance, except on projects led by the City of New York, for which the Office of the New York City Comptroller ensures compliance. DOL sets prevailing wage rates annually on a county-by-county basis. Applicants will be expected to provide information in the application on current and planned wages and benefits, including a certification that all staff employed on MIP-funded projects will be paid prevailing wages and benefits.

CAO will additionally require the use of an appropriately skilled and credentialed workforce, and applicants will be required to commit to this in their applications. Applicants will be required to provide information on current and planned future practices regarding training, certification, and licensure, as well as the applicant's internal policies and controls to ensure that staff have and maintain appropriate credentials to complete the planned work.

Applications will become binding commitments upon subgrant award, and applicants will be required to submit annual labor compliance certifications, subject to regular reviews to ensure ongoing compliance. CAO,

¹⁶ "Health and Safety Precautions for Worksites." New York State Department of Labor, <https://dol.ny.gov/ny-hero-act>.

¹⁷ "New Workplace Discrimination and Harassment Protections." New York State Division of Human Rights, <https://dhr.ny.gov/new-workplace-discrimination-and-harassment-protections>.

in consultation with its DOL colleagues, will investigate failure to meet such standards, including potential end of the contract. To encourage public confidence in the program, applicants' disclosures responding to labor standards criteria will be publicly available on CAO's website.

Required Submissions

CAO will include workforce development requirements in its solicitations to elevate and expand the creation of an equitable workforce as a critical component of meeting the goals of New York State. The aim of CAO's solicitations will be to ensure that a grantee's current and proposed practices align with New York State's goals of creating high-quality, safe jobs and ensuring in-depth workforce development programs in partnership with unions, other workforce training providers, and community-based organizations.

Applicants will be required to share a workforce development plan demonstrating their commitment to recruit, hire, train, and retain a diverse and skilled workforce into good jobs, particularly local workers and/or workers from historically underrepresented communities. CAO's solicitations will include information on existing New York State programs available to support employers with costs of training, wraparound services, and recruitment, including ESD's Pay for Performance Grant Program¹⁸.

Applicants will be required to provide the following information:

- 1) A plan to ensure that the project workforce will be appropriately skilled and credentialed, including:
 - a) Discussion of current and planned future practices regarding training, certification, and licensure
 - b) Internal policies and controls to ensure that staff have and maintain appropriate credentials to complete the planned work
- 2) Details on the potential grantee's labor practices, including:
 - a) Details on union status of the workforce
 - a) Discussion of current and planned future practices regarding using a directly employed or subcontracted workforce
 - b) Details on current and planned future practices regarding subcontracting, and details on any specific planned contractors or subcontractors who the grantee would engage to carry out proposed MIP work
- 3) If the grantee's workforce (or that of its contractors or subcontractors) is not unionized, the grantee must also provide:
 - a) Job titles and size of the workforce required to carry out the proposed work and the entity that will employ each portion of the workforce
 - b) For each job title, a description of safety training, certification, and/or licensure requirements, including whether there is an in-house training program with established requirements tied to certifications or titles; and information on the professional certifications and/or in-house training in place
- 4) Details on the applicant's workforce development practices, including:
 - a) Discussion of current and planned future partnerships including, but not limited to: labor unions, workforce training and development organizations, State and local workforce boards, educational institutions, community-based organizations, or others
 - b) Details on current and planned future recruitment and hiring practices, especially those that maximize use of local or regional workforce
 - c) Description of current and planned future efforts to diversity talent pipelines from underrepresented and/or underserved communities, including any statewide, regional, or local partnerships in place to support recruitment and hiring

¹⁸ "Pay for Performance Grant Program: Operating Grants," *supra*.

- d) Discussion of job quality considerations as part of the applicant's workforce development strategies
- e) Description of employee engagement efforts, including any reference to diversity, equity, inclusion, and access efforts and organizational culture
- f) Documentation of communications with workers and worker representative organizations regarding labor laws, fair labor standards, the formation of worker-led health and safety committees, and workforce development (e.g., sample emails, copies of posters, worker surveys, etc.)
- g) Description of current and planned future workforce training (e.g., in-house training, vocational training, apprenticeships, pre-apprenticeships, or other "earn and learn" opportunities)
- h) Details on current or future planned efforts to support talent with wraparound services and/or stipends including transportation benefits, childcare subsidies, or other similar measures
- i) Current and planned future practices regarding public disclosure of workforce plans and labor commitments on a website or online portal
- j) Letter(s) of commitment, if available, from partner organization(s) that demonstrate(s) applicant's current engagement, or future intent to engage, with partner(s) on workforce development (e.g., through advising on curriculum or program design, providing program funding, interviewing talent, hiring talent, building an apprenticeship or other program, or upskilling existing workers). Letters can be from labor unions, workforce development organizations, State and local workforce boards, educational institutions, community-based organizations, or other relevant organizations

Workforce development plans and partnerships will be a factor in the evaluation of applicants and grantees will be held accountable to the high standards articulated in their proposals.

Document Change Log

Version	Date Published	Summary of Changes
1.0	January 22, 2024	Initial publication
1.1	February 13, 2024	<ul style="list-style-type: none"> Added document header and footer Updated “Project Requirements” section as follows: <ul style="list-style-type: none"> Added the date “December 31, 2034” until which the “Form of public ownership or other public control of infrastructure” must be maintained at a minimum. Under “Affordable Pricing”, added “Applicants must also participate in federal programs like FCC’s Affordable Connectivity Program (ACP) or any successor program that provide low-income consumers with subsidies on broadband internet access services”. Under “Open-access connectivity with transparent rates”, updated the period for operating and maintaining the network as open-access from “at least 5 years” to “at least 10 years”.
1.2	May 13, 2024	<ul style="list-style-type: none"> Updated “Application Review” section as follows: <ul style="list-style-type: none"> Extended Phase 3 application dates by three weeks: <ul style="list-style-type: none"> Phase 3 application submission due date changed from June 7, 2024 to June 28, 2024 Anticipated announcement of Phase 3 applicant selections changed from July 22, 2024 to August 12, 2024 Anticipated incentive proposal execution for Phase 3 awardees changed from August 23, 2024 to September 13, 2024
1.3	June 14, 2024	<ul style="list-style-type: none"> Updated “Application Review” section as follows: <ul style="list-style-type: none"> Clarified that Eligible Public Applicants can also apply in Phase 3 Updated milestones “Anticipated announcement of Phase X applicant selections” to “Anticipated notification of Phase X applicants’ conditional eligibility” Extended “Anticipated notification of Phase 2 applicants’ conditional eligibility” from June 3, 2024 to June 17, 2024 Extended Phase 3 application dates by two weeks: <ul style="list-style-type: none"> Phase 3 application submission due date changed from June 28, 2024 to July 12, 2024 Anticipated notification of Phase 3 applicants’ conditional eligibility changed from August 12, 2024 to August 26, 2024 Anticipated incentive proposal execution for Phase 3 awardees changed from September 13, 2024 to September 27, 2024
1.4	June 26, 2024	<ul style="list-style-type: none"> Updated Appendix A as the Office of Contractor and Supplier Diversity will not be setting participation goals for the Municipal Infrastructure Program.
1.5	July 25, 2024	<ul style="list-style-type: none"> Phase 3 application submission due date changed from July 12, 2024 to August 12, 2024.
1.6	March 27, 2025	Municipal Infrastructure Program Request for Applications Phase 4 <ul style="list-style-type: none"> Updated “Objective” section to include “facilitate connections” and “data centers, internet exchange locations, or regional publicly controlled broadband infrastructure”

		<ul style="list-style-type: none"> • Update “Program Background” section as follows: <ul style="list-style-type: none"> ▪ Award amount updated from \$228.2 million to \$295.3million ▪ Added that the program is also informed by “Engagement through other ConnectALL programs that indicates lower levels of interest from internet service providers in certain counties or regions.” • Updated “Program Assistance” section under “Other Assistance” by adding a link to the ConnectALL Program Dashboard • Updated “Eligible Applicants” section to remove “with authorization from public entities” for non-profit entities • Updated “Eligible Uses of Funds” section as follows: <ul style="list-style-type: none"> ▪ Updated “Middle-Mile Fiber” to allow facilitation of last-mile infrastructure ▪ Added “Connections to Regional Infrastructure” • Updated “Project Requirements” section as follows: <ul style="list-style-type: none"> ▪ Updated “Form of public ownership or other public control of infrastructure” to now state that “CAO anticipates applicants offering ESD an Indefeasible Rights of Use (IRU) Agreement to use all or a portion of the infrastructure”. ▪ Added “facilitate” to the “Reliable delivery of high-speed internet service” and “Affordable Pricing” bullets ▪ Removed “For Applicants that are private entities, additional minimum requirements include” to ensure that the “Interconnection” and “Open-access” requirements apply to all applicants ▪ Under “Overall budget request”, added “Individual grant awards for Phase 4 projects are anticipated to be under \$10 million.” • Updated “Application Content and Scope of Services” section as follows: <ul style="list-style-type: none"> ▪ Under “Approach and Scope of Services” for MIP Location Data, added “Other (data centers, internet exchange locations, regional publicly controlled broadband infrastructure interconnection points)” ▪ Under “Digital Equity Impact, Workforce Development and Diversity Practices” removed bullet “Plan to achieve goal for MWBE (“Minority- and Women-Owned Business Enterprises”) participation in solicitation (see Appendix A).” ▪ Under “Letters of Commitment” updated to request “documentation that the project will deliver or facilitate last mile service”, including Letters of “Intent or Commitment” • Updated “Application Review” section under “Grantee Selection Criteria and Timeline” as follows: <ul style="list-style-type: none"> ▪ Clarified that “The acceptance of proposals in any phase does not guarantee that any eligible applicant will receive an award.” ▪ Added Phase 4 timelines to both the tables ▪ Added information for the MIP Phase 4 Information Session • Replaced Appendix A from “MWBE Commitment and Compliance Plan” to “Non-discrimination and Contractor Diversity”
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