

2023

BROADBAND EQUITY ACCESS AND DEPLOYMENT

Initial Proposal - Volume 2

DRAFT FOR PUBLIC COMMENT

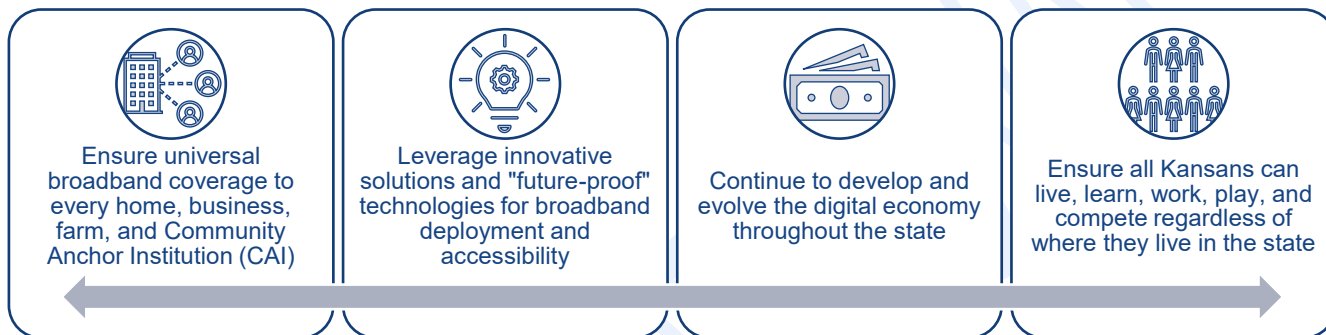
October 12, 2023



A Message from the Director

Fellow Kansans,

The Kansas Office of Broadband Development ([KOBD](#)) is pleased to present the second of two volumes of the Broadband Equity, Access, and Deployment Program ([BEAD](#)) Initial Proposal (BEAD-IP) for public comment. The BEAD program, established by the Infrastructure Investment and Jobs Act, allocated \$451 million to Kansas for the development of broadband networks to help achieve Governor Laura Kelly's broadband vision to:



To achieve these lofty objectives, your partnership and input is invaluable.

We invite you, a Kansan stakeholder, to review and provide feedback on this BEAD-IP, Volume 2, using the online feedback form at

<https://kansasdeptofcommercebroadband.submittable.com/submit/276633/kansas-bead-volume-2-public-comment>

The public comment period is open for thirty (30) days. The deadline for comment is 5:00 p.m. (CT) Sunday, November 12, 2023.

KOBD will use your input to update the BEAD-IP, Volume 2, which addresses all NTIA requirements not covered in Volume 1, including the subgrantee selection process. You can learn more from this [Notice of Funding Opportunity](#).

Please contact kdc_broadband@ks.gov if you have any questions or need assistance.

Sincerely,

Jade Piros de Carvalho

Director of the Kansas Office of Broadband Development

Introduction

KOBD drafted the following sections to meet the requirements for BEAD-IP Volume 2:

- Objectives
- Local, Tribal, and Regional Broadband Planning Processes
- Local Coordination
- Subgrantee Selection Process
- Non-Deployment Activities
- Eligible Entity Implementation Activities
- Labor Standards and Protections
- Workforce Readiness
- MBEs/WBEs Firms Inclusion
- Cost and Barrier Reduction
- Climate Assessment
- Low-Cost Broadband Service Option
- Use of 20% Funding
- Eligible Entity Regulatory Approach
- Certification of Compliance
- Middle Class Affordability

BEAD-IP Volume 1, already published, covers the following BEAD-IP requirements:

- Identification of existing broadband efforts
- Identification of existing unserved and underserved locations
- Identification and application of community anchor institutions
- Detailed challenge process plan

For the purposes of this proposal, “Eligible Entity” refers to the State of Kansas and KOBD.

2.1 Objectives (Requirement 1)

2.1.1 Text Box: Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five-Year Action Plans.

The definitive medium of communications and vital information availability in the 21st Century is the internet and its associated technologies. Communities and businesses unable to access high-quality internet connections are not only at a disadvantage but are effectively disqualified from active engagement in the modern economy. As providing broadband access to all communities across our state is a critical priority for Governor Kelly and the Kansas Department of Commerce, KOBD's vision is to ensure that all Kansans can live, work, learn and compete in a global economy by improving universal access to quality, affordable and reliable broadband.

The tangible results of this vision will drive economic development, enable digital experiences, and accelerate sector-specific innovations in the everyday lives of Kansans. The state aspires to be a national leader in broadband availability, adoption, and affordability. Specifically, Kansas strives to be among the top 10 states by 2030 in terms of the percentage of households able to access 100/20 Mbps service. This means we must prioritize fiber-deployment solutions, while also evaluating non-fiber broadband technologies where economically and technically required. Furthermore, KOBD recognizes the far-reaching impact broadband accessibility and adoption has on transportation, education, commerce, agriculture, healthcare, public safety, and our culture.

This suite of goals is intended to create an accountable and reportable baseline that can measure and demonstrate progress toward our vision of Kansas as a fully "connected" state.

Objective 1: Ensure universal broadband coverage to every home, business, farm, and CAI

- **GOALS**

- Expand middle mile infrastructure and interexchange points to reduce deployment costs to unserved communities
- Prioritize unserved, high-cost, and rural locations
- Understand and mitigate the localized barriers to deployment

- **KEY METRICS/TARGETS**

- Percentage of served households: 100%
- Percentage of CAIs served at 1Gbps symmetrical speed: 100%
- Percentage of BEAD grant awards with commitment letters: 100%

Objective 2: Leverage innovative solutions and "future-proof" technologies for broadband deployment and accessibility

- **GOALS**

- Prioritize fiber deployment solutions
- Evaluate and deploy non-fiber broadband technologies where economically and technically required

- Examine process(es), partnership(s), and grant design(s) to ensure sustainability and the accrual of long-term benefits
- **KEY METRICS/TARGETS**
 - Deploy fiber solutions to 75% of all BSLs
 - Deploy non-fiber solutions to 25% of all BSLs

Objective 3: Continue to develop and evolve the digital economy throughout the state

- **GOALS**
 - Develop training and certifications for broadband installation and maintenance related jobs
 - Develop training for broadband-affiliated jobs (i.e., sales, customer service, technical support)
 - Create career pathways (i.e., apprenticeships) to meet the workforce need for universal broadband coverage
- **KEY METRICS/TARGETS**
 - Establish three workforce development, training, and apprenticeship programs in local community colleges
 - Survey: (i) entities that have broadband-specific related jobs, and (ii) entities that have broadband-affiliated jobs
 - Create workforce and digital skills development program(s) based on survey results

Objective 4: Ensure all Kansans can live, learn, work, play and compete regardless of where they live in the state

- **GOALS**
 - Prioritize digital skills development and training for covered populations
 - Create state-wide digital navigator and device placement program(s)
 - Augment the value of universal broadband coverage to Kansans (i.e., tele-health, remote working, education, social and community activity, etc.)
- **KEY METRICS/TARGETS**
 - Baseline digital skills content; work with local partners to scale working model(s)
 - Baseline digital navigator and device placement programs; work with local partners to scale working model(s)
 - Work with local broadband champions to find “early wins” to develop localized buy-in

These goals, objectives, and key metrics/target are coordinated with the objectives, strategies, and key performance indicators in the Kansas State Digital Equity Plan.

2.2 Local, Tribal, and Regional Broadband Planning Processes (Requirement 2)

2.2.1 Text Box: Identify and outline steps that the Eligible Entity will take to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide. In the description, include how the Eligible Entity will coordinate its own planning efforts with the broadband planning processes of local and Tribal Governments, and other local, Tribal, and regional entities. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

KOBD began the BEAD and DEA planning effort understanding the identification of and outreach to diverse and local stakeholders is foundational to closing the digital divide. To this end, KOBD implemented a layered methodology for the outreach strategy, beginning with the stated leaders of the stakeholder groups and then filtered down to the applicable constituents within each group. The first step of this strategy was to identify groupings of common interests. Grouping stakeholders by common interest aided in calibrating outreach discussions, meetings, and surveys to capture the specific information and concerns important to each group. KOBD was careful to note stakeholder interests that cross over between BEAD and DEA to ensure holistic conversations occurred.

KOBD conducted a six-month statewide “Broadband Roadshow” (Roadshow) in the winter and spring of 2023 that served as the initial introduction of KOBD to residents, businesses, local officials, non-profits, CAIs, and associations of Kansas. Meeting Kansans “where they are and live” meant each local meeting took place in locations suggested by the residents themselves. Roadshow meetings were moderated by our partners from Wichita State University (WSU), with multiple KOBD staff members in attendance at each one.

Roadshow discussions centered on the lived experience of the attendees and residents. A brief presentation introduced the Infrastructure Investment and Jobs Act (IIJA), KOBD, and the state’s overall goals with BEAD funds. Specific time was allocated for group roundtable discussions focused on gathering the following information:

- Availability and quality of broadband service at their homes, businesses, and/or farms
- Affordability of broadband services in their area
- Key concerns and perceived barriers to deployment

KOBD received frank, direct, and honest feedback from Roadshow attendees. Here is a summary of the prevalent concerns:

- Broadband service is not reliable throughout rural Kansas
 - Creates a deterrent to adoption
 - Augments safety concerns, as there are multiple documented and obvious emergency service impacts when one cannot access 911 services
- Costs are too high
 - Businesses pay high rates for insufficient service
 - Hinders business and economic growth in rural and economically distressed areas
 - Impacts level of service for their customers

- Residents lack awareness of affordability programs, such as ACP
- The ACP enrollment process is too cumbersome

Members of covered populations outlined concerns unique to their communities:

- Veterans
 - Costs are prohibitively high
 - Digital skills and literacy are low
- Individuals with a language barrier
 - They are not aware of ACP
 - It is difficult to obtain support service in their language
- Individuals who primarily reside in a rural area
 - No access to broadband service, and when there is, costs are prohibitively high
 - Limited and oversubscribed community locations for support and access
 - Past promises of broadband infrastructure not realized
 - Farmers are unable to take advantage of real-time market data
 - Internet-enabled farm equipment and applications are not accessible
- Individuals with disabilities
 - Assistive services not always available
- Individuals who live in covered households (e.g., lower income):
 - Costs are prohibitively high
 - Lack of awareness of ACP program
 - Multiple Dwelling Units (MDUs) that are not serviceable or the lack of inside wiring to individual units
 - Overlooked urban broadband deserts (i.e., lower-income locations near densely populated communities)

Sovereign Tribal Nation Meetings

Imperative to our overall effort is to engage with the four federally recognized Sovereign Tribal Nations residing in Kansas: (1) Iowa Tribe of Kansas and Nebraska, (2) Kickapoo Tribe in Kansas, (3) Prairie Band of the Potawatomi, and (4) Sac and Fox Nation of Missouri in Kansas. KOBD collaborated with the four Sovereign Tribal Nations to discuss their broadband needs and specific funding opportunities unique to them. The goal for each meeting was to grow the relationships between key stakeholder groups and cover common topics including updates on federal, state, and tribal initiatives; infrastructure access; digital equity; and workforce opportunities. Notes captured feedback from each session and next steps for the NTIA, KOBD and the four Sovereign Tribal Nations:

- On February 24, 2023, the consultation with the Iowa Tribe of Kansas and Nebraska included tribal council members and staff, executives of Grey Snow Management, NTIA FPOs from Nebraska and Kansas, and the Executive Director of the Office of Native American Affairs for the State of Kansas. Emphasizing sovereignty, the tribe's representatives shared a need to coordinate across state and geographical lines. Related to digital equity needs, KOBD will provide a point of contact to help tribal members enroll in ACP. Workforce topics included discussion of partnerships with a Nebraska community college and succession planning needs. In collaboration with KOBD, the tribal members staffed an oral storytelling booth during the annual Tribal Meeting of the Iowa where they also gathered Digital Equity information. This information

was protected by an MOU negotiated with KOBD stating that the names or information gathered would not be shared without the express permission of the tribe.

- On March 24, 2023, the consultation with the Prairie Band of the Potawatomi focused on the tribe's frustration with the overall structure of the IIJA, specifically the lack of respect for their sovereignty, rights of way (ROW) issues, and mapping. Tribal representatives highlighted that the lack of infrastructure access and affordability presented a fundamental gap to any digital equity and inclusion effort. Yet, the tribe utilizes a workforce consultant to determine opportunities and the potential to collaborate with KOBD to accelerate already envisioned strategies will be discussed.
- On May 1, 2023, the consultation with the Sac and Fox Nation included tribal members and staff, along with the Executive Director of the Office of Native American Affairs for the State of Kansas. An overview of technical support, ISP relationships, public relations, public safety, and historic preservation were discussed. Related to digital equity needs, affordability with their current provider is a challenge, along with a need for increased access to digital training, coaching, and support. The Sac and Fox Tribe were particularly interested in the ability for broadband to build the needed workforce, and the desire to continue communication with KOBD.
- On August 4, 2023, the consultation with the Kickapoo Tribe in Kansas outlined concern about underserved areas, infrastructure, and modernization of technology within public areas, internal tribal support of broadband (versus reliance on outside entities), and effective outreach to tribal members. The lack of direct federal funding to the tribe created greater interest to support broadband use and adoption on the reservation. Plans for continued communication with the Kickapoo Tribe in Kansas to support training, workforce development, and network deployment will occur.

KOBD formed the Digital Equity Advisory Council (Advisory Council) to advise KOBD on DEA planning efforts. The Advisory Council consists of subject matter experts from education, healthcare, library, sciences, banking, non-profits, municipal, industry, Sovereign Tribal Nations, NTIA, and NDIA. The group meets bi-weekly to inform the mission, vision, and actualization of digital equity and inclusion efforts throughout the state, including the coordination of partners actively involved with access, adoption, and workforce development efforts.

State Departments and Agency Meetings

KOBD held planning meetings with key state departments and agencies on the plans, timelines, and priorities of BEAD funding. Specifically, KOBD engaged with the following departments and agencies:

- Kansas Adjutant General's Department, Kansas Homeland Security
- Kansas Behavioral Health Services Commission
- Kansas Commission on Veterans Affairs
- Kansas Department for Aging and Disability Services
- Kansas Department for Children and Families
- Kansas Department of Administration, Office of Financial Management
- Kansas Department of Commerce
- Kansas Department of Corrections
- Kansas Department of Education
- Kansas Department of Health and Environment

- Kansas Department of Labor
- Kansas Department of Transportation
- Kansas Department of Wildlife and Parks
- Kansas Tourism Division at the Kansas Department of Commerce
- Kansas Office of Minority & Women Business Development at the Kansas Department of Commerce

KOBD requested each attendee for these meetings to consider key contacts in their agency, industry, and associations that could help amplify communications and support for the BEAD and DEA planning efforts. Additional meetings with key agencies, such as the Kansas Department of Transportation and Kansas Department of Labor, led to further discussions around items such as state fiber facilities, ROWs, and workforce readiness. KOBD maintains a close working relationship with these state agencies ensuring awareness of timelines, needs, and priorities required as progress occurs.

Telecommunications Industry, Internet Service Provider Meetings

In addition to direct meetings with individual internet service providers (ISP) serving Kansas, KOBD hosted two provider meetings focused on BEAD timelines, anticipated funding, planning requirements, and stressed the cooperation needed from all providers to meet our BEAD goals. Another set of ISP meetings provided updates on progress and to lay out 2023 funding opportunities that extend beyond BEAD and DEA. KOBD also met with the Kansas Cable Telecommunications Association and the Communication Coalition of Kansas, groups that represent multiple ISPs, to review the BEAD initiatives, timelines, goals, and objectives.

Coordination with the ISPs is a priority for KOBD. Regular industry calls combined with our open-door policy provides KOBD with the opportunity to hear directly from ISPs about the work being done and the challenges that lie ahead. KOBD's commitment to transparency underpins a robust set of outreach efforts to ISPs, particularly in the planning and expectations of these critical partners. Moving forward, KOBD is committed to the spirit of transparency via regular meetings with ISP partners to share plans and timelines.

Surveys

To date, KOBD has distributed four surveys to gather statewide data for the assets and needs inventories.

(1) Wichita State University: This survey focused on covered populations to assess broadband needs, barriers to adoption, and known content that may be available to assist in digital skills development. This survey and its results are covered in the Kansas Digital Equity Plan.

University of Kansas conducted two surveys:

(2) The first survey was sent to ISPs seeking to identify private broadband assets currently deployed within the state. The survey also asked providers to share the next five years of planned infrastructure deployments and any existing commitments on previously awarded federal and state funded broadband projects. This survey was also sent to agencies and associations that may own fiber assets to document facility routes, capacity, utilization, and commercial status. The goal of this survey was to determine if any of these assets could reduce the time and resources required for network deployment in unserved and underserved areas.

(3) The second survey was focused on Digital Equity Assets and sent to agencies, associations, and non-profits to gather information on existing digital equity programs, their funding source, their targeted audience, intended benefit(s), current progress, and plans.

(4) Workforce Development: This survey was sent to ISPs to document projected workforce needs, by position, to fulfill BEAD infrastructure builds and ongoing operations.

Of the 176 total surveys sent to providers, agencies, and associations, 53 completed surveys were returned, whereby 43 providers and 10 agencies responded. A summary of the returned surveys is as follows:

- Twenty-seven of the respondents own middle mile fiber covering 2,700 combined miles
 - All the middle mile facility owners were last mile providers as well (i.e., no exclusive middle mile providers)
- Eleven of the respondents have previously received broadband grants totaling more than \$100 million, including:
 - Eleven state broadband recipients, several of which were also recipients of other federal awards:
 - Two USDA recipients
 - Three CAF 2 recipients
 - One RDOF recipient
- Seventeen of the respondents are Fiber-to-the-Home (FTTH) providers
- Two of the respondents are fixed wireless providers
- Thirty-two respondents indicated plans to apply for additional grants, including BEAD
- Many respondents provided contact information and requested to execute an NDA with KOBD to provide more detailed information
- Two respondents asked for contact to discuss BEAD plans
- Seven state agencies replied detailing the fiber assets they use, own, or manage, including:
 - KanREN
 - Kansas Bureau of Investigation
 - Kansas Department of Agriculture (two responses)
 - Kansas Department of Transportation
 - Kansas Department of Wildlife Parks and Tourism (two responses)
 - Kansas State Library
 - Kansas State Research and Extension
- All respondents offered to support KOBD community outreach efforts via email, their own websites, and newsletters
- The Kansas State Library system detailed their digital skills training program inventory, called “Learning Express”

Economic Development Meetings

Upon completion of the first set of meetings with state departments and agencies, a second layer of outreach meetings occurred involving leadership teams from the eight Economic Development Districts (EDD). Engaging with each EDD is the best method to ensure an accurate and inclusive list of needs of their regions, counties, and communities. Meetings with each EDD included their chosen geographical representatives where KOBD provided an overview of IJJA, BEAD, and DEA opportunities. Each EDD was shown an excerpt of the FCC

Broadband Fabric Map, state maps showing current CAIs, and their region's eligible ACP households and current adoption rates. Importantly, each EDD nominated individuals who might act as their broadband champion(s) (i.e., points of contact for local planning) to work alongside KOBD.

The next set of EDD meetings will occur with the designated broadband champion(s) to finalize localized broadband needs within their area; collaborate with local providers and ISPs; review technology choices; provide technical assistance; and project the buildout costs of their areas. This level of outreach will foster the extensive collaboration and local buy-in between the residents, businesses, farmers, ISPs, and the state needed for these deployment projects.

Given that the expertise level varies among regions, KOBD will develop a user-friendly guide to data collection, need assessments, provider requirements, and collaborative meetings to lay the foundation for each region to develop the needed relationships for successful BEAD applications.

In addition, KOBD will extend support to each EDD via their Economic Development Managers to determine local planning efforts, monitor effective coordination with ISPs, and answer any questions related to BEAD planning, awards granted, or deployment progress.

Broadband Ready Communities

KOBD established a community-based program called "Broadband Ready Communities" (BRC) where communities, cities, counties, Sovereign Tribal Nations, or regions may be designated a broadband ready community. The BRC designation fosters readiness among local communities as they prepare for further broadband buildout. These partnerships focus on permitting, ROWs, easement issues, and how to streamline and simplify these processes to support the efficient and effective deployment of broadband networks within the BRC partnership area.

KOBD Website

KOBD's public-facing website engages and updates constituents across sectors. The website shares key strategic plans, funding opportunities, social media, links to the Kansas broadband speed testing website, KOBD contact information, industry information, state events, and relevant articles. The website provides transparency of resources allocated, and application processes. <https://www.kansascommerce.gov/broadband/>

KOBD Newsletter

KOBD sends the Kansas Broadband Newsletter to provide updates on KOBD plans and progress. KOBD shares the newsletter proactively with members of the following communities:

- Agricultural community
- Community champions
- Economic development representatives
- Educational institutions
- Healthcare centers
- ISPs
- Local governments

KOBD encourages all Kansas residents to sign up for the newsletter through the KOBD website.

State Speed Test Opportunity Communications

In May of 2023, KOBD launched a website for residents of the state to conduct speed tests and provide demographic data in support of the BEAD and DEA efforts. This website serves multiple functions for BEAD and DEA planning, namely:

- Validation of broadband service availability and quality
- Involvement of Kansas residents in the BEAD and DEA planning efforts
- Collection of BEAD and DEA demographic data
- Vehicle for NTIA-required challenge data, if required

KOBD engaged in multiple outreach activities to ask for participation in the speed test effort. Letters in English and Spanish, requesting distribution to students, faculty, and staff were sent to every school district in the state. In addition, KOBD sent a request to state agencies and relevant state associations, groups, and communities to distribute flyers and letters to their membership.

To date, 7,642 tests (from 4,610 unique IP addresses) have occurred. When users conduct a speed test, KOBD asks the user to complete multiple tests at varying times of the day to validate speed of service. In addition, for those residents interested in participating in the challenge process, more specific test parameters will be coordinated to ensure compliance.

Moreover, 7,211 demographic surveys were completed detailing: the number of users in the home; demographics for each user; predominate use requirements (i.e., work, education, healthcare, social, gaming, etc.); existing provider information; affordability; and price elasticity.

These speed tests and surveys continue to support the challenge efforts and measure progress of investments and infrastructure deployment. The KOBD Speed Test site is found at <https://broadbandks.com/>.

Covered Populations, Groups, Associations and Non-Profits


KOBD conducted focused outreach to the covered populations of Kansas to present the BEAD and DEA planning efforts, understand their broadband needs, and to document barriers or limitations. A representative list of DEA partners is provided in the table below, whereas a full list of Digital Equity Assets is documented in the KOBD Digital Equity Plan.

DEA Partners

- AARP
- Kansas African Affairs Commission
- Kansas Association of Area Agencies on Aging
- Kansas Association of City/Town Management
- Kansas Association of Community Action Programs
- Kansas Association of Counties
- Kansas Association of Educational Service Agencies
- Kansas Board of Regents
- Kansas Commission on Veterans Affairs Office
- Kansas Department for Children and Families
- Kansas Department of Corrections
- Kansas Department on Aging and Disability Services
- Kansas Farm Bureau

- Kansas Hispanic & Latino American Affairs Commission
- Kansas League of Municipalities
- Kansas Library Association
- Kansas Silver Haired Legislature
- Kansas State Department of Education
- KANSASWORKS

Outreach Summary

Early in the BEAD and DEA planning effort, KOBD adopted an aggressive local outreach plan. With a goal to hear from Kansans from across the state, KOBD created structured and organized plans for the Roadshow, surveys, agency meetings, Sovereign Tribal Nation meetings, EDD discussions, partnership meetings, and collaborative meetings with service providers. KOBD will continue to use the tools developed and add capabilities via social outreach, local planning, and covered population groups. In addition, KOBD is looking to actively name local broadband champions who will help “localize” messaging to their specific communities. 

KOBD will continue to publish newsletters, post on social media, and provide updates via the Kansas Department of Commerce website to update all Kansans on BEAD plans and progress.

2.3 Local Coordination (Requirement 4)

2.3.1 Text Box: Describe the coordination conducted, summarize the impact such impact has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfil the coordination associated with its Final Proposal.

To develop the BEAD-IP, KOBD travelled to every corner of the state to engage a wide range of stakeholders, including residents, local government leadership, non-profits, community organizations, ISPs, Sovereign Tribal Nations, and the Governor’s office. Completing this outreach methodically is key to the development of the three key BEAD documents (i.e., FYAP, BEAD-IP, and BEAD-FP). KOBD tracked every engagement meeting since the beginning of the BEAD program, which can be seen in the Local Coordination Tracker Tool found as attachment “2.3.1.1 Local Coordination Tracker Tool-Attachment.pdf”.

The strongest indicator of how the coordination conducted by KOBD impacted the content of the BEAD-IP is found in the BEAD scoring rubric. BEAD applicants must adequately demonstrate their active and ongoing engagement with the local communities they are attempting to serve to be considered for an award. Specifically, applicants need to prove they understand the broadband needs of these communities, describe their intended technological solutions, and rely on established relationships to support their application(s). Furthermore, the provisioning of timely broadband infrastructure delivery and the offering of low-income subscriber plans must be acceptable to these communities. Simply, the BEAD scoring matrix designed by KOBD will require well documented and specific local coordination, along with integrated planning, to receive maximum local coordination points.

Other impacts to the BEAD-IP of these outreach and planning efforts helped prioritize areas such as workforce development, digital equity needs, and understanding the true impact of the

digital divide in Kansas. For instance, universities, community colleges, industry experts, state agencies, and providers provided valuable input into the workforce readiness needed for the BEAD-IP. As these entities assessed their hiring needs, recruitment, workforce plans, and training capabilities, their insight helped KOBD determine the gaps that present a risk to BEAD timelines and the need for a cohesive, statewide workforce development program.

KOBD's ongoing coordination efforts, along with the plan to fulfill the requirements of the BEAD-FP, are as follows:

- KOBD will continue the detailed tracking found in the Local Coordination Tracker Tool throughout the entire BEAD program. Outreach, planning, coordination, risk management, and execution will be recorded as evidence of a collaborative and transparent KOBD process.
- KOBD will continue local and statewide outreach to support the challenge process, successful monitoring of grant commitments, and grant administration. KOBD will coordinate additional outreach meetings with community leaders to collaborate and develop a long-term working relationship with their potential provider partners.
- KOBD will continue to host regular meetings with ISPs in the state. These meetings are an effective way to share plans, provide NTIA guidance, provide lessons learned, share best practices, and answer questions relevant to the provider community.
- KOBD will continue the engagement with the eight Economic Development Districts of Kansas and the designated local broadband champions. The importance of understanding and identifying each region's broadband needs is critical to the joint planning and collaboration effort with providers. KOBD must play a facilitation role to ensure comprehensive broadband plans are included in the applications for BEAD funding.
- KOBD will continue hosting Advisory Council meetings and outreach efforts post-planning and during deployment to ensure support for digital equity strategies are progressing. The goal of universal access is complemented by accessing devices, digital upskilling, and affordability plans, which requires continuous care, planning, coordination, communication, and risk management.
- KOBD shall develop a workforce development and readiness strategy, in collaboration with state agencies, nonprofits, local governments, providers, and educational entities, to create a holistic view of the broad and skills needed for the entire state. An effective workforce will support the deployment of networks, adoption of broadband, and the technical support and upskilling for meaningful engagement in the digital economy.
- KOBD shall evaluate best practices to coordinate training facilities, instructors, curriculum, class schedules, locations, and attendees to document and implement the workforce development and readiness strategies.

2.3.1.1 Attachment: As a required attachment, submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations, and other groups.

KOBD has tracked every engagement meeting since the beginning of the BEAD program, which can be seen in the Local Coordination Tracker Tool found as attachment "2.3.1.1 Local Coordination Tracker Tool-Attachment.pdf"

2.3.2 Text Box: Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note “Not applicable.”

Imperative to our overall effort is to engage with the four federally recognized Sovereign Tribal Nations residing in Kansas: (1) Iowa Tribe of Kansas and Nebraska, (2) Kickapoo Tribe in Kansas, (3) Prairie Band of the Potawatomi, and (4) Sac and Fox Nation of Missouri in Kansas. KOBD collaborated with the four Sovereign Tribal Nations to discuss their broadband needs and specific funding opportunities unique to them. The goal for each meeting was to grow the relationships between key stakeholder groups and cover common topics including updates on federal, state, and tribal initiatives; infrastructure access; digital equity; and workforce opportunities. Notes captured feedback from each session and next steps for the NTIA, KOBD and the four Sovereign Tribal Nations:

- On February 24, 2023, the consultation with the Iowa Tribe of Kansas and Nebraska included tribal council members and staff, executives of Grey Snow Management, NTIA FPOs from Nebraska and Kansas, and the Executive Director of the Office of Native American Affairs for the State of Kansas. Emphasizing sovereignty, the tribe’s representatives shared a need to coordinate across state and geographical lines. Related to digital equity needs, KOBD will provide a point of contact to help tribal members enroll in ACP. Workforce topics included discussion of partnerships with a Nebraska community college and succession planning needs. In collaboration with KOBD, the tribal members received an MOU that included an oral storytelling booth with digital equity-related questions.
- On March 24, 2023, the consultation with the Prairie Band of the Potawatomi focused on the tribe’s frustration with the overall structure of the IJA, specifically the lack of respect for their sovereignty, ROW issues, and mapping. Tribal representatives highlighted the lack of infrastructure access and affordability presented a fundamental gap to any digital equity and inclusion effort. The tribe utilizes a workforce consultant to determine opportunities and the potential to collaborate with KOBD to accelerate already envisioned strategies.
- On May 1, 2023, the consultation with the Sac and Fox Nation included tribal members and staff, along with the Executive Director of the Office of Native American Affairs for the State of Kansas. An overview of technical support, ISP relationships, public relations, public safety, and historic preservation were discussed. Related to digital equity needs, affordability with their current provider is a challenge, along with a need for increased access to digital training, coaching, and support. The Sac and Fox Tribe were particularly interested in the ability for broadband to build the needed workforce, and the desire to continue communication with KOBD.
- On August 4, 2023, the consultation with the Kickapoo Tribe in Kansas outlined concern about underserved areas, infrastructure, and modernization of technology within public areas, internal tribal support of broadband (versus reliance on outside entities), and effective outreach to tribal members. The lack of direct federal funding to the tribe created greater interest to support broadband use and adoption on the reservation. Plans for continued communication with the Kickapoo Tribe in Kansas to support training, workforce development, and network deployment will occur.

KOBD will plan additional consultations with all four of the Sovereign Tribal Nations on subjects related to public comments for the upcoming Digital Equity Plan, procedures and tools used for the challenge process, and opportunities for continued collaboration.

2.3.2.1 Optional Attachment: As a required attachment only if the Eligible Entity encompasses federally recognized Tribes, provide evidence that a formal tribal consultation process was conducted, such as meeting agendas and participation lists.

Documentation related to tribal consultations may be found as attachment: "2.3.2.1 Formal Tribal Consultation Documentation-Attachment.pdf."

PENDING APPROVAL

2.4 Subgrantee Selection Process (Requirement 8)

2.4.1 Text Box: Describe a detailed plan to competitively award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.

The BEAD subgrantee selection process shall begin upon approval of the BEAD-IP Volume 2 by NTIA. Prior to that approval, but after the Challenge Process adjudication period, KOBD may accept preregistration information from entities interested in applying for the subgrantee selection process. Preregistration is not required to participate in the BEAD program. If KOBD elects to conduct a preregistration process, guidelines shall be published 10 calendar days before its opening. The preregistration period may be open for 30 calendar days.

The information collected during preregistration can apply to future applications, thereby streamlining application preparation and KOBD review. For preregistered entities, their application portals will have a checkbox to attest information provided in the preregistration period has not changed. Should an entity file preregistration information but then decide not to apply for a BEAD grant, KOBD will destroy the preregistration information once KOBD receives notice of the entity's intent not to apply for the subgrantee selection process.

In addition to contact information and Federal Registration Number (FRN), if appropriate, the preregistration information may include, but not be limited to:

<u>Category</u>	<u>Guidance Reference</u>
Financial Capability	2.4.11
Managerial Capability	2.4.12
Operational Capability	2.4.15
Technical Capability	2.4.13
Ownership Information	2.4.16
Public Funding Information	2.4.17

Excluding the response to Financial Capability, responses to each category shall not exceed three (3) pages in length, using single-spaced, and 11-point font formatting.

Within 30 days of the Challenge Process completion (including adjudication and public posting of the results), KOBD shall perform the final deduplication of BSLs and publish the list of unserved and underserved BSLs that are grant eligible, along with the identified CAIs for 1Gbps provisioning. Project Funding Areas will then be created using the process identified below. KOBD will not accept challenges on the Project Funding Areas or BSLs. The Challenge Process results, the grant eligible BSLs, and the Project Funding Areas will be posted for 14 calendar days prior to the grant application period opening.

KOBD will host a webinar to answer any questions on the posted information. Additionally, KOBD shall publish a .csv submission template format that must be utilized for location data submitted during the application process.

Project Funding Areas

Project Funding Areas will be defined by Unified School District (USD) borders in place June 1, 2023. Each application must propose to serve all BSLs within at least one USD and may include contiguous USDs in the same application if all planning details outlined in this document are separately included for each USD. Applicants must submit separate applications for any USD areas that are non-contiguous. KOBD will not consider an application eligible for an award if it does not provide qualified broadband service to all unserved and underserved BSLs within at least one entire USD. All applications must segregate costs between only unserved locations and the entire Project Funding Area so that the incremental costs to provide complete universal service in each area can be compared to the cost to meet the priority unserved locations.

Consortiums

In a limited number of cases, where USDs are particularly large, KOBD may choose to split the USD into multiple Project Funding Areas. KOBD welcomes applications from consortiums of qualified applicants that wish to partner to cover specific Project Funding Areas. In a consortium application, one member must be designated as the recipient of the award, taking responsibility for all agreements and enforceable commitments outlined in this document and required by KOBD and NTIA. Any participant of the consortium must provide preregistration information.

In the case where a consortium application is awarded and the consortium fails to perform (e.g., dissolution of partnership and no party is willing to accept full responsibility of the award), the award will be deemed void, and the process outlined in the response 2.16.2 shall apply.

Subgrantee Grant Application Process

KOBD will open the Subgrantee Application Process for BEAD Funding no less than 14 calendar days following the publishing of Project Funding Areas. Prior to and throughout this application period, KOBD will issue any required clarifying guidance outlined in this Initial Proposal, new or clarifying guidance from the NTIA, or in response to queries received during the application process itself to streamline project development and clarify requirements for applicants. All clarifications and updates will be posted to the KOBD website.

The BEAD Subgrantee Application Process will remain open for applications for 45 calendar days. No later than 10 business days following this submission deadline, KOBD will post all applications and submitted materials for each application on the KOBD webpage as submitted. Any information included with the BEAD grant application deemed confidential by the applicant must be individually (by page or electronic file) marked as confidential. All protections offered by the Kansas Open Records Act (KORA) to prevent disclosure will be applied. These exceptions can be found in K.S.A. 45-221 (1,12,20,30,32, and 45.) Individual Non-Disclosure Agreements (NDAs) may also be executed with the Kansas Department of Commerce if so desired. To prevent delays to any Subgrantee Application Process, any NDAs must be requested no less than 60 days prior to the beginning of the BEAD Subgrantee Application process or no later than February 1, 2024, whichever date is earlier. The responsibility to request an NDA and to seek completion of that NDA rests with the applicant seeking the Agreement.

Once the submission window has closed, KOBD will review the applications to ensure all required documentation has been submitted. Any missing or incomplete information will be documented, and one written request will be sent to the applicant requesting cure within three calendar days. Failure to provide the required documentation will result in rejection.

Grant applications will be evaluated against the BEAD Scoring Rubric (i.e., 2.4.2.1-KOBD Scoring Rubric BEAD-Attachment.xlsx) by KOBD staff or their subcontractors. After initial reviews are completed for each Project Funding Area, the results shall be combined by KOBD and recommendations for each proposal in a Project Funding Area shall be made. KOBD shall perform due diligence on every application to confirm the proposal, timelines, and service milestones are reasonable, and that the provider is capable of successful delivery. If an existing award commitment (i.e., from state general funds or another federal infrastructure program) is found within a Project Funding Area, or if a new award commitment from state general or another federal infrastructure program is made during the sub-grantee process, all applications for that Project Funding Area will be notified and given 14 calendar days to resubmit, withdraw, or attest that no BEAD funds will be used for BSLs covered by the previous commitment. Based upon the availability of funding, if there is only one eligible application (i.e., if the technology solution provides qualifying broadband service) for a Project Funding Area, it shall be awarded. These recommendations, along with a summary of the grant scoring and results for all subgrantees, will be provided to the Grant Review Committee.

The Grant Review Committee shall consist of employees of multiple state agencies. This committee will review the scoring rubric results and recommendations presented by KOBD to produce the list of named awardees, awarded amount for each Project Funding Area, the unsuccessful applicants, and will describe their rationale for each award. Following approval of projects by the Grant Review Committee, all decisions and documentation will be shared with the Governor's office. After the executive leadership review, all grant round results will be submitted to NTIA through the BEAD-FP. Grant award winners and unsuccessful applicants will be notified by KOBD when allowed by the NTIA.

Each applicant applying under BEAD will be required to complete a technical application narrative to satisfy the requirements outlined in this document and the BEAD NOFO that are specifically related to Project Funding Area design, technology commitments, redundancy and business continuity plans, speeds offered, latency expectations, equipment providers and inventory management, staffing and workforce readiness, service plans and pricing, service and billing commitments, and timelines for deployment by specific progress milestones. The technical components of applications are required for Project Funding Areas across Kansas and can be templated for the applicant unless the applicant wishes to change their narrative responses for different Project Funding Areas. This process avoids requiring applicants to complete application narratives for each unit of geography in or for each proposal. Along with the narrative component of the application, applicants must submit capital, operating cost, and revenue estimates to serve each specific Project Funding Area. KOBD will provide a template to streamline and coordinate this process. Applicants must outline the requested dollar amount to separately serve all unserved locations, underserved locations, and unserved or underserved Community Anchor Institutions in that Project Funding Area, as well as the matching funds slated to be contributed to the build. KOBD recognizes the combined cost in any Project Funding Area proposal may combine these costs for service locations as an additional presentation layer. This allows KOBD, in the case of a funding shortfall, to prioritize awards based on unserved locations without revisiting proposals.

KOBD established a fair, open, equitable, and competitive subgrantee selection process with adequate safeguards to protect the integrity of the BEAD program, including measures against collusion, bias, and conflicts of interest.

2.4.2 Text Box: Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.

KOBD adopts the scoring criteria and weight of each respective criterion laid out below to evaluate proposals for Priority Broadband Projects and Other Last-Mile Broadband Deployment Projects. Evaluation criteria, which are compliant with the guidelines set forth for project scoring in the BEAD NOFO, are outlined for each scoring category below.

Selection Criteria for Project Category

Applications that propose to construct end-to-end fiber-optic facilities to all BSLs in a Project Funding Area will be defined as a “Priority Broadband Project.” Applications that do not propose to construct end-to-end fiber optic facilities to all BSLs in a Project Funding Area will be defined as an “Other Last-Mile Broadband Project.”

Scoring Process

For all applications (i.e., Priority Broadband Projects and Other Last-Mile Broadband Projects), 100 points is the maximum allotted points. The evaluation criteria are broken down into primary and secondary categories, with a maximum of 75 points for primary category and 25 points for secondary category. Each category consists of multiple items to be evaluated and for which points are awarded.

Priority Broadband Projects

Applications that propose to construct end-to-end fiber-optic facilities to all BSLs in a Project Funding Area will be defined as a “Priority Broadband Project.”

Primary Criteria for Priority Broadband Projects- Maximum 75 Points

Primary Criteria - 75 Points				
Criteria	Weight	Description	Maximum Points	Scoring
Minimal BEAD Outlay	50%	The total amount of funding required to complete the project area in the application, accounting for both the total projected cost and the applicant’s proposed match, which must, without a waiver, cover at least 25% of the project cost, with the specific points awarded increasing as the BEAD expenditure decreases for each location serviced in project area in application.	50	The most cost-efficient applications determined by evaluating the total funding requested to provide broadband access to a defined application area will receive most points under this section. A percentage of the points available will be allocated to applications with an average higher cost per location considering their relative distance from the most cost-effective cost per location projects areas received.

Primary Criteria - 75 Points				
Criteria	Weight	Description	Maximum Points	Scoring
Affordability	15%	The applicant's commitment to provide 1Gbps/1Gbps symmetrical services within the project areas in the application at the most affordable price for customers.	15	An application will receive 15 points if the cost of 1Gbps/1Gbps symmetrical service is less than \$90.00 per month, including all taxes, fees and charges charged to the customer. A sliding scale will be used to score applications that provide 1Gbps/1Gbps symmetrical services from \$90.00 or more per month, including all taxes, fees, and charges to the customer.
Fair Labor Practices	10%	Applicants must narratively demonstrate a record of and plans to follow federal labor and employment laws. Applicants who do not have a record of compliance with labor and employment laws can make forward looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.	10	KOBD will assess and score narrative responses under this category. Applications that provide all the required information and certify they will comply with existing labor requirements outlined in the BEAD Notice of Funding Opportunity (NOFO) will receive 10 points in this category. Applications will receive points based on the information submitted for each element of the fair labor category. Applications that provide no response will receive 0 points.

Minimal BEAD Program Outlay– 50 points

With a projected overall shortfall to achieve universal service of \$240 million (or more), KOBD shall examine all sources of funding, planning, and collaborators. Potential solutions outlined in this document are to increase the match requirement, public/private partnerships, appropriated state funding, and Enhanced Alternative Connect America Cost Model (EACAM). Thus, KOBD awards the most categorical points to Minimal BEAD Program Outlay in the scoring criteria. This will optimize every BEAD dollar.

Description: The total amount of funding required to complete the project area in the application, accounting for the total projected cost and the applicant's proposed match. Specific points will be awarded increasing as the BEAD expenditure decreases for each location serviced in Project Funding Areas.

Scoring: The most cost-efficient application project areas, evaluating the total funding requested to provide broadband access to a Project Funding Area will receive the highest points under this section. A percentage of the points available will be allocated to applications with an average higher cost per location considering their relative distance from the most cost-effective cost per location projects areas received.

Affordability– 15 points

Description: An affordable price to subscribers for 1Gbps/1Gbps symmetrical service set at a \$90 monthly rate, inclusive of all taxes, fees, and monthly charges billed to the customer.

Scoring: An application will receive 15 points if the cost of 1Gbps/1Gbps symmetrical service is less than \$90.00 per month, including all taxes, fees and charges charged to the customer. A sliding scale will be used to score applications that provide 1Gbps/1Gbps symmetrical services from \$90.00 or more per month, including all taxes, fees, and charges to the customer.

Sliding Scale for Priority Broadband Projects for 1Gbps/1Gbps Monthly Cost

Monthly Service Cost 1Gbps/1Gbps	Points
<\$90.00	15
\$90.00 - \$99.99	10
\$100.00 - \$109.99	6
\$110.00 - \$119.99	3
>\$120.00	0

Fair Labor Practices– 10 points

Description: Applicants must provide a narrative and evidence of plans to comply with federal labor and employment laws and of plans to solicit, recruit, and retain minority-owned enterprises and women-owned enterprises (MBEs/WBEs). Applicants without a verifiable record of compliance with labor and employment law may mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.

Scoring: Applications that provide all the required information and certify they will comply with existing labor requirements outlined in the BEAD Notice of Funding Opportunity (NOFO) will receive 10 points. Points will be allocated based on the information submitted for each element of the fair labor category. Applications that provide no response will receive 0 points.

Fair Labor Requirements Priority Broadband Projects

Fair Labor Requirements	Points
Certification of compliance	5
Compliance with federal labor and employment laws	2
Disclosure of applicant violations	1
Disclosure of contractor and/or subcontractor violations	1
Wage information	.5
Workplace safety committees	.5

Secondary Criteria for Priority Broadband Projects- 25 Points

Secondary Criteria - 25 Points				
Criteria	Weight	Description	Maximum Points	Scoring
Speed to Deployment	9%	Applications that commit to the deployment of a network and provide services to each BSL within the Project Funding Area within four years from the date of the grant agreement with KOBD.	9	KOBD will score committed speed to deployment applications on a sliding scale system. This scale will be set in such a way to minimize the difference of score based on committed project timetables, given the uncertainty surrounding broadband supply chain and workforce development along with the deadlines needed for compliance with federal regulatory requirements under the BEAD program.
Speed of Network and Other Technical Capabilities	9%	Applications that propose to use technologies that exhibit scalability with lower future investment.	9	Capital assets with longer usable lives, scalability, and resilience will score higher on this sliding scale, even if they have higher costs.
Local and Tribal Coordination	7%	Local, regional, and tribal collaboration is required to ensure that applicants have properly engaged Kansans to determine their communities' needs.	7	Applicants shall consult local and tribal authorities. Applications will receive points based on the information submitted demonstrating their level of involvement with local and tribal communities.

Speed to Deployment– 9 Points

Description: Applications that commit to the deployment of a network and provide services to each BSL within the Project Funding Area within four years from the date of the grant agreement with KOBD.

Scoring: Speed to deployment will be scored on a sliding scale based on the timeline(s) and service milestone(s) committed to within the applications. The uncertainty in supply chains, workforce challenges, and compliance with federal regulations imposed by the BEAD program are challenges yet shared by all providers. Thus, each application has the same opportunity to prepare for them. To ensure fair and equitable assessments, projects shall be scored along the following timelines:

Time	Points
0-1 years contract award to project close out	9
>1 but <2 years contract award to project close out	8
>2 but < 3 years contract award to project close out	5
> 3 but < 4 years contract award to project close out	2
4 years	1
> 4 years	0

Speed of Network and Other Technical Capabilities– 9 points:

Description: Applications that propose to use technologies that exhibit scalability with lower future investment.

Scoring: Capital assets with longer usable lives, scalability, and resilience will score higher on this sliding scale, even if they have higher costs.

Technology Evaluation Priority Broadband Projects

Technology Attribute	Maximum Points
Network Usable Life	3
Network Scalability	3
Network Resilience	3

Local and Tribal Coordination– 7 Points

Definition: Local, regional, and tribal collaboration is required to ensure that applicants have properly engaged Kansans to determine their communities' needs.

Scoring: Applications that demonstrate meaningful community engagement and local planning, as described below, will receive seven points. Two points will be awarded if letters of support are the only evidence provided, and zero points if no documentation is provided.

- **Community Engagement– 5 Points**

Prospective subgrantees must demonstrate extensive community engagement and local planning. Understanding the infrastructure and service needs in the Project Funding Areas requires network planning, design, and the voice of the residents. Applications must include evidence of locally held meetings with residents and businesses from the Project Funding Areas where they are applying. This evidence must consist of meeting minutes, attendee lists, and discussion items like those contained in the NTIA Local Coordination Tracker. Furthermore, locally held discussions on permitting, rights of way, pole attachments, or other easement needs are preferred. Lastly, KOBD expects applicants to share their rate plans, low-cost service plans, terms and conditions, service commitments, and billing formats to each Project Funding Area.

- **Letter of Support– 2 Points**

Applications with letters of support from local leaders (e.g., county commissioners, Tribal leaders, board of supervisors, city councils, unified school district boards, local businesses, or residents), but cannot demonstrate local planning as described above, may receive two points, depending on the number and quality of each formally

authorized letter. Local and tribal governments may provide letters of support for one or more applicants for the same Project Funding Area.

Other Last-Mile Broadband Deployment Projects

Some Project Funding Areas may require deployment of other technology solutions (i.e., non-end-to-end fiber-optic facilities) for several reasons, including geography, topology, or cost considerations. Other Last-Mile Broadband Deployment Projects will use the same primary criteria as Priority Broadband Projects except for the affordability criteria.

Primary Criteria for Other Last-Mile Broadband Deployment Projects- Maximum 75 points

Primary Criteria - 75 Points				
Criteria	Weight	Description	Maximum Points	Scoring
Minimal BEAD Outlay	50%	The total amount of funding required to complete the project area in the application, accounting for both the total projected cost and the applicant's proposed match, which must, without a waiver, cover at least 25% of the project cost, with the specific points awarded increasing as the BEAD expenditure decreases for each location serviced in project area in application.	50	The most cost-efficient applications determined by evaluating the total funding requested to provide broadband access to a defined application area will receive most points under this section. A percentage of the points available will be allocated to applications with an average higher cost per location considering their relative distance from the most cost-effective cost per location projects areas received.
Affordability	15%	An affordable price to subscribers for 100/20 Mbps service set at a monthly rate, inclusive of all taxes, fees, and monthly charges billed to the customer.	15	An application will receive 15 points if the cost of 100/20 Mbps service is less than \$60.00 per month, including all taxes, fees and charges charged to the customer. A sliding scale will be used to score applications that provide 100/20 Mbps service from \$60.00 or more per month, including all taxes, fees, and charges to the customer.

Primary Criteria - 75 Points				
Criteria	Weight	Description	Maximum Points	Scoring
Fair Labor Practices	10%	Applicants must narratively demonstrate a record of and plans to follow federal labor and employment laws. Applicants who do not have a record of compliance with labor and employment laws can make forward looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.	10	KOBD will assess and score narrative responses under this category. Applications that provide all the required information and certify they will comply with existing labor requirements outlined in the BEAD Notice of Funding Opportunity (NOFO) will receive 10 points in this category. Applications will receive points based on the information submitted for each element of the fair labor category. Applications that provide no response will receive 0 points.

Minimal BEAD Program Outlay– 50 points

Description: The total amount of funding required to complete the project area in the application, accounting for the total projected cost and the applicant's proposed match. Specific points will be awarded increasing as the BEAD expenditure decreases for each location serviced in Project Funding Areas.

Scoring: The most cost-efficient application project areas, evaluating the total funding requested to provide broadband access to a Project Funding Area will receive the highest points under this section. A percentage of the points available will be allocated to applications with an average higher cost per location considering their relative distance from the most cost-effective cost per location projects areas received.

Affordability– 15 points

Description: An affordable price to subscribers for 100/20 Mbps service set at a \$60 monthly rate, inclusive of all taxes, fees, and monthly charges billed to the customer.

Scoring: An application will receive 15 points if the cost of 100/20 Mbps service is less than \$60.00 per month, including all taxes, fees and charges charged to the customer. A sliding scale will be used to score applications that provide 100/20 Mbps service at \$60.00 or more per month, including all taxes, fees, and charges to the customer.

Monthly Service Cost 100Mbps/20Mbps Priority Broadband Projects

Monthly Service Cost 100Mbps/20Mbps	Points
<\$60.00	15
\$60.00 -\$69.99	10
\$70.00 - \$79.99	6
\$80.00 - \$89.99	3
>\$90.00	0

Fair Labor Practices– 10 points

Description: Applicants must provide a narrative and evidence of plans to comply with federal labor and employment laws and of plans to solicit, recruit, and retain minority-owned enterprises and women-owned enterprises (MBEs/WBEs). Applicants without a verifiable record of compliance with labor and employment law may mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.

Scoring: Applications that provide all the required information and certify they will comply with existing labor requirements outlined in the BEAD Notice of Funding Opportunity (NOFO) will receive 10 points. Points will be allocated based on the information submitted for each element of the fair labor category. Applications that provide no response will receive 0 points in this category.

Fair Labor Requirements Priority Broadband Projects

Fair Labor Requirements	Points
Certification of compliance	5
Compliance with federal labor and employment laws	2
Disclosure of applicant violations	1
Disclosure of contractor and/or subcontractor violations	1
Wage information	.5
Workplace safety committees	.5

Secondary Criteria-Other Last-Mile Broadband Deployment Projects- 25 Points

Secondary Criteria - 25 Points				
Criteria	Weight	Description	Maximum Points	Scoring
Speed to Deployment	9%	Applications that commit to the deployment of a network and provide services to each BSL within the Project Funding Area within four years from the date of the grant agreement with KOBD.	9	KOBD will score committed speed to deployment applications on a sliding scale system. This scale will be set in such a way to minimize the difference of score based on committed project timetables, given the uncertainty surrounding broadband supply chain and workforce development along with the deadlines needed for compliance with federal regulatory requirements under the BEAD program.
Speed of Network and Other Technical Capabilities	9%	Applications that propose to use technologies that exhibit scalability with lower future investment.	9	Capital assets with longer usable lives, scalability, and resilience will score higher on this sliding scale, even if they have higher costs.
Local and Tribal Coordination	7%	Local, regional, and tribal collaboration is required to ensure that applicants have properly engaged Kansans to determine their communities' needs.	7	Applicants shall consult local and tribal authorities. Applications will receive points based on the information submitted demonstrating their level of involvement with local and tribal communities.

Speed to Deployment– 9 Points

Description: Applications that commit to the deployment of a network and provide services to each BSL within the Project Funding Area within four years from the date of the grant agreement with KOBD.

Scoring: Speed to deployment will be scored on a sliding scale based on the timeline(s) and service milestone(s) committed to within the applications. The uncertainty in supply chains, workforce challenges, and compliance with federal regulations imposed by the BEAD program are challenges yet shared by all providers. Thus, each application has the same opportunity to prepare for them. To ensure fair and equitable assessments, projects shall be scored along the following timelines:

Time	Points
0-1 years contract award to project close out	9
>1 but <2 years contract award to project close out	8
>2 but < 3 years contract award to project close out	5
> 3 but < 4 years contract award to project close out	2
4 years	1
> 4 years	0

Speed of Network and Other Technical Capabilities– 9 points

Description: Applications that propose to use technologies that exhibit scalability with lower future investment.

Scoring: Capital assets with longer usable lives, scalability, and resilience will score higher on this sliding scale, even if they have higher costs.

Technology Evaluation Other Broadband Projects

Technology Attribute	Maximum Points
Network Usable Life	3
Network Scalability	3
Network Resilience	3

Local and Tribal Coordination– 7 Points

Definition: Local, regional, and tribal collaboration is required to ensure that applicants have properly engaged Kansans to determine their communities' needs.

Scoring: Applications that demonstrate meaningful community engagement and local planning, as described below, will receive 5 points. Two points will be awarded if letters of support are the only evidence provided, and zero points if no documentation is provided.

- **Community Engagement– 5 Points**

Prospective subgrantees must demonstrate extensive community engagement and local planning to receive the full seven points for this category. Understanding the infrastructure and service needs in the Project Funding Areas requires network planning, design, and the voice of the residents. Applications must include evidence of locally held meetings with residents and businesses from the Project Funding Areas where they are applying. This evidence must consist of meeting minutes, attendee lists, and discussion items like those contained in the NTIA Local Coordination Tracker. Furthermore, locally held discussions on permitting, rights of way, pole attachments, or other easement needs are preferred. Lastly, KOBD expects applicants to share their rate plans, low-cost service plans, terms and conditions, service commitments, and billing formats to each Project Funding Area.

- **Letter of Support– 2 Points**

Applications with letters of support from local leaders (e.g., county commissioners, Tribal leaders, board of supervisors, city councils, unified school district boards, local

businesses, or residents), but cannot demonstrate local planning as described above, may receive two points, depending on the number and quality of each formally authorized letter. Local and tribal governments may provide letters of support for one or more applicants for the same Project Funding Area.

Scoring for Applications with Multiple Technologies for Broadband Service

Some Project Funding Areas may be optimally served by a combination of fiber optic technology, hybrid fiber coaxial cable (HFC), or fixed wireless. Given the projected shortfall to achieve universal access, applications that include multiple technologies for broadband service will be considered for an award if they satisfy the speed of service requirements and can attain a lower cost per location within the applied-for Project Funding Area(s). For these projects, the scores for “Speed of Network and “Other Technical Capabilities” will be based on the technologies’ usable life, scalability, and resilience.

Waiver of Matching Funds

Per NTIA approval, KOBD may consider a waiver for the matching funds criteria. Determined on a case-by-case basis, a full or partial waiver may be granted. To be eligible for a waiver, an applicant must submit a proposal with more than 80% of BSLs in the Project Funding Area, defined as High-Cost Area by NTIA.

If an application’s affordability offering could be improved (i.e., the cost of the match is offset by a higher cost to potential subscribers), a waiver may be granted. Those requesting a waiver must demonstrate the effect of affordability to potential subscribers by submitting pro forma financials with different capex assumptions based on different matching fund requirements, which shows the impact on subscriber rates to achieve average revenue per customer (ARPC). The appropriate Kansas affordability threshold will be determined by KOBD.

To the extent NTIA shall allow additional waivers, including but not limited to the Extremely High Cost per Location threshold, KOBD reserves the right to consider any and all waivers for subgrantees. All waivers will be submitted to NTIA for review and approval.

2.4.2.1 Attachment: As a required attachment, submit the scoring rubric to be used in the subgrantee selection process for deployment projects. Eligible Entities may use the template provided by NTIA or use their own format for the scoring rubric.

Documentation related to this scoring rubric may be found as attachment “2.4.2.1-KOBD Scoring Rubric BEAD-Attachment.xlsx.

2.4.3 Text Box: Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.

KOBD is committed to achieving universal service despite projected BEAD funding shortfalls, a lack of warranted high-cost designations in very low-density locations, and workforce shortages. KOBD will prioritize complete coverage of unserved locations prior to awarding underserved locations and eligible CAIs. KOBD understands that broadband networks do not discriminate between unserved, underserved, nor eligible CAI locations, and a mix of these location types may exist in any given proposal optimizing network design, minimizing BEAD outlay costs, and increasing speed to deployment. Construction of the BEAD funded projects require

incorporation of 811 provisions and minimal community disruptions, which is consistent with supporting a mix of location types in any given proposal.

KOBD is electing to define Project Funding Areas as entire USDs (See section 2.4.6 Project Areas). As such KOBD is requiring proposals to provide 100/20 Mbps to all unserved and underserved BSLs within a Project Area. 1Gbps/1Gbps symmetrical broadband service to eligible CAIs would not be required but would be encouraged in the proposal.

As outlined in section 2.4.6, if unserved locations exist after proposals are received, KOBD will engage with prospective subgrantees to expand their proposed service area into contiguous areas for which a proposal was not received. KOBD will allow applicants up to 14 calendar days to revise and expand their application to accommodate unserved or underserved locations. If multiple applicants are willing to revise their applications, all are allowed to revise their proposals within 14 calendar days with weighting of the revised proposals in the following order:

- Fiber versus fixed wireless solutions
- Cost per passing
- Preponderance of service locations addressed

In the instance funding remains and there are unserved locations not being addressed in BEAD grant applications, KOBD will consider a special grant round to address these service locations. Additionally, KOBD will seek community and government engagement to seek help with the cost of tower placements, permitting, rights of way, or other costs. Engaging with the community and local government officials during the tower siting process is critical to avoid deployment delays and minimize BEAD outlay costs. Access to alternative municipal tower structures such as water towers, public safety radio towers, etc. will minimize construction costs of new towers and speed deployment. Access to infrastructure supporting fiber backhaul, including aerial poles and underground ROW to reach wireless towers, will be more difficult in the remote unserved locations. Engaging with communities and local government is critical to discovering unique opportunities to deploy universal service to all Kansans.

CAIs not covered in applications to provide the 1Gbps speed requirement must be covered by at least 100/20 Mbps service in the planned Project Funding Areas for any application.

Given the forecast that BEAD funding is not sufficient to address all unserved, underserved and CAI locations, KOBD has developed alternatives that address the BEAD funding gap. Engagements with multiple non-profits, providers, and other eligible entities have begun in earnest to examine public-private partnerships for match investments. In addition, all technical solutions and coverage areas being equal, KOBD will prioritize BEAD applications offering a higher match percentage to help defray BEAD expenses. Historically, KOBD has been able to drive an average match rate of 33% vs the 25% evident in BEAD. KOBD will also consider requests for additional state funds in support of closing the gap to universal service and will closely follow any federal funding opportunities that could help reach the gap of 100% broadband service in the state.

10 of 33 eligible Kansas providers accepted EACAM, estimated to cover 8,700 BSLs. Further analysis will be completed in deduplication prior to the challenge process. KOBD continues to explore efficiencies in BEAD outlay, key enablers to broadband network deployment, and alternatives for additional funding to close any gap to universal service.

2.4.4 Text Box: If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note “Not applicable.”

Not applicable.

2.4.5 Text Box: The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA) requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.

KOBD understands the need to ensure taxpayer dollars are spent procuring needed products and supplies from American workers and businesses and minimizing the impacts from building in areas where environmental and/or historic preservation may be of concern. The office will ensure adherence to the requirements of Build America, Buy America Act (BABA) and any results of the NTIA proposed waiver, the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.).

KOBD will communicate requirements stipulated in the Acts (subject to the proposed waiver) and BEAD NOFO to all prospective subgrantees prior to the selection process. KOBD will complete this by conducting outreach (webinars, in person meetings, etc.) to participating stakeholders, posting a list of regulations on the website, and including grant application instructions and grant agreement terms, conditions, and monitoring program requirements. The points below will be specifically highlighted:

- Subrecipients must meet the requirement that all iron, steel, manufactured products (including fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States unless a waiver is granted.
- In determining whether a product is produced in America, subrecipients must comply with definitions included in Section 70912 of the BABA, which provides that a manufactured product is considered produced in the United States if the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55% of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- In addition to the provisions above, subgrantees may not use BEAD funding to purchase or support any covered communications equipment or service, as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608).
- The Infrastructure Act expressly prohibits subgrantees from using BEAD funding to purchase or support fiber optic cable and optical transmission equipment manufactured in the People’s Republic of China unless a waiver of this requirement is received from the Assistant Secretary.

KOBD will incorporate requirements of the BABA, and results from the proposed waiver into the subgrantee selection process by conducting information webinars describing regulations,

posting a list of regulations on the KOBD website, and including the requirements in grant applications/instructions as well as grant agreement terms/conditions and subgrantee grant monitoring program requirements. Applications that do not show intent to abide by BABA or explicitly violate the requirements will not be considered to receive BEAD funding.

KOBD will incorporate the requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.) into the subgrantee selection process by conducting regulations information webinars, posting a list of regulations on the KOBD website, and including the requirements in grant applications/instructions as well as contract negotiation records, grant agreement terms/conditions and subrecipient grant monitoring program requirements. Projects that fail to comply with EHP regulations will not receive BEAD funding. Specific to NEPA and NHPA compliance efforts, the Office will ensure the following key points are highlighted:

- Projects or other eligible activities containing construction and/or ground-disturbing activities will submit all required environmental documentation to NTIA with their Final Proposals, which also must describe how they will comply with applicable environmental and national historical preservation requirements
- Obtaining all necessary federal, Eligible Entity, and local governmental permits and approvals necessary for the proposed work to be conducted based on the timeline for implementation for project areas
- Projects and other eligible activities are expected to be designed so that they minimize the potential for adverse impacts on the environment

KOBD will formulate specific intake questions to evaluate the viability and compliance of a proposed application. Prospective subgrantees shall provide plans that show compliance with the acts noted above and will only be eligible to participate in the subgrant process once compliance is determined.

Because adhering to these requirements is necessary to participate in any BEAD funding grant rounds, engagement with stakeholders is critical for success. KOBD will encourage prospective subgrantees to engage with federal, state, and local stakeholders, including:

- Federal land and resource managing agencies, including but not limited to the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the U.S. Coast Guard, the U.S. Forest Service, and others, to understand any restrictions or special conditions that may apply to infrastructure proposed on federal land, or that may impact federally managed resources such as wetlands, threatened or endangered species, navigable waterways, and others
- State and local agencies that may have a role in EHP requirements, such as the State or Local Historic Preservation Office, as well as state or local agencies that may need to issue their own permits for any proposed projects

KOBD recognizes the importance of compliance with the acts noted above and ongoing monitoring of the subgrantees to ensure compliance. KOBD will ensure preparedness for compliance requirement with BABA once NTIA finalizes the guidance. KOBD will ensure preparedness for compliance requirements with NEPA and NHPA through the following steps:

1. Review of available resources and requirements:
 - a. Familiarity with the EHP requirements and additional guidance in the BEAD NOFO
 - b. Understanding of the requirements of the NEPA review process and the NHPA
 - c. Review the NEPA, Historic Preservation, and Climate Resilience Webinar and presentation materials
2. Sourcing of EHP focused staff or contractors:
 - a. Demonstrate the readiness of their broadband team to analyze potential environmental impacts
 - b. If necessary, hire additional staff or contractor support to ensure their broadband team has the appropriate capacity and expertise to manage EHP activities
 - c. Designate certain individuals to be specifically responsible for EHP activities. Outline their responsibilities associated with managing EHP and NEPA review activities
 - d. Invite collaborators or SMEs to support their team
3. Outline an approach for EHP activities:
 - a. Outline steps and activities necessary to ensure that the prospective subgrantees understand the requirements to comply with NEPA
 - b. Coordinate with other state offices that have experience administering federal grants, such as the Department of Transportation, to identify best practices and approaches for managing the NEPA review process
 - c. Identify subcontractors they may engage to support with potential environmental assessments
 - d. Share best practices for developing a project description that provides enough detail about the potential impacts to the environment to make a preliminary determination about the level of NEPA review required

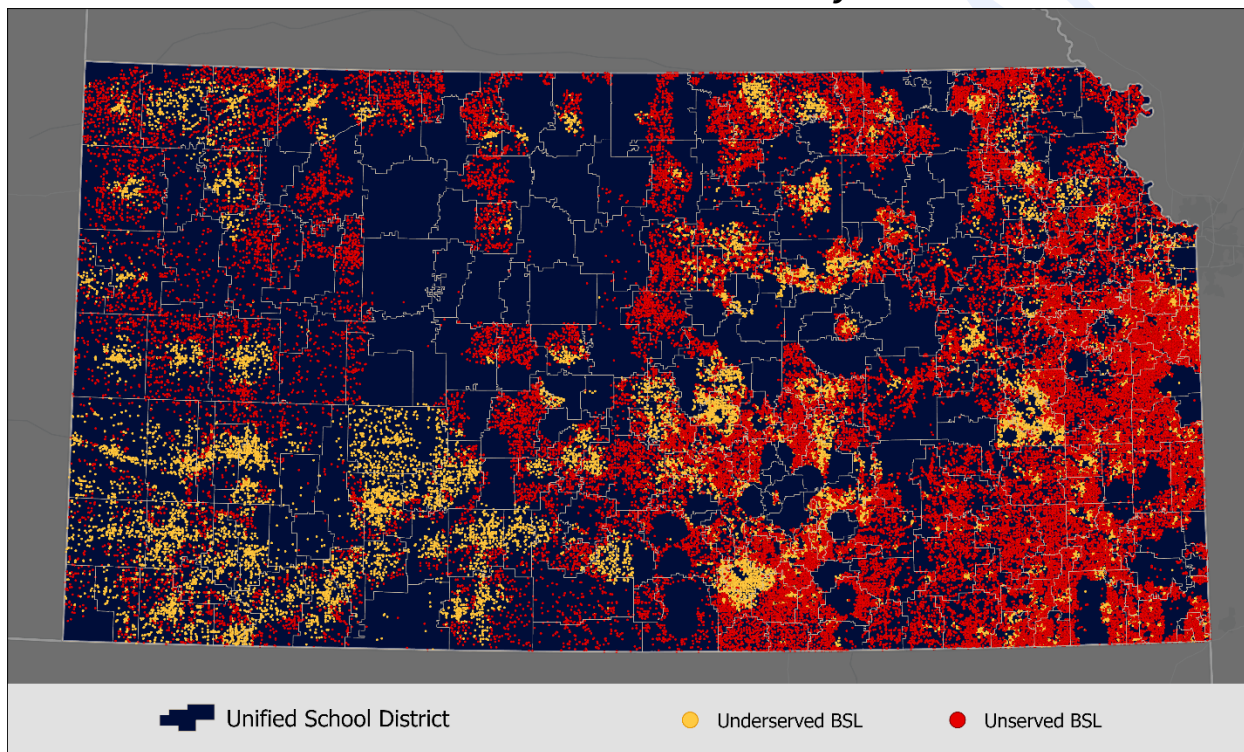
Documentation related to the requirements above will be collected and reviewed by qualified personnel. KOBD will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the requirements noted above.

2.4.6 Text Box: Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de-conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.

KOBD evaluated both the option of defining project areas and allowing prospective subgrantees the option to define alternative proposed projects areas. In evaluating the proposed definitions of project areas, KOBD evaluated regional; county; city/town; federal and state legislative districts; economic development regions; census tracts, census block groups, and census blocks; zip code areas; and school districts. Each was evaluated for advantages and disadvantages for optimizing BEAD outlay. Dispersion of unserved and underserved locations

are ubiquitously spread throughout Kansas and particular attention was paid to how these locations correlated with centers of populations, middle mile availability, and the ability for applicants to generate adequate rates of return in any Project Funding Area. Based on this evaluation, KOBD defines project areas for proposals as Unified School Districts as found in attachment “2.4.6-Kansas Unified School Districts-Attachment.xlsx.” In addition, the map below shows unserved and underserved BSLs distributed by school districts classified by number of unserved BSLs.

Unserved and underserved BSLs distributed by school districts



Kansas has 286 Unified School Districts (USDs) covering the entire state. USDs do not follow political boundaries such as counties, city/towns, or federal or legislative districts, minimizing political influence in the subgrantee selection process and supporting fairness and transparency. USDs are a cornerstone of educational, economic, social, and family activities in most Kansas communities. As Community Anchor Institutions, USDs and their education-based locations are critical to digital inclusion, equity, and workforce development opportunities for the future. KOBD feels strongly that USDs represent 100% of the Kansas population, offer strong natural communities of interest, and offer boundaries that focus on where and how Kansas residents live and conduct their daily lives, versus arbitrary boundaries based on latitude and longitudinal lines, voting districts or other artificial boundaries. These natural boundaries facilitate local planning and outreach required of applicants. These characteristics make USDs a natural choice in determining Project Funding Areas for BEAD funding.

KOBD will require proposals from prospective grantees to serve all unserved and underserved locations in a Unified School District. KOBD has analyzed the unserved and underserved locations by USD in Attachment “2.4.6-Kansas Unified School Districts-Attachment.xlsx,” finding: 20 of 286 USDs are 60% or greater unserved and 46 USDs are between 30% and 60% unserved. Kansas averages 7.4% unserved population in any school district across the entire

state; 186 USDs exceed this Kansas average. 19 of 286 USDs are 40% or greater underserved and 38 USDs are between 20% and 40% underserved. Kansas averages 4.6% underserved locations in any school district across the entire state; 148 USDs exceed this Kansas average.

A prospective subgrantee may propose an alternative project area by combining contiguous USD Project Funding Areas. The requested project area must include all unserved and underserved locations and KOBD preference would be for the applicant to serve the entire contiguous school district(s).

For overlapping proposals, the same Scoring Criteria for Priority Broadband Projects and Other Last-Mile Broadband Deployment Projects will be employed with only like-to-like comparisons will be made (i.e., Priority Broadband Projects will not be compared to Other Last-Mile Broadband Deployment Projects). If there are conflicting overlapping proposals that use the same technology involving a contiguous area whereby the primary USD project areas are identical, the first consideration will be the cost per location and the second consideration will be the match amount offered. This is consistent with the minimal BEAD outlay approach. In this instance prospective subgrantees shall breakdown costs between the primary USD and the additional contiguous area, including if the contiguous area is an entire USD(s) to enable evaluation on overlapping proposals. If the overlapping proposals have identical cost per passing and match, then affordability, fair labor standards, local and Tribal consultations, and speed to deployment shall be the next considerations.

Flexibility in the acceptance of consortium applications, applications with multiple technologies within a Project Funding Area, and those allowing for contiguous areas are viable and realistic options to help achieve universal service for Kansas. Each of these alternatives offers lower total costs while maintaining broader coverage.

2.4.7 Text Box: If no proposals to serve a location or group of locations that are unserved, underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.

If no proposals to serve a defined Project Area with locations that are unserved, underserved, or a combination of both are received, KOBD will employ a two-step process to engage with prospective subgrantees.

In the first funding round, KOBD will identify a location or group of locations without a proposal. KOBD will examine contiguous Project Funding Areas to determine if there are adjacent proposals and will contact the prospective subgrantee from the proximate area to expand their Project Funding Area to include the identified locations without a proposal. If the prospective subgrantee agrees to expand their Project Area, the prospective subgrantee shall submit an amended proposal for the location or group of locations in the expanded Project Area within 14 calendar days. The prospective subgrantees will be asked, but not required, to serve the entire Project Area inclusive of the location or group of locations.

In subsequent funding rounds, if applicable, KOBD will first target Project Areas (USDs) without awarded proposals from the first round and with the largest number of remaining unserved and underserved locations. Before the subsequent funding rounds are open for application proposals, KOBD will publish the remaining available service areas for 14 days and will contact

all Eligible Entities via email to generate and assess interest in the location or group of locations. The remaining locations may be offered via the same Project Funding Areas structure of USDs or may be restructured to be more appealing to applicants. KOBD shall make the final decision on Project Funding Areas for the second round after the inventory assessment of available locations.

KOBD will evaluate its Scoring Rubric for subsequent funding rounds to target remaining unserved and underserved locations. KOBD may employ an RFI process prior to the subsequent funding rounds to engage and stimulate interest in expanding their existing or proposed service area.

This process will be repeated for all subsequent funding rounds, including Priority Funding Project or Other Last-Mile Broadband Deployment projects, until funding is exhausted or universal service is achieved.

2.4.8 Text Box: Describe how the Eligible Entity intends to submit proof of Tribal Governments' consent to deployment if planned projects include any locations on Tribal Lands.

KOBD will require in the Subgrantee Selection Process, the applicant to provide a Tribal Government's consent to deployment if any planned projects include any locations on Tribal land. This barrier to deployment was identified in GAO report 22-104421, Tribal Broadband: National Strategy and Coordination Framework Needed to Increase Access (page 27). If the applicant is the Tribe or an internet service provider owned by the Tribe, consent to deployment is presumed. If a third-party applicant has a planned project on Tribal land, the applicant must secure a Letter of Consent from the Tribal Government and include the document in their application submission. KOBD will require all applicants to follow the Bureau of Indian Affairs ROW processes documented in 25 CFR § 169. In addition, the rule requires most owners of the interests in a tract must consent to the right-of-way, in accordance with the statutory requirement in 25 U.S.C. § 324 and specifies that Tribes and individual Indian landowners may negotiate the terms of their consent, which ultimately become the terms of the grant.

2.4.9 Text Box: Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include the operational costs for the lifespan of the network.

KOBD has performed location-based Cost Analysis through an evaluation of proposals submitted across three years of grant programs awarded and administered by KOBD. The programs include CPF, BAG, LINC, and CERG, as submitted in its Five-Year Action Plan and Initial Proposal, Volume 1. In addition, KOBD has reviewed the Extremely High-Cost (EHC) model in the NTIA Toolkit (version as of 9/8/2023) and performed a comparison between the cost model developed by KOBD and the preliminary results of the EHC.

The location-based Cost Analysis first classified each county in Kansas by density of unserved and underserved BSLs per square mile: Extremely Low Density, Low Density, Medium Density, and High Density. Density represents the most significant driver of Investment Cost and Net Present Value (subscription revenue) estimates. KOBD then evaluated all past last mile grants awarded in Kansas by county and extrapolated those cost per location of past grant awards, at

the minimum 100/20 Mbps requirement, to each county density grouping. KOBD did not consider past grants providing service below the 100/20 Mbps standard. Using this process, KOBD estimates there is a significant shortfall between BEAD funding, including the match requirements and other funding sources, in realizing universal service in Kansas of between \$240 million and \$340 million with a total universal service cost of between \$990 million and \$1.1 billion.

KOBD examined the Extremely High-Cost (EHC) application in the NTIA Toolkit (version as of 9/8/2023). The EHC application estimates total universal service cost in Kansas between \$761 million and \$930 million and a shortfall of between \$309 million and \$478 million. KOBD believes its location-based cost analysis and the Extremely High-Cost estimates are comparable and looks forward to the further refinement of the Extremely High-Cost application in the NTIA Toolkit. KOBD expects to follow NTIA guidance for the analysis of these locations. In addition, KOBD will update its location-based Cost Analysis based on current and future grant rounds (i.e., LINC, BAG, etc.) to further refine the projected cost per location based on the costs provided by applicants to maintain the most current view possible of equipment costs and costs per BSL passing. In all cases, the KOBD Cost Model will be used to calculate expected costs in each Project Funding Area for comparison to all applications. KOBD will then use the NTIA EHC to compare all submitted applications to the EHC threshold set for determining next steps.

KOBD has reviewed the NPV model for Extremely High-Cost in the NTIA Toolkit and appreciates that performing analysis on NPV models will require KOBD to require that prospective subgrantees provide an operations budget starting with the first subproject area within a Project Area and ending five years after the last subproject is opened for subscription. This budget would include revenue and subscriber projections and a financial evaluation of the operation's long-term viability to complete the NPV picture.

2.4.10 Text Box: Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO. The response must describe:

- a. **The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.**
- b. **The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.**
- c. **The process for selecting a proposal that involves less costly technology and may not meet the definition of Reliable Broadband.**

2.4.10.a

After defining the Extremely High-Cost Threshold value based on the process in 2.4.9 above, KOBD will review all prospective subgrantee applications with an average per-location cost exceeding that threshold value to assess the cost-reasonableness of the award and to determine the cost drivers. KOBD will utilize its Cost Analysis Model and the CQA per-location cost data for Greenfield NPV and total investment, as provided by NTIA in the Eligible Entity Planning Tool. However, KOBD specifically anticipates certain priority projects with a per-location value above the threshold will still be funded if it is the best, or only, priority project in the area and sufficient BEAD funding remains available.

The subgrantee application would only be declined after KOBD requests the prospective subgrantee to revise their proposal to serve the identical project area more efficiently with their proposed technology, use a hybrid of technologies, or with a completely different technology. Any revisions must meet Reliable and Qualified Broadband Service standards. The proposal will be declined if the revised subgrantee proposal does not meet these standards.

2.4.10.b

Notwithstanding revisions in 2.4.10.a above, KOBD does not anticipate unserved and underserved locations above the Extremely High-Cost Threshold that do not require a subsidy to provide the location with access to broadband. These areas should be addressed in the challenge process where broadband providers can demonstrate that additional areas are served beyond those identified in the most recent version of the FCC National Broadband Map. The KOBD assumption is that all BSLs that remain in KOBD Project Funding Areas post the challenge process, will require a subsidy to fulfill the universal service obligation.

2.4.10.c

KOBD will not select a proposal that involves less costly technology that does not meet the definition of Reliable and Qualified Broadband Service and therefore meets Universal Service goals of Kansas. KOBD will require all subgrantee proposals to utilize technologies recognized by the NTIA as capable of qualified broadband service. Under current guidance, KOBD would not consider satellite or unlicensed wireless for last mile interconnection to a subscriber. In addition, expansion of DSL technology is not considered reliable and qualified broadband service.

2.4.11 Text Box: Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined on pages 72-73 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the Eligible Entity authorizes additional disbursements.
- b. Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF).
- c. Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.
- d. Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.

2.4.11.a.

KOBD will require prospective subgrantees to certify by an authorized officer of the prospective subgrantee and be approved by their governing board that the Prospective Subgrantee:

- Is qualified to meet all obligations associated with a project
- Has available funds for all project costs that exceed the amount of the grant
- Will comply with all program requirements including service milestones

KOBD will only disburse funds to a prospective subgrantee when they complete service milestones and their associated tasks for each Project Funding Area. KOBD will require, prior to disbursements, the prospective subgrantee to certify by an authorized officer of the prospective subgrantee and approved by their governing board that the:

- Prospective Subgrantee has available funds to cover its eligible costs until KOBD authorizes additional disbursements upon completion of service milestones and their associated tasks

KOBD will follow federal and state requirements for disbursement of funds. KOBD anticipates using the forms and processes for disbursement it has utilized in previous grants including the Capital Project Fund (CPF) familiar to both KOBD and prospective subgrantees.

2.4.11.b.

KOBD will require a letter of credit or any acceptable alternative approved by NTIA supporting each proposed project application. Once the appropriate administrative information is released by NTIA, KOBD, with advice from the Kansas Attorney General, will draft a letter of credit or the acceptable alternative to be used by all prospective subgrantees. KOBD will discourage any substantive edits, additions, or changes to the approved document by prospective applicants by requiring acceptance in the application process. Substitutions to the letter of credit, including internal funding commitments or third party, non-prospective subgrantee funding are not allowed unless approved by the NTIA, but may be used to secure a letter of credit. Only a letter of credit or an alternative as prescribed by the NTIA for the prospective subgrantee application will be acceptable.

KOBD used the RDOF-Sample-Letter-of-Credit-Evergreen as the example for developing its BEAD letter of credit (see "2.4.11.1.b.-Letter of Credit Draft-Attachment.docx"). This example will be updated after final guidance is received from NTIA.

All documents related to letters of credit or an approved NTIA alternative to satisfy this requirement will be treated confidentially to KOBD and its contractors and secured.

2.4.11.c.

KOBD will require prospective subgrantees to submit audited financial statements for the most recent two (2) years and must include their fiscal year 2023. Financial statements must include income statement, balance sheet, cash flow statements, auditor's opinion, management letter, and any other statements, schedules, disclosures, or representations made. For public, tribal, and not for profit entities, it is allowable to use the appropriate and requisite financial statement, auditor's opinion, management letter, and any other statements, schedules, disclosures, or representations. KOBD will encourage prospective subgrantees to provide Kansas specific financial statements, schedules, or disclosures to enable reasonable comparison among subgrantees. All financial information will be required in PDF form as an attachment supporting


the narrative in the subgrantee application. For newly formed entities, no waiver is available for this requirement.

Audits must be conducted based on AICPA standards for Generally Accepted Audit Standards (GAAS) or based on General Accounting Office (GAO) standards for Government Auditing Standards for prospective government subgrantees.

All documents related to financial statements and other documents received by KOBD to satisfy this Requirement will be treated as confidential.

2.4.11.d.

KOBD will require prospective grantees to submit business plans and related analysis to demonstrate the sustainability of each proposed project. The business plan and related analysis must include, but is not limited to, the following elements:

- A marketing plan to stimulate and retain subscriptions including the implications of the ACP, Middle Class Affordability, and Low-Cost Option
- Pricing plans which commit to not raising rates for at least five years from the date of infrastructure deployment 
- A customer service plan ensuring installation of qualified broadband service within 10 days of any request
- A customer service plan ensuring repair of qualified broadband service within 24 hours.
- A customer complaint process ensuring response within five days and resolution within 30 days unless a longer period is mutually agreed with the subscriber
- Network monitoring and outage reporting procedures including public transparency.
- Staffing of personnel to support network and customer operational sustainability after construction
- Location(s) of field personnel involved in installation and repair of the proposed project network and estimated “windshield” time for response (to demonstrate adequate operational support)
- A business continuity and disaster recovery plan for the project area
- Redundancy, diversity, and fault points of the proposed project network
- Use of shared infrastructure owned or controlled by a third party
- The network technology to be deployed and its long-term stability indicated by possible capital investments required within five years—if required, the engineering plan, procurement process and evidence of funding must be included.
- Business plan relative to CAI locations classified as unserved or underserved
- Consumer support plans for sustainable digital equity, training, and technical support
- Network standards employed to determine augments or expansion of middle mile, lateral, or backhaul facilities for network congestion and the ability to expand

KOBD will require prospective grantees to complete a post-construction business operations budget for the five years following the end of construction. The business operations budget must include revenues based on subscription and pricing including subsidies to all locations in the project area, direct cost of operations, administrative and selling costs in a financial statement pro forma including depreciation of the subgrantee match. The budget submitted will be measured against semiannual reporting post completion of the project.

2.4.11.1 Optional Attachment: As an optional attachment, submit application materials related to the BEAD subgrantee selection process, such as drafts of the Requests for Proposals for deployment projects, and narrative to crosswalk against requirements in the Deployment Subgrantee Qualifications section.

Documentation related application materials related to the BEAD subgrantee selection process will include many items. Representative examples include the items below:

- 2.4.11.1.a.-Enforceable Commitment Draft Attachment.docx
- 2.4.11.1.b.-Letter of Credit Draft-Attachment.docx

2.4.12 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.**
- b. Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.**

2.4.12.a.

KOBD will require prospective subgrantees to submit resumes of key management personnel involved in and responsible for BEAD funded infrastructure projects. The prospective subgrantee shall provide organization charts for all parent, subsidiaries, and affiliates involved in and responsible for BEAD funded infrastructure projects that include all levels of management including direct reports to the key management personnel and upward through the chain of command to the CEO/President. A separate organization chart with the Board of Directors or the appropriate governmental or not for profit board reflecting the relationship to the CEO/President. An organization chart clearly demonstrating the relationship between the parent and its affiliates and subsidiaries is required only if they exist and are involved and responsible for BEAD funded infrastructure projects.

Applicants must identify key management personnel functions for planning, deployment, and ongoing sustainability and adoption of BEAD funded infrastructure to include, but not be limited to:

- Procurement (Materials, Labor, Vendor Management)
- Marketing (Pricing Plans including Low-Cost Option and Middle-Class Affordability, Advertising)
- Construction
- Engineering (Design, Environmental/Historical Studies, Permits)
- Network Operations (Network Monitoring, Circuit Deployment, Reliability)
- Customer Service (Call Center, Installation and Repair Technicians, Outage Reporting, Customer Credits)
- Finance (Budget, Reporting, Financing, Billing, Payables)

If a key management personnel position is currently vacant, the prospective subgrantee must include a staffing plan and projected date of hire. Any key management position staffed by a contractor/subcontractor individual or firm must be identified as such, and disclosure of the duration and renewal clauses is required.

2.4.12.b.

KOBD, for each of the key management personnel identified, requires a narrative describing their experience and qualifications for undertaking this project and their experience undertaking projects of comparable size and scope, especially in Kansas. Key management personnel must disclose recent and upcoming organizational changes. The prospective subgrantee must also submit a narrative describing the subgrantee organization including mergers and acquisitions, bankruptcy, legal actions, and relevant organizational policies. Relevant organization policies include, but are not limited to:

- Equal Opportunity Employment
- Labor Standards and Protection
- Workforce Development of a skilled and credentialed workforce
- Compliance with employment law and union contracts

Relevant organization policies may be referred to by listing the text box in response to other application sections.

As a summary, prospective subgrantees will be required to provide a narrative describing the prospective subgrantee's readiness to manage a broadband services network. Each functional area identified above must describe the functional organizations' readiness to deploy, manage, and sustain a broadband services network. If additional staffing is required in a functional area, staffing plans including a timeline must be described with a percentage mix of employees and contractor/subcontractor headcount.

KOBD shall not approve BEAD funded infrastructure grants for the deployment or upgrading of network facilities unless it determines that the documents submitted to it demonstrate the prospective subgrantee's managerial capability with respect to the proposed project. KOBD may contact the prospective subgrantee if KOBD finds the documents to be incomplete or inadequate for their revisions.

KOBD may require a prospective subgrantee to agree to special grant conditions relating to maintaining the validity of representations a prospective subgrantee has made regarding its organizational structure and key personnel. Special grant conditions may include, but are not limited to:

- Newly formed organizations who are prospective grantees
- Notification and approval of changes/additions to key personnel
- Pending legal actions and other violations of state, federal, and local laws
- Pending mergers, acquisitions, or bankruptcy

2.4.13 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.
- b. Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

2.4.13.a.

KOBD will require prospective subgrantees to submit extensive documentation for project implementation and their technical solution and capability. Prospective subgrantees will be required to provide documentation for both FTTx and fixed wireless service to all locations with qualified broadband service. This documentation will include, but is not limited to:

1. Network Design:
 - a. Identify all fiber routes; last mile, lateral, middle, long haul, and interconnection points to include technology used. Fiber routes to be constructed and existing fiber routes to be utilized, regardless of whether owned or leased, with number of fiber strands constructed, strands to be utilized, and available strands.
 - i. Infrastructure supporting the fiber: Aerial poles, direct buried, conduit, vaults, handhold, manholes, etc. including whether the infrastructure is owned or leased
 - ii. Identify land routes for fiber placement with evidence of rights of way or easements required
 - b. Location of components to determine ease of provisioning:
 - i. Power supplies, electronics, lasers, etc.
 - ii. Cabling, vaults, etc.
 - iii. Any needed central office equipment, remote huts, etc.
 - c. Survivability:
 - i. Redundancy and Diversity of fiber routes
 - ii. On hand inventory of spare parts and components
 - iii. Identify potential single points of failure fault points in the network design
2. Network Diagram (Map):
 - a. All network design elements above must be easily identifiable and readable
 - b. A legend of the coloration, line size, point data, etc. of the network design elements

- c. The entire project area must be diagrammed and out-of-project area network design elements supporting the project area to the interconnection point
3. Network build-cost timeline
4. Network Deployment Milestones
5. Network Capital Schedule
6. NTIA MM use

In addition, any prospective subgrantee utilizing fixed wireless technology to serve locations with qualified broadband service must provide the above listed information plus:

1. Network Design to include towers in place to be used or those to be built
2. Back-haul availability (owned or leased)
3. Network Diagrams
4. Timelines for back-haul construction, if needed

2.4.13.b.

KOBD will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones, and a capital investment schedule for project implementation to initiate broadband service to customers within four (4) years of the award of the subgrant.

All documentation submitted by the prospective subgrantee must be certified by a professional engineer licensed by the Kansas State Board of Technical Professions with active status. The engineer must also have demonstrated experience in broadband and/or telecommunications engineering on projects of similar scope to the prospective subgrantee project. KOBD has drafted an example of a professional engineer certification letter for prospective subgrantee use (see “2.4.13.b.-PE Letter Draft Attachment.docx”).

2.4.14 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. **Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable federal, state, territorial, and local laws.**
- b. **Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet upon reasonable request.**

2.4.14.a.

KOBD will require prospective subgrantees to demonstrate capability of fulfilling funded activities competently complying with all applicable federal, state, territorial, and local laws. The prospective subgrantee will be required to demonstrate compliance, including but not limited to the following legal topics:

- Employment
- Safety and Health (OSHA)

- Underground Plant Protection (Kansas 811)
- Siting of wireless infrastructure
- Use of Public ROW
- Consumer Privacy
- Cybersecurity (data breach notification)
- FCC (ACP participation)
- Kansas Corporation Commission
- Subgrantee Registrations with regulatory agencies
- Truth in Billing
- Deceptive Trade Practices
- Nondiscrimination in service areas
- Building on Tribal lands
- Lobby laws

Prospective subgrantees may provide written internal procedures, required compliance reports, reports of violations and their remedies, audit reports etc. as evidence of demonstrated compliance with all applicable laws. In addition, the prospective subgrantee must identify the key management personnel responsible for legal compliance, i.e., Chief Compliance Officer. Any legal actions taken against the subgrantee resulting from non-compliance with any federal, state, territorial, or local laws resulting in judgment or are pending litigation against the prospective subgrantee in the three (3) years prior to the submission of an application must be disclosed and documented. If the prospective subgrantee operations are unionized, any union actions reaching the Chief Compliance Officer or key management personnel level must be disclosed and documented.

2.4.14.b.

KOBD will require prospective grantees to permit workers to create worker-led health and safety committees that key management personnel will meet upon reasonable request. KOBD requires the prospective subgrantee to describe their process for promoting worker-led health and safety committees for each functional area described in Text Box 2.4.12.

A prospective subgrantee with existing worker-led health and safety programs must describe the program and document past meetings with key management personnel. Prospective subgrantees with union contracts must disclose terms and conditions in the contract applying to worker-led health and safety committees.

A prospective subgrantee must document the reasonable time provided for during working hours for the worker-led health and safety committees to meet independently of key management personnel on prospective subgrantee premise. Key management personnel of the prospective subgrantee must respond to a reasonable request to meet with the worker-led health and safety committees within 10 business days of the request. No retaliation by the prospective subgrantee is permitted to the worker-led health and safety committee or its members.

Under no circumstances does a worker-led health and safety committee mitigate compliance with all applicable federal, state, territorial, and local laws.

2.4.15 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.
- b. Detail how the Eligible Entity will require prospective subgrantees to submit a certification that have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, attests to and specify the number of years the prospective subgrantee or its parent company has been operating.
- c. Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.
- d. Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.
- e. In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.

2.4.15.a

KOBD will require prospective subgrantees to provide the following details outlining their operational capabilities including, but not limited to:

- Years providing internet service
- Current households, businesses, and community anchor institutions subscribing to internet service
- Network monitoring and restoration capabilities
- Any quality-of-service metrics and/or reports
- Completed federal or state funded deployment projects, with their source of funding and timeliness of completion or non-completion; any awards turned back or clawed back to any agency
- Penalties paid by the prospective subgrantee, a subsidiary or affiliate of the prospective subgrantee or the holding company of the prospective subgrantee relative to deployment projects

- The number of times prospective subgrantee has ever been a defendant in any federal or state criminal proceeding or civil litigation along with final rulings, details on any penalties assessed or provisions against future service

2.4.15.b

KOBD will require prospective subgrantees, including their wholly owned subsidiaries, to submit certification and supporting evidence supporting the certifications that they have provided voice, broadband, and/or electric transmission or distribution service for at least two years prior to the date of its application submission. The certification must be signed by an officer of the prospective subgrantee (President, CEO, etc.) and a draft certification form will be provided by KOBD. Evidence supporting the certification may include, but not be limited to:

- Financial Statements
- Form 477 filings
- Certification(s) by the Kansas Corporation Commission
- Federal and/or USF Filings and Disbursements
- Board Meeting Minutes and Resolutions
- Count of Broadband subscribers in Kansas including ACP

2.4.15.c

KOBD will require prospective subgrantees that have provided a voice and/or broadband service to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during the two years prior to the date of its application submission, and otherwise has complied with the Commission's rules and regulations. The certification must be signed by an officer of the prospective subgrantee (President, CEO, etc.) and a draft certification form will be provided by KOBD. Evidence supporting the certification may include, but not be limited to:

- Bi-annual Submission Acknowledgements by the FCC of Form 477 filing
- A narrative If the prospective subgrantee has not reported Form 477

In addition, the prospective subgrantee must disclose any Form 477 issues, corrections, or other actions requested by the FCC to the prospective subgrantee including data irregularities, missed filings, and any other inquiry. A prospective subgrantee must disclose any pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to comply with Commission rules or regulations.

2.4.15.d

KOBD will require prospective subgrantees that have operated only an electric transmission or distribution service to submit qualified operating or financial reports, that it has filed with the relevant financial institution or regulatory agency during the two years prior to the date of its application submission, along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution. The certification must be signed by an officer of the prospective subgrantee (President, CEO, etc.) and a draft certification form will be provided by KOBD. Audited financial statements including the auditor's opinion are preferred. In addition, KOBD will require the electric transmission or distribution service prospective subgrantee to describe its proposed organizational structure separating the electric transmission or distribution service from its broadband operations to prevent any cross subsidization of electric transmission or distribution operations by broadband operations.

2.4.15.e

KOBD will require prospective subgrantees who are new entrants into Kansas to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. Any evidence provided must be certified and signed by an officer of the prospective subgrantee (President, CEO, etc.) and a draft certification form will be provided by KOBD. Sufficient evidence may include resumes from key personnel, project descriptions and narratives from contractors, subcontractors, or other partners with relevant operational experience, or other comparable evidence. Operational capabilities must demonstrate experience in operating a broadband network.

Documentation related to all 2.4.15 requirements above will be collected and reviewed by qualified personnel. If necessary, KOBD will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation. KOBD will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This communication will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the KOBD website, and including the requirements in grant application instructions and grant agreement terms, conditions, and monitoring program requirements.

2.4.16 Text Box: Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).**

2.4.16.a

KOBD will ensure that any prospective subgrantee deploying network facilities meets ownership disclosure requirements outlined in 47 C.F.R. § 1.2112(a)(1)-(7). These requirements include:

1. List the real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant.
2. List the name, address, and citizenship of any party holding 10% or more of stock in the applicant, whether voting or nonvoting, common, or preferred, including the specific amount of the interest or percentage held.
3. List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the applicant is 10% or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses).
4. List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership.
5. List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the applicant is 10% or greater.

6. List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10% or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50% or represents actual control, it shall be treated and reported as if it were a 100% interest.
7. List any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (a)(1) through (a)(5) of this section, owns 10% or more of stock, whether voting or nonvoting, common, or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant (e.g., Company A owns 10% of Company B [the applicant] and 10% of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant).

KOBD will require subgrantees to provide disclosure of ownership based on (1) through (7) in their grant application. KOBD will validate disclosures of ownership through various sources of information including SEC filings, FCC filings, State Corporate Registrations, and other regulatory bodies. In addition, public record services such as Dun and Bradstreet or audited financial statements may be considered if proper disclosures are made regarding ownership.

2.4.17 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.
- b. At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of:
 - a. the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules),
 - b. the geographic area to be covered,
 - c. the number of unserved and underserved locations committed to serve (or if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage),
 - d. the amount of public funding to be used,
 - e. the cost of service to the consumer, and
 - f. the matching commitment, if any, provided by the subgrantee or its affiliates.

2.4.17.a

KOBD will require a prospective grantee and its affiliates to disclose any application it has submitted or plans to submit and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake using public funds at the time of the application. KOBD will use publicly available information for validation of the broadband

deployment projects being undertaken or committed to undertake at the time of the application using public funds and resolve any discrepancies with the applicant. Many of the federal and state publicly funded programs are listed in KOBD's Initial Proposal, Volume 1, Requirement 3 and KOBD has identified the potential applicants receiving these public funds. In addition, KOBD will survey local government entities for any broadband deployment projects funded for any locally funded broadband projects.

2.4.17.b

KOBD will require every prospective grantee for each broadband deployment project to disclose the following information, along with any supplemental information requested:

- a. The speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules)
- b. The geographic area to be covered
- c. The number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage)
- d. The amount of public funding to be used
- e. The cost of service to the consumer
- f. The matching commitment, if any, provided by the subgrantee or its affiliates
- g. The number of CAIs to serve and speed available
- h. If the CAI served is participating in the FCC E-rate or Rural Health Care programs.
- i. The technology being used
- j. The timeline to project completion

KOBD will require prospective grantees to certify disclosure of the use of public funds by an appropriate officer of the company (i.e., CEO, CFO, President). Failure to disclose may result in rejection of the application or forfeiting of all awarded funds. In addition to BEAD quarterly subgrantee reporting requirements, KOBD will require subgrantees to report progress and completion, including but not limited to (a) through (j) above, of every broadband deployment project funded by a federal or state program not named BEAD.

2.5 Non-Deployment Activities (Requirement 9)

2.5.1 Text Box: Describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.

KOBD estimates a BEAD allocation shortfall of over \$240 million for universal broadband service to all of Kansas. As such, KOBD will not award subgrants to any non-deployment activities.

2.5.2 Text Box: Describe the Eligible Entity’s plan for the following:

- a. How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program funds;
- b. How the non-deployment initiatives will address the needs of residents within the jurisdiction;
- c. The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities;
- d. How the Eligible Entity will determine whether other uses of the funds might be more

2.5.2.a. Not applicable. KOBD will not award subgrants to any non-deployment activities.

2.5.2.b. Not applicable. KOBD will not award subgrants to any non-deployment activities.

2.5.2.c. Not applicable. KOBD will not award subgrants to any non-deployment activities.

2.5.2.d. Not applicable. KOBD will not award subgrants to any non-deployment activities.

2.5.3 Text Box: Describe the Eligible Entity’s plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.

Through the Subgrantee Selection Process, KOBD will create funding areas covering all unserved and underserved locations in Kansas. Until all unserved and underserved BSLs are served — through BEAD or other funding sources— KOBD will not award subgrants to any non-deployment activities.

KOBD will track every BSL in Kansas with the National Broadband Map and include changes to the location status from the challenge process and deduplication of each BSL. This process will ensure the unserved and underserved BSLs are the priority for BEAD funds, especially when compared to non-deployment activities.

Through the Subgrantee Selection Process, KOBD will create funding areas to include every unserved and underserved BSL in Kansas. KOBD anticipates two (2) rounds of grant cycles with selections in 2024. The first round will prioritize unserved and underserved funding areas. KOBD expects most of the funding areas developed will be awarded in the first round. Yet, to ensure universal service in Kansas, the second round will “redraw” unserved and underserved funding areas if there were no qualified applicants in the first round. All funding sources will be

incorporated during the first and second round of grant applications to ensure minimal BEAD outlay.

Before any grants are awarded, KOBD will map the included BSLs from both grant rounds to ensure every BSL in the state is covered by a grant award. If any BSL is left unaddressed, KOBD will contact all qualified applicants, beginning with those offering applications in Project Funding Areas continuous to those with unserved BSLs, to discuss the possible extension and expansion of their project area to serve any unaddressed BSL. If this effort fails, KOBD will consider a reverse auction process to incent provider expansion to any unaddressed BSL.

2.5.4 Text Box: Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the NOFO.

If BEAD funds exist after all unserved and underserved BSLs are served, and CAIs desiring 1Gbps symmetrical service are adequately provisioned, KOBD may consider awards for non-deployment activities. Similarly, to the Subgrantee Selection Process, KOBD shall ensure any prospective subgrantee:

1. Can carry out activities funded by the subgrant in a competent manner and in compliance with all applicable federal, state, and local laws
2. Has the financial and managerial capacity to meet the commitments of the subgrant, program requirements, and any other requirements prescribed by the Assistant Secretary or the Eligible Entity
3. Has the technical and operations capability to provide the services committed to in the subgrant and award. To be eligible for an award, KOBD will require prospective subgrantees for non-deployment activities to:
 - a. Provide two (2) years of acceptable historical performance in similar projects
 - b. Certify their operational and technical capabilities to hit service milestones, compete and operate the project in a competent manner, and use an appropriately skilled and credentialed workforce
 - c. Provide a verifiable plan to cure any shortfall to the proposed project plan
 - d. Certify enough funds are available to cover the entire grant amount or the eligible reimbursable costs for the project, whichever is greater
 - e. Acquire a letter of credit, like the model letter of credit established by the FCC (Federal Communications Commission) for the Rural Digital Opportunity Fund (RDOF)
 - f. Submit resumes for key management personnel for the project
 - g. Provide a narrative of the entity's readiness to manage the proposed project and any ongoing services provided
 - h. Submit two (2) years of audited financial statements
 - i. Submit a business plan, and related financial analyses, to substantiate the long-term sustainability of the proposed project

Disbursement of funds for non-deployment activities will only occur upon verified completion of milestones and tasks laid out in the subgrant and award.

2.6 Eligible Entity Implementation Activities (Requirement 10)

2.6.1 Text Box: Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.

KOBD proposes to implement two (2) initiatives as the recipient (i.e., without making a subgrant), which are:

1. BEAD Implementation and Deployment Activities, in which KOBD will conduct further BEAD planning, mapping, data collection, and other activities required for the successful implementation of BEAD in Kansas
2. Workforce Development Initiatives, in which KOBD will develop a cohesive, statewide workforce development program

With these two initiatives, KOBD will not perform any broadband adoption activities.

1. BEAD Implementation and Deployment Activities

With the aggressive timelines of the BEAD program, additional implementation resources are required to process, evaluate, and complete the program to achieve qualified broadband to all unserved, underserved, and CAI locations. These resources include a combination of KOBD employees and necessary third parties to oversee and manage the successful selection, deployment, and reporting of subgrantee awards. Therefore, KOBD intends to use 2% of the total allocation for the following activities in support of BEAD implementation and deployment activities:

- Development and implementation of the subgrantee selection process, including prequalification, selection, challenge, rebuttal, and adjudicative processes
- Deduplication (pre- and post-Challenge process)
- Grant development, administration, management, reporting, monitoring, and compliance specific to BEAD funds
- Development and refinement of cost models for the Extremely High Cost (EHC) threshold and BEAD minimal outlay calculations
- Local coordination focused on infrastructure planning with local, regional, covered populations, and Sovereign Tribal Nation entities
- Monitoring subgrantee performance through grant agreements and enforceable commitments
- Mapping including funding areas, public facing maps, and dashboards
- Data collection to support mapping, analysis, and program development
- Successful disbursement of funds and fiscal management processes

2. Workforce Development Initiatives

In Kansas, an available, diverse, and highly skilled workforce is the critical barrier to universal service. The current workforce is not sufficient for the timely deployment of networks that could provide qualified broadband service to all unserved, underserved, and CAI locations. Nor is it able to perform the ongoing operation and maintenance of these networks, especially when considering the demands necessary of servicing customers. When entities were asked to assess their hiring needs, recruitment, workforce plans, and training capabilities, their insight helped KOBD determine the need for a cohesive, statewide workforce development program.

Kansas has an extremely low unemployment rate of 2.7%, no labor surplus in areas identified by the US Department of Labor, and a labor gap (as determined by NTIA) of 14,500 FTEs identified as a cross-industry deficit. Furthermore, these identified shortfalls do not address non-technical roles like administrative support, customer service, or marketing. When considered in total, the need for KOBD to collaborate with partners to develop and execute creative and timely workforce solutions is confirmed. The adjacent states of Nebraska, Missouri, and Oklahoma have an unemployment rate of 2.0, 2.8, and 2.8, respectively, representing an equally constrained regional labor market and the need for trained workforce expansion.

Pursuant to NTIA guidance for “Eligible Entity Deployment Activities,” KOBD intends to use 1.5% of the total allocation for workforce development and readiness efforts. These efforts are in direct support of deployment activities as they will ensure ISPs have an available, diverse, and highly skilled workforce. Specifically, the strategies and tactics KOBD would use to develop a cohesive, statewide workforce development program are as follows:

- Local outreach and planning with educational facilities, local community leaders, correctional facilities, Sovereign Tribal Nation leaders, and non-profit organizations involved in digital and technical education
- Create a replicable pilot for technical training curriculum in multiple community colleges, adult education centers on Sovereign Tribal Nation lands, and workforce centers focused on covered populations
- Marketing and advertising of workforce programs
- Develop career pathways and training access for all parts of the state, especially for covered populations—the entire lifecycle of technical training, broadband education, and digital literacy will be considered
- Support of locally based digital navigators who can support Kansans as they participate in the digital economy
- Support of registered apprenticeships
- Mobile training units that can provide training access to those with limited mobility or resources
- Re-entry training for “justice involved” individuals to create pathways to well-paying jobs as they re-enter society, thereby reducing the likelihood of recidivism
- K-12 education and training modules to guide students in digital skills and digital career pathways
- Adult education and workforce centers for digital upskilling focused on digital opportunities found in remote working, healthcare, access to social services, and other areas
- Coordination efforts between BEAD and DEA personnel
- Educational tracking tools to inventory and monitor the success of broadband and digital skillset curriculum
- Creation and matches of sponsorships to help fund members of covered populations to participate in training and apprenticeships
- Reimbursement and stipends for childcare and transportation expenses to enable those requiring assistance to attend training

2.7 Labor Standards and Protections (Requirement 11)

2.7.1 Text Box: Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes. Information from prospective subgrantees must demonstrate the following and must include information about contractors and subcontractors:

- a. Prospective subgrantees' record of past compliance with federal labor and employment laws, which:
 - i. Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;
 - ii. Should include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and
 - iii. Should include written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.
- b. Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:
 - i. How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:
 1. Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and
 2. How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

KOBD maintains a strong history of requiring fair labor standards in prior grant programs. KOBD commits to continuing integration of fair labor standards, especially in relation to BEAD funding, and working with the Kansas Department of Labor and other partners to ensure compliance by the subgrantees.

KOBD will evaluate projects based on a prospective subgrantee's demonstrated record of, and plans to continue, compliance with federal labor and employment laws for the preceding three years. Requiring a three-year compliance record will help KOBD ensure a prospective subgrantee can complete a deployment and infrastructure project in a competent manner. Moreover, compliance with federal labor and employment laws will promote the effective and

efficient completion of high-quality infrastructure projects by creating a reliable supply of skilled workers and minimizing disruptive and costly delays.

2.7.1.a.

Specifically, KOBD will require the following information from prospective subgrantees to evaluate within the selection process:

- A certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors, of the laws outlined in the table below for the preceding three years
- Written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws in the table below for the preceding three years

New entrants without a three-year record of federal labor and employment law compliance will be permitted to make binding legal commitments to strong labor and employment standards and protections regarding BEAD-funded projects.

If prospective subgrantee, including new entrants, fails to provide certification, confirmation, and/or a binding commitment, the application will be denied.

Labor Standards and Protections Acts

Act	Summary
Fair Labor Practices	
Fair Labor Standards Act	Establishment of minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers across private and public sectors
Occupational Safety and Health Act	Establishment of safe and healthy workplace standards
Service Contract Act	Establishment of standards for contractors and subcontractors performing services on prime contracts in excess of 2,500
Civil Rights and Nondiscrimination	
Title VI of the Civil Rights Act of 1964 (See also 15 C.F.R. Part 8)	Prohibition on discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance, including from the Department of Commerce
Title IX of the Education Amendments of 1972	Prohibition of discrimination on the basis of sex under federally assisted education programs or activities
The Americans with Disabilities Act of 1990	Prohibition of discrimination on the basis of disability under programs, activities, and services provided or made available by Eligible Entities and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide transportation
Section 504 of the Rehabilitation Act of 1973	Prohibition of discrimination on the basis of handicap under any program or activity receiving or benefiting from federal assistance
The Age Discrimination Act of 1975	Prohibition of discrimination on the basis of age in programs or activities receiving federal financial assistance

Act	Summary
Additional Authorities	
Parts II and III of Executive Order 11246. Equal Employment Opportunity	Requires that federally assisted construction contracts incorporate and fulfill the nondiscrimination provisions of §§ 202 and 203 of E.O. 11246 and Department of Labor regulations implementing E.O. 11246 (41 C.F.R. § 60-1.4(b))
Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency	Requires federal agencies to examine the services that they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them
Executive Order 13798, Promoting Free Speech and Religious Liberty (see also OMB M-20-09 Guidance Regarding Federal Grants and Executive Order 13798)	States or other public grantees may not condition sub-awards of federal grant money in a manner that would disadvantage grant applicants based on their religious character

2.7.1.b.

For an application to be deemed eligible for evaluation scoring and a potential grant award, KOBD will require a prospective subgrantee to provide a plan for ensuring consistent compliance with federal labor and employment laws. An effective plan for consistent compliance with federal labor and employment laws will include the following:

- How the prospective subgrantee will ensure organizational compliance with its own labor and employment practices, and that of its contractors and subcontractors, including:
 - Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network
 - How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects

Information on applicable wage scales and wage and overtime payment practices can be satisfied by presenting union contracts in effect at the time of application submittal. All information on applicable wage scales and wage and overtime payment practices will be treated confidential and not published publicly. Supervisory, managerial, and executive wage scales and wage and overtime practices should not be provided.

2.7.2 Text Box: Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes:

- a. **Using a directly employed workforce, as opposed to a subcontracted workforce;**

- b. Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;
- c. Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);
- d. Use of local hire provisions;
- e. Commitments to union neutrality;
- f. Use of labor peace agreements;
- g. Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);
- h. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and
- i. Taking steps to prevent the misclassification of workers.

KOBD will make it mandatory for all subgrantees (including contractors and subcontractors) to detail the following information as it applies to their company resources (to include employees, contractors, and subcontractors). These details, as applicable, must be incorporated into any binding commitment the subgrantee may make in the acceptance of a grant award:

- a. Using a directly employed workforce, as opposed to a subcontracted workforce
- b. Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls
- c. Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project)
- d. Use of local hire provisions
- e. Commitments to union neutrality
- f. Use of labor peace agreements
- g. Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded)
- h. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure) and
- i. Taking steps to prevent the misclassification of workers

2.8 Workforce Readiness (Requirement 12)

2.8.1 Text Box: Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response should clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:

- a. A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective;
- b. A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (e.g., child care, transportation, mentorship), to attract, train, retain, or transition to meet local workforce needs and increase high-quality job opportunities;
- c. A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process; and
- d. A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers.

Kansas has an extremely low unemployment rate of 2.7%, no labor surplus in areas identified by the US Department of Labor, and a labor gap (as determined by NTIA) of 14,500 FTEs identified as a cross-industry deficit. Furthermore, these identified shortfalls do not address non-technical roles like administrative support, customer service, or marketing. When considered in total, the need for KOBD to collaborate with partners to develop and execute creative and timely workforce solutions is confirmed. The adjacent states of Nebraska, Missouri, and Oklahoma have an unemployment rate of 2.0, 2.8, and 2.8, respectively, representing an equally constrained regional labor market and the need for trained workforce expansion.

2.8.1.a.

To achieve universal service, Kansas must create a workforce readiness development plan with job quality objectives that address market demands. KOBD will ensure an available, diverse, and highly skilled workforce to support the BEAD program by holding awarded subgrantees accountable against these objectives and partnering with state agencies, non-profits, and subject matter experts throughout the state. KOBD must design unique programs to attract new workforce entrants, secure and retain talent within the state, and establish Kansas as the premier place to live, work, and flourish. Furthermore, KOBD will provide clear process and instruction clarity to prospective subgrantees to meet the federal labor and employment requirements of the NOFO.

When provider entities assessed their hiring needs, recruitment, workforce plans, and training capabilities, workforce shortages within the broadband and telecommunications industry were

cited as a major concern. Coupled with data gathered from the Kansas Board of Regents, NTIA, University of Kansas, and multiple state agencies, this insight helped KOBD determine the need for a cohesive, statewide workforce development program.

A key element in any technical plan is the safety training and compliance measures. Any workforce training created by or supported by KOBD (or training that will meet the requirements of subgrantee applications) shall include, but not limited to, OSHA training, bucket truck certifications, safety training for work around electric utilities, proper grounding techniques, pole climbing and vault descension techniques certifications, parking and traffic management safety, and compliance with all 811/Dig Once policies. KOBD will encourage subgrantees to provide laptops and electronics required for training programs and the provisioning of personal protective equipment for onsite activities such as hard hats, safety glasses, boots (available in all sizes for both men and women), and gloves. These activities reduce the financial barriers for individuals seeking to join trades and workforce development programs. Those strategies include, but are not limited to, the following:

- KOBD will encourage subgrantees, through outreach, labor standards, and investment requirements, to make documented and measured efforts to hire and retain workers from underrepresented and historically disadvantaged groups, which could include women, people of color, veterans, and people with disabilities.
- KOBD will encourage subgrantees to make documented and measured efforts to cultivate an inclusive environment that does not tolerate harassment or discrimination. This could include promoting anti-harassment policies, offering equitable training opportunities, and providing employee benefits such as childcare and pregnancy and parental support.
- KOBD will encourage subgrantees to demonstrate the project workforce is appropriately trained, certified, and credentialed, including pre-existing occupational training, certification, and licensure. Moreover, subgrantees will need to make documented and measured efforts to support and implement training, certification, and credentialing standards for the industry.
- KOBD will encourage subgrantees to offer jobs that exceed the local prevailing wage in the region, offer benefits, and help the employee develop skills for career growth.

2.8.1.b.

The identification of job titles, sectors, and skillsets needed to achieve universal service is critical for the creation of a highly skilled workforce. KOBD must clearly understand the functional needs of the “broadband lifecycle” (e.g., broadband education, access, adoption, and support) to holistically create effective workforce readiness and development plans. To define the missing or lacking resources by specific functional role, training requirement, location, or business priority is a critical step in this process. We must know where there are needs, what skillsets fill those needs, and how we can train Kansans with those skills.

For instance, the most urgent role and skillset needed are broadband technicians. These roles are needed for both installation and maintenance of broadband networks. Due to a current lack of available and qualified candidates, a technician shortage exists. Furthermore, this number does not extend to administrative roles like customer service, billing, marketing, finance, or grant management, which have their own shortages as well.

These workforce shortages are exacerbated by the low unemployment rate in the state. A recent study by the University of Kansas, titled Jobs, and Degree Requirements 2030, examined a net-negative flow of recent graduates from state universities in Kansas to surrounding states due to higher wages being offered elsewhere. When this negative graduate variance is coupled with the forecasted workforce shortfall in labor-intensive roles, the urgency to find new and creative ways to source and retain talent becomes paramount. To strengthen, or even create candidate pools to fill these roles represents its own challenge. Thus, KOBD focused on national and statewide collaborations to create a broadband technical training pilot program.

KOBD shall develop programs to identify, attract, and prepare new workforce entrants throughout the state. There are several categories of potential new workforce entrants to pursue. For example, justice-involved individuals are not reflected in the workforce numbers of the state. Thus, for every person nearing re-entry who has acceptable training, a new candidate can be added to the workforce pool. This is also true of active members of the armed forces. Targeted partnerships with military programs, such as the Technology Assistance Program (TAP), can assist those transitioning to civilian life to enter a career pathway that complements their existing skillsets. Additionally, thousands of immigrants and lower-income workers associated with industrial and labor-intensive roles are an underutilized workforce asset. These workers by can be “upskilled.” For instance, for individuals with a language barrier, investing in English as a Second Language (ESL) trainings can create new opportunities for these individuals as they remain in their existing roles.

Registered apprenticeships, with attached commitments, are powerful avenues to attract and retain possible new workforce entrants. While the Kansas Board of Regents develops the training curriculum, structure, and administration of training programs, registered apprenticeships that target specific needs can be effectively created. In addition, to add new workforce entrants, “wrap around” support and services, such as stipends for childcare, transportation, language translation, shall be provided. KOBD considers these additional stressors as real-life barriers to entering the workforce, thus the need for a cohesive, statewide workforce development program.

KOBD shall develop workforce development partnerships with in-state broadband providers to leverage in-house, industry-created content and training programs. KOBD will aim to extend the reach and level of provider recruiting efforts via cooperation with state workforce agencies and direct marketing efforts. KOBD will collaborate with partners and other state agencies to investigate the best funding mechanism to support local workforce boards for marketing needs, local scholarships, or equipment purchases. With marketing funds, local workforce boards could widely advertise identified jobs, training programs, and certifications for the various occupations needed, including fiber optics, manufacturing, and general construction support jobs, especially in the areas of Kansas where training programs are available. With local scholarships, these boards could offer scholarships to individuals interested in training on identified opportunities, particularly for high demand and low supply opportunities.

KOBD will develop and promote sector-based partnerships among key stakeholders throughout the state to attract, train, retain, and transition the local workforce needed to deploy and operate broadband service networks. Thus, KOBD will use various strategies to ensure prospective subgrantees support the development and use of a highly skilled workforce to deploy and

operate broadband networks throughout the state. Those strategies include, but are not limited to, the following:

- KOBD will encourage subgrantees to provide “wrap-around services” such as on-site childcare or stipends for childcare, learning materials, and transportation to training programs.
- KOBD will encourage subgrantees to establish and promote strong and clear career pathways through job training and workforce development programs such as registered apprenticeships, pre-apprenticeships, joint labor management training programs, or other high-quality on-the-job training opportunities. These programs can create a pathway to advancement and increased wages through career progression either with the same employer or prepare workers for other jobs.
- KOBD will help facilitate contacts amongst providers who have similar training needs to collaborate on solutions by regularly attending local career fairs, incentivizing employee referrals, and creating scholarships for a fiber and splicing apprenticeship program and other targeted functional areas like broadband network architects, surveyors/locators, or digital navigators. KOBD will collaborate with our workforce partners to identify appropriate curriculum partners so that trainees may qualify for certifications and apprenticeships most needed by entities that hire.
- KOBD will seek feedback from employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that may have relevant data or provide existing programs that could benefit KOBD or our partners in the development of workforce programs.
- KOBD commits to transparency and accountability through consistent communication with various partners on the state’s workforce goals and values, including offering clear expectations for partners involved in workforce planning. KOBD, along with various partners, will publish aggregated workforce data, including information on demonstrating good faith efforts to hire women, people of color, and other underserved groups, demographics of subgrantees, and information on “feeder occupations” with adjacent or relevant skills sets to better understand potential paths for workers. Data will be collected and reported frequently enough to permit course correction and deployment of new strategies as needed to ensure employment opportunities are available to historically underserved workers in the communities in which projects are contemplated.

KOBD will create a feedback loop to proactively solicit input to develop workforce plans, communicate changes, and provide engagement throughout the BEAD program.

As evidence of KOBD’s collaborative planning, a sustainable partnership exists through Kansas’ network of 26 community and technical colleges, whereby workforce training and degree program(s) are developed, especially within our rural communities. As part of our strategy to expand telecommunications curriculum across Kansas, KOBD works with the Board of Regents, Kansas Association of Community College Trustees, the Kansas Association of Technical Colleges, the Kansas Independent College Associations, and other partners to promulgate broadband curriculums across the state.

For example, KOBD works with two community colleges – Butler Community College and North Central Kansas Technical College (NCKTC) – to support their broadband and fiber training programs that are showing impressive results. For community colleges with existing training

programs, KOBD will explore opportunities to provide funds for classroom equipment and other support costs that might help them grow, advertise, and expand enrollment. This research will be part of our technical training pilot program. For those communities where training programs are needed, KOBD will explore the opportunity to provide funds to school districts that may be interested in developing Connected Telecommunications Equipment (CTE) courses in fiber optics, project management, engineering, operations, et. al., curriculum development, and the creation of industry partnerships.

KOBD will work with other state agencies to review possible funding opportunities for direct partnerships with industry training partner(s) for the development of registered apprenticeships and community and technical college training programs that educate and train broadband industry workers. For instance, a pilot program, featuring partnerships with three key community and technical colleges, will implement a plan to deliver workforce training to ensure subgrantees have access to the necessary skilled, diverse workforce. Another opportunity is to explore the establishment of new training centers in western Kansas and Sovereign Tribal Nation lands for broadband related training and certifications. With these training centers, new certifications can be developed, new registered apprentices created, and industry-relevant job training provided.

2.8.1.c.

KOBD will develop and create equitable on-ramps into broadband-related jobs by removing barriers to entry while maintaining job quality and worker voice. Thus, KOBD will use various strategies to ensure prospective subgrantees support the development and use of a highly skilled workforce to deploy and operate broadband networks throughout the state.

Those strategies include, but are not limited to, the following:

- KOBD will encourage subgrantees to make documented and measured efforts to engage with labor organizations to prioritize local workers and the development of robust plans to recruit historically underrepresented populations facing labor market barriers and ensure reasonable access to the job opportunities created by subgrantees.
- KOBD will encourage subgrantees to show their active support of job skills development and Diversity, Equity, Inclusion, and Accessibility (DEIA) efforts in the workplace.
- KOBD will encourage subgrantees to create programs to provide a pipeline for women, people of color, formerly incarcerated individuals, people with disabilities, and other historically marginalized groups to enter the telecommunications workforce more easily. These programs should include utilization goals for apprenticeships to support BEAD projects.
- KOBD will encourage subgrantees to make documented and measured efforts to remove barriers to entry, such as limitations on hiring people who have previously been incarcerated and unneeded degree requirements, provide roles where those with physical disabilities or limitations can safely perform, and promote pre-apprenticeship programs that will encourage underrepresented youth to seek early education in this space.

With innovative training programs, outreach, and continual collaboration, KOBD will ensure BEAD-funded projects balance worker competence, training, and certifications with a competitive and attractive environment for workers in local and regional markets.

2.8.1.d.

KOBD will ensure the job opportunities created by the BEAD program are available to a diverse pool of workers. To achieve and sustain universal service with a funding shortfall, utilization of diverse workers and innovative strategies is necessary. Equitable training and workforce development initiatives will create and retain a local and regional telecommunications workforce and provide critical pathways for improving geographical, cultural, and economic diversity to the telecommunications workforce. Thus, KOBD will use various strategies to ensure awarded subgrantees support the development and use of a highly skilled workforce to deploy and operate broadband networks throughout the state. Those strategies include, but are not limited to, the following:

- KOBD will create a replicable pilot for technical training curriculum in multiple community colleges, adult education centers on Sovereign Tribal Nation lands, and workforce centers focused on covered populations.
- KOBD will encourage subgrantees to make documented and measured efforts for equitable and targeted recruitment efforts, training and education initiatives, and workforce retention and up-skilling initiatives.
- KOBD will encourage subgrantees to promote flexible, tailored training opportunities, such as virtual and onsite training, tuition assistance, childcare and transportation assistance, and sponsorships for relevant coursework. Such activities can help remove barriers and make these opportunities more accessible for workers looking to take advantage of the training.
- KOBD will encourage subgrantees to make Diversity, Equity, Inclusion, and Accessibility (DEIA) training programs available to all workers, and align this training to the organization's approach, values, and understanding of what constitutes acceptable behavior.
- KOBD will encourage subgrantees to offer targeted mentorship programs to recruit, advance, and retain women, people of color, formerly incarcerated individuals, people with disabilities, and other historically marginalized groups.
- KOBD will create mobile training units to provide training access to those with limited resources or mobility.
- KOBD will create re-entry training for "justice involved" individuals to create pathways to well-paying jobs as they re-enter society; thereby reducing the likelihood of recidivism.

As these activities will require outreach and coordination with workforce-related partners across sectors, KOBD will look to engage, activate, and create regional initiatives such as the Sumner County Broadband Consortium (SCBC). SCBC's high-level goal is to deploy broadband infrastructure to increase access and adoption throughout Sumner County. Specifically, an enumerated goal of the SCBC's strategic plan is "promote economic growth and development through enhanced broadband infrastructure," along with the strategies of "public-private partnerships" and "outreach and education." Therefore, there is the opportunity to engage in workforce development and readiness efforts with SCBC, and other regional initiatives created.

As part of our BEAD planning and workforce development efforts, KOBD held meetings, and will continue to have conversations, with industry organizations like the Communications Coalition of Kansas, the Kansas Cable Communications Association, as well as individual ISPs, Sovereign Nation Tribal entities, labor unions, and others who have the need for a highly skilled workforce. The Kansas Department of Commerce (KDC) is responsible for workforce

development; therefore, KOBD works closely with KDC's Workforce Services division and the Office of Registered Apprenticeships. KOBD also collaborates, and will continue to do so, with the following entities regarding to workforce development:

- Kansas Board of Regents
- Community colleges
- K-12 institutions
- Employers and industry leaders, such as those from Internet Service Providers (ISPs), construction contractors, electric and utility companies, and local manufacturers
- Employers' associations
- Trade and labor associations
- Civil-rights and equity-focused organizations
- Unions and other organized labor and worker groups
- State and local educational agencies
- Public colleges and universities that support workforce development programs
- Economic development organizations, such as local Chambers of Commerce
- Community-based organizations that support local populations in accessing training and employment opportunities
- State and local government high-speed Internet and workforce agencies
- Local workforce development boards and agencies
- Workforce intermediaries


2.8.2 Text Box: Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce. These plans should include the following:

- a. The ways in which the prospective subgrantee will ensure the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers;
- b. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
- c. Whether the workforce is unionized;
- d. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- e. The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.
- f. If the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, the subgrantee must also provide with respect to the non-union workforce:
- g. The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;
- h. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
- i. Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title

and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and

- j. Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

For an application to be deemed eligible for an award, KOBD will require a prospective subgrantee to submit a plan ensuring the project workforce will be an appropriately skilled and credentialed workforce, specifically including:

1. KOBD will encourage subgrantees to demonstrate how they will use an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers
2. KOBD will encourage subgrantees to demonstrate that all members of the project workforce will have appropriate credentials, e.g., appropriate, and relevant pre-existing occupational training, certification, and licensure
3. KOBD will encourage subgrantees to declare whether the project workforce will be unionized or not 
4. KOBD will encourage subgrantees to declare whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce
5. KOBD will encourage subgrantees to identify the entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work

In the event the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, KOBD will require the subgrantee to provide the following with respect to the non-union workforce:

1. The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce
2. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - a. Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles
 - b. Information on the professional certifications and/or in-house training in place to ensure deployment activities meet a high standard

As a result, KOBD will ensure subgrantees have the technical and operational capacity to carry out the subgrant.

2.9 MBEs/WBEs Firms Inclusion (Requirement 13)

2.9.1 Text Box: Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible.

The Kansas Office of Minority and Women Business Development (OMWBD) works to connect with vendors, contractors, and communities while creating and harnessing opportunities for minority business and women-owned business enterprises (MBE/WBEs) where they traditionally have been absent. OMWBD uses the term Disadvantaged Business Enterprises (DBE) for all designations, i.e., minority, women, airport concessions, and/or disadvantaged. Participation of DBEs, especially in high-demand areas of our economy, requires a coordinated strategy throughout the entire BEAD program.

KOBD, along with OMWBD and the Kansas Small Business Development Center, will ensure all relevant DBEs are involved, contacted, and engaged to maximize opportunities. Moreover, KOBD will promote business development opportunities through procurement, contracting, subcontracting, business management, and financing referrals, especially for DBEs.

The opportunity for DBEs to be solicited on and receive contracts and subcontracts is to be certified by OMWBD in the Kansas Statewide Certification Program (KSCP). KSCP is a joint effort between the OMWBD, the Office of Civil Rights Compliance, and the Department of Transportation. This certification acts as the entry point to the procurement processes for government agencies (federal, state, city, and county), school districts and universities, private corporations, prime contractors, and other contracting entities. KSCP requires the DBEs to identify a NAICS code for the industries they participate in. The NAICS codes will be used to identify DBEs as relevant sources for BEAD activities and subtasks. These processes include solicitations, bidding, contract awards, and execution. To date, KSCP has certified over 650 DBEs in Kansas.

Once certified, the DBE will be listed in the state DBE/MBE/WBE/ACDBE directory, making it easier for contracting entities to find them; this directory maximizes exposure for DBEs,

KOBD identified over a dozen organizations who can assist eligible entities with the KSCP process, including groups such as:

- Asian Chamber of Commerce of Kansas City
- Kansas City Kansas Women's Chamber of Commerce
- Mid-America LGBT Chamber of Commerce
- Hispanic Chamber of Commerce
- Heartland Black Chamber of Commerce
- Kansas City Women's Business Center
- National Association of Women Business Owners (NAWBD-KS)
- Minority Contractors Association
- The Minority & Women Business Development (MWBD)
- Kansas Chamber of Commerce
- Black Entrepreneurs of the Flint Hills

- IBSA

KOBD shall collaborate with these stakeholders to identify both large and small opportunities for DBEs, including businesses that provide services such as: customer service, equipment operators, technicians, engineering, management, administrative, and equipment maintenance. Moreover, certified DBEs will have access to KOBD webinars and newsletters, local networking events, eligibility for certain tax credits, and expansion of marketing and business relationships.

As part of the subgrantee selection process, KOBD will require potential subgrantees to document their historical commitment to recruit and retain DBEs. KOBD has proposed to define Project Areas by Unified School District (USDs). There are 286 USDs in Kansas blanketing the entire state with widely varying degrees of unserved, underserved, and CAI locations. This Project Area approach enables both small and large opportunities for DBEs, who are often very localized to their geography. In addition, KOBD will require potential subgrantees to provide an DBE utilization plan. This plan must outline the affirmative steps a potential subgrantee will take to:

- Assure qualified DBEs are on their solicitation lists for services and contracting
- Divide project solicitations into smaller subtasks when economically feasible for qualified DBEs
- Establish project timelines to encourage participation by DBEs
- Work with the Small Business Administration, the Kansas Office of Minority and Women Business Development, and the Kansas Small Business Development Center

KOBD will ensure a diverse and highly skilled workforce exists that supports DBEs. This involves plans to leverage existing in-house skills training programs, unions and worker organizations, community colleges, and public-school districts. This is particularly important for Kansas according to the U.S. Department of Labor does not have a “Labor Surplus Area” (out of a total of 330 areas listed) and is one (1) of eighteen (18) states without a “Labor Surplus Area” greater than 8.05%. Thus, KOBD will leverage the expertise from the following organizations to involve DBEs:

- Kansas Office of Minority and Women Business Development
- Kansas Small Business Development Center
- U.S. Department of Labor’s Employment and Training Administration
- U.S. Department of Education’s Office of Career, Technical, and Adult Education
- Kansas Board of Regents Workforce Development Unit
- Kansas Department of Labor
- Kansas Department of Education
- Kansas Workforce Centers
- Kansas State University Technology Development Institute
- Kansas Economic Development Alliance
- National Association of State Liaisons for Workforce Development Partnerships
- Warriors4Wireless

While the state does not currently utilize any data tracking methods, KOBD plans to implement a data tracking system for BEAD funding distributed to all grantees for measuring DBE engagement, recruitment, utilization, and retainment.

2.9.2 Check Box: Certify that the Eligible Entity will take all necessary affirmative steps to ensure minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:

- a. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
- b. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- f. Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.
- g. The Eligible Entity must certify, by checking a box, that it plans to take necessary affirmative steps to ensure MBEs, WBEs, and labor surplus area firms are recruited, used, and retained, when possible.

2.9.2 CHECK BOX RESPONSE

Yes

Note: Additional resources from OMWBD are available as the following attachments:

- 2.9.2.1-Kansas DMWBE Application-Attachment.pdf
- 2.9.2.2-Kansas M&W Certification Brochure-Attachment.pdf

2.10 Cost and Barrier Reduction (Requirement 14)

2.10.1 Text Box: Identify steps that the Eligible Entity will take to reduce costs and barriers to deployment. Responses may include but not be limited to the following:

- a. Promoting the use of existing infrastructure;
- b. Promoting and adopting dig-once policies;
- c. Streamlining permitting processes;
- d. Streamlining cost-effective access to poles, conduits, easements; and
- e. Streamlining rights of way, including the imposition of reasonable access requirements.

2.10.1.a

To deliver universal broadband service to Kansas, KOBD must incorporate, map, and leverage all existing infrastructure, including the reuse of middle mile facilities, where available. Applicants are expected to depict all elements of their network design to reflect their work to achieve the lowest cost per location for any Project Funding Area. KOBD will also evaluate the reuse of infrastructure assets, where possible, as evidence of an applicant's ability to achieve the short interval for deployment.

KOBD will require prospective subgrantees to submit the capital costs of existing infrastructure used for the proposed project. These capital costs shall include, but are not limited to:

- Make-Ready costs for pole attachments
- Upgrades or changes needed for power sources
- Overlashing of aerial facilities
- Acquisition costs and fees for rights of way (ROW) access
- Upgrades or changes needed for cabinet and pedestal configurations
- Conduit in place

To augment this effort, KOBD received a \$42.5 million NTIA EMMBI grant to construct a robust middle-mile broadband network with interconnection points for last-mile BEAD subgrantees in eastern and southern Kansas.

2.10.1.b

The Kansas Corporation Commission and Kansas 811 are the primary administrators and adjudicators of underground plant excavations, which is codified in Kansas Statute Section 66-1801 - Kansas Underground Utility Damage Prevention Act. To be compliant with this act, KOBD supports locator and "call before you dig" policies by requiring BEAD applicants to document their processes to engage in Kansas 811 practices and approvals for excavation activities.

2.10.1.c

After a review of permitting processes, KOBD finds local and state ROW access permits are simple and fees are reasonable. The time to secure a state permit, however, can be excessive and efforts must be made to reduce permit approvals. KOBD will work with KDOT and local communities to review and consider ways to streamline permitting processes for BEAD-funded projects will ensuring that state and local guidelines, National Environmental Protection Agency (NEPA) and Section 106 (NEPA) are followed.

KOBD encourages federal, state, and local agencies to work with NTIA and all relevant entities to promote expeditious and streamlined approvals for all permitting required for the successful and timely completion of BEAD activities. Federally, Kansas strongly encourages NTIA to work with the other relevant federal entities to issue coordination and permitting guidelines to promote expeditious and streamlined approvals. Reasonable maximum approval periods (i.e., where permits will be automatically granted if no action has been taken) are critically important for federal permits needed for BEAD-funded projects.

KOBD does not support variable fees based on distance (i.e., per foot or per mile).

2.10.1.d

In Kansas, there are three (3) key challenges to obtain access to poles, conduits, and easements: (1) third-party approvals, (2) unregulated rates, and (3) make-ready work and associated costs.

Providers must obtain approval from landowners, local municipalities, and counties (via franchise agreements) for permission to deploy broadband infrastructure on their assets. In Kansas alone, these entities include over 35 different utility pole owners, 12 railroad companies, and numerous governmental entities. Adding to the labyrinth of approvals, many utility easements are specific to the originally approved use and do not allow for the reuse of other utility uses, such as broadband. KOBD will work on policies to place broadband infrastructure in existing easements to streamline acquisition of private easements.

Some utility pole owners allow the attachment of broadband infrastructure for a monthly lease fee. The Federal Communications Commission (FCC) is the regulatory body for telecommunications pole attachment rates in Kansas. However, most pole owners in Kansas are electric distribution companies (not telecommunications companies), thereby leaving pole attachment rates unregulated for broadband use. This lack of regulation can lead to excessive costs for broadband providers and cause delays in project deployment. KOBD will work with electric distribution companies and electric co-ops to encourage reasonable rates for broadband provider use.

Compliance with pole owner loads, line separation requirements, and minimum height standards is required before permit approval. Pole owners can choose to require the requesting company to replace the pole before granting a permit (i.e., “Make-Ready”). The make-ready work can add significant costs and time delays for broadband deployment. KOBD will work with electric distribution companies and electric co-ops to encourage reasonable processes and rates for broadband provider use.

As an example of how these challenges can overlap and compound with each other, railroad companies do allow broadband infrastructure to cross their facilities in the public ROW. Reviews and approvals are lengthy, often extending six to 12 months. Additionally, “processing fees” are expensive, exceeding \$1,000, and must be requested for every crossing. KOBD will work with railroads to encourage reasonable access and rates for broadband provider use.

2.10.1.e

KOBD will require prospective subgrantees to issue permit requests for the entire proposed Project Funding Area, rather than piecemealing permit requests by construction subtasks. This requirement should streamline the permitting process and give a clear path to construction, including identifying conflicts with other ROW occupants.

KDOT is an active partner in the installation of broadband facilities in the state ROW through permits issued by KDOT land use offices. Furthermore, KDOT effectively implements the new FHWA requirements. On December 3, 2021, FHWA published a Broadband Infrastructure Deployment rule (§ 645.307(a)) which added four requirements to Section 607 of the MOBILE NOW Act. These requirements mandated the following:

1. Identify a broadband utility coordinator responsible for facilitating the infrastructure.
2. ROW efforts within the State
3. Establish a registration process for broadband infrastructure entities interested in installing facilities with roadway projects
4. Notify broadband infrastructure companies identified under (2), on an annual basis, of the State Transportation Improvement Program (STIP) and provide other notifications as necessary
5. Coordinate these initiatives with other statewide telecommunication and broadband plans, state and local transportation plans and land use plans.

KOBD continues to work with KDOT to coordinate efforts across KDOT land use offices to accelerate the process of approving permits.

KOBD drafted Broadband Ready Communities (BRC) guidance to promote reasonable access requirements to local ROW by establishing a single point of contact for ROW and permit requests and capping permit fees at \$100.

2.11 Climate Assessment (Requirement 15)

2.11.1 Text Box: Describe the Eligible Entity’s assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure. At a minimum, this response must clearly do each of the following, as outlined on pages 62 – 63 of the BEAD NOFO:

- a. Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings;
- b. Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons;
- c. Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment;
- d. Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified; and
- e. Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.

2.11.1.a.

The Kansas Biological Survey categorized 20 ecological regions of Kansas, divided based on landscape, landforms, rock type and age, which are officially recognized by the Kansas Climate Office (See Report 1 in section 2.11.1.1. below). These ecological regions fall into three high-level categories: (1) river lowlands, (2) high plains, and (3) hills. The high plains and hills regions cover more than four-fifths of the land in the state.

KOBD reviewed regional, statewide, and national climate analysis reports to focus our initial hazard screening on the appropriate areas of Kansas. Most reports showed that the climate change risk level is comparatively low for Kansans. While the threats appear mild compared to other states that fall on fault lines or are in the path of multiple hurricanes per year, the broadband industry must remain vigilant and prepared for climate threats.

From 1980 to 2023, there were 63 severe storms, 18 droughts, two winter storms, six floods, and two freezes that cost \$1 billion or more (See Report 2 in section 2.11.1.1. below) per event. The locations of these billion-dollar weather events were spread evenly across the state. Due to the geographic diversity and randomness, narrowing down the hazard screening for severe storms is exceedingly difficult. However, the river lowlands areas, which are susceptible to flooding, are small thereby making them obvious targets for an initial hazard screening.

KOBD will work with the state climatologist to identify other specific area(s) of the state that will require an initial hazard screening for current and projected future climate-related risks. The initial hazard screening will begin in 2024 and be completed before grant funding applications open.

2.11.1.b.

According to the FEMA National Risk Index (Risk Index), there is no risk for avalanches, coastal flooding, hurricanes, tsunamis, or volcanic activity (see Report 3 in section 2.11.1.1. below). However, there are multiple geographic areas in which Kansas does face significant climate threats. According to the Risk Index, the hills and high plains are susceptible to cold waves, hail, ice storms, lightning, strong wind, tornadoes, and winter weather.

The river lowlands are less susceptible to active weather threats, such as tornadoes and ice storms, yet these areas have an increased risk of river flooding. Historically, Kansas receives significant moisture evidenced by the short bouts of drought over the past 150 years (see Report 4 in section 2.11.1.1. below). Thus, FEMA categorizes the wildfire risk as “Very Low” throughout Kansas. However, there is conflicting data presented from the Climate Check (see Report 5 in section 2.11.1.1. below), which considered drought a minimal risk while ranking Kansas the seventh worst state in the nation for fire risk.

As we look to the future, KOBD analyzed reports that stated the climate hazards will increase with time. For instance, due to climate change, the Climate Check expects the risk for wildfires in Kansas to remain high through 2050 and beyond. A recent study by the Mid-America Regional Council (MARC) stated climate change will amplify existing climate-related risks to people, ecosystems, and infrastructure throughout the Midwest (see Report 6 in section 2.11.1.1. below). The report, coupled with FEMA’s Flood Map Service Center (see Report 7 in section 2.11.1.1. below), aids KOBD in understanding long-term potential climate changes in extreme weather between 2060 and 2100.

While recent changes in temperatures have been modest for Kansas, the MARC report predicted temperatures and precipitation will increase over the rest of this century. Specifically, it estimated the number of days with more than 1.5 inches of rain will increase from five to over nine by century’s end and the days over 105°F will increase from one to over 20, with nighttime temperatures going from 80 degrees to over 90 degrees, by the end of the century. Thus, heat waves will become more frequent, and overnight summer lows will become hotter. Moreover, in 2022, NOAA’s National Centers for Environmental Information created the State Climate Studies (see Report 8 in section 2.11.1.1. below), which estimated the average temperature to increase between eight and 15 degrees. With increased precipitation and temperatures, an increase in flooding risk, extreme heat, thunderstorm severity, and tornado number can be expected.

Tornadoes were a key topic discussed at the 2023 Kansas Environmental Conference titled “Current Weather and Tornado trends in Kansas” put on by the Kansas Division of the Environment. The number of tornadoes can dramatically swing from one year to another. While there were 12 tornadoes in 2023, there were 218 in 2008. According to the Topeka Capital Journal (see Report 9 in section 2.11.1.1. below), since 1950, the average number of tornadoes per year is 65.

KOBD shall collaborate with broadband providers throughout Kansas to design reliable networks to stay operational during cold waves, hailstorms, lightning, ice storms, high winds, winter weather, and tornadoes.

2.11.1.c.

The Risk Index (see Report 3 in section 2.11.1.1. below) ranks Kansas “Very High” or “Relatively High” for cold waves, hail, ice storms, lightning, strong wind, tornadoes, and winter weather. These climate risks have the potential to negatively impact broadband networks.

As the Climate Check (see Report 4 in section 2.11.1.1. below) report showed, the predicted wildfire risk for Kansas is the seventh highest in the nation. Fires have the potential to devastate broad swaths of land and the existing infrastructure, as high winds, grasslands, and dry conditions are a potent mixture.

“Tornado Alley” is an area across the center of the United States that includes portions of the states of Texas, Oklahoma, Kansas, and Nebraska where tornadoes occur often. The number and severity of tornadoes varies from year to year and season to season. When deploying broadband infrastructure provided through the BEAD Program, KOBD shall ensure providers consider weather and climate risks in their design plans.

2.11.1.d.

In 2022, according to NOAA’s climate.gov (see Report 10 in section 2.11.1.1. below), severe weather events resulted in over \$2.2 billion in damage to physical assets in the US. These events pose significant risks to Kansans, along with the infrastructure deployed as part of the BEAD program.

Outside of river flooding, climate risks remain consistent from one part of Kansas to the other, thus climate risks do not impact a preferred choice of technology for KOBD. However, the climate risk of flooding, tornadoes, and wildfires does create a preference for underground infrastructure, versus aerial and on poles. This preference for underground facilities does significantly increase the construction costs of a network but provides significantly improved protection from most climate elements.

KOBD will prioritize infrastructure projects that maximize protection against climate events, including tornadoes, floods, and wildfires. This will encourage providers to harden areas of network aggregation, protect areas where providers access power supplies, harden existing infrastructure critical to BEAD-funded projects, and incent providers to consider diverse routing and network redundancies to prevent potential points of failure.

With the flood plain plan, KOBD will require potential subgrantees to review the FEMA Flood Map Service Center Search Tool to check for flood risk from a statistically valid sample of addresses and supporting infrastructure. Specifically, if there is a 0.2% or greater annual chance of flood hazard or areas of future conditions with one percent (1%) annual chance of flood hazard, potential subgrantees must include risk mitigation steps.

With the wildfire mitigation plan, potential subgrantees should focus on vegetation management and other preventive management policies that should contemplate the following:

- “Red-Flag Warnings” issued by the National Weather Service for fire weather zones
- Wind speeds, humidity, temperature, fuel moisture, fuel loading, and other data from weather stations
- Awareness of mandatory or voluntary evacuation orders
- Restoration and coordination activities with other adjacent facility owners in the event of a wildfire or environmental emergency

- Expected shutdowns of essential services
- Potential impacts to communities and members

During fires and natural disasters, the two biggest impacts to internet providers and their networks are commercial power outages and direct damage to the network. Thus, potential subgrantees must consistently inspect the infrastructure for the removal of potential flammable materials, ensure batteries are in good working order, and backup generators maintain the proper fuel levels. Using fire and heat resistant blankets to cover critical vault locations and equipment is a preventive step providers should consider.

2.11.1.e.

Partnering with the state climatologist, KOBD shall conduct a five-year review of the climate provisions of the program to maintain awareness of the ever-shifting climate risk landscape. During this review, KOBD and the state climatologist shall assure the office has sufficiently accounted for the current and future climate risk status and predictions.

2.11.1.1 Optional Attachment: As an optional attachment, submit any relevant reports conducted within the past five years that may be relevant for this requirement and will be referenced in the text narrative above.

Note: For submission, this table will be separated out and submitted as a separate document entitled “2.11.1.1-Climate Assessment Relevant Reports-Attachment.docx.”

Report	Purpose	Link
1. KU Kansas Geological Survey	Open-file report produced by the Kansas Geological Survey outlining the landforms and landscapes of Kansas.	https://www.kgs.ku.edu/Publications/
2. NOAA Disaster and Risk Mapping Tool	Supplies an assessment of current weather-related risks for specific regions.	https://www.ncei.noaa.gov/access/billions/events/KS/1980-2023?disasters%5b%5d=all-disasters
3. FEMA’s National Risk Index	Supplies a composite risk index for all regions across the United States, incorporating a range of natural hazards.	https://hazards.fema.gov/nri/map
4. Kansas State University Annual Summary Maps	Supplies reports on an annual basis for: precipitation totals, percentage of annual precipitation, departure from normal annual precipitation, annual mean temperature, and the mean temperature.	https://climate.k-state.edu/maps/annual/
5. Climate Check, Kansas Report	Report used to learn how climate change is affecting people in Kansas for property-specific heat, precipitation, drought, fire, and flood risk.	https://climatecheck.com/kansas

Report	Purpose	Link
6. Mid-America Regional Council "Climate Risk & Vulnerability Assessment"	This is a Climate Risk and Vulnerability Assessment (CRVA) that discusses how to address climate change issues in the future.	https://www.marc.org/sites/default/files/2022-05/Climate-Risk-and-Vulnerability-Assessment.pdf
7. FEMA Flood Map Service Center	Allows search by address or by county and provides the user with flood risk analysis.	https://msc.fema.gov/portal/search?AddressQuery=kansas
8. NOAA's 2022 State Climate Summaries	Supplies Eligible Entity with specific information on current and projected climate conditions and risks.	https://statesummaries.ncics.org/chapter/ks/
9. National Weather Service Kansas Tornado Information	Gathers data and presents charts on the distribution of tornadoes from 1950 through today, providing total tornadoes, fatalities, tracking data, injuries, property, and crop damage, along with averages.	https://www.weather.gov/gld/tornado-kansas Summary of NWS data: https://data.cjonline.com/tornado-archive/
10. NOAA's Climate Explorer and Digital Coast Tools	Supplies prompt data and information about climate science, adaptation, and mitigation.	https://www.climate.gov/

2.12 Low-Cost Broadband Service Option (Requirement 16)

2.12.1 Text Box: Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity’s jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO:

- a. All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs);
- b. The plan’s basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices);
- c. Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan’s rate; and
- d. Any provisions regarding the subscriber’s ability to upgrade to any new low-cost service plans offering more advantageous technical specifications.

Adoption and affordability efforts are vital aspects of the success of BEAD projects. Applicants shall demonstrate the affordability of the products and services within the Proposed Funding Areas, addressing current barriers to broadband access in their project proposal. Applicants are encouraged to partner with housing agencies to leverage programs benefiting residents in multi-dwelling units. Applicants are required to participate in the FCC’s Affordable Connectivity Program (ACP). An applicant must be a registered ACP participant or have an ACP application submitted prior to the closure of the BEAD application window. Applicants must include the following in their narrative:

1. Describe any activities planned to increase adoption awareness
2. Describe resources the applicant will be contributing to the adoption efforts, such as digital literacy training, marketing campaigns, surveys, and low-cost service options
3. Provide supporting documentation demonstrating the organization’s participation in subsidy programs to optimize digital inclusivity and adoption including partnering with school districts and colleges to raise awareness of subsidy programs such as Lifeline, Affordable Connectivity Program, or the Emergency Connectivity Fund

For the BEAD program, KOBD defines affordable broadband services as a plan that is \$30 per month or less, inclusive of any taxes, fees, installation service fees, and monthly recurring charges, and offers 100/20 Mbps or greater speeds. All recurring fees include monthly subscription, Wi-Fi router or modem fees, and any taxes or surcharges applied. No charges for repair or maintenance of qualified broadband service will be allowed. No charges will be allowed for installation.

The characteristics of a low-cost service option plan shall include the following:

1. 100/20 Mbps minimum speed or greater
2. Service installed within 10 calendar days of a service request
3. Round trip latency is less than 100 milliseconds
4. Is not subject to data caps, surcharges, or usage-based throttling, and is subject to the same acceptable use policies offered to other home subscribers of other service tiers
5. Provide service outage credits, measured at 1/30 of the monthly rate per day for an outage of over 12 hours

6. Enforceable commitment not to raise the \$30 per month for the 100/20 Mbps service for 5 years from the infrastructure deployment date for each BSL
7. The plan is well-marketed, publicly available, and easily accessible

The low-cost option, as well as all other offered plans, must be available for any ACP subsidy toward the plan's rate. In High-Cost areas, as defined by the FCC, where the maximum ACP subsidy is \$75, assuming a \$30 per month plan, a refundable credit to the subscriber will not be allowed. The low-cost option and ACP subsidy description and subscriber application must be offered in all contacts with potential subscribers including monthly bills, calls or emails to customer service representatives and prominently displayed on the provider website for online inquiry.

For Priority Broadband Projects, KOBD will evaluate the 1Gbps service offer against a rate of \$90 per month (inclusive of all fees) consistent with the service characteristics above.

KOBD will encourage prospective grantees to develop low-cost options for more advantageous technical specifications. More advantageous technical specifications may include lower speeds (i.e., 50/5 Mbps) where the subscriber does not need 100/20 Mbps or higher speeds such as 1Gbps symmetrical referenced above. In addition, any change by a subscriber to a higher speed technical specification will not incur any service charges for the change to a more advantageous service offering.

2.12.2 Checkbox: Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

2.12.2 CHECK BOX RESPONSE

Yes

2.13 Use of 20% Funding (Requirement 17)

2.14.1 Text Box: Describe the Eligible Entity’s planned use of any funds being requested, which must address the following:

- a. If the Eligible Entity does not wish to request funds during the Initial Proposal round, it must indicate no funding requested and provide the rationale for not requesting funds.
- b. If the Eligible Entity is requesting less than or equal to 20 percent of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, and how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations.
- c. If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations, and provide rationale for requesting funds greater than 20 percent of the funding allocation.

2.14.1.a

Not applicable

2.14.1.b

Not applicable

2.14.1.c

KOBD requests 100% of its funding allocation for use upon approval of its BEAD-IP.

Intended Use of Funds		
Subgrantee Selection	\$426,881,068	94.5%
Workforce Readiness	\$6,775,890	1.5%
BEAD Implementation and Deployment Activities	\$9,034,520	2.0%
Administrative Cap	\$9,034,520	2.0%
Total BEAD Allocation	\$451,725,998	100%

KOBD believes approval, and the immediate use, of its full allocation best enables the state to satisfy the requirements of the BEAD-FP and the statutory objectives of the BEAD program. Having access to the full allocation creates greater certainty for prospective subgrantees, will maximize subgrantee and stakeholder participation needed for Kansas to meet our universal service goal. Put simply, approval of KOBD’s request for the full allocation is the best route to closing the digital divide in Kansas.

Request of 1.5% for Workforce Readiness

Pursuant to NTIA guidance for “Eligible Entity Deployment Activities,” KOBD intends to use 1.5% of the total allocation for workforce development and readiness efforts. These efforts are in direct support of deployment activities—and a necessary requirement to achieve universal

service—as they will ensure ISPs and other subgrantees have an available, diverse, and highly skilled workforce.

Kansas has an extremely low unemployment rate of 2.7%, no labor surplus in areas identified by the US Department of Labor, and a labor gap (as determined by NTIA) of 14,500 FTEs identified as a cross-industry deficit. Furthermore, these identified shortfalls do not address non-technical roles like administrative support, customer service, or marketing which. When considered in total, the need for KOBD to collaborate with partners to develop and execute creative and timely workforce solutions is confirmed. The adjacent states of Nebraska, Missouri, and Oklahoma have an unemployment rate of 2.0, 2.8, and 2.8 respectively supporting an equally constrained regional labor market and the need for trained workforce expansion.

In Kansas, an available, diverse, and highly skilled workforce is a critical barrier to universal service. The current workforce, nor the available and qualified candidate pool, are not sufficient for the timely deployment of networks that could provide qualified broadband service to all unserved, underserved, and CAI locations. Current evidence collected from provider surveys, state agencies, the University of Kansas, and NTIA depicts a significant technician shortfall by 2026. This workforce shortfall includes gaps across most disciplines required to plan, deploy, and operate the broadband infrastructure that will provide universal service. Further, these numbers are understated in that they do not include administrative roles like customer service, billing, or marketing. These workforce shortages are exacerbated by the low unemployment rate in the state.

Research into available resources, the available workforce, and the tools, staff, and curriculum to establish and operate training regimens show the need for a statewide, comprehensive workforce strategy that can coordinate and be responsive to the timelines and business needs required for Kansas' universal service.

The goal of our workforce development and readiness plan is to complement the investments being made in broadband infrastructure, so that these BEAD funded networks can be deployed as committed and successfully operated for our unserved and underserved communities. In addition, along with the utilization of other resources and partners available to the state, KOBD strongly believes a cohesive workforce strategy for the entire state will serve to minimize the costs of training and staffing. A statewide workforce development program will allow deployment of new and creative ideas for growing our potential workforce candidate pool and the sharing of best practices, funding opportunities, human resources, and tools across organizations. All these efforts would be in service of maximizing the funds for infrastructure deployment efforts.

KOBD must work with a wide range of partners to develop a cohesive workforce strategy. This strategy must address training, sustainable career pathways, job roles and skillsets to support the entire broadband lifecycle, and how to “grow” the workforce by identifying new potential entrants. Moreover, these partners must consider various areas to create these workforce development opportunities, such as re-entry training for justice involved individuals, K-12 and adult educational programs, and individuals with a language barrier—to only name a few.

Subgrantees will most likely target these required workforce programs to their specific project, build, and region but KOBD will encourage them to share training assets and facilities with other partners in the state. KOBD expects all awarded subgrantees to be active participants in the holistic workforce readiness strategy. Since the goal is to develop a cohesive, statewide workforce development program, the vision is broader than any one applicant or what would

result if we cobbled together disparate workforce development programs. Therefore, the development of a long-term solution for ownership of curriculum, class management, teaching staff, facilities, recruitment, public participation, continuing education, and sustainability requires funds to activate a statewide network of partners, beyond individual subgrantees.

KOBD believes approval of this 1.5% is key to the success of the BEAD program in Kansas.

This 1.5% investment, which represents the strategy, prioritization, implementation, and management of a statewide workforce readiness program, will create a sustainable and accountable workforce readiness program for Kansans. To ensure viability and success, KOBD continues to collaborate with multiple state agencies and non-profits to determine the most effective structure, including the ultimate “owner” of the program. Until that owner is named, KOBD will lead the effort and use the following strategies and tactics to develop a cohesive, statewide workforce development program:

- Integration of all existing workforce development plans, programs, and efforts throughout the state to craft a unified strategic plan for building and sustaining an available, diverse, and highly skilled workforce
- Develop career pathways and broadband training access focused on technical training, broadband education, and digital literacy, across the entire state, especially for covered populations
- Local outreach and planning with educational facilities, local community leaders, correctional facilities, Sovereign Tribal Nation leaders, and non-profit organizations involved in digital and technical education
- Create a replicable pilot for technical training curriculum in multiple community colleges, adult education centers on Sovereign Tribal Nation lands, and workforce centers focused on covered populations
- Marketing and advertising of workforce programs
- Support to develop locally based digital navigators who can aid Kansans as they participate in the digital economy
- Support of registered apprenticeships and new technology sector entrants
- Mobile training units that can provide training access to those with limited mobility or resources
- Re-entry training for “justice involved” individuals to create pathways to well-paying jobs as they re-enter society; thereby reducing the likelihood of recidivism
- K-12 education and training modules to guide students in digital skills and digital career pathways
- Adult education and workforce centers for digital upskilling focused on digital opportunities in remote working, healthcare, access to social services, and other areas
- Coordination efforts between BEAD and DEA personnel
- Educational tracking tools to inventory and monitor the success of broadband and digital skillset curriculum
- Creation and matches of sponsorships to help fund members of covered populations to participate in training and apprenticeships
- Reimbursement and stipends for childcare and transportation expenses to enable those requiring assistance to attend training

Request of 2% for Eligible Entity BEAD Implementation and Deployment Activities

Pursuant to NTIA guidance for “Eligible Entity Deployment Activities”, KOBD intends to use 2% of the total allocation for the following activities in support of BEAD implementation and deployment activities:

- Development, management, and implementation of the subgrantee selection process, including prequalification, selection, challenge, rebuttal, and adjudicative processes.
- Deduplication (pre- and post-Challenge process)
- Grant development, administration, management, reporting, monitoring, and compliance specific to BEAD funds
- Monitoring subgrantee performance through grant agreements and enforceable commitments
- Development and refinement of cost models for the Extremely High Cost (EHC) threshold and BEAD minimal outlay calculations
- Local coordination focused on infrastructure planning with local, regional, and Sovereign Tribal Nation entities
- Mapping including funding areas, public facing maps, and dashboards
- Data collection to support mapping, analysis, and program development
- Successful disbursement of funds and fiscal management processes

Request of 2% for Administrative Cap

Additional administrative resources are required to process, evaluate, and complete aggressive timelines of the BEAD program to achieve qualified broadband to all unserved, underserved, and CAI locations. These administrative resources include a combination of KOBD employees and necessary third parties to oversee and manage the successful selection, deployment, and reporting of subgrantee awards through the following activities:

- Staffing needs
- Project management
- Reporting requirements and coordination with other federal, state, and local programs.
- Agency coordination
- Procurement of and management of third-party resources
- Travel associated with BEAD
- Execution and monitoring of enforceable commitment agreements for pre-BEAD grant awards to support deduplication

2.14.2 Financial Data Entry: Enter the amount of the Initial Proposal Funding Request. If not requesting initial funds, enter '\$0.00.'

\$451,725,998

2.14.3 Check Box: Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Funding Request, note "Not applicable."

2.14.3 CHECK BOX RESPONSE

Yes

PENDING APPROVAL

Eligible Entity Regulatory Approach (Requirement 18)

2.15.1 Text Box

- a. Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.
- b. If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.

2.15.1.a.

In fulfilling KOBD's mission to provide universal access to quality, affordable, and reliable broadband, the state takes an "all of the above" approach to provider participation, meaning KOBD is open to all provider categories and technologies that meet the BEAD program standards. KOBD encourages cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, and local governments to submit grant applications. This "all of the above" approach allows each community to receive high-quality and affordable broadband of their own choosing.

After an initial review, there are no rules, procedures, or regulations that restrict, limit, or exclude public sector providers from being eligible and participating in the subgrantee selection process for BEAD funding.

KOBD completed an extensive analysis of state laws, regulations, rules, policies, and procedures that apply to telephone, cable television, or internet providers applicable to agencies and departments such as the Kansas Department of Commerce, Kansas Corporation Commission, and the Kansas Department of Transportation. KOBD found no barriers or hurdles to government entity participation in the deployment of broadband and their potential impact on deployment grant programs.

This analysis reviewed the existing statutory framework applicable to providers of telephone, cable television, internet, and telegraph services. KOBD found 19 chapters and dozens of articles in the Kansas statutes that were pertinent to these providers. KOBD did not find any that imposed specific requirements on public sector entities that limited their ability to participate in the subgrantee selection process. Nor did KOBD find any statutes that put limits on funding sources, imputation of costs, or that prevent a public sector entity from offering broadband service. More to the point, KOBD awarded several broadband grants from various programs (e.g., Connectivity Emergency Response Grant and Broadband Partnership Adoption Grants) to government entities including the City of Chanute, KS; Garden City, KS; Marion, KS; Iola Public Library; and City of Ottawa, KS.

Thus, KOBD welcomes all public sector entities to help deliver universal service to Kansas.

2.15.1.b.

While Kansas does not require the waiver of any laws as outlined in this response, moving forward, KOBD will monitor the Kansas state legislature for bills pertaining to broadband service and government-owned networks.

2.15.1.1 Optional Attachment: As a required attachment only if the Eligible Entity will not waive laws for BEAD Program project selection purposes, provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the Eligible Entity Regulatory Approach template provided.

Not applicable.

PENDING APPROVAL

2.16 Certification of Compliance (Requirement 19)

2.16.1 Check Box: Certify the Eligible Entity's intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

2.16.1 CHECK BOX RESPONSE

Yes

2.16.2 Text Box: Describe subgrantee accountability procedures, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO:

- a. Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize);
- b. The inclusion of claw back provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;
- c. Timely subgrantee reporting mandates; and
- d. Robust subgrantee monitoring practices.

2.16.2.a.

KOBD will distribute funds to subgrantees on a reimbursable basis in alignment with service milestones as committed in subgrantee grant agreements that detail commitments on timelines, deployment progress by route and BSL passing as included in all enforceable commitment agreements.

- Remittance requests must be submitted for reimbursable expenses (i.e., funds will not be granted for future expenses). Subgrantees shall submit verifiable documentation to support each request.
- 10% of each grant award shall be retained until all contract obligations have been met. This 10% is in addition to any disbursements for service milestones outstanding due to similar timing or previous failure to properly submit for reimbursement. Final disbursement of the 10% retained shall occur only after KOBD has verified that all work has been completed, including the Final Financial review, physical verification, and other approved testing methods. The subgrantee must comply with their enforceable commitments to timelines, verified coverage areas, and technology mix to receive the final disbursement.
- A report shall be made by the subgrantee, if requested by KOBD, describing disbursement decisions and methods for cure.
- Verification of subgrantees' enforceable commitments will be made by the Technical Field Audit and Compliance team on behalf of KOBD, who will create reports of their findings. These verification reports shall be shared with the subgrantee promptly.

2.16.2.b.

The grant agreement between KOBD and each subgrantee shall include claw back provisions for any failure to perform against timeline commitments, deployment progress, or failure to

complete BSL passings as agreed at the time of the enforceable grant commitment. Each failure noted in the quarterly subgrantee report, or any ad hoc report requested by KOBD, shall be given a cure period of 90 days, unless a shorter period is mutually agreed upon by KOBD and the subgrantee. In the case of a subgrantee's failure to adequately cure, KOBD can: (i) reclaim previously disbursed funds, (ii) deny future fund disbursements, and (iii) reallocate awarded funding areas to another provider.

Subgrantees who fail to provide the minimum required connection speed or service plan cost committed in the enforceable grant commitment shall forfeit: (i) the entirety of their matching funds received through the BEAD program, and (ii) the amount of BEAD funds already disbursed plus interest. If a subgrantee fails to perform and return the full forfeited amount required, the ownership and use of the broadband infrastructure funded by the BEAD program shall revert to the State of Kansas.

2.16.2.c.

Subgrantees shall be required to submit a quarterly progress report for each BEAD grant award to monitor performance and ensure that timely reporting is available to the NTIA as required. Reporting guidelines shall be documented and provided to subgrantees during the grant process. Specifically, KOBD will communicate requirements prior to the selection process through outreach efforts to participating stakeholders (i.e., webinars, in-person meetings, newsletter, etc.), posting of a list of regulations on the KOBD website, and including the requirements in the grant application instructions and grant agreement terms, conditions, and monitoring program requirements. In addition, KOBD may request ad hoc reporting during the life of the grant award if performance concerns are noted and a cure commitment has been made.

Quarterly reports shall be reviewed by the Technical Field Audit and Compliance team. Each report will describe the several types of projects and/or other eligible activities carried out using the subgrant and the duration of the subgrant. The report will meet at least the minimum requirements as set forth in the BEAD NOFO, Reporting Requirements – Subgrantees, pg. 90. All subgrantee reports will be available to NTIA upon request.

Reports will be submitted through an electronic portal by the Subgrantee, and portal documentation retained will be maintained by KOBD. Subgrantees must maintain sufficient records to substantiate all information provided.

During reporting, should a subgrantee request to make changes to their BEAD proposal documented in the subgrantee enforceable commitment agreement, that request must be in writing to KOBD. KOBD will review the request and will allow the subgrantee 30 calendar days to fully document their requested changes to include new service milestones, costs, BSL passings, and local outreach plans. The request from the subgrantee will be reviewed for compliance by KOBD and, if approved, will be forwarded to NTIA for approval. NTIA decisions on the plan revision will be communicated back to KOBD for notice to be provided to the subgrantee. Any changes to the original grant award will be documented by an amended enforceable commitment agreement.

2.16.2.d.

KOBD will utilize the Technical Field Audit and Compliance Team to perform, develop, and implement risk assessments and monitoring plans for each subgrantee. KOBD will review and

approve the monitoring plans, which will inform KOBD's decisions on the subgrantees' requests for reimbursement.

KOBD will also monitor projects through compliance reviews. These reviews will ensure the project complies with applicable state and federal regulations. Compliance reviews include:

- Site Visits: KOBD shall conduct site visits to verify and document project construction and progress randomly to ensure compliance
- Desk Reviews: KOBD will conduct desk reviews of all BEAD projects' service milestones each quarter to ensure progress is made and reported as outlined in the subgrantee enforceable commitment agreement.
- Internal Compliance Reviews: These reviews ensure compliance with 2 CFR 200 regulations and verify internal controls, fiscal management procedures, and project management plans
- Final Financial Reviews: Upon project closeout, KOBD will conduct a Final Financial Review (FFR) of the project to ensure that the project's use of BEAD funds is compliant with NTIA standards and reporting

KOBD shall monitor subgrantee performance in areas to include, but not be limited to:

- Planning documentation
- Local coordination and communication
- Timeline commitments
- Proper permitting
- Workforce compliance
- Safety compliance
- Grant commitment reporting
- Documented risk assessment and management

KOBD has engaged a third-party firm to ensure appropriate support, capacity, and expertise to adequately review the documentation related to the requirements above and maintain records accordingly.

2.16.3 Check Box: Certify that the Eligible Entity will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

The Eligible Entity must certify, by checking a box, that their selection of subgrantees will account for and satisfy each of the following authorities:

- Parts II and III of Executive Order 11246, Equal Employment Opportunity.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.
- Executive Order 13798, Promoting Free Speech, and Religious Liberty.

2.16.3 CHECK BOX RESPONSE

Yes

2.16.4 Check Box: Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest that:

Cybersecurity

- 1) The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
- 2) The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 4) The plan will be submitted to the Eligible Entity before allocating funds. If the subgrantee makes any substantive changes to the plan, an updated version will be submitted to the Eligible Entity within 30 days.

Supply Chain Risk Management (SCRM)

- 1) The prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;
- 2) The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 4) The plan will be submitted to the Eligible Entity before allocating funds. If the subgrantee makes any substantive changes to the plan, an updated version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.

2.16.4 CHECK BOX RESPONSE

Yes

2.13 Middle Class Affordability (Requirement 20)

2.13.1 Text Box: Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.

Affordability of broadband services is a priority for KOBD, which includes middle-class households amongst many other categories of individuals. Plans for middle class affordability is addressed by the following program elements:

BEAD Subgrantee Selection Scoring Criteria

The points assigned to affordability in the scoring criteria established in the Subgrantee Selection Scoring are the primary means to ensure high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. Affordability will form 15% of the total available scoring to prospective subgrantees. Specifically, for each Project Funding Area, each applicant offering symmetrical gigabit service for \$90, or less, per month, inclusive of all taxes, fees, and charges billed to the customer, will receive the full 15% scoring, while other applications will receive a percentage of points reflective of the distance from the target price of \$90.

Recommended Service Plan

To be eligible to receive maximum points for affordability, the prospective subgrantees must provide the recommended service plan to the entire proposed Project Funding Area (i.e., the affordable broadband service option must be made available to all prospective customers anywhere within the Project Funding Area as well).

The recommended service plan must meet, at a minimum, the following criteria:

- Total package costs \$90 per month or less, inclusive of all taxes, fees, and charges billed to the customer, for 1Gbps service that consistently, verifiably, and reliably provides 1Gbps download and upload speeds
- Total package costs \$60 per month or less, inclusive of all taxes, fees, and charges billed to the customer, for 100/20 Mbps service that consistently, verifiably, and reliably provides 100 Mbps download and 20 Mbps upload speeds
- Must provide service installation within 10 calendar days of service request
- Provides latency measurements of no more than 100 milliseconds
- Is not subject to data caps, surcharges, or usage-based throttling, and is subject to the same acceptable use policies offered to other home subscribers of other internet access service plans
- Enforceable commitment to not raise the \$60 per month for the 100/20 Mbps service for 5 years from the infrastructure deployment date for each BSL
- Enforceable commitment not to raise the \$90 per month for the 1 Gbps symmetrical service for 5 years from the infrastructure deployment date for each BSL
- Provide service outage credits, measured at 1/30 of the monthly rate per day for an outage of over 12 hours

- Will waive installation charges for any service installation that exceeds the 10-calendar day commitment
- The plan is well-marketed, publicly available, and easily accessible

This recommended service plan applies to Priority Broadband Projects, Other Broadband Deployment Projects, and Hybrid Broadband Deployment Projects.

Continuous Monitoring

KOBD will establish a regime of continued monitoring through grantee and public reporting to ensure high-speed Internet connections are maintaining or improving the rates required in this KOBD proposal as outlined in the BEAD NOFO Reporting Requirements-Subgrantees; Item 7, page 90.

Multi-Dwelling Units Promotion

KOBD will work with Education Superhighway, the Kansas Housing Resources Corporation (KHRC), public housing commission, neighborhood associations, and HUD affiliates to promote middle-class and low-cost affordability options to the tenants, owners, and renters of MDU structures. In addition, free Wi-Fi access should be provided to communal areas in MDUs, along with basic digital and cybersecurity training opportunities.