



Broadband Infrastructure Gap Networks Grant Program

Solicitation No.2024-MBI-01

Revised and Updated:

May 23, 2024

Applicants are encouraged to review this Solicitation and the application template thoroughly before starting the application process. Doing so will help Applicants understand the requirements for the application and the key factors considered in the evaluation and increase the likelihood of submitting a successful Application.

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1. Program Overview

The Commonwealth of Massachusetts (“the Commonwealth”) will make \$145 million in Capital Projects Funds (“CPF”) available to the Broadband Infrastructure Gap Networks Grant Program (“Gap Networks Grant Program” or the “Program”), to address the critical digital needs of towns and cities, with a particular focus on communities with substantial low-income households and disadvantaged populations. The Program will fund the deployment of broadband infrastructure in areas that currently lack access to sufficient broadband internet service, defined as service offering download speeds of at least 100 Mbps and upload speeds of at least 20 Mbps.

The \$145 million Gap Networks Grant Program will fund the deployment of broadband infrastructure in areas that currently lack broadband service. The Program aims to expand access and connectivity in Unserved and Underserved locations throughout the Commonwealth to bridge the digital divide.

On behalf of the Commonwealth’s Executive Office of Economic Development (“EOED”), the Massachusetts Broadband Institute (“MBI”), a division of the Massachusetts Technology Collaborative (“MassTech”), will administer the Gap Networks Grant Program.

MassTech is an independent public instrumentality of the Commonwealth chartered to serve as a catalyst for growing its innovation economy. MassTech brings together leaders from industry, academia, and government to advance technology-focused solutions that lead to economic growth, job creation, and public benefits. For additional information about Mass Tech and its programs and initiatives, please visit our website at www.masstech.org.

MBI is the central broadband program for the Commonwealth. The primary mission of MBI is to extend affordable, robust, high-speed Internet access to homes, businesses, schools, libraries, medical facilities, government offices and other public places across Massachusetts. For more information about MBI and its programs and activities generally, please visit the web site at www.massbroadband.org.

Program funds are governed by the Commonwealth and federal regulations and guidance. Mass Tech will be the contracting entity on behalf of MBI for the purposes of this Program, and (except where the specific context warrants otherwise), MBI and MassTech are collectively referred to as “Mass Tech Collaborative” or “MassTech”. Grant Agreements will contain certain standard provisions, including mandatory federal flow down provisions.

Round 2 Solicitation Updates

MBI has updated the following sections of Solicitation 2024-MBI-01:

- Section 2.3 - Updates to data sources that may be used by Applicants to reflect posting of BSL Eligibility List by MBI; handling of community anchor institutions; description of MBI's data reconciliation processes
- Section 3.1 - Procurement schedule for Round 2 of the Gap Networks Program
- Section 4.1.2 - Updates related to status of the Affordable Connectivity Program
- Section 4.4 - Update to applicability of Applicant’s customer installation policy

- Section 4.4.1 - Updates to definition of Project Service Area; clarifications regarding broadband serviceable location eligibility; clarifications regarding municipal letter of support and applicability of funding cap for quarterly grant rounds.
- Section 4.4.4 - Updated timeframe for applicable customer installation policy.
- Section 6.2 - Updated to delete maximum grant award cap.
- Section 8.1 - Clarification of threshold review process.
- Section 8.2.2.2 (A) (2) – Letter of credit provisions from Amendment #2 to Round 1 Solicitation.
- Section 10.2.1 - Clarifications regarding requirement of grantees to participate in MBI's mapping and data collection activities.
- Section 10.2.6 - Clarified applicability of performance and payment bond requirements.
- ATTACHMENT 1, ANNEX A, ANNEX B, ANNEX C – Letter of credit templates from Amendment #2 to Round 1 Solicitation.

The following municipalities are subject to an award under Round 1 and are therefore not eligible for funding under Round 2:

- Agawam
- Amesbury
- Amherst
- Ashburnham
- Attleboro
- Barre
- Bernardston
- Brewster
- Chicopee
- Dartmouth
- Deerfield
- Fall River
- Falmouth
- Florida
- Gloucester
- Greenfield
- Harwich
- Hawley

- Holyoke
- Lunenburg
- Martha's Vineyard (Aquinnah, Chilmark, Edgartown, Oak Bluffs, Vineyard Haven, West Tisbury)
- Mashpee
- Monroe
- Monson
- Nantucket
- North Brookfield
- Palmer
- Sandwich
- Savoy
- Sheffield
- Springfield
- Townsend
- Ware
- Warren
- Wellfleet
- Yarmouth

2. Purpose and Objectives

2.1. Purpose

This Solicitation provides Applicants with guidance to develop grant applications that satisfy Program requirements. It includes information on eligible Applicants, projects, locations, technologies and associated costs, as well as requirements set forth by the United States Treasury (“Treasury”). Prospective Applicants should utilize this Solicitation to determine project eligibility for funding and put forth a successful grant application.

2.2. Program Objectives

The Commonwealth is building upon prior, successful investments of state funds to expand broadband access through various grant programs, including, but not limited to, the Flexible Grant Program and the Broadband Extension Program. However, locations in towns and cities throughout the Commonwealth still lack affordable and reliable high-speed internet and need to be connected.

The United States Treasury’s CPF Program provides a transformative opportunity for the Commonwealth to deploy federal broadband infrastructure funding to connect the unconnected and provide access to those residents that need it the most.

2.3. Program Maps and Data

Eligible and ineligible locations for the Program are defined in Section 4 below. In defining the project service area(s), Applicants are encouraged to review the FCC’s National Broadband Map ("[FCC Broadband Map](#)"). This map shows the Unserved and Underserved locations eligible for this grant. Applicants are required to use the Broadband Serviceable Location (BSL) data from CostQuest Fabric version 4 (release date of 12/31/2023) to develop their applications. To facilitate this process, MBI has prepared a list of all unserved and underserved BSLs in the CostQuest Fabric that are presumptively eligible for funding (hereinafter referred to as the “BSL Eligibility List”).

The BSL Eligibility List contains CostQuest Fabric Location IDs of all presumptively eligible locations. In order to associate the Fabric Location IDs with coordinates, Applicants are required to have or obtain a free NTIA Fabric Tier D license from CostQuest, which is different from a FCC Fabric license. Applicants may request a NTIA Fabric Tier D license here: <https://apps.costquest.com/NTIArequest/>.

MBI recognizes that there is not a single source of information that accurately identifies and categorizes all Broadband Serviceable Locations (as defined in Section 4.4.1) in Massachusetts. MBI has created the BSL Eligibility List for applicants to use in developing the list of locations to be included in a Project Service Area, however, there may be locations on the BSL Eligibility List that are not eligible for funding due to the fact the locations may not satisfy one or more of the following criteria (“BSL Eligibility Criteria”) - (1) meet the definition of a BSL as defined in Section 4.4.1; (2) meet the definition of unserved or underserved; and (3) not have an existing, enforceable federal, state or local funding commitment or planned ISP service commitment. It is also possible that there may be locations satisfying the BSL Eligibility Criteria and are unserved or underserved Community Anchor Institutions (CAI) that are not included on the BSL Eligibility List. Any issues related to locations not satisfying the BSL Eligibility Criteria that are not resolved prior to grant award determinations will be addressed by MBI through a reconciliation process with awardees to make evidence-based modifications (i.e., corrections) to the BSL list to ensure 100% coverage in each

awarded municipality. The reconciliation process will also be used by MBI to add missing locations that satisfy the BSL Eligibility Criteria, including unserved or underserved CAIs that are not included in the BSL Eligibility List. The reconciliation process will occur prior to contract execution, resulting in a final Contractual BSL List. Changes to BSL eligibility resulting from the FCC National Broadband Map update in May 2024 will be taken into account during the reconciliation processes described above.

3. Program Schedule

3.1. Program Duration

The Program will accept and review applications through two solicitation grant rounds pursuant to the schedule below and may issue updates to these Solicitation, as necessary. The application review process and award announcements are expected within 60 days of the close of each application deadline. The Program will close when: (i) all funds are committed; or (ii) two rounds of grant funding have been completed.

The schedule for each solicitation round is provided below:

Milestone	Date
Program Launch – Release of Grant Solicitation	October 25, 2023
Grant Application Opens (a PDF of the grant application template will be posted no later than November 1, 2023)	November 16, 2023
<i>Solicitation Round #1</i>	
Solicitation Round Opens	October 25, 2023
Technical Assistance Webinar	November 17, 2023 at 2:00 p.m.
Questions Will Be Accepted and Answered on a Rolling Basis	Deadline to submit questions is November 22, 2023 at 5:00 p.m.
Application Round Closes	Applications must be received by December 11, 2023 at 5:00 p.m.
Grant Award Notifications	April 2024
<i>Solicitation Round #2</i>	
Solicitation Round Opens	May 23, 2024
Technical Assistance Webinar	June 7, 2024 at 11:00 a.m.
Questions Will Be Accepted and Answered on a Rolling Basis	Deadline to submit questions is June 12, 2024 at 5:00 p.m.
Application Round Closes	Applications must be received by July 2, 2024 at 5:00 p.m.
Grant Award Notifications	Fall 2024

All projects must reach substantial completion before December 31, 2026. Substantial completion is reached when the Project can fulfill the primary operations that it was designed to perform and deliver services to end-users. At substantial completion, service and management systems infrastructure must be operational.

4. Eligibility

4.1. Eligible Applicants

4.1.1. Eligible Entities

The following entities are eligible for grant application submission:

- Private entities (e.g., corporations, limited liability companies, general partnerships, limited partnerships, etc.).
- Local governmental entities (e.g., municipalities or municipal light plants that offer broadband service), Native American Indian Tribes, and non-profit organizations.
- Co-operatives, electric co-operatives, and utilities.
- Public Private Partnerships, which are long-term agreements between local government entities and private entities for the delivery and funding of broadband services.
- Other entities that develop and/or operate broadband networks and can demonstrate the experience, capacity and financial resources and stability to satisfy the grant obligations.

4.1.2. Participation in the Affordability Connectivity Program

Awardees under the Gap Networks Program are required to participate in federal programs that provide low-income consumers with subsidies on broadband internet access services through December 31, 2034. At the time of the opening of Round 2 of the Gap Network Program, Congress has not authorized funding for the continuation of the Federal Communications Commission's Affordable Connectivity Program ("ACP"). Awardees will be required to participate in ACP if it is reauthorized or any successor federal program(s) until at least December 31, 2034. Applicants should note that affordability of service plans is still being evaluated as part of the scoring criteria. MBI also strongly encourages providers participating in the Gap Networks Program to offer at least one low-cost option that provides affordable access for low-income households to broadband service with speeds that meet or exceed least 100 megabits per second download and 20 megabits per second upload.

4.2. Eligible Projects

Eligible Projects are Last Mile projects that meet the general CPF Program requirements and the requirements in this Solicitation. Last Mile projects may include Middle Mile infrastructure subject to the requirements in Section 4.2.1.

- Last Mile shall mean broadband infrastructure that serves as the final leg connecting the internet service provider's network to the end-use customer's on-premises telecommunications equipment.
- Middle Mile shall mean high-capacity broadband infrastructure that traverses long distances to connect communities to the internet backbone, does not connect directly to end-user locations, and enables interconnecting internet service providers to provide last mile broadband service of at least 100 megabits per second download and 100 megabits per second upload and scalable to faster speeds.

The Program will prioritize Last Mile infrastructure projects.

4.2.1. Middle Mile Eligibility

MBI will consider applications containing Middle Mile infrastructure only where Applicants also propose interconnected Last Mile infrastructure. Applications that include Middle Mile infrastructure must demonstrate that this infrastructure is necessary to facilitate Last Mile connections to unserved and underserved communities. Project costs associated with Middle Mile infrastructure cannot exceed 25% of the total project costs for the Project Service Area that will be supported by the Middle Mile Infrastructure.

The Middle Mile infrastructure must be an open access and non-discriminatory network.

4.3. Technology Requirements

4.3.1. Eligible Technologies

Fiber and hybrid fiber-coaxial networks are “Preferred Technologies” and are eligible for grant funding. MBI will consider projects utilizing fixed wireless technology on a case-by-case basis. To be eligible for consideration the proposed fixed wireless network must utilize terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum. If an Applicant proposes to use fixed wireless technology, the Applicant shall provide a clear rationale and supporting data to justify the use of this technology, which may include financial infeasibility of deploying a Preferred Technology or environmental factors that make the deployment of a Preferred Technology impractical. Projects proposing technology including DSL, satellite, or cellular wireless are not eligible under the Program.

Projects must be designed to deliver residential or commercial service, as appropriate, that reliably meets or exceeds 100Mbps symmetrical speeds (“100Mbps/100Mbps requirement”).

4.4. Location Requirements

4.4.1. Eligible Locations

Subject to the definition of Ineligible Location in Section 4.4.2 below, “Broadband Serviceable Locations” (“BSL”) are premises that include one or more residences, businesses, or CAIs in Unserved or Underserved locations where fixed broadband internet access service is or could be installed.

- Unserved Locations are defined as locations without access to broadband internet speeds of at least 25 Mbps download and 3 Mbps upload.
- Underserved Locations are defined as locations without access to broadband internet speeds of at least 100 Mbps download and 20 Mbps upload.

Any location that does not fit the definition of Unserved or Underserved Locations is considered a Served Location. Classification of a BSL as an Unserved Location or an Underserved Location is based on the advertised speeds offered by provider(s) serving that location. Quality of service challenges will not be considered by MBI when reviewing applications.

A Project Service Area (“PSA”) refers to a specific geographical region encompassing a single municipality where the Applicant proposes to provide broadband services. PSAs can include BSLs on

both public and private lands. Applicants must commit to serving all Unserved and Underserved BSLs in each PSA. As noted in Section 2.3, unserved or underserved CAIs that are not included in the BSL Eligibility List shall be addressed through the post-award reconciliation process.

The grant application must include a letter of support from the governing body of each municipality corresponding to the PSA that will be served by the proposed project. The municipal letter of support may be satisfied by a letter supporting the Applicant’s project signed by the chief executive or administrative officer of the municipality, including a Town Manager, Town Administrator, City Manager or Mayor. Failure to include a letter of support from the governing body in the application will disqualify the PSA from consideration.

There is no limit to the number of PSAs that each grant application can include. However, each proposed PSA will be evaluated separately.

4.4.2. Ineligible Locations

BSLs that have already received a binding funding commitment from other federal or state sources are not eligible for funding under this Program if the resulting level of broadband service meets or exceeds 100 Mbps download speeds and 20 Mbps upload speeds. Those funding sources include but are not limited to:

- 1- Last Mile Infrastructure Grant Program administered by EOED.
- 2- Broadband infrastructure grant programs administered by MBI, including the Flexible Grant Program, the Broadband Extension Program, and the Public-Private Partnership Grant Program.
- 3- Programs administered by NTIA, including but not limited to the Broadband Infrastructure Program, the Tribal Broadband Connectivity Program, and Middle Mile Broadband Infrastructure Grant Program.
- 4- Programs administered by FCC, including but not limited to the Rural Digital Opportunity Fund (“RDOF”), Connect America Fund Phase II Auction, Enhanced Alternative Connect America Model (“Enhanced A-CAM”)
- 5- Programs administered by USDA, including but not limited to the ReConnect Loan and Grant Program, Community Connect Grant Program, Telecommunications Infrastructure Loans and Loan Guarantees, and programs established by the Agriculture Improvement Act of 2018 (also known as the Farm Bill).

4.4.3. Overbuild

Overbuild refers to the construction of Middle Mile and Last Mile infrastructure in currently Served Locations. For example, a second fiber line built to a location that is not an Unserved or Underserved Location is considered an Overbuild.

MBI shall consider applications that include Overbuild if the Applicant is able to demonstrate the following with supporting documentation:

1. Any Overbuild must be incidental to accomplishing the overall objectives of the Program.
2. Any Overbuild must be the most cost-effective method of reaching the targeted Unserved and

Underserved locations in the PSA.

3. Served and Unserved/Underserved locations within the PSA must be clearly distinguished.

Subject to the above, costs associated with an Overbuild will need to be fully funded by the Applicant's Funding Match. Please refer to Section 5 below regarding the Funding Match Requirements definition.

4.4.4. Long Drop, Non-Standard Customer Installations

Applicants may request funding to cover the cost of a “non-standard” customer installation that requires the customer to contribute to the upfront, non-recurring cost of the installation. The customer installation is defined as the broadband infrastructure service (aerial or conduit) running from a backbone or lateral fiber optic cable to an unserved or underserved BSL in a proposed PSA. The grant Applicant must provide a copy of their customer installation policy in effect in each PSA as of May 13, 2024. The amount of grant funding awarded for each approved “non-standard” customer installation shall not exceed ten thousand dollars (\$10,000).

4.5. Cost Requirements

4.5.1. Eligible costs

Categories of eligible project costs include:

- Make ready
- Design and engineering
- Permitting and regulatory compliance, including environmental, historical, and cultural reviews, building, and electrical
- Network equipment, fiber/cabling, facilities and materials
- Construction and installation
- Qualifying Long Drop, Non-Standard Customer Installation costs (Section 4.4.4)
- Qualifying Overbuild costs (Section 4.4.3)
- Leases for terms longer than one year of facilities required to provide eligible broadband service, including IRU agreements and capital leases
- Personnel costs including salaries and fringe benefits for staff required for carrying out the project
- Costs associated with monitoring and reporting requirements in compliance with MBI and United States Department of the Treasury reporting requirements, including award closeout costs

4.5.2. Ineligible costs

Ineligible costs include, but are not limited to:

- Acquisition of spectrum licenses

- Operating expenses (including salaries of staff operating the capital project once completed)
- Short-term operation leases
- Payment of interest or principal on outstanding debt instruments
- Fees associated with the issuance of new debt
- Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding
- Support or opposition of collective bargaining
- Program grant application preparation costs
- Expenses incurred prior to the execution of the grant agreement.

5. Funding Match Requirements

5.1. Funding Match Threshold

Applicants must contribute a mandatory Funding Match of at least 20% of the total proposed project costs. “Funding Match” shall mean the portion of project costs not covered by CPF funds.

Please refer to Section 8.2 Evaluation Criteria to determine how Funding Match will be evaluated.

5.2. Funding Match Contributions

Funding Match up to the minimum of 20% must be the Applicant’s own source and cash funded. Funding Match amounts that exceed 20% will receive additional points during the evaluation and may be externally sourced. Funding Match may not be used to fund operational costs of the project or land acquisition. Funding Match will be applied ratably to each budget line item in each grant payment invoice.

In-kind contributions including, but not limited to, manufacturer or vendor discounts, income generated from the proposed project, and non-cash items including existing infrastructure, land, or other pre-existing inventory or facilities, will not be accepted as part of an Applicant’s Funding Match.

All matching contributions must be clearly described in the application.

5.3. Funding Match Verification

Applicants must provide the following match verification documentation:

- 1) A written certification attesting to (1) the availability of sufficient funds to satisfy the match requirement; and (2) the commitment of the Applicant to provide the matching funds consistent with the program guidelines; and
- 2) Documentation to validate the source and availability of matching funds.

If the Applicant is a publicly traded company, the Applicant must submit a 10-K for the most recent fiscal year and the 10-Q for the most recent quarter (if the 10-Q was filed after the most recent 10-K).

Supporting documentation from non-publicly traded Applicants may include: a letter of credit, letter confirming funds from a bank, board resolution committing funding, or loan documentation. If the grant application has additional financial partners contributing to the matching funds, the application must also identify the financial partner(s) and document the amount and availability of each partner’s financial match.

The match verification requirements in this Section 5.3 shall apply to all Funding Match amounts, including amounts that exceed the minimum match requirement of 20%.

At the time of each invoice submission, grantees will be required to provide appropriate documentation to support the grantee’s incurrence of 100% of the invoiced line item.

5.4. Funding Match Waivers

Municipal Applicants proposing projects to improve or extend municipally owned infrastructure may apply for a waiver of the match requirement.

The match requirement may be waived for municipal Applicants with outstanding debt from broadband-related infrastructure projects that will have broadband coverage gaps addressed by the proposed project. There is no minimum amount of outstanding debt required. The debt must be incurred prior to the date of the Program application. Municipal Applicant documentation to support a waiver request must include:

- Financial records evidencing the outstanding and continuing debt, including loan agreements or letters of guarantee; and
- Description outlining the broadband-related infrastructure projects supported by the evidenced debt documentation including invoices/bills, contracts, or initial project design documents.

6. Prioritization

6.1. Priority Projects

A key priority is to make funding available for projects that will provide reliable, affordable broadband service. This program encourages grant Applicants to focus on economically disadvantaged households and support community empowerment as this will be reflected favorably in the evaluation and scoring.

6.1.1. Target Populations and Geographies

In order to address the adverse effects of the pandemic on low-income communities, MBI's evaluation criteria will score more favorably proposed projects in economically challenged areas, specifically Gateway Municipalities and those areas identified by HUD's Qualified Census Tract ("QCT") program.

A Gateway municipality is a municipality with a population greater than 35,000 and less than 250,000 with a median household income below the Commonwealth's average and a rate of educational attainment of a bachelor's degree or above that is below the commonwealth's average. A QCT is defined as an area where at least 50% of households have an income that is below 60% of the local Area Median Gross Income ("AMGI") or where the rate of poverty is 25% or higher. Applicants will be required to indicate if a project serves an economically disadvantaged community. This approach is in line with Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government" which laid out an Administration-wide priority to support "equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality."

7. Application Process

7.1. Overview

MBI will host a Technical Assistance webinar during each solicitation round to inform potential Applicants of the Program guidelines and application requirements.

Application assessment and the selection of awardees will be based on the information provided in the application, along with any necessary attachments and documentation. MBI will use a competitive process to grant awards to Applicants whose proposed projects receive the highest evaluation scores.

All applications will undergo an initial assessment for threshold eligibility, followed by a scoring review based on the evaluation criteria in Section 8.2. Applicants are strongly encouraged to read this Solicitation carefully and conform to its requirements. Failure to comply with the requirements of this Solicitation may serve as grounds for rejection of an application.

7.2. Submission

Applications must be submitted along with all necessary attachments through the Gap Networks Program application site on MassTech's website.

All responses, applications, data, materials, information, and documentation submitted in response to the Gap Networks Program shall become MBI's property and shall be subject to public disclosure. As public entities, MassTech and MBI are subject to the Massachusetts Public Records Law (set forth at Massachusetts General Laws Chapter 66). There are very limited and narrow exceptions to disclosure under the Public Records Law.

If an Applicant wishes to have MassTech treat certain information or documentation as confidential, the Applicant must submit a written request to MassTech's General Counsel prior to submission. The request must precisely identify the information and/or documentation that is the subject of the request and provide a detailed explanation supporting the application of the statutory exemption(s) from the public records cited by the Applicant. The General Counsel will issue a written determination within ten (10) business days of receipt of the written request. If the General Counsel approves the request, the Applicant shall clearly label the relevant information and/or documentation as "CONFIDENTIAL" in the Application. Any statements in an Application reserving any confidentiality or privacy rights that is inconsistent with these requirements and procedures will be disregarded.

7.3. Technical Assistance

Applicants are encouraged to attend the Technical Assistance webinar and any technical support opportunity provided by MBI in the future.

Questions regarding this Program must be submitted by electronic mail to [\[proposals@masstech.org\]](mailto:proposals@masstech.org) with the following Subject Line: "Questions – MBI Gap Networks Grant Program". Questions will be received on a rolling basis and answered periodically prior to each solicitation round closure date pursuant to the Program Schedule in Section 3.1.

All program documents, including this Solicitation, the grant application, Question & Answer documents, a recording of the Technical Assistance webinar and program addenda (if any) will be posted on the MassTech website at <https://masstech.org/broadband-infrastructure-gap-networks-grant-program> and

COMMBUYS (<https://www.commbuys.com/bsol/>), the official procurement website for the Commonwealth of Massachusetts.

8. Application Evaluation

8.1. Evaluation Process

Information in the grant application (including any required attachments and documentation) will be evaluated for funding consideration. MBI will first review each application for completeness and eligibility according to the threshold criteria in Section 8.1.1 below. Applicants should not rely on an opportunity to supplement or clarify information after the application deadline and should take care to include all information requested in a clear and understandable manner. Applicants that pass threshold review will have their applications scored as described in Section 8.2. MBI also reserves the right to negotiate with Applicants on any element of their Applications, including project schedule and budget.

8.1.1 Threshold Criteria:

1. Did the Applicant complete section 3 of the Application – General Information?
 - a. Required attachments are:
 - i. Attachment 3A – Agreement Template (required if the Applicant indicated that they intend to submit modifications to the Gap Networks Federally Funded Grant Agreement Template)
2. Did the Applicant (i) complete and submit Section 4 of the Application – Project Service Area Overview; and (ii) upload all required attachments, including required supporting documentation? Section 4 is a fillable PDF.
 - a. Required attachments are:
 - i. Attachment 4 – Project Service Area Overview (PDF)
 - ii. Attachment 4A – Unserved and Underserved
 - iii. Attachment 4B – Middle Mile Infrastructure (required if project has a Middle Mile component)
 - iv. Attachment 4C – Broadband Technology Type
 - v. Attachment 4D – Overbuild (required if project has an Overbuild component)
 - vi. Attachment 4E – Installation Policy (required if project has Non-Standard Installations)
3. Did the Applicant (i) complete and submit Section 5.1 of the Application – Support of Target Populations and Equity; and (ii) upload all required attachments, including required supporting documentation? Section 5.1 is a fillable PDF.
 - a. Required attachments are:
 - i. Attachment 5.1 – Support of Target Populations and Equity (PDF)
 - ii. Attachment 5.1A – List of Municipalities
 - iii. Attachment 5.1B – Project Map
 - iv. Attachment 5.1C – Spatial Data Layers
 - v. Attachment 5.1D – Proposed BSL List
 - vi. Attachment 5.1E – Speed Tiers

- vii. Attachment 5.1F – Extent of Low Income
 - viii. Attachment 5.1G – Community Support Letters (must include letter of support from a municipal official as required in Section 4.4.1 of the Solicitation)
4. Did the Applicant (i) complete Section 5.2 of the Application – Applicant’s Ability to Execute the Project; (ii) upload all required attachments, including required supporting documentation?
- a. Required attachments are:
 - i. One of the following:
 - 1. Attachment 5.2A – Audited Financials
 - 2. Attachment 5.2B – Unaudited Financials
 - 3. Attachment 5.2C – Letter of Credit Commitment
 - ii. Attachment 5.2D – Officer Certification
 - iii. Attachment 5.2E – Organizational Chart
 - iv. Attachment 5.2F – Key Personnel
 - v. Attachment 5.2G – Sample Projects
5. Did the Applicant (i) complete and upload Section 5.3 of the Application – Project Feasibility and Reasonableness; and (ii) upload all required attachments, including required supporting documentation? Section 5.3 is a fillable PDF.
- a. Required attachments are:
 - i. Attachment 5.3 – Project Feasibility and Reasonableness (PDF)
 - ii. Attachment 5.3A – Match Waiver (required if Applicant is requesting a waiver of the matching funds requirement in Section 5 of this Solicitation)
 - iii. Attachment 5.3B – Funding Match Certification (required if Applicant is **not** requesting a waiver of the matching funds requirement in Section 5 of this Solicitation)
 - iv. Attachment 5.3C – Funding Match Supporting Documentation (required if Applicant is **not** requesting a waiver of the matching funds requirement in Section 5 of this Solicitation)
 - v. Attachment 5.3D – Funding Match (required if Applicant is **not** requesting a waiver of the matching funds requirement in Section 5 of this Solicitation)
 - vi. Attachment 5.3E – Project Timeline
 - vii. Attachment 5.3F- Project Milestones Table
 - viii. Attachment 5.3G – Project Costs
 - ix. Attachment 5.3H – Budget Summary
6. Did the Applicant (i) complete Section 5.4 of the Application – Technological Approach; and (ii) upload all required attachments, including all required supporting documentation?
- a. Required attachments are:
 - i. None

8.2. Evaluation Criteria

8.2.1. Evaluation Criteria Overview

Applications will be reviewed and evaluated using the criteria and associated point values set forth below.

Evaluation Criteria		Maximum Scoring
8.2.1.1	Support of Target Populations and Equity	30 pts
	Communities served	5 pts
	Number of locations served and level of speed provided by the project	9 pts
	Extent to which low-income populations will be served	5 pts
	Affordability of subscriber plan that provides minimum of 100/20 service offered by Applicant	6 pts
	Community support	5 pts
8.2.1.2	Applicant's Ability to Execute the Project	25 pts
	Financial capability	10 pts
	Organizational capacity and resources	8 pts
	Experience with implementing projects of similar size and complexity	7 pts
8.2.1.3	Project Feasibility and Reasonableness	25 pts
	Amount of matching funds leveraged / waiver (when applicable)	10 pts
	Reasonableness of proposed project schedule	5 pts
	Efficient use of existing infrastructure	3 pts
	Reasonableness of proposed project budget	7 pts
8.2.1.4	Technological Approach	20 pts
	Soundness of technical approach	5 pts
	Reliability of proposed network design and technologies	5 pts
	Upload and download speed tiers offered by Applicant	10 pts
8.2.1.5	Optional Bonus Criteria	6 pts

#1 – Workforce and Labor Standards	2 pts
#2 – Community Empowerment	2 pts
#3 – Environmental Sustainability	2 pts

8.2.2. Evaluation Criteria Details

Each category listed above will be assessed on the basis of the detailed descriptions provided below. Applicants should note the scoring methodology and necessary elements to be considered while preparing an application are mentioned under each category below, with an associated maximum point limit for assigning scores. For any evaluation criterion where an incremental point scale is not provided, MBI will allocate points based on the evaluation committee’s judgment of the extent to which the information provided by the Applicant complies with or otherwise addresses that criterion.

8.2.2.1. Support of Target Populations and Equity (30 points)

This evaluation criteria assesses the potential impact the project could have within the proposed project area. MBI will evaluate the degree to which the project will increase access to broadband service and promotes community and economic development. Key factors include the number of locations served by the project, the number of targeted communities served, the extent of low-income communities served, affordability of tiered subscriber plans, and community support.

A. Communities served (5 pts)

This section scores applications based on their degree of targeting economically disadvantaged households. If applicable, Applicants should provide documentation, such as a map or list of location addresses, demonstrating the extent to which the proposed project will target low-income communities. Funds for a project will count as being targeted towards economically disadvantaged communities if the project funds are spent in:

1. Gateway Municipalities (3 points)
2. Qualified Census Tracts where (i) not less than 50% of households earn less than 60 percent of the median income for the relevant jurisdiction; and/or (ii) not less than 25 percent of households are below the federal poverty line (2 points)

B. Number of locations served and level of speed provided by the project (9 pts)

The scoring will be determined based on the number of unserved and underserved locations covered and the proposed maximum level of speed to be provided by the project. MBI will use a multiplier that is proportional to the percentage of locations served for each speed category referenced in this criterion. Projects with a higher percentage of unserved locations that are served with faster speeds will receive a higher score.

*Example 1: A proposed project that anticipates serving 100% of passings with 1G/1G Mbps, where 25% of the area has current speeds at 25/3 Mbps (9pts) and 75% currently have speeds at 100/20 Mbps (7pts), the Applicant would receive a total score of 7.5 points (i.e. (9 points * 0.25) + (7 points * 0.75) = 7.5 points)*

$0.25) + (7 \text{ points} * 0.75) = 7.5 \text{ total points}$)

Example 2: A proposed project that anticipates serving 65% of passings with 1G/1G Mbps and 35% of passings with 100/100 Mbps, where 25% of the area has current speeds at 25/3 Mbps and 75% currently have speeds at 100/20 Mbps, the Applicant would receive a total score of 5.75 points (i.e. $[(6 \text{ points} * 0.25) + (4 \text{ points} * 0.75)] + [(2 \text{ points} * 0.25) + (1 \text{ points} * 0.75)] = 5.75 \text{ total points}$)

Percentage of Total Passings Served	Current Speed (Mbps)	≤ 25/3: Unserved		≤ 100/20: Underserved	
	Maximum Available Speed After Build (Mbps)	100/100	1G/1G	100/100	1G/1G
< 25.0%	Points Awarded	1 pts	2 pts	0 pts	0 pts
25.0% - 39.9%		2 pts	4 pts	1 pts	3pts
40.0% - 79.9%		4 pts	6 pts	2 pts	4 pts
80.0% - 100%		7 pts	9 pts	5 pts	7 pts

C. Extent to which low-income populations will be served (5 pts)

This section scores the percentage of population served by the project that are considered low or moderate income (LMI). According to the Housing and Urban Development department, persons "persons of low or moderate income" mean families and individuals whose incomes do not exceed 80 percent of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families. LMI scores according to the HUD ranking can be found on the following webpage: [download \(mass.gov\)](https://www.mass.gov/info-details/download-mass-gov).

LMI Points based on HUD Municipal Low/ Moderate Income Percentage	Points
LMI points below 5	2 pts
LMI points of 5 and above	5 pts

D. Affordability of broadband plans offered by Applicant (6 pts)

Applicants must include in the grant application pricing for all broadband service offerings and related fees that will be charged to users served by the proposed project.

Applicants will be scored on their ability to demonstrate evidence of affordable monthly cost of service charged to residents in addition to the benefits provided by the ACP. Note that Participation in the ACP is mandatory as outlined in Section 4.1.2.

MBI will use the FCC’s 2023 Broadband Reasonable Comparability Benchmark tool to score each Applicant based on the ratio of the proposed cost of broadband service that meets or exceeds a minimum of 100 Mbps/20 Mbps with unlimited data compared to the national benchmark standard published by the FCC for the same level of service. The FCC Comparability Benchmark tool can be found at: [2023_broadband_benchmark_rate_calculator_us.xlsx](#).

Ratio of Proposed Cost of 100/20 Service to FCC Reasonable Comparability Benchmark	Points
Greater than 75%	0 pts
Between 50.1% and 74.9%	3 pts
Less than 50%	6 pts

E. Community support (5 pts)

This section scores an Applicant’s level of community engagement and community support for the proposed project. Community engagement can be demonstrated by describing the direct interactions between the Applicant and residents within the PSA regarding the proposed project. Community support can be demonstrated in a number of ways including, but not limited to, letters of support from the community, permit fee reductions or waivers, or other relevant commitments from the community.

8.2.2.2. Applicant’s Ability to Execute the Project (25 points)

This evaluation criteria assesses the Applicant’s ability to successfully execute the project and thus achieve the intended project benefits. In order to assess the Applicant’s execution abilities, MBI will evaluate the Applicant’s financial and operational capacity for project delivery, as well as the Applicant’s past experience of implementing projects of similar size and scope.

A. Financial capability (10 pts)

MBI will assess the financial capacity of the Applicant for the proposed project by evaluating the Applicant’s ability to operate and maintain the new infrastructure project beyond 2026. The Applicant may satisfy this submission requirement through one of the following methods:

1. If available, Applicants may provide five years of audited financial statements or financial records of the Applicant and parent company. If the Applicant does not have audited financial statements, the Applicant may provide a statement signed by either the Applicant's chief executive officer or chief financial officer affirming that the unaudited financial statements are true and correct.
2. The Applicant may submit with the application a letter from a qualifying financial institution committing to issue an irrevocable standby letter of credit in a form that is

substantially similar to the model letter of credit included as Attachment 1 to this Solicitation. The letter of credit must be in an amount of no less than 20% of the requested grant amount (or such higher amount, if the Applicant proposes a Funding Match that exceeds 20%). The eligibility requirements for the issuing bank and the form of the letter of credit are as follows:

- The amount of the letter of credit must be for the greater of: (i) 20% of the grant funding requested by the applicant; or (ii) the amount of matching funds proposed by the applicant, if higher than the minimum 20% match requirement.
- The letter of credit must be issued by a financial institution that meets one of the following criteria:
 - A bank meeting eligibility requirements consistent with those set forth in 47 C.F.R. § 54.804(c)(2) committing to issue an irrevocable standby letter of credit, in the required form, to the applicant; or
 - Any United States credit union that (a) is insured by the National Credit Union Administration; and (b) has a credit union safety rating issued by Weiss of B- or better.
- If the Applicant is selected to receive funding by MassTech, the Applicant must provide prior to contracting, an irrevocable standby letter of credit in the required form, acceptable in all respects to MassTech. In addition, the Applicant must provide MassTech with an opinion letter from legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the Applicant’s bankruptcy estate under Section 541 of the Bankruptcy Code.

Applicants must also provide evidence of officer certification of compliance with local, state, and federal tax laws and compliance with all applicable regulatory requirements.

B. Organizational capacity and resources (8 pts)

This section scores the Applicant’s demonstration of organizational capacity and resources to deploy and operate the proposed project. Applicants shall provide organizational chart(s) and resumes of key project personnel. Applicants shall also provide a description of key business partners that will help deliver the proposed project and the roles and responsibilities of each entity.

C. Experience in implementing projects of similar size and complexity (7 pts)

This section evaluates an Applicant’s demonstration of previous experience successfully implementing networks of comparable size and complexity. Applicants shall provide up to three (3) similar projects in terms of project size and complexity performed in the past three (3) years highlighting the approach taken and results accomplished.

8.2.2.3. Project Feasibility and Reasonableness (25 points)

A. Amount of matching funds leveraged (10 pts)

Applicants are required to contribute a mandatory match of at least 20 percent of the project cost unless eligible for a waiver under Section 5.4. Applicants that provide a larger percentage of the project’s total cost with non-federal funding will score higher.

Non-Federal Funds Provided Scoring Table:

Percent of Eligible Project Costs Covered by Non-Federal Match	Points
75% or more OR Eligible for Waiver	10 pts
50% – 74.9%	6 pts
20.1% – 49.9%	2 pts
Less than 20.0%	Ineligible

B. Reasonableness of proposed project schedule (5 pts)

This section scores each Applicant’s ability to deliver the proposed project within the grant timeline. Applications will be evaluated based on the detail and viability of the proposed project schedule taking into account potential risk of delays.

Evidence may include:

- Detailed narrative of project schedule including start and end dates, key milestones, dependencies, resources, etc.
- Details regarding how the project schedule is viable and achievable.
- Ability to adequately identify all required permits for the project service area and demonstrate a plan of action for obtaining necessary approvals within the deadlines.

C. Efficient use of existing infrastructure (3 pts)

This section evaluates the Applicant’s proposed use of existing infrastructure to support delivery of their proposed project. Points will be awarded on how well the Applicant plans to leverage existing assets to reduce the cost of the project and/or the project schedule duration.

D. Reasonableness of proposed project budget (7 pts)

This section evaluates each Applicant based on grant amount requested by assessing the reasonableness of the proposed budget and considering measures taken for efficient utilization of the grant funds, including engaging in competitive procurement, such as the Request for Proposals (RFPs), for major purchases. This evaluation will be based on the proposed project budget submitted by the Applicant, which shall identify all major expenditure categories and the associated total sums for each. MBI will consider the proposed project cost on a per lineal mile basis for the PSA in comparison to other PSAs proposed in the funding round with similar characteristics, including factors such as density, topography, availability of existing utility poles or conduit. MBI will also evaluate the project cost against projects with similar characteristics that were awarded grants in prior funding rounds.

8.2.2.4. Technological Approach (20 points)

A. Soundness of technical approach (5 pts)

This evaluation criteria measures the soundness of the proposed technical approach. Applicant should provide a clear and concise description of the Applicant's approach to delivering the proposed project, as well as providing a summary of the preliminary engineering work done to date.

Applicants should also describe their planned approach for managing, constructing, and operating the proposed project and provide any necessary supporting documentation.

B. Reliability of proposed technology (5 pts)

Applicants are required to propose projects utilizing either Fiber-optic, fixed wireless, or hybrid fiber-coaxial solutions. Projects proposing fiber-optic solutions will receive priority scoring.

Proposed Technology	Points
Fiber-Optic	5 pts
Hybrid Fiber-Coaxial	3 pts
Fixed Wireless	1 pt

C. Upload and download speed tiers offered by Applicant (10 pts)

Applicants are required to offer speeds of 100Mbps/100Mbps; however, Applicants are encouraged to offer speeds that are greater than the minimum requirement. Projects that provide for greater speeds will be scored higher (see table below).

Maximum speeds offered by project	Points
Tier 4 - 1,000/1,000 Mbps (1/1 Gbps) or above	10 pts
Tier 3 - 500/500 Mbps but below Tier 4	6 pts
Tier 2 - 200/200 Mbps but below Tier 3	4 pts
Tier 1 - 100/100 Mbps but below Tier 2	2 pts

8.2.2.5 Optional Bonus Criteria (6 points)

The Applicant may elect to submit information in the application that will provide the Applicant with the opportunity to score up to a total of six additional points. The submission of such information is optional for the Applicant and the Applicant may pursue as many of the optional criteria as the Applicant deems appropriate. Each optional bonus criterion has a maximum point score of two points.

A. Labor and Workforce Standards (2 points)

This section evaluates the Applicant on the extent to which the Applicant's workforce meets high safety and training standards, including professional certification, licensure and/or robust in-house training, and/or the Applicant prioritizes hiring of local workers and/or workers from historically disadvantaged communities.

B. Community Empowerment (2 points)

This section evaluates the Applicant on the extent to which the project supports community empowerment. These efforts may include job creation, new facilities and operations in local communities during the project period and that may continue beyond the performance of the grant activities, and efforts to employ and utilize local personnel and supplies. MBI acknowledges that such efforts may increase both the value and overall costs of the proposed project.

C. Environmental Sustainability (2 points)

This section evaluates the Applicant on the extent to which the project demonstrates efforts to support sustainable deployment, materials, and continuing operations. These efforts may include efforts to minimize direct and indirect energy consumption and greenhouse gas emissions, water consumption, the amount of material entering the waste stream, and negative impacts on air quality. Proposed efforts may also include initiation of any "green" practices for environmental and energy conservation efforts. MBI acknowledges that such efforts may increase both the value and overall costs of the proposed project and in recognition of the mutually compatible goals of environmental protection and economic growth.

9. Grant Agreement Terms and Conditions

Applicants that are awarded funding by MBI will be required to have an authorized representative execute a funding agreement with MBI.

The Funding Agreement will include terms and conditions including, but not limited to:

- Description of the services
- Roles and responsibilities
- Grant payment schedule (consistent with payment on a reimbursement basis upon completion of specified project milestones)
- Eligible uses of funds
- Period of performance
- Accounting and reporting requirements
- Compliance requirements
- Remedies for noncompliance
- Audit practices
- Recording keeping
- Internal controls, and
- Other terms required by federal law

MBI will require that each awardee achieve final completion within 12 months of receipt of all make ready licenses subject to excusable delay justifications for force majeure events.

Awardees will be required to submit quarterly status reports to MBI detailing the percentage completion of each milestone during the reporting period and any factors or challenges impacting the progress of the project.

10. Compliance and Reporting Requirements

10.1. Monitoring and Compliance Requirements

10.1.1. Project Schedule

Upon approval, the Funding Agreement shall include a mutually agreeable project schedule that incorporates timeframes for achieving the milestones including but not limited to:

- Site surveys, field work and completion of preliminary design and engineering
- Negotiation and execution of cable television license agreement (if applicable)
- Filing make-ready applications with utilities for pole and conduit licenses and payment of associated fees
- Payment of make ready estimates to utilities
- Receipt of all make ready licenses needed to complete the project
- Municipal grants of location for access to public rights of way (if applicable)
- Completion of 50% of the construction buildout (measured by premises passed)
- 100% final completion of premises passed and completion of initial customer installations

10.1.2. Site Visits

MBI reserves rights to visit project locations at its discretion to verify compliance with funding agreement requirements.

10.1.3. Reporting Requirements

Quarterly project and expenditure reports shall comply with all CPF reporting requirements and must be submitted by awardees to MBI to include, but not be limited to:

- Project description
- Project location(s)
- Project start and end date
- Project status
- Project expenditures
- Number and location of households, businesses, and anchor institutions served
- Location of communities to be served
- Description of how equity and community engagement activities informed project selection and design.
- Whether the project is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds

- Technology type
- Project ownership (e.g., private, public private partnership, municipal government, tribal government, non-profit, cooperative)
- Miles of fiber installed
- Whether each location served is residential, commercial, or a community anchor institution
- Pricing offered (speed tiers to be offered, including the speed/pricing of its affordability offering).
- Percentage of each milestone completed during the reporting period
- Any other factors or challenge that might have impact on the progress of project

Annual Performance Reports must be submitted by grantees to MBI to include, but not limited to:

- Executive summary including high-level overview of grantee’s actual uses of funding and progress made
- Short narrative describing intended and actual uses of funds
- Efforts and outcomes to promote equity and address critical needs
- Description of workforce practices
- Community engagement activities
- Civil rights compliance

Upon achieving final completion of construction of the project, the awardee shall submit a final project report with appropriate supporting documentation for MBI’s review and approval.

The final project report shall include a certification signed by a senior executive of the awardee and a list of all addresses passed by the broadband infrastructure constructed by the awardee.

10.1.4. Project Completion Date

Projects receiving funds under the grant agreement must reach Substantial Completion before December 31, 2026.

10.2. Other Requirements

10.2.1. Data Collection

Grantees are required to participate in MBI’s data collection and mapping efforts by providing MBI with a copy of the grantee’s broadband availability data as submitted to the Federal Communications Commission (“FCC”) on a semi-annual basis under the FCC’s Broadband Data Collection program. The grantee shall submit the broadband availability data to MBI within 10 business days of the grantee’s submission of such data to the FCC. Grantees shall also be required to respond to requests from MBI to provide supplemental clarifying information and/or data.

10.2.2. Service Duration

MBI requires providers to offer broadband service through December 31, 2034, in compliance with the

requirements outlined in the SLFRF and CPF Supplementary Broadband Guidance (“Guidance”) issued by the U.S. Treasury on May 17, 2023.

10.2.3. Contractor Classification

Successful Applicants for the Gap Networks Grant Program will be classified as Contractors (subject to a final determination on a case-by-case basis after selection) consistent with federal Guidance. Applicants should review the relevant federal Guidance for additional information.

10.2.4. Ownership of Infrastructure

While title to real property or equipment associated with a broadband infrastructure project awarded under this Gap Networks Grant Program vests in the awardee, Applicants should note that the federal government maintains a federal interest in property associated with a broadband infrastructure project funded with CPF and substantially completed by December 31, 2026. The Federal Interest Period runs through December 31, 2034. Respondents should refer to the Guidance for specific conditions imposed by the federal government on real property and equipment during the Federal Interest Period.

10.2.5. Build America, Buy America

Subject to additional clarification from the Office of Management and Budget and/ or Treasury, the requirements of the Build America, Buy America Act, Pub. L. No. 117-58, §§ 70901-5 (the “Act”), shall apply to broadband infrastructure projects for which federal funds are appropriated or otherwise made available, unless those requirements are waived pursuant to Section 70914(c) of the Act.

10.2.6. General Conditions

- a. If an Application fails to meet any material terms, conditions, requirements or procedures, it may be deemed unresponsive and disqualified. The Mass Tech Collaborative reserves the right to waive omissions or irregularities that it determines to be not material.
- b. This Program Application Guide, as may be amended from time to time by Mass Tech Collaborative, does not commit Mass Tech Collaborative to select any firm(s), award any contracts for services pursuant to this Program Application Guide, or pay any costs incurred in responding to this Program. Mass Tech Collaborative reserves the right, in its sole discretion, to withdraw the Program, to engage in preliminary discussions with prospective Applicants, to accept or reject any or all Applications received, to request supplemental or clarifying information, to negotiate with any or all qualified Applicants, and to request modifications to Applications in accordance with negotiations, all to the same extent as if this were a Request for Information.
- c. On matters related solely to this Program Application Guide that arise prior to an award decision by the Mass Tech Collaborative, Respondents shall limit communications with the Mass Tech Collaborative to the Procurement Team Leader and such other individuals as the Mass Tech Collaborative may designate from time to time. No other Mass Tech Collaborative employee or representative is authorized to provide any information or respond to any questions or inquiries concerning this Program. Applicants may contact the Procurement Team Leader for this Program in the event this Program Application Guide is incomplete.
- d. The Mass Tech Collaborative may provide reasonable accommodations, including the provision of materials in an alternative format, for Applicants with disabilities or other hardships. Applicants requiring accommodations shall submit requests in writing, with supporting documentation justifying

the accommodations, to the Procurement Team Leader. The Mass Tech Collaborative reserves the right to grant or reject any request for accommodations.

- e. Applicant's Application shall be treated by the Mass Tech Collaborative as an accurate statement of Applicant's capabilities and experience. Should any statement asserted by Applicant prove to be inaccurate or inconsistent with the foregoing, such inaccuracy or inconsistency shall constitute sufficient cause for Mass Tech Collaborative in its sole discretion to reject the Application and/or terminate of any resulting Agreement.
- f. Costs that are not specifically identified in the Applicant's response and/or not specifically accepted by Mass Tech Collaborative as part of the Agreement will not be compensated under any contract awarded pursuant to this Program Application Guide.
- g. Submitted responses must be valid in all respects for a minimum period of sixty (60) days after the deadline for submission.
- h. The MassTech Collaborative embraces a workplace where the values of diversity and inclusion support varying perspectives and backgrounds to produce a richer environment. MassTech expects Applicants as well as all our consultants, contractors and vendors, to demonstrate a similar commitment and, pursuant to 2 C.F.R. § 200.321(a), take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. The MassTech Collaborative's prior approval is required for any subcontracted services under any Agreement entered into as a result of this Program Application Guide. If Applicant will be subcontracting under this Program, affirmative steps must include at least the following six steps: 1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists; 2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources; 3. 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; 4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; 5. 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 6. Requiring all subcontractors to take the same affirmative steps as listed in numbers 1 through 5. The selected Applicant is responsible for the satisfactory performance and adequate oversight of its subcontractors. Subcontractors are required to meet the same requirements and are held to the same reimbursable cost standards as the selected Applicant.
- i. Applicant shall not discriminate against any qualified employee or Applicant for employment because of race, color, national origin, ancestry, age, sex, religion, physical or mental handicap, or sexual orientation. Applicants shall comply with all applicable Federal and State statutes, rules and regulations prohibiting discrimination in employment including but not limited to: the Americans with Disabilities Act, as amended (42 U.S.C. §§ 12101 et seq.), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §§ 2000d et seq.), the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), M.G.L. c. 151B, M.G.L. c. 272 §§ 92A, 98, and 98A, M.G.L. c. 111 § 199A, 42 U.S.C. 9918 (c) and 45 C.F.R. 80.
- j. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) – Applicants that are awarded an amount exceeding \$100,000 must certify that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each Applicant must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.

- k. Debarment and Suspension- (Executive Orders 12549 and 12689) – Applicants understand that a contract award may not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM).
- l. Applicants must be able to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- m. As appropriate and to the extent consistent with law, Applicants should, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. The requirements of this section must be included in all contracts and sub awards awarded hereunder.
- n. Applicant understands and agrees that the Executive Office of Economic Development (“EOED”) staff and authorized representatives may evaluate any subcontractors with whom Mass Tech Collaborative executes a contract or other form of legal agreement in order to complete the activities funded under this Program, through ongoing monitoring. As deemed appropriate by EOED, EOED’s staff and authorized representatives may also conduct further reviews and site-visits during the contract term, which may include fiscal reviews. EOED staff shall use interviews, inspection of files, site visits and direct observation to identify program areas of concern so that contractors can improve their productivity, efficiency, quality, and management capacity.
- o. The awarded Applicant shall maintain and utilize systems and procedures to prevent, detect, and correct fraud, waste, and abuse in activities funded under this Program.
- p. Pursuant to 2 C.F.R. § 200.303, the awarded Applicant shall establish effective control over, and accountability for, all funds, property, and other assets funded under this Program and assure that they are used solely for authorized purposes.
- q. The awarded Applicant shall maintain an accounting system and supporting fiscal records adequate to audit and otherwise verify that assistance payments and administrative costs meet Federal and State requirements.
- r. An Awarded Applicant shall use its best efforts to ensure that it will not knowingly use contract funds to purchase, or enter into contracts to purchase, any equipment, services, or systems that use prohibited telecommunications equipment or services as a substantial or essential component of a system subject to 2 CFR § 200.216.
- s. When applicable, the awarded Applicant may be subject to performance and payment bonding requirements pursuant to 2 CFR 200.326. The bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR part 22 and shall be licensed to do business in Massachusetts. The form of bonds shall be subject to any additional requirements designated by the Mass Tech Collaborative.

ATTACHMENT 1

BANK Letterhead

IRREVOCABLE STANDBY LETTER OF CREDIT No. 123

Issuing Bank Name

Address of Issuing Bank

Date of Issuance: _____

Amount: _____

Expiration Date: _____

BENEFICIARY

Massachusetts Technology Collaborative (MassTech)

Attn: Broadband Infrastructure Gap Networks Grant Program

75 North Drive

Westborough, MA 01581

Name of Applicant

Address of Applicant

Ladies and Gentlemen:

We hereby establish, at the request and for the account of Applicant, in your favor, as required under the terms of the solicitation, issued by the Massachusetts Technology Collaborative (“MassTech”) on _____, 20____, Broadband Infrastructure Gap Networks Grant Program, Solicitation No.2024-MBI-01 (the “Solicitation”), our Irrevocable Standby Letter of Credit No 123 in the amount of Amount in Words and Numbers _____

This Letter of Credit shall automatically renew for one (1) year periods from the then current Expiration Date unless Issuing Bank Name gives written notice of non-renewal to MassTech by a nationally recognized overnight delivery service with a copy to the Executive Office of Economic Development (“EOED” 1 Ashburton Place, Room 2101, Boston, MA 02108), at least sixty (60) days but not more than ninety (90) days prior to the expiry thereof, or such earlier date as the Letter of Credit is terminated by MassTech (the “Expiration Date”). Capitalized terms used herein but not defined herein shall have the meanings accorded such terms in the Order.

Funds under this Letter of Credit are available to you against your draft in the form attached hereto as Annex A, drawn on our office described below, and referring thereon to the number of this Letter of Credit, accompanied by your written and completed certificate signed by you substantially in the form of Annex B attached hereto. Such draft and certificates shall be dated the date of presentation or an earlier date, which presentation shall be made at our office located at Issuing Bank Address and shall be effected either by personal delivery or delivery by a nationally recognized overnight delivery service. We hereby commit and agree to accept such presentation at such office, and if such presentation of documents appears on its face to comply with the terms and conditions of this Letter of Credit, on or prior to the Expiration Date, we will honor the same not later than one (1) banking day after presentation thereof in accordance with your payment instructions. Payment under this Letter of Credit shall be made by check or wire transfer of Federal Reserve Bank of New York funds to the payee and for the account, you designate, in accordance with the instructions set forth in a draft presented in connection with a draw under this Letter of Credit.

Partial drawings are not permitted under this Letter of Credit. This Letter of Credit is not transferable or assignable in whole or in part.

This Letter of Credit shall be canceled and terminated upon receipt by us of the MassTech's certificate purportedly signed by two (2) authorized representatives of MassTech and countersigned by EOED's authorized signatory in the form attached as Annex C.

This Letter of Credit sets forth in full the undertaking of the Issuer, and such undertaking shall not in any way be modified, amended, amplified or limited by reference to any document, instrument or agreement referred to herein, except only the certificates and the drafts referred to herein and the ISP (as defined below); and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement except for such certificates and such drafts and the ISP.

This Letter of Credit shall be subject to, governed by, and construed in accordance with, the International Standby Practices 1998, International Chamber of Commerce Publication No. 590 (the "ISP"), which is incorporated into the text of this Letter of Credit by this reference, and, to the extent not inconsistent therewith, the laws of the Commonwealth of Massachusetts, including the Uniform Commercial Code as in effect in the Commonwealth of Massachusetts. Communications with respect to this Letter of Credit shall be addressed to us at our address set forth below, specifically referring to the number of this Letter of Credit.

Signature
Name of Signatory
Title of Signatory

ANNEX A
Form of Draft

To: Name of Issuing Bank
DRAWN ON LETTER OF CREDIT NO: 123

AT SIGHT

PAY TO THE ORDER OF MASSACHUSETTS TECHNOLOGY COLLABORATIVE
("MASSTECH") BY CHECK OR WIRE TRANSFER OF FEDERAL RESERVE BANK OF
NEW YORK FUNDS TO:

Account ()
As to Broadband Infrastructure Gap Networks Grant Program [AMOUNT IN WORDS]
DOLLARS AND NO/CENTS
\${AMOUNT IN NUMBERS]

Massachusetts Technology Collaborative

By: _____
Name:
Title:

Sample

ANNEX B

Draw Certificate

The undersigned hereby certifies to Name of Issuing Bank (the “Bank”), with reference to (a) Irrevocable Standby Letter of Credit No. 123 (the “Letter of Credit”) issued by the Bank in favor of the Massachusetts Technology Collaborative (“MassTech”) and the Solicitation issued by MassTech on October 25, 2023, Broadband Infrastructure Gap Networks Grant Program, Solicitation No.2024-MBI-01 (the “Solicitation”), pursuant to which Name of Applicant (the “Applicant”) has provided the Letter of Credit (all capitalized terms used herein but not defined herein having the meaning stated in the Order), that:

Name of Applicant has [describe the event that triggers the draw], which is evidenced by a letter signed by the Executive Director of MassTech or [his/her] designee, dated _____, 20__, a true copy of which is attached hereto. Accordingly, a draw of the entire amount of the Letter of Credit No. 123 is authorized.

OR

MassTech certifies that given notice of non-renewal of Letter of Credit No. 123 and failure of the account party to obtain a satisfactory replacement thereof, pursuant to the Solicitation, MassTech is entitled to receive payment of \$_____, representing the entire amount of Letter of Credit No. 123.

IN WITNESS WHEREOF, the undersigned has executed this certificate as of [specify time of day] on the ____ day of _____, 20__.

Massachusetts Technology Collaborative

By: _____
Name:
Title:

ANNEX C

Certificate Regarding Termination of Letter of Credit

The undersigned hereby certifies to Name of Issuing Bank (the “Bank”), with reference to (a) Irrevocable Standby Letter of Credit No. 123 (the “Letter of Credit”) issued by the Bank in favor of the Massachusetts Technology Collaborative (“MassTech”), and (b) the Solicitation issued by MTC on October 25, 2023, Broadband Infrastructure Gap Networks Grant Program, Solicitation No.2024-MBI-01 (the “Solicitation”), (all capitalized terms used herein but not defined herein having the meaning stated or described in the Order), that:

- (1) [include one of the following clauses, as applicable]
 - (a) The Order has been fulfilled in accordance with the provisions thereof; or
 - (b) Name of Applicant has provided a replacement letter of credit satisfactory to MassTech.

- (2) By reason of the event or circumstance described in paragraph (1) of this certificate and effective upon the receipt by the Bank of this certificate (countersigned as set forth below), the Letter of Credit is terminated.

IN WITNESS WHEREOF, the undersigned has executed this certificate as of the ____ day of _____, 20__.

Massachusetts Technology Collaborative

By: _____
 Name:
 Title:

COUNTERSIGNED:
 Massachusetts Executive Office of Economic Development

By: _____
 Name:
 Its Authorized Signatory