

Notice of Fund Availability

New Jersey Board of Public Utilities

Availability of Grant

The New Jersey Board of Public Utilities (“BPU” or “Board”), located at 44 South Clinton Ave, Trenton, New Jersey 08625, hereby announces the availability of the New Jersey Broadband Infrastructure Deployment Equity Pilot Program utilizing federal funds awarded to New Jersey from the Capital Projects Fund (“CPF”).

Name of Program: New Jersey Broadband Infrastructure Deployment Equity Pilot Grant Program (“NJBIDE Pilot Program”).

Purpose:

The American Rescue Plan Act of 2021 (“ARP”) amended Title IV of the Social Security Act (42 U.S.C. 801, et. seq.), in part, by adding Section 604 to create the Coronavirus Capital Projects Fund (“CPF”) to address inequalities highlighted by the COVID-19 Pandemic with specific regard to the role of high-quality internet in enabling remote work, education, and healthcare access, underscoring the disadvantages faced by individuals and communities lacking such connectivity. New Jersey was allocated \$194,715,700 in CPF funds from the United States Department of the Treasury, pursuant to the ARP.

The New Jersey Treasury and the New Jersey Department of Community Affairs (“DCA”) entered into a memorandum of understanding (“MOU”), dated February 5, 2022, which names DCA as grants manager for CPF Funds and instructs the DCA to provide those grant management functions and processes for the State that are necessary to administer, manage, and monitor grant awards and disburse funds accordingly.

On December 21, 2023, the DCA and the BPU entered into an MOU, through which the DCA allocated \$52,768,000 of CPF funds to the BPU to fund the NJBIDE Pilot Program. This pilot program aims to address the digital divide in communities disproportionately impacted by the pandemic by targeting last-mile broadband infrastructure projects.

By investing in these crucial projects, the NJBIDE program aims to bridge the digital divide, promote digital equity, and ensure that all New Jersey residents have the connectivity they need to thrive in the 21st century.

By way of this Notice of Fund Availability, the BPU hereby announces the establishment of the NJBIDE Pilot Program consistent with the instructions contained herein and in the NJBIDE Pilot Program Application.

Goal:

NJBIDE is a Pilot Program intended to identify and connect unserved, underserved, and at-risk areas in the State with limited or no access to broadband facilities through targeted broadband infrastructure projects. The goal of NJBIDE is to work with local officials and non-profit organizations to develop projects that will close the digital divide and provide access to affordable universal access to reliable broadband services with a minimum of 100/100 Mbps (1G sym. preferred). Projects must be sustainable for 10 years and capable of supporting existing and Next-Generation applications and streaming services to promote digital equity, and economic development through expanded non-traditional workplace, health, and educational opportunities by December 31, 2026. The Pilot Program will focus on fiber-based solutions that enhances and promotes remote work and learning, as well as community access to telehealth.

Amount of funds available in the program:

A total of **\$40,000,000** is available through this program. This funding is sourced from the U.S. Department of the Treasury's CPF and is specifically designated for broadband infrastructure projects in New Jersey.

Eligible Entities:

Capital Projects Fund Recipients, such as the State of New Jersey, may award funds to Subrecipients, such as other levels or units of government (e.g., municipalities or counties), non-profits, and private entities, and may include co-operatives, electric utilities, and other entities that build or operate broadband networks, including networks that are owned, operated by, or affiliated with local governments.¹ Eligible applicants must be in compliance with all Federal, State, and local laws, including but not limited to N.J.S.A. 54:50-39, which requires all grant applicants to obtain a Tax Clearance Certificate from the Director of the New Jersey Division of Taxation.

Applicant Qualifications:

Eligible entities must submit a completed application, complete the project workbook (described below), submit a notarized attestation agreement (which can be found in the application instructions), and provide an executed local government resolution in support of the eligible entity's application under the NJBIDE Grant Program.

¹ U.S. Department of the Treasury. (2021, September). Guidance for the Coronavirus Capital Projects Fund for States, Territories & Freely Associated States at page 2. <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/capital-projects-fund>. In the event of a conflict between this Notice of Funding Availability and the Guidance for the Coronavirus Capital Projects Fund for States, Territories & Freely Associated States, the latter shall control.

For a Project to be an eligible use of CPF grant funds, it must meet all of the following criteria:²

1. The Capital Project invests in capital assets designed to directly enable work, education, and health monitoring.
2. The Capital Project is designed to address a critical need that resulted from or was made apparent or exacerbated by the COVID-19 public health emergency.
3. The Capital Project is designed to address a critical need of the community to be served by it.

Application Instructions:

To submit a complete application, applicants must register with the Board's IGX Sage Grant Management Portal and submit the application packet consisting of an application form, project area maps, and the project workbook, found on New Jersey's Office of Broadband Connectivity ("OBC") website at <http://www.nj.gov/connect/grants/cpf>. The application instructions are designed to guide applicants in consistently organizing their proposals to facilitate evaluation. Applicants should demonstrate within the relevant sections how their proposed program meets or exceeds the goals and purposes of the NJBIDE program.

The online application form can be accessed directly at this link to [SAGE/IGX portal](#). Application instructions and project [workbooks](#) can be accessed on the [OBC/CPF webpage](#).

Application Timeline:

DATE	EVENT
Nov. 18, 2024	NJBIDE grant application period opens.
Jan 31, 2025, 5:00 PM EST	Project applications due from applicants.
Feb. 28, 2025	OBC publishes its intent to award funding to approved projects.
March 1, 2025	Public comment period opens.
March 31, 2025	Public comment period closes.
April 30, 2025	OBC finalizes funding awards.

Applications due:

All applications must be received no later than 5:00 P.M. EST on Friday, January 31, 2025.

² U.S. Department of the Treasury. (2021, September). Guidance for the Coronavirus Capital Projects Fund for States, Territories & Freely Associated States at page 3. <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/capital-projects-fund>

Application preparation:

While an applicant may submit multiple applications, either individually or in partnership with other eligible entities, each application must focus on a distinct, contiguous project area. Please note that SAGE will not accept applications proposing broadband expansion in multiple or non-contiguous project locations. Please note that the maximum award per applicant, irrespective of approval of multiple applications, is \$10,000,000 per applicant.

At a minimum, each application per project area must include the following:

1. Applicant information, qualifications, and partnerships
2. Project area(s) and locations to be served
3. Technical report
4. Project budget(s) using templates provided, matching funds, costs, and proof of funding
5. Proposed services, marketing, adoption, and community support
 - This section asks you to describe your planned services, pricing, marketing and outreach strategies, plans for promoting broadband adoption in the community, and any evidence of community support for your project.
6. A description of the applicant's approach to the project containing specific commitments, milestones, and timeframes
7. Name and number of anchor institutions eligible to receive gigabit service.
8. The applicant's guaranteed upload and download speeds for all customers in the serving area.
9. Total NJBIDE funds sought for the designated area.
10. Total contribution in dollars and percent of the total cost to complete the project.
11. The creation of low-income program(s) to benefit at-risk individuals and communities.

To prepare your application:

- Detailed instructions for each section of the application can be found in the Application Instructions document, available online on the [OBC CPF webpage](#).
- Please direct email inquiries regarding this Notice to broadband@bpu.nj.gov.

Federal Minimum Requirements: The United States Treasury's minimum eligibility criteria are listed in Section 7.2 of the Application Instructions document, which requires applicants to demonstrate compliance with the following:

CRITERIA	Required
<p>1. The applicant is one of the following: public or private entity, non-profit, electric utility, cooperative, or a public-private partnership. To build and operate their broadband network, the applicant is partnering with one of the following: a local government unit, non-profit, electric utility, cooperative, or internet service provider.</p>	Yes
<p>2. The applicant's project prioritizes the use of fiber-optic technology to deliver last-mile broadband service. It aims to provide symmetrical download and upload speeds of at least 100 Mbps to all proposed locations. <i>If achieving 100/100 Mbps is impractical due to documented geographic, topographic, or cost constraints supported with evidence from the affected community, the project offers a minimum 100 Mbps download and 20 Mbps upload speeds scalable to at least 100/100 Mbps.</i> The applicant's project proposes to deliver speeds of at least 1 Gbps symmetrical to Community Anchor Institutions (CAIs), such as schools, libraries, and hospitals, and achieve latency of 100 milliseconds or less round trip time for at least 95% of measurements during testing windows.</p>	Yes
<p>3. The applicant's project is designed to deliver essential broadband infrastructure to households and businesses lacking access to reliable, affordable wireline service at minimum speeds of 100 Mbps download and 100 Mbps upload.</p>	Yes
<p>4. The applicant's project:</p> <ul style="list-style-type: none"> (1) Invests in capital assets designed to directly enable work, education, <u>and</u> health monitoring; (2) Is designed to address a critical need of the community that resulted from, or was made apparent or exacerbated by, the COVID-19 public health emergency; and (3) Is designed to address a critical need of the community to be served by it. 	Yes
<p>5. The applicant's project ensures equitable access to affordable broadband service, and meets the following requirements: The service provider for the completed broadband infrastructure project will participate in all applicable federal programs that help low-income consumers afford internet access, such as the Affordable Connectivity Program (ACP) or any future program designated by the Treasury Department. The service provider offers at least one low-cost internet plan with sufficient speeds to support multiple users simultaneously engaging in activities like remote work and online learning. The service provider agrees to report pricing data to the OBC for program performance monitoring and to ensure compliance with affordability</p>	Yes

	requirements. This reporting obligation will continue until the federal interest period expires on December 31, 2034 ³ .	
6.	The applicant's project includes the process it followed to address affordability in the areas it intends to serve with NJBIDE grant funds. Project submission includes data used from surveys, community engagement, existing studies, or other data to determine affordable broadband service.	Yes
7.	The applicant's project includes a comprehensive community engagement plan that outlines both initial and ongoing (post-deployment) strategies to ensure active community involvement and transparency throughout the project lifecycle, starting from the initial planning stages and continuing even after deployment.	Yes
8.	The applicant project includes a comprehensive project management plan that outlines the key milestones and timelines for successful project implementation.	Yes
9.	The applicant's project includes comprehensive plans for compliance monitoring.	Yes
10.	The applicant's broadband infrastructure project includes an estimate of the number of locations (i.e., households, businesses, and community anchor institutions, etc.) to be served by the NJBIDE investment.	Yes

Additionally, the OBC shall award points to eligible applicants based on the following merit criteria, as outlined in Section 8.4 of the Application Instruction document. Please refer to Sections 7 and 8 of the NJBIDE Application Instructions for a more detailed breakdown of these criteria and their associated points.

MERIT CRITERIA	
Open Access: Applicant's project prioritizes an open access network owned, operated, or affiliated with a local government, non-profit organization, electric utility, or cooperative. Applicant intends to make the network available to any service provider requesting access on a non-discriminatory basis, ensuring service is available to anyone over the NJBIDE-funded network.	10
Designated Priority Areas: Applicant's project serves a community within one of the NJBIDE designated priority areas (Atlantic, Burlington, Cumberland, Essex, Salem, or Warren counties), or is a public-private partnership where at least one partner is located in a NJBIDE designated priority area.	10
Affordability of Service: Proposed subscription price for Broadband Service for all funded locations is affordable. Full points will be awarded for projects with a Broadband Service subscription of less than \$65 per month for at least 100/20	10

³ "Federal interest" refers to the period during which the federal government retains a financial interest in projects funded by the CPF. This period typically lasts for the "useful life" of the funded asset, which, in the case of broadband infrastructure, is often considered to be 10 years.

service and that offers eligible low-income households service for less than \$30 per month after federal subsidy programs.	
Last-mile: Applicant's proposal prioritizes infrastructure for last-mile connections. Full points awarded for projects that propose exclusively last-mile infrastructure. Partial points are available for hybrid-projects where some of costs are associated with last-mile connections.	10
Fiber: Applicant's project exclusively utilizes fiber-optic technology for broadband infrastructure deployment, (6 points). Applicant's project incorporates fiber-optic infrastructure as a core component but may also utilize other technologies in specific areas to extend reach or address particular geographic challenges, 4 points).	10
Serves the Community: The applicant is a public-private partnership AND their project provides supporting documentation of local community involvement in project design, local partnerships that support implementation or adoption efforts, letters of support from diverse communities with a critical need for broadband, or Tribal consultations (if applicable).	10
Expedited Timeline The applicant's project is expected to be substantially completion within 12 months.	10
Small Business Subcontracting: Applicant's project commits to a good faith subcontracting plan to contract with or employ a certified small business, minority-owned business, socially and economically disadvantaged business enterprise, veteran-owned business and other businesses certifications made by NJ Department of Treasury. <i>Business certifications are publicly posted on the Selective Assistance Vendor Information (SAVI) webpage.</i>	10
Minimization of NJBIDE Outlay: Applicant may be awarded points based on how much NJBIDE funding they are requesting relative to a reference price that OBC will determine for the project area they will serve. Applicants that request NJBIDE equal to the reference price will be awarded 5, while applicants that request less than the reference price will be awarded in proportion to how much funding they are requesting with a maximum of 10 points if no funding is requested. Applicants that request above the reference price will not be awarded any points. Note: The "reference point price" requires the most up-to-date information on the broadband map. More detailed instructions will be included in the next NJBIDE guidance and will be made available to applicants at a later date and posted on the OBC's website.	10
Highest Need: The project proposes to primarily serve locations that are located in economically distressed communities disproportionately affected by the COVID-19 pandemic and at higher risk for future disaster due to lack of investment and access to critical services such as broadband. Projects that have	10

the highest share and highest index score of vulnerable locations, as defined by the Center for Disease Control's Social Vulnerability Index (SVI) , will receive the most points.	
TOTAL	100

The final funding amount for each approved project will be determined based on a combination of the project's score as determined by an evaluation committee, the total funding requested, and the overall funding available for the program, up to a total of \$10,000,000 per eligible applicant. The total funding available under the NJBIDE Pilot Program for successful applicants is \$40,000,000.

Use of Grant Funds:

Successful applicants are permitted to use NJBIDE Pilot Program funds for the following purposes:

1. Up to a maximum of \$10M of the eligible broadband infrastructure deployment costs for an eligible applicant;
2. Broadband project expenses, which are capital expenses directly related to the deployment of a qualified broadband project, including 5% of pre-project development costs and uses, including data gathering, feasibility studies, engineering design, work related to environmental historical, and cultural reviews, and permitting;
3. Costs of materials, supplies, equipment, and construction of infrastructure for backhaul, middle, and "last mile" network expenses;
4. 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, engineering design, and work related to environmental, historical, and cultural reviews;
5. Costs of repair, rehabilitation, construction, improvement, and acquisition of real property, equipment (e.g., devices and office equipment), and facilities (e.g., telecommunications equipment, including infrastructure for backhaul, middle, and last mile networks);
6. Cost of long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including indefeasible right-of-use agreements and capital leases;
7. Personnel costs including salaries and fringe benefits for staff and consultants required for carrying out a Capital Project (such as project managers, program directors, subject matter experts, equity consultants, grant administrators, financial analysts, accountants, and attorneys);
8. Ancillary costs necessary to operationalize and put the capital assets to full use, including costs to increase broadband adoption and improve digital literacy;
9. Costs associated with monitoring of and reporting on Projects in compliance with Treasury requirements, including award closeout costs;

10. Costs associated with collecting and measuring performance data and conducting activities needed to establish and maintain a performance management and evaluation regime related to Projects funded by the Capital Projects Fund program.

Ineligible costs include, but are not limited to:

1. Acquisition of spectrum licenses
2. Operating expenses other than grant administration costs (limited to \$25,000 or 5 percent of the grant award, whichever is greater);
3. Short-term operation leases
4. Satisfaction of any obligation under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding;
5. Payment of interest or principal on outstanding debt instruments or other debt service costs incurred prior to March 15, 2021;
6. Fees or issuance costs associated with the issuance of new debt;
7. Costs not directly enabling work, education, or health monitoring
8. Duplicative costs covered by other federal or state funding source commitments
9. Infrastructure not directly connected to service provision for an end-user in the proposed area
10. Long term capital asset purchases/leases, although cost allocation for use during the project period will be considered on a case-by-case basis
11. 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.

Grant award:

Successful applicants will be notified that they have received an award of funds under the NJBIDE Pilot Program no later than April 30, 2025.

Applicants with existing, enforceable federal funding commitments are eligible to request NJBIDE Pilot Program funding exclusively for project areas that are not covered or reimbursed by these other federal funding sources. As per Treasury guidelines, the CPF is intended for complementary use only and cannot supplant or duplicate other federal funding.⁴

Any governing body or local unit, as defined by N.J.S.A. 40:9D-1, including, but not limited to, counties and municipalities, intending to submit an application to BPU for NJBIDE funding should review P.L. 2007, c. 191 (N.J.S.A. 40:9D-1 to - 8) and comply with same if applicable. Questions as to the requirements and applicability of N.J.S.A. 40:9D-1 to -8 should be directed to the New Jersey Department of Community Affairs.

⁴ U.S. Department of the Treasury. (2021, September). Guidance for the Coronavirus Capital Projects Fund for States, Territories & Freely Associated States at page 5. <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/capital-projects-fund>

All grant funds must be expended by the end of the performance period on December 31, 2026. This deadline is firm and applies even if delays in project completion are outside the grantee's control. Failure to fully utilize the awarded funds by this deadline will require recipients to return any remaining funds to the Treasury