

ENFORCEABLE AND BINDING COMMITMENT LETTER

Date

Grantee Name

Address of Grantee

Kansas Office of Broadband Development (KOBD) Attn: Broadband  
Equity, Access, and Deployment Program Office (BEAD)  
1000 SW Jackson, Suite 100  
Topeka, KS 66612

Ladies and Gentlemen:

Pursuant to the Notice of Funding Opportunity (“NOFO”), adopted on May 13, 2022, issued by the National Telecommunications and Information Administration (“NTIA”), *Broadband Equity, Access, and Deployment Program*, Funding Opportunity Number NTIA-BEAD-2022, **Grantee Name** certifies and acknowledges an Enforceable and Binding Commitment for any location funding by a federal, state, or local commitment to deploy qualifying broadband as of the date that the challenge process is concluded.

Attachment A documents the Enforceable and Binding Commitment meeting the requirements of the NOFO and requires signatory execution. By executing this Attachment, the **Grantee Name** guarantees that reliable qualified broadband service, as defined by the NOFO, is or will be available to all locations covered by the Enforceable and Binding Commitment and will be reflected as served locations. If **Grantee Name** offers to deploy broadband service to an area that is faster than what was required by a preexisting enforceable commitment, KOBD, will enter into a binding agreement with **Grantee Name** that reflects the new, qualified broadband service speed commitment and consider the locations in that area served with qualified broadband service. A separate Enforceable or Binding Commitment Letter is required for each unique Grant awarded.

Attachment B is the list of federal, state, and local commitments KOBD has currently identified to execute the deduplication process specified by the NTIA to classify unserved and underserved locations as served and not eligible for BEAD funding in the awarded Project Funding Area. Your review of the list is required to ensure no duplication of federal, state, or local funding with BEAD funded locations. You can learn more from this [Notice of Funding Opportunity](#).

If a location is not identified by an Enforceable or Binding Commitment and is unserved or underserved, as identified on the most recent National Broadband Map, the location will be considered BEAD eligible going to the Challenge process. In addition to BEAD quarterly subgrantee reporting requirements, KOBD will require subgrantees to report progress and completion of every broadband deployment project funded by a federal or state program not named BEAD.

As outlined in KOBD’s Initial Proposal, KOBD expects to open the Challenge Process before the end of 2023 going into 2024. As such KOBD requires your response by [DATE].

If you have any questions, please free to reach at via email to [mailto:kdc\\_broadband@ks.gov](mailto:kdc_broadband@ks.gov)

Sincerely,



Jade Piro de Carvalho  
Director of the Kansas Office of Broadband Development

ATTACHMENT A

Grantee Letterhead

ENFORCEABLE AND BINDING COMMITMENT LETTER

Date

Grantee Contact

Grantee Name

Address of Grantee

Kansas Office of Broadband Development (KOBD) Attn: Broadband Equity, Access, and Deployment Program Office (BEAD) 1000 SW Jackson, Suite 100 Topeka, KS 66612

Ladies and Gentlemen:

Pursuant to the Notice of Funding Opportunity ("NOFO"), adopted on May 13, 2022, issued by the National Telecommunications and Information Administration ("NTIA"), Broadband Equity, Access, and Deployment Program, Funding Opportunity Number NTIA-BEAD-2022, Grantee Name certifies and acknowledges an Enforceable and Binding Commitment for any location funding by a federal, state, or local commitment to deploy qualifying broadband as of the date that the challenge process is concluded.

An Enforceable Commitment is for a previous grant awarded to deploy qualifying broadband service at or above the 100/20 Mbps standard. A Binding Commitment is for a previous grant awarded to deploy broadband service at less than 100/20 Mbps whereby the service will be upgraded to qualified broadband service under BEAD requirements by December 31, 2024.

Please verify the information below for the Enforceable Commitment for qualified broadband service identified by KOBD and acknowledge certification.

Grantee Name: \_\_\_\_\_

Enforceable Commitment Grant Name: \_\_\_\_\_

Binding Commitment Grant Name: \_\_\_\_\_

Source of Grant: \_\_\_\_\_

Date of Award: \_\_\_\_\_

Anticipated or Actual Date of Completion: \_\_\_\_\_

Total Cost: \_\_\_\_\_

Certification: I, \_\_\_\_\_ (Name) \_\_\_\_\_, duly authorized by \_\_\_\_\_ (Provider) \_\_\_\_\_, certify the delivery of qualified broadband service, based on NTIA BEAD standards, is or will be provisioned to the location represented in Attachment B. \_\_\_\_\_ (Provider) \_\_\_\_\_ acknowledges that if qualified broadband service is not provided at the location represented in Attachment B

The NOFO requires KOBD to deduplicate previously awarded federal, state, and local grants prior to the Challenge process being opened. BEAD subgrantees cannot apply for BEAD funds for locations previously funded for qualified

broadband service. In order to accurately achieve deduplication please provide a list of the BSLF locations with the date qualified broadband service was available in csv format in the Enforceable or Binding Commitment. If a list is not available, a GIS file with the polygon and location data points with addresses is acceptable. The list must include the Location ID of the BSLF location. A GIS file must be in kmz format.

DRAFT EXAMPLE