



ys

January 26, 2024

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court and

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

1. Pursuant to RSA 14:30-a VI, authorize the Department of Business and Economic Affairs (BEA) to accept and expend \$2,920,000 of Infrastructure, Investments, and Jobs Act, Broadband Equity, Access, and Deployment Planning Grant Funds for the purpose of improving the State of New Hampshire's broadband infrastructure, effective upon Fiscal Committee and Governor and Council approval through June 30, 2025. **100% Federal Funds**
2. Pursuant to RSA 124:15 and contingent upon approval of Requested Action #1, authorize the Department of Business and Economic Affairs to establish Class 046 – Consultants for the purpose of supporting the IJJA Broadband Equity, Access, and Deployment Planning Grant program, effective upon Fiscal Committee and Governor and Council approval through June 30, 2025. **100% Federal Funds**

Funds are to be budgeted in FY2024 as follows:

03-022-022-221510-36360000 – IJJA BEAD Planning Grant

Class	Description	FY24 Current Adjusted Authorized	Requested Action	Revised FY24 Adjusted Authorized
000 - 400338	FEDERAL FUNDS	\$ 2,080,000	\$ 2,920,000	\$ 5,000,000
	Total Revenue	\$ 2,080,000	\$ 2,920,000	\$ 5,000,000
020 - 500200	CURRENT EXPENSES	\$ 2,000	\$ 2,531	\$ 4,531
022 - 500248	RENTS-LEASES OTHER THAN STATE	\$ 6,970	\$ 14,000	\$ 20,970
027 - 582703	TRANSFERS TO DoIT	\$ 5,000	\$ -	\$ 5,000
030 - 500301	EQUIPMENT NEW REPLACEMENT	\$ 4,000	\$ -	\$ 4,000

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
and the Honorable Council

037 - 500172	TECHNOLOGY-HARDWARE	\$ 5,000	\$ 2,500	\$ 7,500
038 - 500177	TECHNOLOGY-SOFTWARE	\$ 1,500	\$ 250,000	\$ 251,500
039 - 500188	TELECOMMUNICATIONS	\$ 1,051	\$ 3,500	\$ 4,551
040 - 500800	INDIRECT COSTS	\$ 6,930	\$ 41,031	\$ 47,961
041 - 500801	AUDIT FUND SET ASIDE	\$ 2,800	\$ 2,200	\$ 5,000
042 - 500620	ADDITIONAL FRINGE BENEFITS	\$ 2,151	\$ 12,500	\$ 14,651
046 - 500464	CONSULTANTS	\$ -	\$ 2,269,583	\$ 2,269,583
059 - 500117	TEMP FULL TIME	\$ 26,891	\$ 173,109	\$ 200,000
060 - 500601	BENEFITS	\$ 17,357	\$ 135,046	\$ 152,403
070 - 500704	IN STATE TRAVEL REIMBURSEMENT	\$ 1,000	\$ 4,000	\$ 5,000
080 - 500717	OUT OF STATE TRAVEL REIMB	\$ 1,000	\$ 10,000	\$ 11,000
102 - 500731	CONTRACTS FOR PROGRAM SERVICE	\$ 1,996,350	\$ -	\$ 1,996,350
	Total Expenditures	\$ 2,080,000	\$ 2,920,000	\$ 5,000,000

EXPLANATION

The State of New Hampshire was awarded a \$5 million Broadband Equity, Access, and Deployment (BEAD) Planning Grant through the United States Department of Commerce, National Telecommunications, and Information Administration. These funds are a part of the Bipartisan Infrastructure Investment and Jobs Act of 2021.

In general, the BEAD program is designed to help fund infrastructure related to broadband access and deployment. The State's objective in using these funds is to provide access to all Granite Staters with broadband speeds that meet or exceed 100/20 Mbps and all Community Anchor Institutions (CAIs) with speeds that meet or exceed 1 Gbps, with a focus on unserved and underserved households. Working to bridge the digital divide and ensure all residents have access to highspeed broadband is vital to ensuring households and communities have reliable internet for daily activities, such as work, education, health care, and more. As part of BEAD, New Hampshire has been allocated initial planning funds of \$5 million and an additional \$191.5 million in program funding,

BEA has sought access to BEAD planning grant funding as needed and previously sought to accept and expend \$80,000 of those funds, authorization of which occurred through Fiscal Committee on March 24, 2023 (FIS 23 089) and Governor and Council March 22, 2023 (#53). BEA used these funds to hire

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
and the Honorable Council

broadband staff members to assist with the program design, implementation, and compliance in the IJA BEAD program.

BEA subsequently sought and received authorization for use of an additional \$2,000,000 in BEAD Planning Grant funding, which occurred through Fiscal Committee on April 21, 2023 (FIS 23-122) and Governor and Council on April 12, 2023 (#79). Those funds were utilized to engage a third-party consulting firm (Mission Broadband) to support design and build out of a multi-year strategy required by the federal government relative to use of additional BEAD funds allocated to the State, pursuant to RFP DBEA 2023-16.

The BEA Office of Broadband Initiatives selected and has worked with Mission Broadband to write a five-year action plan, initial proposal, and final proposal for approval by the federal government that will dictate how the State utilizes its overall BEAD funding.

BEA now seeks to accept and expend the remaining \$2,920,000 in BEAD Planning Grant Funds to be utilized as described below.

BEAD - Challenge Portal - BEA seeks to procure an annual subscription of Ready.net, Inc's Challenge Process Coordinator software and support to run New Hampshire's BEAD Challenge Process.

One of the mandatory requirements of the BEAD Program requires the State to run a challenge process for all Broadband Serviceable Locations (BSLs) as part of the submission and approval process for the State's multi-year plan for use of BEAD funding. This process allows non-profits, local units of government and internet service providers (ISPs) to challenge unserved, underserved or served locations to change their status on the FCC Broadband Map, which is used to facilitate BEAD programming.

To accomplish this mandate, NTIA is requiring a challenge portal be designed to help streamline the process of challenge submission and subsequent adjudication. In effect, the challenge portal will manage all submitted challenges and allow the State to determine whether sufficient evidence has been submitted to sustain a challenge. At the conclusion of this process, the State is required to send the results to the National Telecommunications and Information Administration (NTIA).

Ready.net, Inc's Challenge Process Coordinator offers New Hampshire a comprehensive solution, and the software provides a secure, user-friendly, and fully customizable online platform that aligns with the Federal Communications Commission (FCC) and National Telecommunications and Information Administration (NTIA) guidance and regulations. This software will be purchased utilizing an existing statewide contract, and the software support will include software maintenance, technical assistance, and training materials to assist in the completion of the state's BEAD Challenge Process.

BEAD - Reporting Consultant - BEA seeks to hire a third-party consultant under a multi-year contract to work with the State on reporting, auditing, and regulatory requirements of the BEAD program, a program that will entail administering more than \$190 million in federal funding.

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
and the Honorable Council

This consultant will have the experience necessary to ensure that the State and ISPs/municipalities adhere to the requirements of the program. The expected completion of funded projects will be by 2029, with closeout and reporting to be completed in 2030. Given that this contract would have an extended duration, BEA anticipates it will require future authorizations.

BEAD - Office of Broadband Initiatives Personnel Costs – BEA seeks to supplement other expiring or exhausted federal funding for administrative costs related to broadband programming.

In March of 2023, the Fiscal Committee approved a small amount of BEAD funding to support two positions within the Office of Broadband Initiatives, which is one of three sources funding the Office. These positions report to the Broadband Program Manager and are tasked with fulfilling the objectives of the program, support the necessary, extensive reporting requirements of the BEAD and Digital Equity programs. They design, implement and track the broadband infrastructure program using contactors, state, municipal, and community partners. As previous funding sources expire or become exhausted, the Office will need to adjust payroll and other administrative costs among the other, active funding sources. This request begins that transition and enables the ongoing funding of critical staff that support broadband programming.

Funds are budgeted in the expense classes listed as follows:

Class 020 – Current Expenses - office supplies, paper and printer toner for previously approved positions.

Class 022 – Additional Rents-Leases other than State for previously approved positions.

Class 037 – Additional Technology – Hardware – laptops, monitors and docking stations for for previously approved positions.

Class 038 – Additional Technology – Software - procurement of Challenge Portal to run BEAD Challenge Process.

Class 039 – Additional Telecommunications – phones and phone lines for previously approved positions.

Class 040 - Indirect Costs - BEA will withdraw funds at the rate of 10% of modified total direct costs; this is the de minimis rate elected to be used pursuant to 2 CFR 200.414(f).

Class 041 -Audit Fund Set-Aside at a rate of 0.1 %- to comply with RSA 124:16, which requires all agencies which receive federal funds set aside a percentage (0.1%) of federal revenue amount received to pay for financial and compliance audits.

Class 042 – Additional Fringe Benefits – post retirement expenses for previously approved positions.

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
and the Honorable Council

Class 046 – Consultants – Consultant to work with the state on reporting, auditing, and regulatory requirements.

Class 059 – Additional Temp Full Time - salaries for the following previously approved positions: 9T3298 Business Administrator II (13-2090 MISC FINAN SPECS-5) and 9T3299 Business Administrator II (13-2090 MISC FINAN SPECS-5), positions previously approved by the Fiscal Committee (FIS23-089 on March 24, 2023) and the Governor and Executive Council (#53 on March 22, 2023) through the end of FY2024 and subsequently approved by the Fiscal Committee (FIS23-167 on May 19, 2023) and the Governor and Executive Council (#161 on May 31, 2023) through the end of FY2025.

Class 060 – Additional Benefits- benefits for previously approved positions.

Class 070 – Additional In State Travel Reimbursement – mileage incurred for work related activities with regards to inspections, meetings with stakeholders and other in state travel requirements.

Class 080 – Additional Out of State Travel Reimbursement – For anticipated Federal meetings.

The following information is provided in accordance with the Comptroller's instructional memorandum dated September 21, 1981.

1) List of personnel involved: Temporary Consultants (will be identified via the State RFP Process) as well as 9T3298 Business Administrator II (13-2090 MISC FINAN SPECS-5) and 9T3299 Business Administrator II (13-2090 MISC FINAN SPECS-5).

2) Nature, Need, and Duration: First half of the contract - Temporary Consultant subject matter expert to work with State, local municipalities, and Internet Service Providers. Consultant services are essential to conform to Federal rules and program guidance. First half funding Period of Performance ends 11/30/2027, Second half of the contract funding period of Performance ending 2030.

3) Relationship to existing agency programs: Broadband office and programs are 100% Federal Funded (Bipartisan Infrastructure Bill (Broadband Equity, Access, and Deployment)

4) Has a similar program been requested of the legislature and denied? No

5) Why wasn't funding included in the agency's budget request? Federal Funds, no state funds are being used.

6) Can portions of the grant funds be utilized? Yes

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
and the Honorable Council

7) Estimate the funds required to continue this position(s): Federal funds and programs. When Period of performance ends, program and positions end. No State funds will be utilized.

If Federal Funds become no longer available. General Funds will not be requested to support this program.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "T. Caswell".

Taylor Caswell
Commissioner

Fiscal Situation
FY 2024
03-22-22-221510-36360000, BROADBAND-IIJA BEAD

Total Federal Authorization	\$ 5,000,000
Less Expenditures thru 6/30/23	\$ -
Remaining Authorization to Budget	<u>\$ 5,000,000</u>
Less Current FY24 Budget Authorization	\$ 2,080,000
Total Available for Budgeting	<u>\$ 2,920,000</u>
Available to Budget at a Later Date	\$ -
REQUESTED ACTION	<u>\$ 2,920,000</u>

Grant Award Number	Award Amount	Expenses to 6/30/23	Balance
33-20-B063	\$ 5,000,000	\$ -	\$ 5,000,000

FORM CD-450 (REV. 10/18) FINANCIAL ASSISTANCE AWARD	U.S. DEPARTMENT OF COMMERCE <input checked="" type="checkbox"/> GRANT <input type="checkbox"/> COOPERATIVE AGREEMENT FEDERAL AWARD ID NUMBER 33-20-B063
RECIPIENT NAME Business and Economic Affairs, New Hampshire Department of	PERIOD OF PERFORMANCE 12/01/2022 - 11/30/2027
STREET ADDRESS 100 N Main St Suite 100	FEDERAL SHARE OF COST \$5,000,000.00
CITY, STATE ZIP Concord, NH 03301-5054	RECIPIENT SHARE OF COST \$0.00
AUTHORITY Section 60102 of Public Law 117-58, 135 Stat. 429	TOTAL ESTIMATED COST \$5,000,000.00
CFDA NO. AND NAME 11.035 Broadband Equity, Access, and Deployment Program	
PROJECT TITLE: New Hampshire BEAD Planning Funds Proposal	
<p>This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modifications by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.</p> <p><input checked="" type="checkbox"/> DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS</p> <p>R & D AWARD</p> <p>FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE</p> <p><input checked="" type="checkbox"/> SPECIFIC AWARD CONDITIONS</p> <p><input checked="" type="checkbox"/> LINE ITEM BUDGET</p> <p><input checked="" type="checkbox"/> 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101</p> <p><input type="checkbox"/> 48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES</p> <p><input checked="" type="checkbox"/> MULTI-YEAR AWARD. PLEASE SEE THE MULTI-YEAR SPECIFIC AWARD CONDITION.</p> <p><input checked="" type="checkbox"/> OTHER(S): Refer to Specific Award Condition #18 (Period of Performance and Funding Limitations) for the Multi-Year Specific Award Condition.</p> <p>GENERAL TERMS AND CONDITIONS for the NTIA BROADBAND EQUITY, ACCESS & DEPLOYMENT PROGRAM (BEAD) INITIAL PLANNING FUNDS, July 2022 (see attached).</p>	
SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER Darren Olson DARREN OLSON	DATE Digitally signed by DARREN OLSON Date: 2022.11.30 08:56:20 -07'00'
PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL Mark Laliberte State Industrial Representative	DATE  8 December 2022

Award Number: 33-20-B063, Amendment Number 0

Federal Program Officer: Stuart Freiman

Requisition Number: BEA63

Employer Identification Number: 026000618

UEI Number: VZ8GBEALT588

Recipient ID: 3314641

Requestor ID: 3314641

Award ACCS Information

Bureau	F.O.Y.	Project/Task	Organization	Object Class	Obligation Amount
61	2023	4700001-000	06-00-0000-00-00-00-00	41-19-00-00	\$5,000,000.00

Award Contact Information

Contact Type	Contact Name	Email	Phone
Administrative	Mark J Laliberte	mark.j.laliberte@livefree.nh.gov	(603) 271-6351

NIST Grants Officer:

Darren Olson
325 Broadway, MS 670
Boulder, CO 80305-3337

NIST Grants Specialist:

Nicole Saunier
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650