

## **Completing Access to Broadband Program NCDIT/County Collaboration Process and County Commitment Form**

### **PURPOSE**

The North Carolina Department of Information Technology (“NCDIT”) is seeking to collaborate with North Carolina counties to fund awards for last-mile broadband projects (“Project” or “Projects”) under the Completing Access to Broadband Program (“CAB program”). The purpose of this document is to describe the process for this collaboration and to gather information from each county (“the County”) regarding its financial commitment to the Project or Projects. Additional details on the CAB program may be found in the CAB Program Guidance document posted at [ncbroadband.gov/CAB](http://ncbroadband.gov/CAB).

### **BACKGROUND**

NCDIT works to provide policy and strategy guidance and recommendations to community and state leaders on ways to enhance high-speed internet access for global competitiveness, education, public safety, healthcare, and government efficiency.

The State of North Carolina’s plan to close the digital divide invests more than \$1 billion in federal American Rescue Plan Act (ARPA) funds to achieve digital equity in North Carolina by addressing infrastructure, access, and digital literacy. North Carolina Session Law 2021-180 provides \$400 million in ARPA funding to deploy crucial last-mile broadband infrastructure to serve remaining unserved and underserved areas in North Carolina through the CAB program.

The CAB program is a competitive bidding program that provides an opportunity for individual North Carolina county governments to partner with NCDIT to fund broadband infrastructure projects in unserved and underserved areas of each county. The program is codified in N.C.G.S. § 143B-1373.1, established by S.L. 2021-180, and amended by S.L. 2022-6, S.L. 2022-74, and 2023-134. Counties that participate in the CAB program must provide matching funds for the Projects using ARPA funds or nonrestricted general funds as their source of matching funds as outlined in the CAB legislation.

### **PROCESS FOR COUNTY PROJECTS**

#### **1. Prequalification of Broadband Providers**

On June 21, 2023, NCDIT posted a Request for Proposals (RFP) to prequalify internet service providers to participate in multiple broadband expansion programs, including the CAB program. Responses to this Broadband Expansion and Access RFP were due to NCDIT on August 14, 2023.

The outcome of this RFP is the creation of a Convenience Contract to identify broadband service providers that have the financial, operational, and technical capacity to deploy broadband infrastructure for the provision of internet service in unserved and underserved areas of the state. This RFP does not result in a direct project award but acts as a review of qualifications of broadband providers. Respondents were evaluated on a pass/fail basis to determine eligibility to participate in subsequent scopes of work for broadband deployment services needed by the State (“Scope of Work” or “Scopes of Work”). Information collected under the RFP may also be used for risk assessment purposes.

Following award of the Convenience Contract, NCDIT will share with the County the list of broadband providers eligible to participate in the CAB program. Broadband providers successfully

approved under this Convenience Contract are eligible to provide responses to county-level Scopes of Work for the CAB program. Scopes of Work for individual CAB projects require competition.

## **2. County Commitment of Funds**

Counties that participate in the CAB program must provide matching funds for awarded Projects using ARPA funds or nonrestricted general funds as prescribed in the CAB legislation. The County must identify an “up to” amount in the County Commitment Form attached hereto and indicate the source of funds. This “up to” amount will be referenced in the Scope of Work. *The completed Commitment Form must be returned to NCDIT via email to [CABprogram@nc.gov](mailto:CABprogram@nc.gov).*

Per Section 38.7 of Session Law 2023-134, with the exception of funds expended under CAB, the GREAT Grant Program, or the Stop-Gap Program, a county that (i) is a development tier three area, as provided in the annual ranking performed by the N.C. Department of Commerce pursuant to G.S. 143B-437.08 for the 2023 calendar year and (ii) has utilized federal funding for broadband infrastructure projects on or after May 1, 2021, is not eligible for participation in the CAB program. Counties should confirm eligibility before submitting the Commitment Form.

## **3. Preparation for Procurement Process**

### Procurement Document

NCDIT will prepare the Scope of Work document to solicit eligible broadband providers to submit responses for consideration for funding of CAB Projects within the geographic boundaries of the County. The CAB Project(s) will provide funding for broadband providers to build broadband infrastructure to unserved and underserved households and businesses within the County. NCDIT will share the draft Scope of Work with the County and request feedback on the evaluation criteria and the County’s broadband priorities prior to posting the solicitation. *The county must submit an email to [CABprogram@nc.gov](mailto:CABprogram@nc.gov) to indicate approval of the Scope of Work prior to posting by NCDIT.*

### Identification of Eligible Locations and Prioritization of Areas

NCDIT will prepare and publish an initial online map of locations statewide that are unserved or underserved with qualifying broadband service. NCDIT will then conduct a protest process where broadband providers may submit data to NCDIT if they claim to serve identified locations. NCDIT will adjudicate these protests and then publish a final map of eligible locations for review by each county.

While all unserved and underserved households and businesses within a county will be eligible, the County may identify areas within the county that should receive prioritization.

Counties with a license to access the Federal Communication Commission’s Broadband Serviceable Location (BSL) data may submit CSV data files of the areas of prioritization using the [NCDIT Broadband Data Exchange Web Application \(https://assets.gis.nc.gov/apps/ncbio-data-exchange/index.html\)](https://assets.gis.nc.gov/apps/ncbio-data-exchange/index.html). Counties without access to this data may work with NCDIT to create data files or may include a narrative description of the areas of prioritization in such a way that NCDIT can communicate the prioritized locations in a file referencing polygons that summarize the BSLs they contain. Further details on submission of this information will be updated in the CAB program Guidance document posted at [ncbroadband.gov/CAB](https://ncbroadband.gov/CAB). *The county must submit an email to*

[CABprogram@nc.gov](mailto:CABprogram@nc.gov) to indicate approval of the map with the areas of prioritization prior to posting of the procurement document by NCDIT, or to state that the County does not wish to prioritize any areas.

#### Selection of Evaluation Team Members

The County will identify up to two representatives to serve on the Evaluation Team for review of the broadband providers' responses. Members of the Evaluation Team from the County agree to commit the time needed to review responses in an efficient manner to move toward the award. The Evaluation Team members should have the authority from the County to participate in the selection of an award winner and should ensure they have no personal or professional conflicts of interest with respect to any prequalified providers. *The County should submit the names and contact information for the evaluation team members to [CABprogram@nc.gov](mailto:CABprogram@nc.gov). If the County wishes to have no representatives on the Evaluation Team, the County must indicate this preference in an email to [CABprogram@nc.gov](mailto:CABprogram@nc.gov).*

#### **4. Review and Evaluation of Responses Received**

NCDIT will publicly post the Scope of Work and lead the evaluation processes necessary to review and evaluate the responses received. The Evaluation Team will consist of the following members:

- NCDIT Broadband Infrastructure Office – minimum of two members
- The County – up to two members unless participation is waived by the County

In addition, a procurement specialist will assist with guiding team members through the evaluation process. Responses will be evaluated per the requirements listed within the CAB legislation, the CAB Guidance, and the Scope of Work. The Evaluation Team will recommend awards to NCDIT.

The Evaluation Team will utilize a best value procurement process to evaluate the Scope of Work responses and to select a broadband provider that offers the best balance between price and performance, where quality is considered an integral performance factor. Award decisions will be based on multiple factors such as: total cost; the evaluated technical merit of the proposal; past performance; and the evaluated probability of performing the requirements stated in the solicitation on time, with high quality, and in a manner that accomplishes the stated business objectives and maintains industry standards compliance.

The Evaluation Team may decline to recommend award of any Projects if it determines that the bids received do not fulfill the needs of the County.

#### **5. Issuing Award(s) and Transfer of Funds**

An award under the CAB program will result in a contract between NCDIT and the selected broadband provider. Upon execution, a copy of the award document will be shared by NCDIT with the County and will reflect the amount of funding awarded, including the NCDIT portion, the County portion, and the broadband provider match calculated by legislated match requirements. Within forty-five (45) days of receipt of the executed award document(s), the County shall transfer the required funding to NCDIT. Details for the transfer of funding to NCDIT will be provided to the County along with the award documentation.

## SUMMARY

In summary, the County will be responsible for the following steps as part of the CAB program:

- Identifying an “up to” amount in the CAB Commitment Form and returning form to [CABprogram@nc.gov](mailto:CABprogram@nc.gov) (this should be done as soon as possible to indicate your interest in participating in the program).
- Selecting Evaluation Team members and submitting their contact information to [CABprogram@nc.gov](mailto:CABprogram@nc.gov).
- Coordinating with NCDIT to review the Scope of Work and indicating approval of the document by email to [CABprogram@nc.gov](mailto:CABprogram@nc.gov).
- Coordinating with NCDIT mapping staff on prioritization of areas and indicating approval of final areas to [CABprogram@nc.gov](mailto:CABprogram@nc.gov).
- Participating in review of responses (only members of the Evaluation Team).
- Upon issuance of an award by NCDIT, transferring matching funds to NCDIT.

**COUNTY COMMITMENT FORM**

**County Contribution of Matching Funds**

As part of the Completing Access to Broadband (CAB) program, \_\_\_\_\_ County intends to contribute up to \$\_\_\_\_\_ in matching funds to the NC. Department of Information Technology for the issuance of a Scope of Work or Scopes of Work soliciting eligible broadband providers to build broadband infrastructure within the geographic boundaries of the County.

The County will use (indicate one or multiple sources of funds below):

- \_\_\_\_\_ ARPA SLFRF Funding;
- \_\_\_\_\_ ARPA Revenue replacement Funds; or
- \_\_\_\_\_ Nonrestricted General Funds

as matching funds for CAB projects awarded in the County.