

## Broadband Ready Communities (BRC)

As part of the Tennessee Broadband Accessibility Act of 2017, the State of Tennessee established the Broadband Ready Communities Program to foster county engagement in securing broadband infrastructure and access to their communities. Through TNECD, the program, which is funded by the American Rescue Plan State and Local Fiscal Recovery Funds, utilizes a portion of the Tennessee Emergency Broadband Fund – American Rescue Plan to provide \$10 million in assistance. A non-competitive grant opportunity is available for county and local governments to secure up to \$100,000 dollars for broadband adoption activities. Application window is from October 2 - November 15, 2023.

## Overview of the Grant Program

### Federal Award Information

As part of the Tennessee Broadband Accessibility Act of 2017 (TBAA), the State of Tennessee established the Broadband Ready Communities Program to foster county engagement in securing broadband infrastructure and access to their communities. “Broadband Ready Community” is a designation certified by the Tennessee Department of Economic and Community Development (TNECD) that counties acquire when they pass an ordinance acknowledging broadband infrastructure as an essential need and committing to reducing administrative barriers to broadband projects in their county. Since the start of the program, 65 counties and localities have been certified as Broadband Ready. Now expanded, the Broadband Ready Communities Program will utilize a portion of the Tennessee Emergency Broadband Fund – American Rescue Plan (TEBF-ARP) to promote community-based digital adoption work to ensure that constituents have the resources and digital skills necessary to access broadband infrastructure. The expanded program involves working with local officials and counties on closing the digital divide as the state prepares to receive the most significant investment in broadband infrastructure in state history.

## Funding Availability

TNECD will make up to \$10 million available for federal assistance under the Broadband Ready Communities Program. Important: This is a non-competitive grant opportunity; hence, submitted proposals will not undergo a competitive scoring process. There is no match requirement. TNECD will review all applications and other relevant documents and records. Projects that meet the completeness review and are approved by the

review team will be presented to TNECD's Grant Committee, comprising the commissioner, deputy commissioners, assistant commissioners, and others designated by the commissioner that approves all TNECD grants.

## Award Amount

The maximum grant request allowable under the Broadband Ready Communities Program is \$100,000.

## Period of Performance

All contracts with grantees must be in effect by June 30, 2024. Funds must be expended by December 31, 2026.

# Eligibility Requirements

## Target Populations

Per ARPA SLFRF specifications, the population(s) served by the grantee must fall into **one** of the following categories:

- Households at or below 300% of the Federal Poverty Guidelines for a default household size of 3 (\$65,880)
- Households that experienced unemployment or increased food or housing insecurity
- Households that qualify for the Children's Health Insurance Program, Childcare Subsidies through the Child Care Development Fund (CCDF) Program, or Medicaid
- Providing Services in a Qualified Census Tracts: Census Tracts, blocks, or zip codes that meet the designation of "impacted"/"disproportionately impacted" designation or are considered Qualified Census Tracts
- Providing Services in Eligible TN counties: The counties' Median Family Income is at or below 300% of the Federal Poverty Guidelines for a default household size of 3 (\$65,880). A list of eligible Tennessee counties will be posted on TNECD's website.

If one of these categories do not apply to the project, the applicant will be responsible for verifying that the individual end users of the proposed project satisfy the state and federal guidance through eligibility verification. For more information, please reference the [ARPA SLFRF Final Rule](#) (pages 12, 17 to 20) or the [2023 Interim Final Rule](#) (pages 164 to 165).

## Eligible Applicants

The following are eligible to apply for a Broadband Ready Grant:

- Any county that has a Broadband Ready designation.
- Any county that does not have a Broadband Ready designation.
  - The county can submit the duly executed Broadband Ready ordinance or policy in the application; a sample of an acceptable ordinance is available on the [TNECD Broadband Communities page](#).
- A locality/other political subdivision with a Broadband Ready designation located in a county that does not have a Broadband Ready designation:
  - The locality may apply for funding on behalf of the county.
  - The locality must submit written proof that both the county government and local government agree to such arrangement.
    - Grant awards will be made to the county; it is the responsibility of the locality to coordinate with the county government throughout the application process.

## Digital Adoption Priorities

Applicants must have efforts for promoting digital literacy in place, which they will be required to describe in a series of application questions. Examples of areas where counties may focus their digital literacy efforts are telehealth, workforce development, and education. The planned efforts should include at least three of the five elements of digital inclusion (as defined by the National Digital Inclusion Alliance [NOIA]), which are:

- Affordable, robust broadband internet service
- Internet-enabled devices that meet the needs of the user
- Access to digital literacy training
- Quality technical support

- Applications or online content designed to enable and encourage self-sufficiency, participation, and collaboration

## Eligible Program Activities

The grant request limit is \$100,000. Applicants must provide detailed explanation of how the project budget was determined.

## Eligible Activities

Grant funding for Broadband Ready Communities is intended to support activities and initiatives that promote digital adoption. The following are eligible activities that the funds may be used for:

### **Digital skills training**

- Grant funds may be utilized to design, develop, and implement digital skills training programs aimed at enhancing the digital literacy of residents. Examples of eligible costs are fees for curriculum development, instructor wages, curriculum supplies, software licenses, and facilities necessary for conducting training sessions. The program should support skilling programs and access to basic or advanced digital tools

### **Education and workforce development**

- Grant funds may be used to establish and enhance educational and workforce development initiatives including adult education, digital skills training in K-12 schools, workplace preparation and education, apprenticeships, and industry relevant credentialing or micro-learning programs.

### **Equipment/devices**

- Grant funding may be leveraged for procurement and distribution of necessary free or low-cost equipment and devices, such as computers and tablets, to further the goal of broadband readiness and bridge the digital divide.

### **Marketing and public outreach for the Affordable Connectivity Program (ACP)**

Grant funds may be used for the creation and implementation of marketing campaigns to raise awareness about the ACP. These include expenses related to:

- Developing promotional materials such as:
  - Printed communications (e.g., brochures, flyers, pamphlets)
  - Digital content (e.g., videos, animations, infographics)
  - Other traditional advertising methods (e.g., radio broadcasts)
- Labor for grassroots door-to-door outreach

## **Public Wifi**

Grantees can use no more than 50% of total funding to make public Wi-Fi available and accessible:

- Costs of construction, repair, rehabilitation, installation, improvement, and acquisition of real property, equipment (e.g., devices and office equipment), and facilities (e.g., telecommunications equipment) for public Wi-Fi
- Pre-project development costs and uses for public Wi-Fi, including data gathering, feasibility studies, public feedback processes, equity assessments and planning, needs assessments, permitting, planning, engineering design, and work related to environmental, historical, and cultural review
- Internal labor costs incurred as part of eligible project activities
- Ancillary costs necessary to operationalize the capital assets and put them to full use

## **Other costs relating to broadband readiness**

These include miscellaneous costs that align with the overall goal of the Broadband Ready Communities Program. Costs that appear excessive and/or without justification and costs not considered eligible will not be reimbursed.

## **Ineligible Activities**

Grant funding for Broadband Ready Communities may not be used for these activities:

- Payment of county wages to support implementation of grants

- Any costs that are not for necessary construction, acquisition, or improvement of middle mile and last mile infrastructure in unserved areas (areas lacking minimum download and upload speeds of 25 Mbps and 3 Mbps, respectively) and underserved areas (those lacking at least 100/20 Mbps)
- Internal administrative activities
- Fundraising activities
- Satisfaction of any obligation arising under or pursuant to a settlement agreement judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding
- Activities to support or oppose collective bargaining

## Use of Project Funds: Allowable vs. Unallowable Costs

### Allowable Costs

Grant funding for Broadband Ready Communities may be used for these purposes:

- Supplies, telephone, postage and shipping, equipment rental and maintenance, and printing
- Capital purchases
- Construction
- Architect/engineering fees
- Professional fees and grant and awards
- Other non-personnel
- Administrative expenses

## Unallowable Costs

Grant funding for Broadband Ready Communities may not be used for these purposes:

- Travel costs (associated with program-related functions)
  - Flights/airfare
  - Hotels/lodging
  - Meals
  - Vehicle rentals (however, mileage may be charged per the state-level regulations of \$0.655/mile)
  - Related insurance
- Discounts or subsidized broadband service
- Incentives for incorporation of broadband across different sectors
  - Subsidies
  - Tax benefits
- Promotional items and memorabilia
  - Models
  - Gifts
  - Souvenirs
  - Other costs designed solely to promote the grant-holding agency
- Entertainment
  - Food
  - Amusement
  - Diversion
  - Social activities
  - Other associated costs
- Grants and awards
  - Scholarships or vouchers to fund industry-relevant credentialing
- Capital purchases
  - Vehicles
  - Land acquisition
- Fundraising activities
- Expenses incurred prior to the date of the grant award announcement
- Payment of interest or principal on outstanding debt instruments, or other debt service costs
- Fees or issuance costs associated with the issuance of new debt

- Costs that are not reasonable, necessary, or allocable to the grant

# Compliance

## Fair Labor Practices

Applicants must provide record of and plans to be in compliance with federal labor and employment laws. The following is a general summary of laws that applicants must comply with; this summary is not exhaustive. For the exhaustive list of federal labor and employment laws, reference [State and Local Fiscal Recovery Funds Guidance June 2023 \(treasury.gov\)](https://www.treasury.gov).

- Davis-Bacon Act (Subchapter IV of Chap. 31 of Title 40, United States Code):
  - Applicants must provide certification that all laborers employed to be working on the project are paid wages at rates not less than those prevailing.
  - If certification is not provided, then the applicant must provide a project employment and local impact report that includes the following:
    - i. The number of contractors and sub-contractors working on the project
    - ii. The number of employees on the project hired directly and hired through a third party
    - iii. The wages and benefits of workers on the project by classification
    - iv. Whether those wages are at rates less than those prevailing
- National Labor Relations Act (29 U.S.C. 158(f)):
  - Recipients are to provide certification that the project includes a project labor agreement, a pre-hire collective bargaining agreement that is in accordance with the National Labor Relations Act (29 U.S.C. 158(f)) section 8(f).
- Applicants must provide information on whether the project prioritizes local hires.
- Applicants must provide information on whether the project has a Community Benefit Agreement with a description of such agreement.



## Civil Rights and Nondiscrimination Law

Recipients of the Broadband Ready Communities Program are required to be in compliance with all civil rights and nondiscrimination federal laws related to the use of federal funds. Recipients shall not discriminate or deny benefits or services, on the basis of race, color, national origin (including limited English proficiency), disability, age, sex, sexual orientation, gender identity, or handicap. Recipients are required to agree to, by a form of binding commitment, abide by all civil rights and non-discrimination requirements set forth. The following is a general description of requirements; for an exhaustive list with exact requirements, reference [State and Local Fiscal Recovery Funds Guidance June 2023 \(treasury.gov\)](#).

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d-1 et seq.) and the Treasury's implementing regulations, 31 C.F.R. part 22, which states that no person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, denied benefits or services of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
2. Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) and the Treasury's implementing regulations, 31 C.F.R. part 28, states that no person in the United States shall, on the basis of sex, be excluded from participation in, denied benefits or services of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
3. The Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) states that discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications is strictly prohibited.
4. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) prohibits the discrimination of a qualified individual with a disability under any program or activity that receives federal financial assistance.
5. The Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), and the Treasury's implementing regulations, 31 C.F.R. part 23, prohibits discrimination based on age for any programs or activities receiving federal financial assistance.
6. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., states that it is an unlawful employment practice for an employer to discriminate against an individual with respect to employment on the basis of the individual's race, color, religion, sex, or national origin.

## Domestic Preference

Under Uniform Guidance (2 CFR 200.322), grantees must provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. This includes items and construction materials composed of metals, plastics, aggregate (such as optical fiber), and lumber. All items made in whole or in part of these covered materials apply. Grantees should make all efforts to document this preference and ensure subcontractor compliance, including listing the referenced clause in all subcontracts.