

MPUS

REQUEST FOR INFORMATION (RFI)

PROJECT TITLE: Request for Project Information in Response to the National Telecommunications and Information Administration (NTIA) Broadband Infrastructure Program Funding Opportunity

RESPONSES DUE: July 20, 2021 @ 5:00 p.m. Central time

PROJECT ELIGIBILITY: This request for project information is open to applicants and projects that satisfy the minimum requirements stated herein.

1. PURPOSE AND BACKGROUND

At the direction of Governor Tate Reeves, the Mississippi Public Utilities Staff (“MPUS”) requests project information in response to the National Telecommunications and Information Administration (NTIA) Broadband Infrastructure Grant Program Notice of Funding Opportunity (“NOFO”) announced in May 2021.

MPUS will serve as the central coordinating body to apply on behalf of Mississippi for the NTIA grant opportunity and is initially soliciting project information from eligible project partners who wish to join the MPUS application on behalf of Mississippi for NTIA broadband infrastructure funding.

Based on information received in response to this first solicitation, MPUS will invite respondents with projects that are well aligned with the NTIA funding criteria to provide additional project details. Based on the additional information collected, projects may be invited to collaborate with the MPUS state application. **MPUS will submit a single application for Mississippi that can include multiple broadband providers and projects.**

Covered partnerships that **do not wish to join the MPUS application**, and choose to file independently, should also submit information regarding their proposed projects to MPUS as outlined in section 9 of this RFI.

2. FUNDING

NTIA will make up to \$288 million available for grant awards and expects to fund project grants in amounts ranging from \$5 million to \$30 million. Grants outside of this range may be awarded but must provide a reasonable explanation for the variance in the project size. Matching funds are not required but NTIA will prioritize projects with at least a 10% match. The state of Mississippi will not be providing matching funds in response to this NOFO.

3. ANTICIPATED TIMELINE

The MPUS will act as the central coordinating body to apply for the NTIA grant on behalf of Mississippi. The NTIA grant application is due on August 17, 2021. The anticipated timeline for collecting project information, developing application details, and grant application submission is as follows:

7/20/21	Request for Information closes at 5:00 pm.
7/21/21 – 7/28/21	Review period. MPUS will follow up with project contacts for additional information as needed.
7/28/21	Deadline for independent covered partnerships (See Section 9)
7/30/21	MPUS selects projects to be included in the grant application, notifies respondents.
8/2/21 – 8/15/21	Projects may be required to provide supporting materials (letters of commitment, etc.) or participate in live meetings during this period to finalize grant application.
8/16/21	MPUS submits grant application to NTIA.

4. PROJECT REQUIREMENTS AND PRIORITIZATION

a. MINIMUM REQUIREMENTS

Responses to this request must provide a cover page that includes the following:

- i. Name, title, phone, and email contact information for project lead.
- ii. Project title.
- iii. Brief project description.
- iv. Total project cost and amount of grant funding sought.
- v. Any other state or federal support that the broadband service provider who is a project partner has received to deploy broadband service in the proposed service area.
- vi. Planned project start and end dates. Projects must be completed within one year of receipt of grants funds.
- vii. Project partners. One or more providers of fixed broadband service must be a partner on the project.
- viii. Project labor standards, including any labor agreements, community benefit agreements, wages at or above prevailing wage, and local hire provisions.

To receive consideration for inclusion in the state's application, projects responding to this RFI must describe how they will meet the following criteria:

- i. Be competitively and technologically neutral for deployment of broadband service in an eligible service area. Projects should have the ability to evolve, sustain, and scale for future advanced services. **Fiber is strongly encouraged.**
- ii. Result in minimum speeds of 25 Mbps download and 3 Mbps upload (25/3) for every household in the eligible service area, with latency sufficient to support real time, interactive applications. Latency is interpreted to mean 95 percent or more of all peak period measurements of network roundtrip latency are at or below 100 milliseconds. **Responses must include minimum speeds consistent with or exceeding these criteria.**
- iii. Provide service in an eligible service area. An eligible service area is a census block in which broadband service is not available at one or more homes or businesses according maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1) or, if those maps are not available, the most recent information available to the NTIA including information provided by the Federal Communications Commission. **Responses must demonstrate the number of unserved households, businesses, and anchor institutions that will be served by the project.**

- iv. Be scalable with plans to achieve speeds of 150/150 Mbps symmetrical by 2028. **Responses must include a project plan timeline that includes major activities and key deployment milestones consistent with this goal.**

b. ADDITIONAL PRIORITIZATION

Projects must describe how they will be responsive to the following NTIA prioritization criteria (in priority order).

- i. Serve the greatest number of households in an eligible service area.
- ii. Provide service in an area that is wholly within an area other than a county, city, or town with a population of 50,000 or more **and** the urbanized area contiguous and adjacent to a city or town of 50,000 or more.
- iii. Cost effectiveness. Priority will be given to projects in areas that are the most rural. **Responses must include a cost-per-pass estimate.**
- iv. Designed to provide speeds of 100 Mbps download and 20 Mbps upload (100/20).

Additional criteria to be used by NTIA while evaluated covered partnerships may be found on pages 34-35 of the NTIA Notice of Funding Opportunity (“NOFO”) (V-C, Selection Factors and Selection Process).

c. REQUIRED ATTACHMENTS

Responses must include the following attachments:

- i. An estimated project budget that includes technical and cost details and any match committed by project partners (cash and/or in-kind). Indirect costs may not exceed 10%. Company financial statements may be requested in the second phase of information gathering in order to demonstrate match capacity.
- ii. A summary of any pre-construction work completed or underway, including but not limited to feasibility studies, permitting, tribal consultation, and archaeological and historic preservation activities.
- iii. Project area map(s) and list of census blocks within the proposed service area.
- iv. Network diagram(s) and system design(s).
- v. A list of all project collaborators, both funded and informal partners, and key personnel involved in the project.
- vi. Letters of commitment from project collaborators or an estimated timeframe in which the letters will be provided.
- vii. Affidavit or company resolution authorizing submission and resources committed to project.
- viii. Letters of support for the project from community partners

5. PERIOD OF PERFORMANCE

The period of performance of any grant contract resulting from this RFI is tentatively scheduled to begin on or about December 1, 2021 at the earliest and to end on December 1, 2022. Amendments extending the period of performance, if any, shall be at the sole discretion of the MPUS and any extensions must be approved by the NTIA.

6. ANNOUNCEMENT OF PROPOSED SERVICE AREAS (e.g. Challenge Process)

The NTIA Covered Partnership application review process will include an announcement of proposed service areas that will be facilitated by NTIA. See Section VII.B of the NOFO (pages 42-43) for a full description of the announced proposed area process.

7. ELIGIBLE USES OF GRANT FUNDS AND MATCHING FUNDS

Below are non-exclusive examples of how a Covered Partnership may generally use grant funds and matching funds:

- Costs of construction, improvement, and/or acquisition of facilities and telecommunications equipment required to provide qualifying broadband service, including infrastructure for backhaul, middle and last mile networks;
- Cost of long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including infeasible right-of-use (IRU) agreements;
- Costs of engineering design, permitting and work related to environmental, historical and cultural reviews;
- Reasonable pre-application expenses in an amount not to exceed \$50,000. Pre-application expenses, which include expenses related to preparing an application, may be reimbursed if they are incurred after the publication date of this NOFO and prior to the date of issuance of the grant award from NTIA, except that lobbying costs and contingency fees are not reimbursable from grant funds. Pre-application costs should be clearly identified in the proposed project budget. Additionally, pre-application costs are incurred at the sole risk of the applicant and will not be reimbursed by NTIA if the proposed project does not receive an award pursuant to this program; and
- Other allowable costs necessary to carrying out programmatic activities of an award, not to include ineligible costs described below.

Allowable costs are determined in accordance with the cost principles applicable to the entity incurring the costs, as set forth in 2 CFR part 200.

8. INELIGIBLE USES OF GRANT FUNDS AND MATCHING FUNDS

A provider of broadband services cannot use grant funds or matching funds:

- To repay, or make any other payment relating to, a loan made by any public or private lender;
- As collateral for a loan made by any public or private lender;

- To pay for the preparation of the grant in an amount more than \$50,000;
- To pay for previously incurred administrative costs or previously purchased equipment or construction activities undertaken prior to the award (grant funds may not be applied to retroactive costs aside from the grant preparation costs up to \$50,000); and
- To pay for costs of providing broadband service to any locations that are used to meet an FCC Universal Service Fund (USF) deployment obligation.

Any party in a Covered Partnership cannot use grant funds or matching funds:

- To purchase or support any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608);
- As a profit, fee, or other incremental charge above actual cost; and
- Directly or indirectly as an offset for other funds, to support or oppose collective bargaining.

9. INDEPENDENT COVERED PARTNERSHIPS

NTIA encourages political subdivisions of a State that are contemplating formulating a covered partnership with one of more providers of fixed broadband service to coordinate and consult with the State’s Broadband Office or other coordinating body (Section C.3 of the NOFO). Governor Tate Reeves has designated MPUS for this NTIA funding opportunity. As such, the MPUS asks that independent covered partnerships provide the following information:

- a. Name, title, phone, and email contact information for project lead
- b. Brief project description, including covered service areas
- c. Total project cost and amount of funding sought
- d. Planned project start and end dates
- e. Project partners

10. POINT OF CONTACT

The point of contact in the MPUS for this RFI is:

Name	Angel Stenmark
E-mail Address	Angel.stenmark@mpus.ms.gov
Phone Number	(601) 961-5407

11. SUBMISSION OF RESPONSES

Responses must be received by the MPUS point of contact no later than 5:00 pm Central Daylight Time, in Jackson, MS. Responses may be submitted electronically to the RFI Point of Contact listed above or delivered to:

Mississippi Public Utilities Staff
ATTN: Angel Stenmark
501 N. West Street, Suite 313
Jackson, MS 39216

12. PROPRIETARY INFORMATION AND PUBLIC DISCLOSURE

Proposals submitted in response to this competitive procurement shall become the property of MPUS. All proposals received shall remain confidential until the funding award by NTIA is announced; thereafter, the proposals shall be deemed public records as defined by Miss. Law.

Any information in the proposal that the respondent desires to claim as proprietary and exempt from disclosure under state or federal law that provides for the nondisclosure of your document, must be clearly designated. The information must be clearly identified and the particular exemption from disclosure must be cited. Each page containing the information claimed to be exempt from disclosure must be clearly identified by the words "Proprietary Information" printed on the lower right hand corner of the page. Marking the entire proposal exempt from disclosure or as Proprietary Information will not be honored.

If a public records request is made for the information that the respondent as marked as "Proprietary Information," MPUS will notify the respondent of the request and the date that the records will be released to the requester unless the respondent obtains a court order enjoining that disclosure. If the respondent fails to obtain the court order enjoining disclosure, MPUS will release the requested information on the date specified. If a respondent obtains a court order from a court of competent jurisdiction enjoining disclosure under any state or federal law that provides for nondisclosure, MPUS shall maintain the confidentiality of under any respondent information per the court order. All requests for information should be directed to the RFI Coordinator.

Applications submitted in response to the NOFO may be subject to requests for release under the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552). Per the NOFO, NTIA will protect confidential and proprietary information from public disclosure to the extent authorized by applicable law, including FOIA, the Trade Secrets Act, as amended (18 U.S.C. 1905), and the Economic Espionage Act of 1996 (18 U.S.C. 1831 et seq.).

The NOFO states:

In the event that an application contains information or data that the applicant deems to be confidential commercial information that is exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial, or Financial Information. Based on these markings, the confidentiality of the contents of those pages will be protected to the extent permitted by law.

13. REVISIONS TO THE RFI

In the event it becomes necessary to revise any part of this RFI, addenda will be provided via e-mail to all individuals who have made the RFI Coordinator aware of their interest.

If you downloaded this RFI from the MPUS website, you are responsible for sending your name, e-mail address, and telephone number to the RFI Coordinator in order for your organization to receive any addenda.

MPUS reserves the right to cancel or to reissue the RFI in whole or in part, prior to the NTIA grant application submission.