

**PA Broadband Development Authority**  
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**Pennsylvania Broadband Development Authority**  
**November 30, 2023**  
**10:00 AM**

Dial-In: +1 267-332-8737  
Phone Conference ID: 696 726 705#

- I. Call to Order
- II. Approval of October 19, 2023, Meeting Minutes
- III. BEAD Initial Proposal – Volume II
- IV. Capital Projects Fund – Multi-Purpose Community Facilities Improvement Program Guidelines
- V. 2024 Board Meeting Schedule
- VI. Public Comment
- VII. Adjournment

**Pennsylvania Broadband Development Authority**

Board Meeting Minutes

October 19, 2023

Keystone Building Meeting Center – Forest Room

Microsoft Teams Meeting

**Board members and voting designees in attendance:**

- Secretary Uri Monson, Office of the Budget, Chairman
- Mark Critz on behalf of Secretary Russell Redding, Department of Agriculture
- Secretary Rick Siger, Department of Community and Economic Development
- Cathy Hall on behalf of Secretary Khalid Mumin, Department of Education
- Matt Bembenick on behalf of Secretary Reggie McNeil, Department of General Services
- Matt Franchak on behalf of Senator John Kane, Assistant Secretary
- Representative Rob Matzie
- Representative Carl Walker Metzgar
- Phil Kirchner, on behalf of Representative Carl Walker Metzgar
- Senator Kristin Phillips-Hill, Secretary
- Joel Cheskis on behalf of Steve DeFrank, PUC Chairman
- Dr. Kyle Kopko, Center for Rural PA

**Designees in attendance:**

- Chloe Mandara, Legislative Director, Office of Senator Phillips-Hill
- Rich Pronesti, Senior Committee Executive Director, PA House of Representatives
- Matt Franchak, Policy Director, Office of Senator John Kane
- Phil Kirchner, Executive Director, PA House Consumer Protection

**Department of Community and Economic Development (DCED) staff in attendance:**

- Brandon Carson, PBDA Executive Director
- Brandon Peters, PBDA Deputy Executive Director
- Paul Opiyo, DCED Director of Policy and Planning
- Kalie Snyder, PBDA Outreach & Engagement Manager
- Pam Frontino, PBDA Grants Manager
- Julia Brinjac, PBDA Digital Equity Program Manager
- Kyle Snyder, PBDA Broadband Planning Specialist
- Stephanie Perry, PBDA Digital Equity and Workforce Specialist
- Greg Alliger, PBDA Broadband Project Manager
- Britt Muniz, PBDA Counsel
- Mary Markle, PBDA Executive Assistant
- Penny Ickes, DCED Communications Director

**Guests in attendance:**

- |                                 |   |                                 |
|---------------------------------|---|---------------------------------|
| • Russell McDaid, PA e-Commerce | • Jim Mercante, Chester County Digital Alliance | • Jim Skeveland, Rolka Loube    |
| • Beth Crow, MBI                | • James Bonds                                   | • Steve Warhola                 |
| • Jennifer Algoe Keaton, BCAP   | • Todd Eachus, BCAP                             | • Fred Maldonado                |
| • Brian Barno, BCAP             | • Sheri Collins, McNees Strategic Solutions     | • Cathleen Schultz              |
|                                 |   | • Rachel Papuga, Alleghenies BB |
|                                 |   | • Ben Dannels, Greenlee         |

- Kevin Cassidy, Ichor
- Matthew Szuchyt
- Bryan DeWalt
- John Mizerak, Brightspeed
- Jennifer Cloonan
- Emme Reiser, PA Realtors
- Carrie Cleary
- Rob Troxell, Upward Broadband
- Kimberly Walker, Lackawanna County
- Dominic Thecka, Adtran
- Thomas Musgrove, All Points
- Kirsten Compitello, MBI
- Ashley Pollard
- Alex Taylor
- Paige Oliver, Ichor
- Charlotte Keith
- John Mercuri
- Kristen Ritchey, Comcast
- Brandon Brenize, Adams County
- Morgan Webb
- Chris Field, University of Pittsburgh
- Juliet Fink-Yates, City of Philadelphia
- Florence Mauchant
- Aidan Mclaughlin
- Marty Qually, Adams County
- Clint Cullison, Greenlee
- Norm Parrish, PA One Call
- Nate Regotti
- Bailey Thumm
- Karen White, MBI
- Jon Peha, Carnegie Mellon University
- Roy Hoover
- Pedro
- Jim

**I. Call to Order**

Chairman Monson called the meeting to order at 10:04 AM. Kalie Snyder conducted a roll call of the Board members and confirmed quorum.

**II. Approval of August 10, 2023, Meeting Minutes**

Chairman Monson asked for questions and comments on the minutes as presented to the Board. Seeing none, he asked for a motion to approve the minutes as presented to the Board. Motion was made by Representative Matzie and seconded by Matt Franchak. Chairman Monson asked for all Board members to approve or deny the motion. Motion passed unanimously.

**III. Update on Board Composition**

Chairman Monson noted the retirement of Public Utility Commission (PUC) Chairwoman, Gladys Brown Dutrieuille. He thanked her and her designee, Joe Witmer, for their service to the Board. Brandon introduced new Board member, PUC Chairman, Steve DeFrank and his designee Joel Cheskis.

Joel introduced himself and provided a brief background on his work and experience with the PUC.

**IV. Capital Projects Fund (CPF)- Broadband Infrastructure Program Update**

Brandon Carson reported that 231 applications were received from 46 distinct applicants requesting nearly \$1 billion. He then reviewed the timeline including the current period for curing and review as well as challenge adjudication. Grant awards are anticipated in March of 2024.

**V. BEAD Initial Proposal – Approval of Volume I and Update on Volume II**

Brandon Peters presented an update on the Initial Proposal, noting that it is PBDA’s proposal to the NTIA encompassing the specifics of program implementation.

For Volume I he noted that section 1.1 lists the existing broadband funding, section 1.2 includes the maps illustrating unserved and underserved locations and 1.3 lists requirements for Community Anchor Institution eligibility.

Section 1.4 outlines the challenge process overview, identifying Community Anchor Institution (CAI) eligibility, enforceable commitments, and planned service. Also noted were eligible challengers and challenge process dates. Enforceable commitment is defined as the challenger having knowledge that a project will be deployed at a location by the date established in the deployment obligation. Those who can challenge include non-profits, ISPs, and local governments. Mr. Peters then went on to review the tentative timeline of the challenge process noting April 1, 2024, for the publication of eligible locations to June 29, 2024, as the final determination phase. This timeline is pending NTIA's timely approval of the Initial Proposal Volume I.

Brandon Carson clarified that this challenge process is separate from CPF challenge process.

Section 1.5 includes the public comment summary which closed on October 10, 2023, highlighting the outreach methods, and noting that 108 comments were received, largely referring to no service or poor service.

Moving onto Volume II, Brandon Peters noted the 17 sections as well as the timeline for next steps, beginning on October 16, 2023, with the 30-day public comment period, to the submission date of the Initial Proposal to NTIA prior to December 27, 2023

Brandon also mentioned the public comment webinar held by the PBDA on October 17, 2023, which provided an overview of Volume II as well as an explanation of the process for public comment, and guidance for submitting comments.

He concluded by stating that the PBDA will seek approval of Volume II at a special meeting of the Board in November.

Secretary Monson called for a roll call vote to approve Volume I of the BEAD Initial Proposal.

Chairman Monson – Yes  
Mark Critz for Secretary Redding – Yes  
Secretary Siger – Yes  
Cathy Hall for Secretary Mumin – Yes  
Matt Bembenick for Secretary McNeil – Yes  
Matt Franchak for Senator Kane – Yes  
Representative Rob Matzie – Yes  
Representative Carl Metzgar – Yes  
Senator Philips-Hill – Yes  
Joel Cheskis for Chairman DeFrank – Yes  
Dr. Kyle Kopko – Yes

## **VI. State Digital Equity Plan Presentation**

Chairman Monson invited Julia Brinjac and Beth Crow to present an update on the Digital Equity (DE) Plan.

Beth began by reporting on public engagement events, beginning with the timeline encompassing roundtable discussions and community conversations that ran from June through September.

Beth said that feedback from these events contributed to the development of the DE plan and noted the presence of PBDA staff at these events was greatly appreciated by attendees and impacted the engagement and input. Beth noted that in addition to the required covered populations, invitees included workforce organizations, local governments, libraries, etc.

Senator Phillips-Hill noted missing groups, specifically mentioning agriculture, tourism, and manufacturing. She asked if these communities were specifically reached out to.

Julia responded that there is representation from the agricultural community on the Outreach and Education subcommittee and that Secretary Redding has been specifically involved in agricultural community engagement. She offered to provide a list of groups that were engaged. Senator Phillips-Hill stressed the need to connect with the agricultural community.

Beth mentioned tactics for engagement, the locations (20), the number of conversations (23), as well as total numbers of attendees (600). She added that the theme of slow to no internet creating hardships related to employment, access to telehealth and small businesses growth was prevalent. She noted that summaries of all the community conversations will be an appendix to the DE plan.

Beth reviewed numbers related to the survey. There were 6,926 surveys submitted electronically, in-person and by mail.

Beth shared feedback from the roundtable discussions which were focused on community and institutions, workforce, and justice and re-entry. Focus groups included veterans, individuals from low-income households as well as individuals with disabilities and language barriers. Beth and Julia shared many specific responses as well as common themes heard from the covered populations which reflected challenges related to cost, access, and assistance with digital literacy.

Julia reviewed DE plan components, including needs assessment, stakeholder engagement and strategy implementation as well as the definition of key terms: Digital equity, Digital inclusion, and Digital literacy.

The vision for the DE plan was shared.

*The vision for digital equity in the Commonwealth is to foster and create equitable affordable and robust high-speed broadband infrastructure and services that support the digital dignity for all residents and connect Pennsylvania for the 21<sup>st</sup> century and beyond.*

Digital equity assets such as device access, technical support, and affordability were also defined.

Senator Phillips-Hill added that the first asset must be service and requested that the first bullet state that.

Julia pointed out that the first of the five DE goals is access. Senator Phillips-Hill asked that the first bullet under access be changed from affordability to infrastructure.

Julia then elaborated on the next goals which addressed access to devices, knowledge, safety, and partnerships.

Beth reviewed the timeline of the plan from June 2023-January of 2024, noting additional visits to communities to share the DE plan and show them how their feedback was implemented in the DE plan.

Senator Phillips-Hill noted that Central Pa and the Northern Tier were missing from the communities listed.

Julia responded that while there are limitations to the scope of the next set of visits, other areas and additional areas can be considered.

Chairman Monson called for questions or comments.

Joel Cheskis brought up the conundrum of people without internet access not being able to participate in the sessions related to access. Julia agreed that is an ongoing battle and largely contributed to the decision to revisit communities.

Representative Matzie suggested that locations for additional facilitated public comment should be added rather than swapped out.

Chairman Monson asked that the DE presentation be circulated.

#### **IV. Public Comment**

Chairman Monson asked Kalie Snyder to conduct the public comment portion of the meeting.

Kalie began with in-person attendees.

Jim Mercante from the Chester County Digital Alliance commended PBDA's work. He stated that even with the ACP, monthly service is \$25-40 and simply not an option for many families. He asked that a no-cost option, especially for covered populations be considered.

James Bonds, noted the connection to educational and economic opportunity. He mentioned missed locations for community conversations such as barber shops and churches.

Todd Eachus, BCAP, stated the Association insist that challenges such as high-cost areas, supply chain and workforce, as well as labor rates are taken into serious consideration. He stated that at the conclusion of the expansion, he doesn't want there to be any question as to what was done with \$1.16 billion, insisting that the focus be on getting service to the under and unserved populations.

Kalie then called for questions from those online.

Hearing none, Chairman Monson concluded public comment.

#### **V. Adjournment**

Chairman Monson mentioned the intent to hold a special meeting in late November for review and approval of Volume II.

Chairman Monson called for a motion to adjourn. Motion was made by Senator Phillips-Hill and seconded by Phil Kirchner. Meeting adjourned at 11:40 AM.

Respectfully submitted,  
Senator Kristin Phillips-Hill  
Secretary

DRAFT

# **Capital Projects Fund Multi-Purpose Community Facility Projects Program Guidelines**

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## **Section I – Statement of Purpose**

### **A. Introduction**

The **Multi-Purpose Community Facilities Program** (Facilities Program) is funded pursuant to the Coronavirus Capital Projects Fund (Capital Projects Fund), established by Section 604 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021. The American Rescue Plan appropriated \$10 billion to the U.S. Treasury to provide states with resources “to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to COVID-19.”

The Pennsylvania Broadband Development Authority (PBDA) administers the Facilities Program in accordance with [U.S. Treasury guidelines](#) and Act 96 of 2021 (64 Pa.C.S. § 61 *et seq.*). Pennsylvania received a total of \$278,793,641 through the Capital Projects Fund, of which \$44,853,958.95 is dedicated for this program.

### **B. Purpose**

These guidelines outline eligibility requirements, as well as the procedures to apply for and receive funding under the Facilities Program. Many Pennsylvanians without affordable access to the internet rely on community anchor institutions such as schools, libraries, recreation centers, community health centers, and other non-profit organizations, or buildings owned or operated by units of local government to participate in an increasingly digitalized society. Further, the Commonwealth’s diverse residents have distinct needs. Community anchor institutions are local trusted partners with deep-rooted relationships within the community to support these challenges.

Therefore, the Facilities Program will offer competitive grant funding to community anchor institutions and units of local government for community projects to construct, acquire, or improve buildings (shared office space, recreation centers, schools, libraries, etc.) that are, or will be open to the public and will directly enable work, education, and health monitoring at the respective facility.

## **Section II – Eligibility**

### **A. Target Capital Assets**

Target capital assets include, but are not limited to, community anchor institutions such as schools, libraries, recreation centers, community health centers, non-profit organizations, and buildings owned or operated by units of local government.

## B. Eligible Projects

In accordance with Coronavirus Capital Projects Fund Guidance from U.S. Treasury, eligible projects under this program will include construction or improvements to full-service community buildings, structures, and public spaces. Examples include, but are not limited to, schools, libraries, and community health centers that serve community needs.

## C. Eligible Project Costs

Funds may be used for any of the following eligible costs associated with the installation and/or acquisition of middle-mile and last-mile high-speed broadband infrastructure:

- Pre-project development costs and uses, including data-gathering; feasibility studies; community engagement and public feedback processes; equity assessments and planning, and needs assessments; permitting, planning, architectural design, and engineering design; and work related to environmental, historical, and cultural reviews.
- Costs of repair, rehabilitation, construction, improvement, and acquisition of real property, equipment (*e.g.*, devices and office equipment), and facilities.
- Ancillary costs necessary to operationalize and put the capital assets to full use, including costs to increase broadband adoption and improve digital literacy.
- Administrative costs of the applicant to administer the grant are limited to 2.5 percent of the grant award. Administrative costs include costs to complete the grant application, costs associated with monitoring of and reporting on the Project, advertising costs, and personnel costs including salaries and fringe benefits for staff required for carrying out the Project.

Funds may not be used for the following purposes:

- Operating expenses, other than grant administration costs.
- Short-term operating leases.
- Payment of interest of principal on outstanding debt instruments, or other debt service costs incurred prior to March 15, 2021.
- Fees or issuance costs associated with the issuance of new debt.
- Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding.
- Fees generated to support or oppose collective bargaining. This does not affect the ability to use funds to comply with 41 C.F.R. 60-1.4 (the federal Equal Opportunity Clause).
- Securing other financing.
- Covering interest on borrowed funds.
- Refinancing of existing debt.
- Lobbying.
- Fines.

- General infrastructure projects, such as highways, bridges, transit systems, and ports.
- General construction and improvement of hospitals and traditional schools that do not meet project eligibility criteria.

### **Section III – Program Requirements**

#### **A. Matching Funds**

Projects are not required to include matching funds.

#### **B. Project Sustainability**

Proposals must incorporate a viable strategy that extends beyond initial investment to maintain facilities. Thus, proposals must include a sustainability model or long-term plan beyond the period of performance (December 31, 2026). This should address the following:

- Ways in which the property owner(s) will cover all necessary costs, including property taxes, where relevant.
- Acknowledgement that the applicant or community will retain ownership of the facility for a minimum of five (5) years after completion of the project.
- A detailed plan for how properties will be maintained in the absence of future federal funding.
- A detailed list of intended outcomes, outputs, activities, progress indicators, means of verification, and risks and assumptions associated with the project.

#### **C. Stakeholder and Community Engagement**

Proposals must list and describe key partnerships involved in project planning, implementation, and monitoring. Examples include local government bodies, community leaders, community-based organizations and anchor institutions, and residents. Letters of support are encouraged.

#### **D. Proof of Notification**

The applicant must provide proof that the county and host municipality has been notified about the intended project.

#### **E. Planning and Permit Requirements**

All recipients of funding for construction projects where federal, state, or local planning or permit approvals are required, must state in the application that the Project will secure the necessary planning and permit approvals for the Project prior to beginning construction.

#### **F. Other Requirements**

##### **1. Conflict of Interest Provision**

An officer, director or employee of an applicant who is a party to, or who has a private interest in, a project shall disclose the nature and extent of the interest to the governing body of the applicant and may not vote on action of the applicant concerning the project, nor participate in the deliberations of the applicant concerning the project.

**2. Nondiscrimination**

No assistance shall be awarded to an applicant under this program unless the applicant certifies that the applicant shall not discriminate against any employee or against any person seeking employment by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act, which prohibits discrimination on the basis of race, color, religious creed, ancestry, age, sex, national origin, handicap or disability, or in violation of any applicable federal laws. All contracts for work to be paid with grant funds must contain the Commonwealth's official nondiscrimination clause.

**3. Worker Safety**

Pursuant to Executive Order 2021-06, Worker Protection and Investment (October 21, 2021), the Commonwealth is responsible for ensuring that all Pennsylvania workers have a safe and healthy work environment, and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are in compliance with all applicable Pennsylvania state labor and workforce safety laws. Such certification shall be made through the [Worker Protection and Investment Certification Form \(BOP-2201\)](#) and submitted with the application.

**4. Project Records**

The applicant must maintain full and accurate records with respect to the project and must ensure adequate control over related parties in the project. PBDA requires access to such records, and the applicant must agree to allow PBDA to inspect all work, invoices, materials, and other relevant records at reasonable times and places. Upon request of PBDA, the applicant must furnish all data, reports, contracts, documents, and other information relevant to the funded project.

**5. Certification of Expenses**

The applicant shall sign a payment request form certifying that the expenses were incurred and were in accordance with the scope of work approved by PBDA. Prior to final closeout of the grant agreement, the applicant shall be required to submit copies of all canceled checks verifying the expenditure of the program proceeds. Bank statements may also be submitted if electronic payment of the expenditure occurred. Notwithstanding, PBDA reserves the right to conduct a formal project audit of any project in PBDA's sole discretion.

**6. Bidding Requirements**

Applicants are responsible for seeking competitive bids for all work conducted with the grant funds. Additionally, the applicants must comply with all applicable federal, state, and local laws and regulations dealing with bidding and procurement. U.S. Treasury guidelines encourage grant recipients to prioritize in their procurement decisions employers who can demonstrate:

- Their workforce meets high safety and training standards, including professional certification, licensure and/or in-house training;
- Prioritization in hiring of local workers and/or workers from historically disadvantaged communities;

- Direct employment of their workforce, or policies and practices in place to ensure contractors and subcontractors meet high labor standards; and
- Compliance with federal and state labor and employment laws.

**7. Workforce Development Considerations**

Applicants are required to describe their workforce development considerations, which may include the usage of Registered Apprenticeships and pre-apprenticeships, utilization of local workers, and other considerations listed in the Fair Labor Practices and Highly Skilled Workforce section of the Notice of Funding Opportunity for the Broadband Equity, Access, and Deployment Program.

**8. Guideline Provisions**

These guideline provisions may be modified or waived by PBDA unless otherwise required by law.

**9. Pennsylvania Prevailing Wage Act**

Projects must be carried out in ways that produce high-quality infrastructure, avert costly delays, and promote efficiency. Projects funded by this grant program must comply with all applicable federal laws and regulations, and with all requirements for state and local laws and ordinances to the extent that such requirements do not conflict with federal laws. The Pennsylvania Department of Labor and Industry (L&I) has final authority to make prevailing wage applicability determinations.

**10. Reporting**

Grantees will be required to submit quarterly and annual progress reports through to the completion of the Facilities Program project.

Reporting requirements and technical assistance will be provided once contracts are executed. PBDA will process reimbursement requests upon completion of expense reports throughout the project.

**11. Federal Law Compliance**

Applicants are responsible for complying with all applicable federal laws throughout the grant process. Grant funds through this grant program must be expended in ways that comply with applicable federal laws, including the 2019 National Defense Authorization Act (NDAA). Among other requirements, this includes certain provisions of the NDAA and contains prohibitions on the use of grant funds to procure or obtain certain telecommunications and video surveillance services or equipment provided or produced by designated entities, including certain entities owned or controlled by the People’s Republic of China.

Additionally, projects funded through this grant program must comply with all applicable environmental laws. Generally, the National Environmental Policy Act does not apply to projects funded by Facilities Program projects. Generally, projects that do not involve construction activities will not be subject to federal environmental review requirements. For assistance in meeting compliance standards, applicants are

encouraged to refer to relevant sections of Treasury’s “CPF Environmental Questionnaire”, available at <https://home.treasury.gov/system/files/136/CPF-Environmental-Questionnaire.pdf>.

## **12. Governance and Project Management**

Proposals must describe how the Facilities Program project will be managed, and by what entity (public or private) as well as the governance structure overseeing the management of the project. Responsible parties should also be included on the project timeline and list of deliverables included in the “Application Questions” section of these guidelines.

## **13. Final Report**

Successful applicants will be required to provide a final report three months after project completion. This final report will outline the activities that took place during the project, including a description of all construction that occurred, total project costs, and a description of the use of grant funds. The report will also include a summary of how the project implemented a sustainability plan addressed and enhanced equity in the community.

The final 10% of grant funds will be held until the final report has been submitted to and reviewed by PBDA with any questions or concerns having been addressed by the applicant to PBDA’s satisfaction.

## **Section IV – Grants**

1. The minimum grant amount for any project is \$250,000. The maximum grant amount shall not exceed \$2 million.
2. To be eligible for reimbursement, project costs must be incurred within the timeframe established by the grant agreement.

## **Section V – Application Procedures**

### **A. Application Procedures**

To apply for funding, the applicant must submit the electronic online Department of Community and Economic Development Single Application for Assistance located at [www.esa.dced.state.pa.us](http://www.esa.dced.state.pa.us). Required supplemental information outlined in Appendix I of these guidelines must be attached electronically to the application as directed on the Addenda tab within the Single Application for Assistance website.

For technical inquiries regarding the submission of the online application, contact the Customer Service Center by calling (800) 379-7448 or (717) 787-3405, or email [Ra-dcedcs@pa.gov](mailto:Ra-dcedcs@pa.gov), Monday through Friday from 8:30am to 5:00pm.

## **B. Program Timeline**

All projects funded through this Facilities Program must reach substantial completion before December 31, 2026. Substantial completion is defined as the date for which the Project can fulfill the primary operations that it was designed to perform, delivering services to end-users. At substantial completion, service operations, and infrastructure constructed as a result of the project must be operational. Extensions may be granted beyond this timeframe to the extent that factors deemed to be outside of the grantee's control, at PBDA's sole discretion, have impacted project delivery timelines. PBDA will approve extension requests on a case-by-case basis.

## **Section VI – Application Evaluation**

Grant applications will be evaluated based on the following scoring criteria:

1. The extent to which the proposed project will provide services or activities that directly enable work, education, and health monitoring for at least five (5) years from the completion of the project.
2. How the proposal addresses the critical needs of the communities to be served.
3. Clearly delineated measurement of outputs and outcomes for the proposed capital improvement.
4. The extent to which the facility is publicly accessible to the community.
5. The extent to which the project includes Pennsylvania-based contractors, supply chain, and local economic development opportunities.
6. Whether the proposed project will serve populations with the greatest digital need, particularly those communities that have been historically limited and underrepresented.
7. The proportion of the capital pledged by the applicant to finance the proposed community facility project.
8. The quality, feasibility, and degree of detail included in the project sustainability plan.
9. The extent to which the project plan includes climate-positive mitigation strategies to address climate change risks. Examples include incorporation of green infrastructure, design or enhancement of green spaces that directly impact community well-being and meet program goals, or use of carbon-capture construction materials.

10. An affidavit that the applicant will ensure that a contractor or subcontractor performing construction, reconstruction, demolition, repair, or maintenance work on a community facility project developed under this program meets the following requirements:
  - a. Maintains valid licenses, registrations, or certificates required by the Federal Government, the Commonwealth of Pennsylvania, or a local government entity that are necessary to business or perform applicable work.
  - b. Maintains compliance with the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, the act of December 5, 1936 (2<sup>nd</sup> Sp. Sess., 1937 P.L.2897, No. 1), known as the Unemployment Compensation Law, and bonding and liability insurance requirements as specified in the contract for the project.
  - c. Has not defaulted on a project, declared bankruptcy, been debarred, or suspended on a project by the Federal Government, the Commonwealth of Pennsylvania, or a local government entity within the previous three years.
  - d. Has not been convicted of a misdemeanor or felony relating to the performance or operation of the business of the contractor or subcontractor within the previous 10 years.
  - e. Has completed a minimum of the United States Occupational Safety and Health Administration's 10-hour safety training course or similar training sufficient to prepare workers for hazards that may be encountered during their work on the community facility project.
  
11. The project includes an outreach plan to ensure community needs are met through the proposed project.

Workforce development programs and considerations, which may include the usage of Registered Apprenticeships and pre-apprenticeships, utilization of local workers, and other considerations listed in the Fair Labor Practices and Highly Skilled Workforce section of the Notice of Funding Opportunity for the Broadband Equity, Access, and Deployment Program.

Supplemental Evaluation Information:

1. In making its determination of appropriate grant funding for individual projects proposed, PBDA and the review committee appointed by PBDA may request the following information from all applicants, at its sole discretion, subsequent to the receipt of an application:
  - Additional narrative or budgetary information
  - Additional justifications for proposed cost
  - Interviews with representatives of the applicant, including community or construction partners named as part of a proposal or cost estimate.
  
2. During the review and interview process, applicants should also be prepared to discuss alternate scenarios in which a proposed project can only be partially funded due to limited

available resources. In such circumstances, applicants shall be permitted the right to resubmit their narrative and/or cost proposals as part of the Committee's review process.

3. PBDA reserves the right to evaluate and provide revisions to proposed projects to ensure that more equitable services are provided to the community.
4. PBDA also reserves the right to prioritize proposals received for this solicitation for allocations of future funding, with the concurrence of the applicant, should the proposal be judged as technically viable and in accordance with the requirements of the program but cannot be funded due to limited resources.

### **Section VII – Procedure for Accessing Funds**

Upon approval of an application by PBDA, a grant agreement and commitment letter will be electronically issued to the applicant explaining the terms and conditions of the grant. The Grantee must provide the names, titles, and e-mail addresses for two authorized individuals to receive and electronically sign the grant agreement. The grant agreement must be electronically signed and returned to PBDA within 30 days of the date of the commitment letter or the offer may be withdrawn by PBDA.

Funds will be distributed to grant awardees by PBDA and DCED through a reimbursement process. Ten percent of awarded funds will be reserved until a final report is submitted to PBDA (see the "Final Report" section in these guidelines). All funds must be expended by December 31, 2026, which is the end of the period of performance.

### **Section VIII – Program Inquiries**

Program inquiries should be directed to:

Pennsylvania Broadband Authority  
PA Department of Community & Economic Development  
Commonwealth Keystone Building  
500 North Street, 4<sup>th</sup> Floor  
Harrisburg, PA 17120-0225

Telephone: 1.866.466.3972  
E-mail: [PBDA\\_CapitalProjectsFund@pa.gov](mailto:PBDA_CapitalProjectsFund@pa.gov)

## **Appendix I – Supplemental Information for the Single Application for Assistance**

In addition to completing the online DCED Single Application for Assistance, applicants will be asked to provide the following items when applying:

### **Exhibit 1: Project Description & Justification**

1. **PROJECT OVERVIEW:** Provide a statement of justification for the proposed project that includes an explanation for why the selected communities and facilities have been identified to be served by a Facilities Program project, and why there is a critical need for the grant funds.

#### Proposals must identify the following information:

- a. Physical address of the community facility or facilities that are the target of the proposed project.
- b. Where relevant, indicate the size (by square foot) of community facility, pre- and post-construction).
- c. A full description of the planned activities or features that will result from grant funds (*e.g.*, construction of a computer lab, classroom, multi-purpose space, etc.).
- d. Indicate project type:
  - New construction
  - Property acquisition
  - Facility renovation
  - Facility expansion
  - Other (provide explanation)
- e. Indicate the total number of individuals that benefit from the community facility, pre- and post-construction, where relevant.
- f. Whether the facility has proximate access to public transportation.

### **Exhibit 2: Project Readiness**

2. **PLANNING PARTICIPANTS:** Include a list of participants involved in the development of this proposed project. Inclusivity is encouraged.
3. **TIMELINE AND MANAGEMENT PLAN:** Include a detailed project timeline in narrative or bulleted list format, including estimated start and end date of construction, as well as a Gantt chart that lists all project activities by month. The narrative/list and Gantt chart should identify specific tasks, responsible party, and estimated start and completion dates of each task.

4. **MATCHING FUNDS COMMITMENT:** Provide funding commitment letters from all other Project funding sources (including equity commitments).
  - Funding commitments or term sheets provided by lending institutions must include the term, rate, and collateral conditions, and must be signed and dated.
  - Funding commitments of equity from the applicant or private third party must be signed and dated (indicating the amount of funds being committed) and be accompanied by documentation (such as audited financial statements) showing the ability to commit such funds.
  - Copies of award letters or grant agreements must be provided for any federal, state, or local government grant, loan, or subsidies being counted toward the matching funds commitment.

In-kind match includes but is not limited to: 1) Donated products or services, equipment, etc., where the cost cannot be tracked back to a cash transaction. 2) Value of in-kind contributions, which must be properly documented and reflect the actual, regular, or fair-market value of the contribution. 3) Unpaid work of interns, volunteers, advisory committees, and planning commissions is not eligible as an in-kind match.

5. **PROJECT MANAGEMENT:** Identify key individuals responsible for the management of the project. Provide a brief description of their role and responsibilities for the project.
6. **OUTREACH PLAN:** Describe efforts that will be made to share project progress with members of the public, including county and local leadership, project residents, local business owners, etc. Include the following:
  - a) A list of proposed marketing activities, an outreach plan, and other events aimed at engaging the public and other stakeholders. Provide estimated audience reach for each.
  - b) Describe digital literacy efforts and estimated attendance at events or programs, aimed at raising public awareness.
7. **PLANNING AND PERMITS:** Include a list of all Federal, State, and Local planning or permit approvals that are required and will be (or have already been) secured for the project from the appropriate agencies.
8. **PROOF OF NOTIFICATION:** The applicant must provide proof that the county and host municipality, or municipalities, have been notified about the intended project.
9. **PROJECT BUDGET:** Provide a thorough and detailed statement as to the estimated cost of the proposed project. The estimate must be prepared by an

engineer or other qualified professional and should be accompanied where appropriate by copies of the signed bids/quotations, contractor estimates, or sales agreements that verify project cost estimates. The detailed budget should outline how the grant funds will be utilized, and include an itemization of equipment, construction costs, and a justification of proposed expenses.

**Exhibit 3: Program Priorities**

10. **IMPACT:** Identify a list of stakeholders that will be significantly impacted by the project, and how these improvements will lead to positive economic development for the community.

Additionally, explain why the communities identified to be served by the proposed project have a critical need as it relates to digital literacy and/or internet access. When determining the individuals and communities with a critical need that will be served by a proposed project, applicants may consider federal and/or state collected data; interviews with community members and business owners; and reports from community organizations.

11. **PROJECT SUSTAINABILITY:** Proposals must incorporate a viable strategy that extends beyond initial investment to maintain, repair, and upgrade facilities. Thus, proposals must include a sustainability model or long-term plan beyond the period of performance (December 31, 2026). This should address the continued operation of said facilities in the absence of future federal funding. To demonstrate project sustainability, include the following information:

- a) Sustainability commitment statement
- b) Intended sustainability outcomes (including what will be achieved, who will benefit, and by when)
- c) Outputs (specific results that the project will generate)
- d) Activities (tasks needed to be completed for the output to be achieved)
- e) Indicators (how achievements will be measured)
- f) Means of verification (how indicator information will be collected)
- g) Risks and assumptions (external conditions needed to reach results)
- h) Green initiatives statement (include any climate-positive mitigation strategies included in the project that aim to address climate risks).

12. **STAKEHOLDER AND COMMUNITY ENGAGEMENT:** Proposals must list and describe key partnerships involved in project planning, implementation, and monitoring. Examples include local government bodies, community leaders, organizations, and residents. Letters of support are encouraged.

13. **WORKFORCE CONSIDERATIONS:** A description of the applicant's use of workforce development programs and considerations, which may include the usage of Registered Apprenticeships and pre-apprenticeships, utilization of

local workers, and other considerations listed in the Fair Labor Practices and Highly Skilled Workforce section of the Notice of Funding Opportunity for the Broadband Equity, Access, and Deployment Program.

14. LOCAL ECONOMIC DEVELOPMENT: Applicants must submit a detailed plan explaining how the project will contribute to economic development in the local municipality, county, or community. This will include construction considerations such as use of local supply chain, construction, and sub-contractors to contribute to builds.

**Exhibit 4: Additional Information & Appendices**

15. APPLICANT QUALIFICATIONS: Provide detailed information regarding the experience of the applicant in its ability to manage a facility construction project.
16. AFFIDAVIT: As required by Act 96 of 2021, an affidavit stating that the applicant will ensure that a contractor or subcontractor performing construction, reconstruction, demolition, repair, or maintenance work on a multi-purpose community facility project funded through this grant program meets all of the following requirements:
- a) Maintains all valid licenses, registrations or certificates required by the Federal Government, the Commonwealth or a local government entity that are necessary to do business or perform applicable work.
  - b) Maintains compliance with the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, the act of December 5, 1936 (2nd Sp. Sess., 1937 P.L. 2897, No. 1), known as the Unemployment Compensation Law, and bonding and liability insurance requirements as specified in the contract for the project.
  - c) Has not defaulted on a project, declared bankruptcy, been debarred, or suspended on a project by the Federal Government, the Commonwealth, or a local government entity within the previous three years.
  - d) Has not been convicted of a misdemeanor or felony relating to the performance or operation of the business of the contractor or subcontractor within the previous 10 years.
  - e) Has completed a minimum of the United States Occupational Safety and Health Administration's 10-hour safety training course or similar training sufficient to prepare workers for any hazards that may be encountered during their work on the high-speed broadband service infrastructure.

**Exhibit 5: Worker Safety**

Pursuant to Executive Order 2021-06, Worker Protection and Investment (October 21, 2021), contractors and grantees of the Commonwealth must certify that they are

in compliance with all applicable Pennsylvania state labor and workforce safety laws. The applicant must complete and submit the [Worker Protection and Investment Certification Form \(BOP-2201\)](#).

**Send Letters of Support to:** [PBDA\\_CapitalProjectsFund@pa.gov](mailto:PBDA_CapitalProjectsFund@pa.gov)

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## **Appendix II – Labor-Related Reporting**

Per Treasury guidelines, for projects receiving \$5 million or more in funding (based on expected total cost), PBDA must require the following:

- a. A grantee may provide a certification that, for the relevant project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of Pennsylvania, or by the Pennsylvania Department of Labor & Industry pursuant to the Pennsylvania State Prevailing Wage Act (Act 442 of 1961). If such certification is not provided, a grantee must provide a Project employment and local impact report detailing:
  - The number of contractors and sub-contractors working on the project;
  - The number of employees on the project hired directly and hired through a third party;
  - The wages and benefits of workers on the project by classification; and
  - Whether those wages are at rates less than those prevailing<sup>1</sup>.

Grantees must maintain sufficient records to substantiate this information upon request.

- b. A grantee may provide a certification that a grant application includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. § 158(f)). If the grantee does not provide such certification, the grantee must provide a project workforce continuity plan, detailing:
  - How the grantee will ensure the facilities project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project, including a description of any required professional certifications and/or in-house training, registered apprenticeships, or labor-management partnership training programs, and partnerships like unions, community colleges, or community-based groups;
  - How the grantee will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project;
  - How the grantee will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements or all relevant workers (e.g., OSHA 10, OSHA 30);
  - Whether workers on the grant-funded project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market;

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<sup>1</sup> This is determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (of the District of Columbia) in which the work is to be performed.

- Whether the proposed project has completed a project labor agreement;
- Whether the proposed project prioritizes local hires; and
- Whether the proposed project has a Community Benefit Agreement. Grantees must provide a description of any such agreement.

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## Appendix III

### Glossary of Terms

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**COMMUNITY ANCHOR INSTITUTION** – An entity, including any school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization or community support organization, which facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals, that lack access to gigabit-level broadband service.<sup>i</sup>

**COVERED POPULATIONS** – As defined in the [State Digital Equity Planning Grant Program](#), covered populations include the following:

- Aging individuals (60 and above);
- Incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility;
- Veterans;
- Individuals with disabilities;
- Individuals with a language barrier, including individuals who are English learners; and have low levels of literacy;
- Individuals who are members of a racial or ethnic minority group;
- Individuals who primarily reside in a rural area;
- Household income for the most recently completed year is not more than 150 percent of an amount equal to the poverty level, as determined by using criteria of poverty established by the Bureau of the Census.

**DIGITAL DIVIDE** – The gap between those of a populace that have access to the internet and other communication technologies and those that have limited or no access.<sup>ii</sup>

**DIGITAL EQUITY** – Recognizes that digital access and skills are now required for full participation in many aspects of society and the economy. Digital Equity links digital inclusion to social justice and highlights that a lack of access and/or skills can further isolate individuals and communities from a broad range of opportunities.<sup>iii</sup>

The condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.<sup>iv</sup>

**DIGITAL INCLUSION** – The activities that are necessary to ensure that all individuals in the united states have access to, and the use of, affordable information and communication technologies such as; reliable fixed and wireless broadband internet services, internet enabled devices that meet the needs of the user and, applications and online content designed to enable and encourage self-sufficiency, participation and collaboration and includes obtaining access to digital literacy training, the provision of quality technical support and obtaining basic awareness of measure to ensure online privacy and cybersecurity.<sup>v</sup>

**DIGITAL LITERACY** – The skills associated with using technology to enable users to find, evaluate, organize, create, and communication information.<sup>vi</sup>

**EDUCATION** – Activities to acquire knowledge and/or skills, undertaken as part of a person’s participation in school, an academic program, extracurricular program, social-emotional development program for students or youths, internship, or professional development program, or in another educational environment.<sup>vii</sup>

**HEALTH MONITORING** – Services to monitor an individual’s health, including with respect to either physical or behavioral health. Health monitoring activities are often conducted as part of telemedicine appointments with a healthcare provider, but these activities can be conducted in a variety of other ways, such as during in-person appointments with health care providers or as part of community health screening programs.<sup>viii</sup>

**PER CAPITA INCOME** – The mean income computed for every man, woman, and child in a particular group including those living in group quarters. It is derived by dividing the aggregate income of a particular group by the total population in that group. This measure is rounded to the nearest whole dollar (ACS, 2023).<sup>ix</sup>

**RURAL AND URBAN** – In Pennsylvania, the definitions of rural and urban are based on population density. Population density is calculated by dividing the total population of a specific area by the total number of square land miles of that area. According to the 2022 Census, the population of Pennsylvania is 13,002,700 and the number of square miles of land in Pennsylvania is 44,742. Therefore, the population density is 291 people per square mile. Counties or school districts with more than 291 people or more per square mile are urban; those with less are rural. There are 48 rural counties and 19 urban counties in Pennsylvania.<sup>x</sup>

**WORK** – Activities to help community members engaged in employment, search for employment, and/or develop the requisite skills and knowledge to become employed (e.g., participate in career counseling programs, workforce training programs, as well as gain access to internet websites to search for an apply for jobs).<sup>xi</sup>

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<sup>i</sup> PA Act 96 of 2021.

<sup>ii</sup> NTIA. (2016). Broadband USA: Connecting America’s Communities.

<sup>iii</sup> NTIA. (2016). Broadband USA: Connecting America’s Communities.

<sup>iv</sup> Infrastructure Investment and Jobs Act of 2021. (USA).

<sup>v</sup> Infrastructure Investment and Jobs Act of 2021. (USA).

<sup>vi</sup> Infrastructure Investment and Jobs Act of 2021. (USA).

<sup>vii</sup> U.S. Department of the Treasury “Guidance for the Coronavirus Capital Projects Fund”, 2021.

<sup>viii</sup> U.S. Department of the Treasury “Guidance for the Coronavirus Capital Projects Fund”, 2021.

<sup>ix</sup> American Community Survey, 2023.

<sup>x</sup> Center for Rural Pennsylvania. (2022). Rural-Urban Maps.

<sup>xi</sup> U.S. Department of the Treasury “Guidance for the Coronavirus Capital Projects Fund”, 2021.

## **2024 Regular Meetings of PBDA Board**

The proposed dates for 2024 regular Board meetings are:

Tuesday, January 23, 2024 – 10:00am

Thursday, April 18, 2024 – 10:00am

Thursday, July 25, 2024 – 10:00am

Thursday, October 10, 2024 – 10:00am

Special meetings will be called as needed.

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