

**New Jersey**  
**Office of Broadband Connectivity**

Capital Projects Fund  
Broadband Infrastructure Deployment Equity  
Pilot Grant Program  
NJBIDE



***Application Instructions***

**Docket TO23100776**

**Application Deadline (revised)**

**February 7, 2025, 5:00 PM ET**

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# 1 PROGRAM SUMMARY

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## 1.1 BACKGROUND AND AUTHORIZATION

The COVID-19 pandemic reshaped our lives, underscoring the indispensable role of broadband connectivity in modern society. The ability to work remotely, access telehealth services, participate in online education, and leverage digital resources for economic growth became not just convenient, but essential. Recognizing this fundamental shift, and in response to the COVID-19 Pandemic, on March 11, 2021, President Biden signed the American Rescue Plan Act (ARPA) into law. Through ARPA, Congress, at subtitle M, amended Title VI of the Social Security Act (42 U.S.C. 801 et seq.), in part, by adding a Section 604 to create the Coronavirus Capital Projects Fund (CPF) to address the urgent need for expanded broadband infrastructure, enabling work, education, health monitoring, and addressing critical needs exacerbated by the pandemic.

New Jersey received One Hundred Ninety-Four Million Seven Hundred Fifteen Thousand Seven Hundred Dollars (\$194,715,700, federal award number CPFFNO185) in CPF funds pursuant to ARPA. Through a Memorandum of Understanding (MOU) dated February 5, 2022, the State Treasurer designated the Department of Community Affairs (DCA) as the grants manager for these funds. Subsequently, by way of the MOU with DCA, signed on January 3, 2024, an amount not to exceed Fifty-Two Million Seven Hundred Sixty-Eight Thousand Dollars (\$52,768,000) of CPF funds were distributed to the New Jersey Office of Broadband Connectivity (OBC) to fund the New Jersey Broadband Infrastructure Deployment Equity (NJBIDE) program. In 2021, Governor Murphy signed the Broadband Access Study Commission Act, establishing the Broadband Access Study Commission (BASC) and allocating Two Million Seven Hundred Sixty-Eight Thousand Dollars (\$2,768,000) in Capital Projects Fund (CPF) money to support its work. The BASC was responsible for identifying gaps and affordability barriers in broadband service, as well as evaluating the feasibility of community broadband networks. ECC Technologies provided consulting services to assist the BASC in developing recommendations and a final report.

The NJBIDE program is an investment in the future of New Jersey, ensuring that State residents have the tools they need to thrive in an increasingly digitally interconnected world. To achieve this goal, New Jersey will award funding for broadband infrastructure that addresses existing disparities in broadband access, supports economically distressed and marginalized communities, and helps New Jersey residents achieve their economic potential.

Through a competitive grant process, the NJBIDE program will fund the construction and deployment of broadband infrastructure projects that are designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps.<sup>1</sup> As part of this

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<sup>1</sup> If because of geography, topography, or excessive cost, it would be impractical for a project to be designed to deliver services at such a speed, the project must be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds. (Source: Capital Projects Fund Guidance for States, Territories, and Freely Associated States, U.S. Department of the Treasury)

program, applicants must agree to serve all unserved and underserved Broadband Serviceable Locations (BSLs) and community anchor institutions in their proposed project area.

Eligible applicants include 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.

The NJBIDE program aims to prioritize investments in economically distressed areas and areas where households and businesses are not currently served by a wireline connection that reliably delivers at least 100 Mbps of download speed and 20 Mbps of upload speed. To achieve this, the NJBIDE program will prioritize applications with project areas that include, in part or in whole, the following counties: Atlantic County, Burlington County, Cumberland County, Essex County, Salem County, and Warren County. The NJBIDE program also aims to prioritize projects that demonstrate investments in fiber-optic infrastructure and projects that involve broadband networks owned, operated by or affiliated with local governments, non-profits, and co-operatives.

## 1.2 DEFINITIONS

All terms defined herein shall be construed to have the same meaning set forth in the U.S. Department of Treasury's Guidance for the Coronavirus Capital Projects Fund for States, Territories & Freely Associated States (<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/capital-projects-fund>), the U.S. Department of Treasury's Coronavirus Capital Projects Fund: States, Territories, and Freely Associated States Project and Expenditure Report User Guide (<https://home.treasury.gov/system/files/136/CPF-PE-Report-User-Guide.pdf>), and the National Telecommunications and Information Administration (NTIA) (<https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>). In the event of a conflict between these Application Instructions, the Guidance, the User Guide, and NTIA definitions, whether as to a definition or otherwise, the Guidance shall control.

- *Applicant*: The term "applicant" means an entity that is seeking NJBIDE grant funds. Eligible applicants include 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.
- *Board*: The term "Board" means the New Jersey Board of Public Utilities.
- *Broadband DATA Maps*: The term "Broadband DATA Maps" means the maps created by the Federal Communications Commission under Section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. § 642(c)(1)).
- *Broadband service*: The term "broadband" or "broadband service" has the meaning given the term "broadband internet access service" in Section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation, meaning it is a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation

of the communications service, but excluding dial-up internet access service. This term also encompasses any service that the Federal Communications Commission finds to be providing a functional equivalent of the service described in the previous sentence or that is used to evade the protections set forth in this part.

- *Cooperative*: The term “cooperative” means a corporation or association as defined at [N.J.S.A. 46:8D-3\(f\)](#).
- *Director*: The term “Director” means Executive Director of the Office of Broadband Connectivity (OBC) within the New Jersey Board of Public Utilities (BPU).
- *e-Filing, BPU External Access Portal; Infoshare*: The terms “e-Filing”, “BPU External Access Portal” and “Infoshare” refer to the web-based application used by the New Jersey Board of Public Utilities for electronic filing of documents with the Board.
- *Enforceable funding commitment*: The term “enforceable funding commitment” means a legally enforceable obligation by an entity using federal or state funding to provide reliable wireline service at speeds of at least 100 Mbps of download speed and 20 Mbps of upload speed. Locations with existing enforceable federal or state funding commitments for reliable wireline service at speeds of at least 100 Mbps of download speed and 20 Mbps of upload speed are not eligible for NJBIDE funding.
- *Grantee/Recipient*: The term “grantee” or “recipient” means an entity that receives NJBIDE grant funds from OBC to carry out eligible activities.
- *Household*: The term “household” means individuals living together as one economic unit, sharing income and expenses.
- *Infrastructure costs*: The term “infrastructure costs” means costs directly related to the construction of broadband infrastructure, excluding overhead and/or administrative costs.
- *Last-mile*: The term “last-mile” refers to the final leg connecting a broadband service provider’s network to the end-user customer’s on-premises telecommunication equipment.
- *Location; Broadband-Serviceable Location*: The terms “location” and “broadband serviceable location” mean “a business or residential location in the United States at which fixed broadband Internet access service is, or can be, installed,” as represented by the FCC National Broadband Map.
  - Residential Location: A “residential location” is defined by the FCC as a location that is or contains “housing units” or “group quarters” based on the U.S. Census Bureau’s definition of these terms.
  - Business Location: A business location is defined as a non-residential structure on a property without residential locations that would expect to demand internet access services.
  - Community Anchor Institution: A community anchor institution means an entity, such as a 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 that facilitates greater use of broadband service by vulnerable

populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

- *NJBIDE cost*: The term “NJBIDE cost” means the total amount of grant funding requested by the applicant per potential broadband user in the proposed project area. To calculate the NJBIDE cost, applicants should divide the cost of the total grant amount requested by the number of unserved and underserved locations in their project area (i.e., the number of unserved and underserved locations who would benefit from the proposed broadband infrastructure project).
- *Office of Broadband Connectivity (OBC)*: The term “Office of Broadband Connectivity” or “OBC” means the Office of Broadband Connectivity (OBC) within the New Jersey Board of Public Utilities (BPU).
- *Program*: the term “Program” means the New Jersey Broadband Infrastructure Deployment Equity (NJBIDE) program.
- *Project*: The term “project” means an undertaking by a subgrantee to construct and deploy infrastructure for the provision of broadband service that, upon project completion, will deliver service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps. If because of geography, topography, or excessive cost, it would be impractical for a project to be designed to deliver services at such a speed, the project must be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds.
- *Prospective broadband recipient*: The term “unserved location” means either an underserved or unserved location.
- *Reliable Broadband Service*: The term “Reliable Broadband Service” means broadband service that the Broadband DATA Maps show is accessible to a location via: (i) fiber-optic technology; (ii) Cable Modem/ Hybrid fiber-coaxial technology; (iii) digital subscriber line (DSL) technology; or (iv) terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.
- *State*: The term “State” means, for the purposes of the NJBIDE program, the State of New Jersey and its agencies, including but not limited to the New Jersey Board of Public Utilities and the Office of Broadband Connectivity.
- *Substantial completion*: The term “substantial completion” means 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 management systems infrastructure must be operational. Projects must reach substantial completion before December 31, 2026.
- *System for Administering Grant Electronically (SAGE)*: The terms “System for Administering Grant Electronically” and “SAGE” refer to the web-based application used by the New Jersey Board of Public Utilities for processing grant applications, issuing awards, and maintaining electronic signatures.
- *Underserved location*: The term “underserved location” means a broadband-serviceable location that is (a) not an unserved location, and (b) that the Broadband DATA Maps show as lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 100 Mbps for

downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.

- *Unserviced location*: The term “unserved location” means a broadband-serviceable location that the Broadband DATA Maps show as (a) having no access to broadband service, or (b) lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 25 Mbps for downloads; and (ii) a speed of not less than 3 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.

## 2 APPLICATION TIMELINE

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### 2.1 SCHEDULE OF EVENTS

- A. Application dates and times are listed in the schedule below. If the OBC finds it necessary to change any of the dates and times in the schedule of events listed below, it will do so by issuing a revision to these instructions.
- B. Applications will be submitted using the BPU's e-Filing system ("BPU External Access" or "Infoshare"). Please note that this is a change from previous instructions.
- C. Late-filed applications will not be accepted. Applicants are encouraged to start their applications well before the deadline and allow sufficient time to address the administrative and programmatic requirements related to submitting a grant application.
- D. OBC will notify applicants of its intent to fund no later than April 30, 2025. Applicants will be notified of award decisions via email and the CPF website. Selected applicants must complete a grant agreement for the grant to be awarded.
- E. Selected applicants will enter their application details into the SAGE IGX Grant Management Portal (SAGE) to move forward with grant agreement negotiations. Awards are conditional upon completing all required processes in SAGE, including registering, submitting materials, and completing grant agreements.

DATE	EVENT
Nov. 18, 2024	NJBIDE grant application period opens.
Feb. 7, 2025, 5:00 PM ET	Project applications due from applicants.
March 7, 2025	OBC publishes its intent to award funding to approved projects.
March 10, 2025	Public comment period opens.
April 14, 2025	Public comment period closes.
April 30, 2025	OBC finalizes funding awards.



## 3 ELIGIBLE APPLICANTS

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### 3.1 APPLICANTS

- A. Eligible applicants include 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.
- B. 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.

## 4 PROJECT ELIGIBILITY AND PROJECT AREA

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### 4.1 PROJECT ELIGIBILITY

- A. The construction and deployment of broadband infrastructure projects (“Broadband Infrastructure Projects”) are eligible for funding under the Capital Projects Fund program if the infrastructure is designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps. If it would be impracticable, because of geography, topography, or excessive cost, for a Broadband Infrastructure Project to be designed to deliver services at such a speed, the Project must be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds<sup>2</sup>.
- B. Middle-mile projects are eligible for grant funding if they are directly connected to last-mile projects that have existing contracts in place. This ensures that the middle-mile infrastructure will not be underutilized and that the funds are being used to expand broadband access to unserved and underserved areas as efficiently as possible.
- C. The NJBIDE program aims to prioritize projects that demonstrate investments in fiber-optic infrastructure and projects that involve broadband networks owned, operated by or affiliated with local governments, non-profits, and co-operatives.

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<sup>2</sup> Applicants submitting an attestation should be aware that a statement alone is not sufficient to demonstrate impracticability. To receive consideration, applicants must clearly demonstrate why delivering 100/100 Mbps speeds is not feasible due to geography, topography, or excessive cost, as outlined in the Capital Projects Fund (CPF) guidance. The Office of Broadband Connectivity (OBC) will provide more detailed guidance on this topic soon.

## 4.2 PROJECT AREA

- A. A project area refers to a contiguous area that is comprised of at least one Census Block Group, in its entirety. If a project area includes multiple Census Block Groups, it must include each Block Group in its entirety. Project areas may comprise multiple municipalities and/or counties, provided that the project area remains contiguous.
- B. As part of this program, applicants must agree to serve all unserved and underserved locations and community anchor institutions within their proposed project area.
- C. Locations with existing enforceable federal or state funding commitments for reliable wireline service at speeds of at least 100 Mbps of download speed and 20 Mbps of upload speed are not eligible for NJBIDE funding.
- D. The NJBIDE program aims to prioritize investments in economically distressed areas and areas where households and businesses are not currently served by a wireline connection that reliably delivers at least 100 Mbps of download speed and 20 Mbps of upload speed. To achieve this, the NJBIDE program will prioritize applications with project areas that include, in part or in whole, the following counties: Atlantic County, Burlington County, Cumberland County, Essex County, Salem County, and Warren County.

## 4.3 RESOURCES FOR IDENTIFICATION OF PROJECT AREAS

- A. To assist applicants in identifying eligible project areas, the OBC has created a GIS map of New Jersey that maps underserved and unserved locations across the State, using data from the Broadband DATA Maps. It serves as a valuable resource for applicants to delineate the geographic scope of their broadband infrastructure projects; applicants are encouraged to use this map on the OBC's website as an initial step in identifying project areas. The map is available on the New Jersey CPF website at [www.nj.gov/connect/grants/cpf](http://www.nj.gov/connect/grants/cpf). By selecting the "County" layer, users can view underserved and unserved broadband serviceable locations.

# 5 APPLICATIONS

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## 5.1 PROCESS OVERVIEW

- A. Applications for the NJBIDE grant program shall be submitted and processed through the Board's e-Filing system.
- B. If an applicant or project is deemed technically unviable during evaluation, at the sole discretion of the OBC, the OBC may remove it from consideration.
- C. Applicants must propose to serve a single contiguous area within the eligible project area.

- D. Multiple applications from an applicant are permitted. Each application must conform fully to the requirements for submission, and each application will be evaluated as a distinct and separate filing without reference to other applications from the same applicant. Each application must be submitted separately and be a unique application.

## 5.2 APPLICATIONS WITH MULTIPLE BROADBAND SERVICE PROVIDERS OR PROJECT AREAS

- A. An applicant may include multiple broadband service providers within a single application for one contiguous project area, provided the application demonstrates how broadband service providers are collaborating to achieve universal coverage within that area.
- B. Applications can include support from more than one unit of local government within the proposed contiguous project area.
- C. Local governments may endorse multiple applications with different broadband service providers, as long as the project areas are contiguous and include all community anchor institutions (CAIs).
  - a. If a local government provides support (letters, funding, or in-kind) to any application, it should generally offer proportional support to all applications using similar technologies, serving the same unserved areas, and with a similar number of beneficiaries within its jurisdiction.
  - b. If applications differ in areas served, technologies used, or number of beneficiaries, the local government may adjust support levels but must provide a written justification to the OBC explaining why this doesn't create an unfair preference for any provider. The OBC reserves the right to disqualify applications if undue preference is found.

## 5.3 APPLICATION REQUIREMENTS

- A. Each application shall include:
  - 1. Applicant information, qualifications, and partnerships
  - 2. Project area(s) and locations to be served
  - 3. Technical report
  - 4. Project budget(s), matching funds, costs, and proof of funding
  - 5. Proposed services, marketing, adoption, and community support
  - 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.
- B. The creation of low-income program(s) to benefit at-risk individuals and communities.
- C. All materials filed with the Board are public documents and are therefore subject to the New Jersey Open Public Records Act ("OPRA"). N.J.S.A. 47:1A-1 *et seq.* The Board intends to make public versions of submitted Applications available to the general public following completion of the award process. Therefore, if an applicant seeks confidential treatment of portions of its application, for example, as proprietary commercial or financial information, an applicant may file a claim of confidentiality pursuant to the Board's Rules of Practice and Procedure governing submission of confidential materials, N.J.A.C. 14:1-12.1, *et seq.* Pursuant to N.J.A.C. 14:1-12.4 and N.J.A.C. 14:1-12.8., any submission of confidential information should be accompanied by a substantiation of confidentiality supported by an affidavit and identify a designee for receiving notices from the Board's Records Custodian. The substantiation of confidentiality must identify each type of data or materials that the Applicant asserts are exempt from public disclosure under OPRA and/or the common law, and explain the basis for the proposed redaction. Assertions that the entire Application is exempt from public disclosure under OPRA, the common law, or the U.S. Copyright Act are overbroad and will not be honored by the Board. If staff of the Board determines that an Application is excessively redacted, it may request that the Applicant submit a revised public version of one or more documents.

#### 5.4 APPLICATION INFORMATION, STATEMENT OF QUALIFICATIONS, AND PARTNERSHIPS

- A. The identity of the applicant and its qualifications and experience with the deployment of broadband (if applicable). The applicant shall include the following (if applicable):
- a. The number of years providing internet services.
  - b. A history of the number of households and consumers, by year of service, to which the applicant has provided broadband internet access, as well as the current number of households to which broadband internet access (at least 25:3 Mbps) is offered.
  - c. The number of completed internet service infrastructure projects funded, in part, through federal or state grant programs, prior to the date of application submittal. If applicable, GIS shapefiles identifying served locations are required.
  - d. Whether the applicant has ever participated in an internet service infrastructure project funded, in part, through federal or state grant programs, and if so, for each project, the nature and impact of the project, the role of the applicant, the total cost of the project, and the dollar amount of federal or state grant funding.

- e. If the applicant or any of its partners, including any subsidiary, affiliate, or holding company of the applicant or its partners, has a history of penalties or litigation related to previous broadband infrastructure projects, they must provide supporting documentation to demonstrate the circumstances and any corrective actions taken.
- f. An attestation of no federal or state labor and employment law violations in the past ten years.
- g. Applicants should provide financial documentation to demonstrate their financial and organizational strength. This includes the last five years of audited financial statements (including balance sheet and income statement) for companies in business for five or more years. Companies in business for less than five years should provide audited financial statements, pro forma statements, or financial audits covering their operational period. These documents are crucial to assess the applicant's ability to meet grant requirements and potentially repay grant funds. Any applicant declaring that it does not have financial statements, pro forma statements, or financial audits, the OBC, at its sole discretion, shall decide what documents are necessary to fulfill the requirements of this section.
- h. The identity of any partners or affiliates if the applicant is proposing a project for which the applicant affirms that a formalized agreement or letter of support exists between broadband service provider and one or more unaffiliated partners where the partner is one of the following:
  - i. A separate privately-owned broadband service provider, requiring a formalized agreement; or
  - ii. A nonprofit or not-for-profit, or a for-profit subsidiary of either, and the applicant is:
    - 1. Being allowed access and use of the partner's infrastructure, on special terms and conditions designed to facilitate the provision of broadband services in unserved areas, requiring a formalized agreement;
    - 2. Utilizing a matching financial and/or in-kind contribution provided by one or more partners, requiring a formalized agreement; or
    - 3. A municipality, parish, or school board or any instrumentality thereof, may qualify as a non-profit for the purpose of NJBIDE grant program. Letters of support by a municipality, parish or school board or any instrumentality thereof, supporting an application may be submitted as part of an application. A letter of support does not require a formalized agreement.

## 5.5 PROJECT AREA(S) AND LOCATIONS TO BE SERVED

- A. Every application shall include
- a. Each application must be accompanied with geospatial data that includes the project area, the proposed locations to be served (including their location IDs, as recorded in the Broadband DATA Maps), and the wireline route and/or placement of facilities proposed to be built with the grant.
  - b. Applicants must provide data to BPU in three formats: a static map, a spreadsheet of locations to be served by the project, a spreadsheet of Census Block Groups that comprise the project area, and geospatial files:
    - i. The static map must be uploaded within the grant system as part of the application using the Upload tab. The static map must visually depict the entire project area, including (a) the wireline route and/or the location of tower placements; and (b) a point for each location proposed to be passed and serviceable by the project. For large projects, a static map may be separated into several pages to capture all project areas.
    - ii. The spreadsheet of locations to be served by the project must be uploaded within the grant system as part of the application using the Upload tab use the Broadband Location Data Template. The template includes instructions for each field to be completed. Each location should be a unique row within the template with all fields completed.
    - iii. The spreadsheet of Census Block Groups must provide the Geographic Identifiers (GEOIDs) for each Census Block Group within the project area.
    - iv. The geospatial files will be delivered consistent with forthcoming supplemental instructions. The geospatial files must include (a) the wireline route and/or the location of tower placements; (b) a point for each eligible location proposed to be passed and serviceable by the project (including their location IDs), and (c) a multi-polygon showing the boundaries of the project area. Geospatial file(s) of the project area must be shapefiles or a geodatabase with feature classes, or another format with prior written consent of the OBC.
    - v. Submission of Supporting Documentation: Applicants are required to submit all supporting documentation, including shapefiles (.shp) and associated files, as part of their proposal. To ensure efficient processing and adherence to system limitations, please adhere to the following guidelines. Failure to comply with these guidelines may result in delays in processing applications and/or the rejection of an application.
      1. File Compression: All shapefile components, including the main file (.shp), index file (.shx), attribute table (.dbf), projection file (.prj), and

any optional files (e.g., .sbn, .sbx, .shp.xml, .cpg), must be compressed into a single ZIP archive before uploading.

2. File Size Limit: The maximum allowable size for the compressed ZIP archive is 199MB. If your compressed shapefile exceeds this limit, please contact the BPU OBC for further instructions.
  3. File Naming: Clearly label the compressed file with a descriptive name that includes the project name and indicates that it contains the shapefile data (e.g., "ProjectX\_Shapefile.zip").
- B. Applicants are required to attest to the OBC that the project area(s) identified within the application are eligible, to the best of their knowledge, for NJBIDE funding and do not have enforceable federal or state commitments. The attestation statement and signature shall be included as part of the application.

## 5.6 TECHNICAL REPORT

- A. Applicants must provide a narrative, technical report detailing the technology/ technologies to be used in the proposed project to serve prospective broadband recipients at their premises. Applicants must indicate the technology that will serve a prospective broadband recipient as wired infrastructure or hybrid and provide aggregated totals for each solution for each project. Hybrid solutions are those that combine fiber with other technologies for last-mile delivery. Examples include fiber-to-the-node or fiber-to-the-curb with coaxial cable or DSL for the final connection. While fixed wireless or satellite may be components of a hybrid solution, they will not be funded as standalone last-mile solutions unless proven impracticable due to geography, topography, or excessive cost, as outlined in the program guidelines. Projects using hybrid solutions must still meet the technical standards in the Treasury Guidance of delivering “upon project completion, service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps.” Proposing a hybrid solution is not itself sufficient to demonstrate impracticability.
- B. Technical report for all deployments:
- a. Technical detail of the technology/technologies to be used in the proposed project and the broadband transmission speeds offered to prospective broadband recipients as a result of the project. If it would be impracticable, because of geography, topography, or excessive cost to design a broadband infrastructure project that would deliver 100:100 Mbps, the applicant must provide a detailed and reasonable justification of impracticability using all available qualitative and quantitative data. In cases where the impracticability justification will be used, the applicant’s proposed project must be designed to reliably meet or exceed 100/20 Mbps and be scalable to a minimum of 100 Mbps symmetrical in the future. Applicants must include specific data sources relied on to develop this process and provide a description of that process. Transmission speeds of 100:20 Mbps are the minimum allowable under this grant program.

- b. An explanation of the scalability of the broadband infrastructure to be deployed to meet future bandwidth needs;
  - c. If the applicant is claiming points for partnerships, the applicant must provide a brief narrative explaining how the partnership or affiliation will facilitate deployment and reduce cost per prospective broadband recipient. For applications or project areas where the nonprofit or not-for-profit partner provides only matching financial support, that information can be documented in the budget section within the relevant application or project area. The applicant must also provide evidence of a formalized agreement, when applicable;
  - d. A general explanation of whether work will be performed in-house or through contractors;
  - e. Contractor, subcontractor, transferee compliance and monitoring plan.
  - f. A proposed construction timeline and duration of the deployment project period. The deployment project period is the time from award of the grant agreement to the time that service is available to the targeted prospective broadband recipients under the grant. The applicant shall describe deployment roll-out and include the number of end-users to be served in each phase, as well as an estimated timeline for each phase (10 percent, 35 percent, 60 percent, 85 percent, 100 percent). As it relates to the disbursement of grant funding, project completion shall be defined as a percentage of the total number of prospective broadband recipients proposed to be served by the project;
  - g. The average distance, in miles, between prospective broadband recipients to be served by the project; and
  - h. A business continuity and disaster recovery plan.
- C. Technical report for wired infrastructure deployment:
- a. Description of the general design of the project and deployment plan;
  - b. Explanation of the existing networks and equipment to be used for the project;
    - i. If the applicant requires assets owned by another entity, the applicant should explain how the assets will be used for this project and, if applicable, provide a copy of the agreement between the applicant and the owner;
    - ii. The total number of miles of project infrastructure deployment, and the number of miles of project infrastructure deployment accounted for by preexisting infrastructure;



- c. Detailed explanation of how the new or upgraded infrastructure will serve the prospective broadband recipients. In the case of the installation or upgrade of a specific site infrastructure, such as a point of presence or fiber hut (fiber), pedestal (cable), or a remote exchange/DSLAM (DSL), the applicant must include:
  - i. Number of prospective broadband recipients that will be served by that site infrastructure, including businesses; and
  - ii. The distance from the specific site infrastructure such as a POP, pedestal, or DSLAM to the end user(s) and the expected broadband speed that will be effectively delivered;
- d. Detailed description of the design work needed for deployment, such as, but not limited to, pole work, acquiring or updating easements, and/or property acquisition.
- e. If applicable, documentation of all license and permit applications submitted to the appropriate agencies, including the current status of each application (e.g., pending, approved, denied).

## 5.7 PROJECT BUDGET, MATCHING FUNDS, COSTS, AND PROOF OF FUNDING AVAILABILITY

### A. Budget and Narrative

- a. Project budget should reflect all eligible costs, including any local government match, in-kind contributions, and requested grant funding.
- b. Matching funds is strongly recommended but not required. If using matching funds, sources shall be identified and supported with detailed documentation.

### B. Total Project Cost

- a. Costs directly related to the construction of broadband infrastructure for the extension of broadband service, including installation, acquiring or updating easements, backhaul infrastructure, and testing costs are infrastructure costs and therefore considered eligible project costs. The term does not include overhead or administrative costs.

### C. Total Project Cost—per prospective broadband recipient.

### D. Infrastructure Cost—per prospective broadband recipient.

### E. NJBIDE Cost—per prospective broadband recipient.

### F. Proof of Funding Availability

- a. Signed letters of funding availability or loan/grant commitment letters are required.

- b. Attestation of reliance on other awarded funds is required.
- c. Disclosure of bankruptcy filings by the applicant, subsidiary, affiliate, or holding company is required.

## 5.8 PROPOSED SERVICES, MARKETING, ADOPTION, AND COMMUNITY SUPPORT

### A. Every application shall include:

- a. A description of services to be provided, including the proposed upstream and downstream broadband speeds to be delivered and any applicable data caps. Any applicant proposing a data cap shall provide justification to the satisfaction of the OBC that the proposed cap is in the public interest and consistent with industry standards.
- b. The proposed advertised speed to be marketed to end-users (broken out by prospective broadband recipient).
- c. The prices of all broadband service packages and the associated broadband transmission speeds that will be offered to consumers as a result of the project.
- d. A plan to encourage users to connect that incorporates, at a minimum, community education forums, multimedia advertising, and marketing programs.
- e. Evidence of support for the project from citizens, local government, businesses, and institutions in the community. The applicant may provide letters or other correspondence from citizens, local government, businesses, and institutions in the community that supports the project. Letters of support will be deemed material for scoring purposes; and
- f. Any low-income household service offerings, digital equity or literacy support, or programs or partnerships to provide these services. The applicant should also indicate current participation in, or plans to, accept the federal Lifeline subsidy.

### B. It is highly encouraged, but not required, that an application include:

- a. A workforce plan prioritizing the hiring of local, New Jersey resident workers, to include a signed letter of intent with a post-secondary educational institution that is a member of or affiliated with the New Jersey Council of County Colleges (NJCCC), County Vocational School Districts, or Career Technical Education Partnerships of NJ (Career Tech NJ), containing an obligation upon the applicant, and contractors or subcontractors of the applicant, to put forth a good-faith effort to hire, when possible, recent graduates of broadband-related programs. At minimum, the workforce plan should also contain a commitment to offer wages at or above the prevailing rate and a description of the applicant's safety and training standards.

## 6 ELIGIBLE AND INELIGIBLE COSTS

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### 6.1 ELIGIBLE COSTS

- A. The NJBIDE program funds up to a maximum of \$10 million of the eligible broadband infrastructure deployment costs for an eligible applicant. A total of \$40,000,000 is available for award to eligible applicants under the NJBIDE Pilot Program.
- B. Eligible broadband project expenses 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.
- C. Eligible costs also include materials, supplies, equipment, and construction of infrastructure for backhaul, middle, and “last mile” network expenses.
- D. 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;
- E. 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);
- F. Cost of long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including indefeasible right-of-use (IRU) agreements and capital leases;
- G. 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);
- H. Ancillary costs necessary to operationalize and put the capital assets to full use, including costs to increase broadband adoption and improve digital literacy;
- I. Costs associated with monitoring of and reporting on Projects in compliance with Treasury requirements, including award closeout costs;
- J. 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

## 6.2 INELIGIBLE COSTS

- A. Ineligible costs include, but are not limited to:
  - a. Acquisition of spectrum licenses
  - b. Operating expenses other than grant administration costs (limited to \$25,000 or 5 percent of the grant award, whichever is greater);
  - c. Short-term operation leases
  - d. 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;
  - e. Payment of interest or principal on outstanding debt instruments or other debt service costs incurred prior to March 15, 2021;
  - f. Fees or issuance costs associated with the issuance of new debt;
  - g. Costs not directly enabling work, education, or health monitoring
  - h. Duplicative costs covered by other federal or state funding source commitments
  - i. Infrastructure not directly connected to service provision for an end-user in the proposed area
  - j. Long-term capital asset purchases/leases, although cost allocation for use during the project period will be considered on a case-by-case basis
  - k. 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.

## 7 FEDERAL MINIMUM REQUIREMENTS

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### 7.1 OVERVIEW

- A. U.S. Treasury's minimum eligibility criteria are listed in Section 7.2 for each application project and include NJBIDE minimum requirements for broadband projects. Applicants will demonstrate compliance with each of these criteria as part of their responses to the application.

## 7.2 CRITERIA CHART

Criteria	Required
<p>1. The applicant is one of the following: a public or private entity, non-profit, electric utility, cooperative, or public-private partnership.</p> <p>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.</p> <p><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></p> <p>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"> <li>• Invests in capital assets designed to directly enable work, education, <u>and</u> health monitoring;</li> <li>• 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</li> <li>• Is designed to address a critical need of the community to be served by it.</li> </ul>	Yes
<p>5. The applicant’s project ensures equitable access to affordable broadband service, and meets the following requirements:</p> <p>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.</p>	Yes

	<p>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.</p> <p>The service provider agrees to report pricing data to the OBC for program performance monitoring and to ensure compliance with affordability requirements. This reporting obligation will continue until the federal interest period expires on December 31, 2034<sup>3</sup>.</p>	
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 outline 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, community anchor institutions, etc.) to be served by the NJBIDE investment.	Yes

### 7.3 PERFORMANCE PERIOD

- A. Applicants may only use grant funds approved under Capital Projects Fund NJBIDE to cover eligible costs incurred during the period beginning March 15, 2021, and ending December 31, 2026. Any Grant Funds not expended by December 31, 2026, must be returned to the U.S. Treasury unless the deadline is extended by the U.S. Treasury.
- B. Applicants must also ensure that any entities to which the applicant provides Grant Funds expend the Grant Funds by December 31, 2026, unless the deadline is extended by the U.S. Treasury

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<sup>3</sup> "Federal interest" refers to the period during which the federal government retains a financial interest in projects funded by the Capital Projects Fund (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

## 8 SCORING

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### 8.1 OVERVIEW

- A. The NJBIDE grant program is a competitive grant program. Applications, or project areas within applications, shall be scored independently based on merit criteria outlined in Section 8.4.
- B. Applications or project areas with the highest scores will be prioritized for grant awards. If the top-ranked applicant requests NJBIDE funding that exceeds the remaining available funds, they will have the option to either accept the remaining funds and complete their project within that budget or decline the offer. If the applicant declines, the OBC will offer the remaining funds to the next highest-ranked applicant. This process continues until an applicant accepts the remaining funds or all remaining applicants decline.
- C. As a means of breaking a tie for applications or project areas receiving the same score, the OBC shall give priority to the application or project area proposing the lowest NJBIDE cost per prospective broadband recipient.
- D. Upon the close of the application period, and throughout the evaluation and scoring phase of the program process, a blackout period shall be instituted. This blackout period shall remain in effect until the announcement of awards. During this blackout period, applicants shall not initiate contact with the OBC, except as otherwise provided within this part. The OBC reserves the right to initiate contact with an applicant to seek clarification of an application or the data contained therein, request additional information, or as necessary in response to an overlapping project area. An applicant may initiate contact with the OBC for the purposes of amending an application or project area due to overlapping or to withdraw an application or project area.

### 8.2 OVERLAPPING APPLICATIONS OR PROJECT AREAS

- A. OBC will conduct its scoring and selection process, as described in Section 8.1, and then identify if there are overlaps among likely awardees. In the case of an overlap, the higher-scoring application will retain its project area intact, while OBC will directly negotiate with the remaining likely awardee(s) to revise their project areas to exclude any locations that have been awarded to higher-scoring applications. The deconfliction process will begin immediately following the scoring and selection phase and will continue until all necessary project modifications have been finalized.

### 8.3 FACTORS SUBJECT TO SCORING

- A. The OBC shall award points based on the Merit Criteria outlined in Section 8.4 of this application instruction manual.

## 8.4 MERIT CRITERIA

Merit Criteria	Maximum points
<p><b>Open Access:</b> 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.</p>	10
<p><b>Designated Priority Areas:</b> 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.</p>	10
<p><b>Affordability of Service:</b> The 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 service and that offer eligible low-income households service for less than \$30 per month after federal subsidy programs.</p>	10
<p><b>Last-mile:</b> Applicant's proposal prioritizes infrastructure for last-mile connections. Full points are awarded for projects that propose exclusively last-mile infrastructure. Partial points are available for hybrid projects where some of the costs are associated with last-mile connections.</p>	10
<p><b>Fiber:</b> Applicant's project exclusively utilizes fiber-optic technology for broadband infrastructure deployment (10 points). The applicant may receive partial points if the applicant's project incorporates fiber-optic infrastructure as a core component but also utilizes other technologies in specific areas to extend reach or address particular geographic challenges (4 points).</p>	10
<p><b>Serves the Community:</b> 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).</p>	10
<p><b>Expedited Timeline:</b> The applicant’s project is expected to be substantially complete within 12 months.</p>	10
<p><b>Small Business Subcontracting:</b> 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 the NJ Department of</p>	10



Treasury. <i>Business certifications are publicly posted on the Selective Assistance Vendor Information (<a href="#">SAVI</a>) webpage.</i>	
<p><b>Minimization of NJBIDE Outlay:</b> Applicants will 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.</p> <p>Applicants who request NJBIDE funding equal to the reference price will be awarded 5 points, while applicants who request less than the reference price will be awarded points in proportion to how much funding they are requesting, with a maximum of 10 points if no funding is requested. Applicants who request above the reference price will not be awarded any points.</p> <p>Note: OBC will determine the reference point price and publish it on the NJBIDE webpage. Applicants will be notified when it is available.</p>	10
<p><b>Highest Need:</b> 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 the highest share and highest index score of vulnerable locations, as defined by the Center for Disease Control’s <a href="#">Social Vulnerability Index (SVI)</a>, will receive the most points.</p>	10
<b>TOTAL</b>	<b>100</b>

## 9 PUBLIC COMMENT PERIOD

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### 9.1 PROCESS

- A. The Office of Broadband Connectivity will publish its intent to award approved projects at least thirty days before awards are finalized. During this period, individuals and entities (including, but not limited to, broadband service providers, elected officials, and constituents) may provide comments on any application and/or award decision, including challenges to OBC’s award decisions during the public comment period. The instructions to submit a public comment will be posted to the OBC webpage as soon as it becomes available for publication.
- B. Comments raised during this period are subject to public disclosure.

## 10 AWARDS

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### 10.1 GRANT AGREEMENT

- A. The OBC requires that each awarded grant applicant enter into a grant agreement with the OBC. The grant agreement will confirm the grant award, including the amount of the grant award and match or contributions, the scope of the project, and the terms and conditions ordered by the OBC. The grant award is not final until the applicant signs and returns the grant agreement and the agreement has been executed on behalf of the Board.
- B. A grant recipient shall have 30 days from its notice of award to negotiate and sign a grant agreement. If a grant agreement is not signed by a grant recipient within 30 days of the notice of award, the OBC shall reserve the right to rescind the award and proceed to award a grant agreement to the next highest-scored applicant with priority status, consistent with the terms of these Application Instructions, for the awarding of a grant.

## 11 COMPLIANCE

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### 11.1 SPEED AND COMPLIANCE

- A. The NJBIDE program will fund the construction and deployment of broadband infrastructure projects that are designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps. If because of geography, topography, or excessive cost, it would be impractical for a project to be designed to deliver services at such a speed, the project must be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds. Grant recipients must meet these speed thresholds to be eligible for NJBIDE funding.
- B. Grant recipients with a track record of serving at least 1,000 consumers for five or more consecutive years must offer broadband service at prices consistent with their offerings in other parts of the state. Other broadband service providers must ensure that their broadband service pricing doesn't exceed the cost rate specified in their project application throughout the ten-year service agreement.
- C. Grantees can annually adjust the cost rate in line with the previous year's percentage increase in the Consumer Price Index.
- D. At least once a year, grant recipients must provide the OBC with evidence (consistent with FCC attestation) that they are delivering the advertised speed or a faster one, as agreed upon in the grant.
- E. Any changes to data caps must be disclosed to the OBC for the duration of the agreement.

- F. Grant recipients are required to participate in the Federal Communications Commission's Affordable Connectivity Program (ACP, previously Emergency Broadband Benefit) and any future federal programs designated by the U.S. Department of the Treasury that provide subsidies for broadband internet access to low-income consumers, for the duration of the grant agreement.
- G. Grantees must ensure that at least one service offering is available at a low cost, comparable to the ACP benefit, for the duration of the grant agreement.

## 11.2 REPORTING

- A. Grant recipients must adhere to all applicable State and federal laws and regulations, including the ARP Act, all other applicable federal statutes, U.S. Treasury regulations, and published federal guidance applicable to NJBIDE. BPU shall conduct all necessary monitoring for such compliance.
- B. 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.
- C. Grant recipients shall submit to the OBC a monthly report for each funded project for the duration of the agreement. The report shall include reporting requirements selected at the discretion of the OBC. Such reporting requirements, once selected, shall be consistently applied to all grant recipients and be effective for at least one program year. Monthly reporting may be revised from program year to program year, at the discretion of the OBC.
- D. Grant recipients, upon request from the OBC, shall provide:
  - a. Project and expenditure reports, to include but not limited to expenditures, project status, sub-awards, civil rights compliance, equity indicators, community engagement efforts, geospatial data, workforce plans and practices, and information about subcontracted entities; and
  - b. Performance reports, including but not limited to project outputs and outcomes, and evidence (consistent with FCC attestation) that they are delivering the advertised speed or a faster one, as agreed upon in the grant.
- E. Grant recipients shall submit to the OBC an annual report for each funded project for the duration of the agreement. The report shall include, but not be limited to, the following summary of the items contained in the grant agreement and the following details:
  - a. The number of residential and commercial locations that have broadband access as a result of the project;

- b. Percentage of households in the project area who have access to broadband service;
  - c. Percentage of subscribers in the project area to the broadband service;
  - d. Average monthly subscription rate for residential and commercial broadband service in the project area;
  - e. Any right-of-way fees or permit fees paid to local government, state government, railroad, private entity, or person during the fulfillment of the grant awarded any delays encountered when obtaining a right-of-way permission.
- F. Grant recipients must meet certain compliance and reporting requirements to ensure transparency and accountability in how these important funds are used. These requirements help ensure the funds are used responsibly and equitably to benefit New Jersey residents. For detailed information about these requirements, please refer to the U.S. Treasury's Capital Projects Fund Revised Compliance and Reporting Guidance for States, Territories, and Freely Associated States. You can find this guidance document on the U.S. Treasury's website.
- G. The OBC, at its sole discretion and at any time, shall reserve the right to request any additional data and reporting information that the OBC deems necessary.

### 11.3 DISBURSEMENT AND REIMBURSEMENT

- A. Applicants disbursing NJBIDE funds to subrecipients must do so in compliance with NJBIDE. Funding in accordance with completion shall be distributed by NJBIDE to a grantee once the grantee has demonstrated that a project has reached the following percentile completion thresholds, which shall be defined as a percentage of the total number of prospective broadband recipients proposed to be served by the project:
- a. 10 percent;
  - b. 35 percent;
  - c. 60 percent;
  - d. 85 percent;
  - e. 100 percent.
- B. The final 15 percent payment shall not be paid without an approved completion report. An invoice for final payment shall be submitted to the OBC within 90 days of the completion date. All invoices are subject to audit for three years from the completion date.

## 11.4 FAILURE TO PERFORM

- C. 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.

## 11.5 FEDERAL OVERSIGHT, CIVIL RIGHTS COMPLIANCE, AND OTHER APPLICABLE FEDERAL LAW

- A. Grant recipients are subject to audit or review by the U.S. Department of the Treasury Inspector General and Government Accountability OBC.
- B. Grant recipients shall not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities:
- C. Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d-1 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 22;
- D. Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. 794;
- E. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 28; and
- F. Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 23.
- G. Grant recipients and all proposed projects must comply with all applicable federal environmental laws. Additionally, grant recipients and all proposed projects must comply with the following federal laws and regulations:
- H. the 2019 National Defense Authorization Act (NDAA);
- I. 2 C.F.R. Part 200; and
- J. the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations 29 C.F.R. Part 5.

## 12 TECHNICAL ASSISTANCE AND PROJECT MANAGEMENT SUPPORT

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### 12.1 SUPPORT

- A. Successful applicants will be required to collaborate with the State's designated broadband project management consultants. These consultant(s) are experienced professionals committed

to assisting you in achieving your project goals. This collaborative approach is designed to ensure project success, maximize the impact of your Capital Projects Fund award, and uphold the principles of transparency and accountability mandated by the U.S. Department of the Treasury and the State of New Jersey. By working collaboratively with our consultant team, applicants can leverage their expertise to overcome obstacles, ensure compliance with all applicable laws and regulations, and achieve the full potential of their broadband projects while maintaining the highest standards of transparency and accountability in the use of public funds.

- B. Consultants will provide the following support:
- C. Project Planning and Implementation: Guidance on developing detailed project plans, timelines, budgets, and procurement strategies that align with federal and state regulations.
- D. Technical Expertise: Assistance in selecting and deploying appropriate broadband technologies, addressing infrastructure challenges, and ensuring network performance while adhering to industry best practices and regulatory standards.
- E. Community Engagement: Strategies for effectively communicating with residents, businesses, and other stakeholders about the project's benefits, timeline, and use of public funds.
- F. Compliance and Reporting: Guidance on meeting all federal, state, and local requirements, including reporting deadlines, performance metrics, and transparency obligations to ensure proper stewardship of taxpayer dollars.
- G. Evaluation and Performance Measurement: Tools and methodologies to assess project impact, track progress towards goals, identify areas for improvement, and demonstrate accountability for the use of CPF funds.
- H. Applicants are expected to:
  - I. Participate in regular meetings and discussions with the assigned consultant to ensure transparency and open communication.
  - J. Share relevant project data, documentation, and reports as requested to facilitate compliance monitoring and public reporting.
  - K. Consider and implement the consultant's recommendations to improve project outcomes, maintain compliance, and uphold transparency standards.
  - L. Proactively communicate challenges, risks, or delays to the consultant and the OBC of Broadband Connectivity (OBC) to ensure timely resolution and maintain transparency.

## 13 RIGHT TO DENY AND NEGOTIATE

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- A. The OBC, in consultation with the Board, may reject any application as filed and negotiate the terms of a grant award, including the award amount, with the selected applicant prior to

offering the grant and executing a grant agreement. If negotiations cannot be concluded successfully with an applicant, as determined by the OBC, the Board may withdraw its award offer.

## 14 APPEAL PROCESS

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- A. The BPU is committed to establishing a fair and transparent appeal process and will provide details on how to submit an appeal, including deadlines and required documentation, on the NJBIDE website. Please check the [website](#) regularly for updates on the appeals process.