



OKLAHOMA ARPA SLFRF BROADBAND INVESTMENT GRANT PROGRAM NOTICE OF FUNDING OPPORTUNITY

DISCLAIMER

This Notice of Funding Opportunity (NOFO) is intended to be a guide to the application process for prospective applicants applying for consideration of funding through the Oklahoma ARPA State and Local Fiscal Recovery Fund Broadband Investment Grant Program. This guidance is not exhaustive, binding, or final.

I. OVERVIEW

The Oklahoma Broadband Office hereby announces the availability of funding for the Oklahoma ARPA SLFRF Broadband Investment Grant Program administered by the Oklahoma Broadband Office. The availability and use of funds is subject to all applicable State and Federal laws including guidance from the U.S. Department of the Treasury (Treasury) regarding the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) established by the American Rescue Plan Act (ARPA). The Oklahoma Broadband Office (OBO) will be facilitating this broadband investment grant program in accordance with Treasury's SLFRF Final Rule, Treasury Final Rule FAQs, regulatory requirements under the Uniform Guidance, and any/all Supplemental Guidance published regularly by the Treasury. The Oklahoma SLFRF Broadband Investment Grant Program seeks to expand broadband internet service to unserved and underserved areas of this state, and increase access to reliable, affordable, and high-speed internet service within the state.

According to the Treasury's "Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule," SLFRF funds may be used to make necessary investments in broadband infrastructure, which has been shown to be critical for work, education, healthcare, and civic participation.¹ The Treasury requires broadband projects be designed to provide service of sufficient speeds to eligible areas, as well as an affordability requirement for providers that provide services to households. The Treasury's FAQ requires projects be designed to serve unserved and underserved households and businesses, which are defined as those areas that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.²

Consistent with the Treasury's Rules, the OBO is seeking applications that are designed to provide affordable service to households and businesses with an identified need (unserved and underserved), and the broadband infrastructure must be designed to, upon completion: (1) Reliably meet or exceed symmetrical 100 Mbps speeds; or (2) In cases where it is not practicable to provide reliable service meeting or exceeding symmetrical 100 Mbps speeds, because of excessive cost of the project or geography or topography of the area to be served by the project, then to reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed and be scalable to a minimum of 100

¹ *Coronavirus State & Local Fiscal Recovery Funds: 2022 Overview of the Final Rule*, pg. 39-40, (January 2022), <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>. Treasury considers a necessary investment in infrastructure to be one that is (1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which may include a reasonable projection of increased need, whether due to population growth or otherwise and (2) a cost-effective means for meeting that need, taking into account available alternatives. ;see also *Coronavirus State and Local Fiscal Recovery Funds*, 87 FR 4338-01

² See *FAQ. 6.5, Coronavirus State and Local Fiscal Recovery Funds, 2021 Interim Final Rule: Frequently Asked Questions*, as of August 2023; <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>



Mbps download speed and 100 Mbps upload speed.³ The Final Rule also requires that projects address the affordability needs of low-income consumers in accessing broadband networks, given that such projects cannot be considered necessary investments in broadband infrastructure if they are not affordable to the population the project would serve.⁴

Effective from the date this NOFO is published, there will be three business days of public comment on the Oklahoma Broadband Office website. At the close of the public comment window, the OBO will publish FAQs and a brief tutorial outlining the application process. To submit comments, questions, or clarifications during the public comment window, please email ARPA@broadband.ok.gov. During the grant application window, only staff designated by the OBO as primary grants contact can be contacted for assistance. Any additional questions and assistance please email the primary grants contact, Tim Allen, at tim.allen@broadband.ok.gov.

II. FUNDING AVAILABLE FOR AWARD

The OBO will subaward \$374,501,120 in available funding for the Oklahoma ARPA SLFRF Broadband Investment Grant Program that was originally awarded to the State through the American Rescue Plan Act (Pub. Law 117-2), State and Local Fiscal Recovery Funds, established under Oklahoma House Bill 3363 and appropriated to the OBO by House Bill 1011⁵. Eligible investment locations will be determined by the FCC Broadband map, in accordance with HB 3363. Priority service areas (discussed in more detail below) are identified using the Oklahoma State Broadband Map, specifically the “Oklahoma Unserved BSL Map” found on the website. OBO reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFO.

III. PERIOD OF PERFORMANCE

According to the Treasury’s Final Rule, the Federal Funding Period of Performance for eligible SLFRF expenditures begins on March 3, 2021, through December 31, 2026.⁶ The subawardee may use SLFRF funds to cover eligible costs incurred for eligible projects planned or started prior to the date of award, provided that the costs are related to the scope of the SLFRF award and were incurred by the subawardee after March 3, 2021. The Treasury requires that all SLFRF funds be obligated by December 31, 2024, and expended by December 31, 2026. Projects must reach substantial completion with service operations and management systems infrastructure operational by October 2, 2026. Substantial completion is defined by Treasury as the date in which the Project can fulfill the primary operations that it was designed to perform, delivering services to end-users.⁷ From October 2, 2026, until December 31, 2026, projects will be in the “wind-down” period.

IV. ELIGIBLE INVESTMENT PROJECTS AND APPLICANTS

³ 31 CFR 35.6(e)(2), [https://www.ecfr.gov/current/title-31/part-35#p-35.6\(e\)\(2\)](https://www.ecfr.gov/current/title-31/part-35#p-35.6(e)(2)) 31 CFR 35.6(e)(2), [https://www.ecfr.gov/current/title-31/part-35#p-35.6\(e\)\(2\)](https://www.ecfr.gov/current/title-31/part-35#p-35.6(e)(2))

⁴ *Coronavirus State & Local Fiscal Recovery Funds: 2022 Overview of the Final Rule*, pg. 39-40, (January 2022), <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

⁵ H.B. 3363, 58th Leg., 2nd Reg. Sess. (Okla. 2022). H.B. 1011, 58th Leg., 2nd Reg. Sess. (Okla. 2022).

⁶ 31 C.F.R. Part 35 <https://www.ecfr.gov/current/title-31/part-35>.

⁷ *SLFRF and CPF Supplementary Broadband Guidance*, (May 17, 2023). <https://home.treasury.gov/system/files/136/SLFRF-and-CPF-Supplementary-Broadband-Guidance.pdf>.

Following the Treasury’s Final Rule, the OBO will invest in projects that are designed to provide service to households and businesses with an identified need for broadband infrastructure investment. The Final Rule allows flexibility for the applicants to identify the need for broadband infrastructure investment. Examples of “need” include lack of access to a connection that reliably meets or exceeds symmetrical 100 Mbps download and upload speeds, lack of affordable access to a broadband service, and/or lack of reliable broadband service.⁸

In determining areas for investment, the OBO may choose to consider any available data, including but not limited to documentation of existing broadband internet service performance, federal and/or state collected broadband data, user speed test results, interviews with community members and business owners, reports from community organizations, and any other information the OBO deems relevant. In addition, the OBO will consider the actual experience of current broadband customers when making its determinations, whether there is a provider serving the area that advertises or otherwise claims to offer broadband at a given speed is not dispositive. All submitted applicants are required to have a Tier D license to be considered eligible for potential funding. Licensing information and assistance is located on the OBO website.

The Treasury’s Final Rule requires that eligible projects be designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps speeds.⁹ Treasury recognizes an exception in cases where 100 symmetrical is not practicable because of the excessive cost of the project or geography or topography of the area to be served by the project, in which eligible projects may be designed to reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed. Applications shall define a single project area with a buildout speed of 100/100 Mbps or faster, or 100/20 Mbps or faster. Applicants may not submit a single application that includes a project comprising buildout speeds of both a minimum 100/100 Mbps and minimum 100/20 Mbps. Such projects must be subdivided into separate applications that only contain a single buildout speed level. Additionally, applicants must also subdivide projects deploying multiple types of technologies. Allowable technologies include fiber, coaxial cable, terrestrial fixed wireless.

The OBO will require (where practicable) eligible projects to be designed, upon completion, to reliably meet or exceed symmetrical 100 Mbps speeds. If the project is not designed to reliably meet or exceed symmetrical 100 Mbps speeds, the applicant must explain why this is not practicable (based on geography, topography, cost), and confirm that the project is designed to, upon completion, meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.

Treasury continues to encourage recipients to focus on projects that will achieve last-mile connections—whether by focusing directly on funding last-mile projects or by ensuring that funded middle-mile projects have commitments in place to support new and/or improved last-mile service.¹⁰ Treasury’s further guidance and FAQ allows the OBO to make investments in “middle-mile” connections that are expenditures associated with (1) the acquisition of middle-mile network services from a third party, or (2) construction

⁸ *Coronavirus State & Local Fiscal Recovery Funds: 2022 Overview of the Final Rule*, pg. 39-40, (January 2022), <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>.

⁹ *Coronavirus State & Local Fiscal Recovery Funds: 2022 Overview of the Final Rule*, pg. 39, (January 2022), <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>.

¹⁰ See FAQ 6.10. *Id.*



of new middle-mile networks, provided that such expenditures are necessary as part of an applicant's proposed project to facilitate last-mile covered speeds in eligible service areas.

Additionally, the Final Rule allows for modernization of cybersecurity for existing and new broadband infrastructure as an eligible use under Public Law 117-2 sections 602(c)(1)(D) and 603(c)(1)(D) as such investments are necessary for the reliability and resiliency of broadband infrastructure.¹¹

Eligible applicants include internet service providers (ISPs) including co-operatives, electric utilities, and other entities that build or operate broadband networks, if they meet the Affordability Requirements discussed below. Partnerships and consortium applications will be allowed (e.g., two providers partnering to serve an eligible project areas). If the project includes Tribal land, the applicant must provide documentation of Tribal approval for the project.

Applicants must design their submitted projects to serve all serviceable entities located within the proposed project area (based on the most updated census data). Additionally, applicants that wish to apply for multiple project areas will need to submit separate applications for each of the eligible project areas.¹² At the end of the ARPA SLFRF Broadband Investment Grant Program application window, the OBO will be conducting an Overbuild Prevention Contest Process, allowing ISP's to contest any of the submitted proposed project areas. This Overbuild Prevention Contest Process will serve as an opportunity for providers with existing infrastructure within the proposed project areas to submit the addresses that are already served or will be served within twelve (12) months, or up to eighteen (18) months if extended by the OBO, or with grant program funds awarded by other governmental entities that cannot be matched with ARPA-SLFRF funding. Following the Overbuild Prevention Contest Process, the OBO and the Oklahoma Broadband Governing Board will award selected eligible applicants.

V. SCORING PREFERENCES

The OBO is prioritizing projects according to the Treasury's Final Rule and Guidance. Some of the priorities the Treasury has identified are: (1) projects that are designed to provide service to locations not currently served by a wireline connection that reliably deliver at least 100 Mbps of download speed and 20 Mbps of upload speed; (2) investments in fiber-optic infrastructure (wherever feasible); and (3) projects that will achieve last-mile connections.¹³ The Treasury also prioritizes support for broadband networks owned, operated by, or affiliated with local governments, non-profits, and co-operatives, noting the critical role that networks owned, operated, or affiliated with local governments and community organizations can play in providing sufficient coverage, affordable access, or increased competition in the broadband sector. Treasury encourages broadband services to include at least one low-cost option offered without data usage caps at sufficient speeds for a multiple user household, offered to all subscribers regardless of income. Treasury also encourages investments in broadband infrastructure to be performed in ways that produce high-quality infrastructure, avert disruptive and costly delays, promote efficiency, and encourage strong workforce standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also prioritizes selecting

¹¹ Public Law 117-2. <https://www.congress.gov/117/plaws/publ2/PLAW-117publ2.pdf>.

¹² A proposed project area is limited to a county, multiple counties will require separate applications. However, an ISP is not required to cover a county in its entirety.

¹³ *Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds*, U.S. Department of Treasury, Version 5.1, pg. 294-298, (as of June 6, 2023). <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>.

subrecipients who can demonstrate that their workforce meets high safety and training standards (e.g., professional certification, licensure, and/or robust in-house training), that hire local workers and/or workers from historically underserved communities, and who directly employ their workforce while maintaining high workforce standards or have policies and practices in place to ensure contractors and subcontractors meet high workforce standards.

VI. AFFORDABILITY REQUIREMENT

The Final Rule requires that projects address the affordability needs of low-income consumers in accessing broadband networks, given that such projects cannot be considered a necessary investment in broadband infrastructure if it is not affordable to the population the project would serve. Treasury requires Oklahoma ARPA SLFRF Broadband Investment Grant Program recipients to be enrolled in a low-income subsidy program.¹⁴ To address the affordability needs of low-income consumers, the Treasury requires any eligible service provider for a completed broadband infrastructure investment project to provide service to households to either participate in the FCC's Affordable Connectivity Program (ACP), or otherwise provide access to a broad-based affordability program to low-income consumers in the proposed service area that provides benefits to households commensurate with those provided under the ACP. The Treasury requires providers to participate in or provide access to these programs through the life of the ACP. This requirement will no longer apply once the SLFRF-funded broadband infrastructure is no longer in use.

Treasury also recognizes the importance of affordable broadband access for all consumers beyond those that are low-income. Treasury requires that services provided by a broadband infrastructure project include at least one low-cost option offered without data usage caps at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning.¹⁵

VII. ELIGIBLE PROJECT COSTS

Per the Treasury's SLFRF Compliance and Reporting Guidance, allowable SLFRF costs are outlined and in accordance with the Cost Principles identified in 2 CFR Part 200, Subpart E. Please refer to the Treasury's SLFRF and CPF Supplementary Broadband Guidance, Treasury's FAQ, and the Grant Agreement for additional information on cost principles and the Single Audit requirement.¹⁶

As discussed in Section III, pre-award development uses and costs for broadband projects must be tied to an eligible broadband project or reasonably expected to lead to such a project. For example, pre-project costs associated with planning and engineering for an eligible broadband infrastructure build-out are considered an eligible use of funds. Each application contains a detailed project budget that each applicant must complete to outline their proposed projects cost line items. (See Application Template below). Proposed project expenses and the subrecipients risk assessment will be evaluated based on the Funding Review Packet.

¹⁴ 31 CFR Part 35, *Coronavirus State and Local Fiscal Recovery Funds Final Rule, Supplementary Information*, pg. 297. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>.

¹⁵ 31 CFR Part 35, *Coronavirus State and Local Fiscal Recovery Funds Final Rule, Supplementary Information*, pg. 297-298. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>.

¹⁶ *Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds*, U.S. Department of Treasury, Version 5.1, (as of June 6, 2023). <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>.

Dependent on the subawardee's risk level, there are three possible cash management policies outlined in the Grant Agreement to determine how the grant program will receive funding. For low risk subawardee's, they can receive advanced funding up to one-hundred and twenty (120) days for approved budgeted expenses with proper documentation. The documentation required for advanced funding includes a budget forecast of how the advanced funding will be spent in the allowable days and/or estimates/invoices detailing the proposed expenditure. For high risk subawardee's, they can receive funding either on a reimbursement basis, or if the subawardee does not have the operating capital to operate on a reimbursement basis, they may request a cash advance in accordance with the working capital policy. The working capital cash management policy requires satisfactory documentation detailing how the funds will be expended within the applicable timeframe based on the subawardee's risk category. High risk subawardee's are eligible for a working capital advance of sixty (60) days of projected project expenditures, while moderate risk subawardee's are eligible for a working capital advance of ninety (90) days of projected project expenditures. Working capital advances will then operate on a reimbursement-based process, in accordance with the post-payment reimbursement cash management policy.

Applicants are required to provide a financial match, match in kind, or partner with another ISP to match funding for their project. Applicants are required to adequately document their source of matching and percent contributed to the overall cost of the project. Per the Treasury, if the entirety of a project is funded with SLFRF funds, then the entire project must be an eligible use.¹⁷ The use of funds would be subject to the deadline on obligating funds no later than December 31, 2024, and expending funds no later than October 2, 2026. If a project is only partially funded with SLFRF funds, then the portion of the project funded must be an eligible use and the SLFRF funds must be obligated by December 31, 2024, and expended by October 2, 2026. In either case, the applicant must be able to, at a minimum, determine and report to the OBO on the amount of SLFRF funds obligated and expended and when such funds were obligated and expended.

VIII. APPLICATION REVIEW, NOTIFICATION, AND GRANT AGREEMENT

From the date the SLFRF Broadband Investment application window opens, eligible projects and applicants will have 21 calendar days to submit their application through the portal. All applications will be reviewed for eligibility and completeness, and then evaluated based on the priorities and criteria identified herein. Any application submitted incorrectly (i.e., incorrect shapefile, format, etc.) and not corrected by the close of the application window will not be considered. All certifications and statements made in furtherance of the SLFRF Broadband Investment application, Overbuild Prevention Contest Process, and/or additional matters related to the SLFRF Broadband Investment grant award, will be subject to civil penalty under 31 U.S. Code §3729, the False Claims Act.¹⁸

Applicants may designate portions of information provided on their application and/or any supporting documentation as confidential in accordance with the provisions of the Oklahoma Trade Secret Act and the Oklahoma Open Records Act.¹⁹ Such claims must be clearly articulated and made at the time of submittal in accordance with OAC 260:115-3-9. Once the OBO has reviewed all completed applications, they will be

¹⁷ See *FAQ. 4.8, Coronavirus State and Local Fiscal Recovery Funds, Final Rule: Frequently Asked Questions*, as of July 2023; <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-FAQ.pdf>.

¹⁸ 31 U.S. Code §3729, False Claims Act.

¹⁹ 78 O.S. § 86 (OSCN 2023), *Uniform Trade Secrets Act*; 51 O.S. § 24A.3 (OSCN 2023), *Oklahoma Open Records Act*.



scored in accordance with the terms, conditions, and requirements of applicable law and this NOFO. In making final award recommendation(s), the OBO may consider a variety of information or materials. The highest scoring applications will be evaluated by the Oklahoma Broadband Governing Board for final approval. All applicants will be notified via email that the selected projects have been published to the website (i.e., “Notice of Award” date). The OBO will promptly post to the OBO website the list of awarded projects. Each applicant is solely responsible for reviewing this website to determine their award status. Following the publication of the awarded projects, the OBO will distribute the Grant Agreements and an accompanying risk assessment for the successful applicants review and signature. The OBO’s standard Grant Agreement is labeled as “Attachment A”, and each project’s risk assessment will determine their cash management policy and monitoring schedule. Selected applicants’ acceptance of the award is the applicant entering into the Grant Agreement with the Oklahoma Broadband Office. An approved applicant will have five business days from the Notice of Award date to sign and return the Grant Agreement to the Oklahoma Broadband Office.

IX. GRANT SUBAWARD ADDITIONAL TERMS AND CONDITIONS

The OBO will promptly post to the OBO website the list of awarded projects. All applicants are solely responsible for reviewing this website to determine their award status.

In the administration of the grant program authorized by this section, the OBO shall secure service testing data to ensure grant recipients provide the service or services proposed by such recipients when applying for such grants. All grant awards authorized pursuant to the provisions of this section shall include a claw-back provision. For purposes of this subsection, a "claw-back provision" shall mean a condition precedent to participate in the program whereby a grant recipient formally agrees to reimburse the program all or part of a grant award upon the failure of the recipient to fulfill contract terms included in the grant award.

Subrecipients of funds from the Oklahoma SLFRF Broadband Investment Grant Program shall comply with all applicable federal, state, and local laws (i.e., applicable construction, environmental and permitting laws/regulations, and applicable zoning ordinances), including Coronavirus State and Local Fiscal Recovery Funds (SLFRF) requirements identified in Title 31 Code of Federal Regulations (CFR) Part 35 (7-1-2021 Edition), as amended by 87 Fed Reg. 4338 (Jan. 27, 2022), adopted and incorporated herein by reference for use throughout this NOFO and available at the Oklahoma Broadband Office website.²⁰ All capital expenditure projects using SLFRF funds must be undertaken and completed in a manner that is technically sound, meaning the project must meet design and construction methods and use materials that are approved, codified, recognized, fall within standard or acceptable levels of practice, or otherwise are determined to be generally acceptable by the broadband industry.

Per the Treasury, awards made under the SLFRF program are not subject to the Buy America Preference requirements set forth in section 70914 of the Build America, Buy America Act included in the Infrastructure Investment and Jobs Act, Pub. L. 117-58.²¹ While infrastructure projects funded solely with SLFRF funds are not subject to the Buy America Preference requirements, SLFRF recipients may be otherwise subject to the Buy America Preference requirements when SLFRF award funds are used on an

²⁰ See U.S. Department of The Treasury “Coronavirus State and Local Fiscal Recovery Funds” resources: <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>.

²¹ See *FAQ. 6.18-6.19*, Coronavirus State and Local Fiscal Recovery Funds, Final Rule: Frequently Asked Questions, as of July 2023; <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-FAQ.pdf>.

infrastructure project in conjunction with funds from other federal programs that require compliance with the Buy America Preference requirements.

Treasury highlights that investments in broadband infrastructure must be executed in compliance with applicable federal laws, including the 2019 NDAA²². Among other requirements contained in 2 CFR part 200, 2 CFR 200.216 implements certain provisions of the NDAA and contains prohibitions on the use of federal financial assistance to procure or obtain certain telecommunications and video surveillance services or equipment provided or produced by designated entities, including certain entities owned or controlled by the People's Republic of China.

Furthermore, in 2 CFR 200, Appendix II states that all contracts made by a recipient or subrecipient in excess of \$100,000 with respect to broadband infrastructure projects that involve employment of mechanics or laborers, must include a provision for compliance with certain provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).²³ Although the Davis-Bacon Act requirements (prevailing wage rates) do not apply to projects funded solely with SLFRF funds, recipients may be otherwise subject to the requirements of Davis-Bacon when SLFRF award funds are used on a construction project in conjunction with funds from another federal program that requires enforcement of the Davis-Bacon Act. Treasury has indicated in its reporting guidance the requirement to provide documentation of wages and labor standards for capital expenditure projects and infrastructure projects over \$10 million, and that these requirements can be met with certifications that the project is in compliance with the Davis-Bacon Act and subject to a project labor agreement.²⁴ The Treasury and OBO will require programmatic information on subrecipients workforce plans to support transparency and competition by enhancing available information on the services being provided.

Per the Treasury's Final Rule FAQ, SLFRF funds may be used to demonstrate the 25% matching requirement of The Infrastructure Investment and Jobs Act ("IIJA"). IIJA under Public Law 117-58 section 60102 specifies that, except as otherwise provided, the 25% match requirement may include funds awarded under ARPA for the purpose of deployment of broadband service, including funds provided under the SLFRF program.²⁵ SLFRF and the IIJA program are separate programs with separate requirements. While section 60102 of IIJA allows awardees to use SLFRF funds as the source of matching funds for broadband deployment, the requirements of the SLFRF program still apply. As such, recipients that use SLFRF funds to meet the section 60102 matching requirement will continue to be subject to the requirements of the SLFRF program.

X. COMPLIANCE AND MONITORING

Treasury's updated Broadband guidance specifies that under the Uniform Guidance, all non-federal entity subrecipients are subject to the audit requirements in subpart F, including ISPs. Non-federal entity subrecipients are required to submit single audits or program-specific audits to the Federal Audit

²² 31 CFR Part 35, *Coronavirus State and Local Fiscal Recovery Funds Final Rule, Supplementary Information*, pg. 312. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>.

²³ 2 C.F.R., Subtitle A, Appendix II to Part 200, Title 2. <https://www.ecfr.gov/current/title-2/part-200/appendix-appendix-ii-to-part-200>.

²⁴ See *FAQ. 6.15*, *Coronavirus State and Local Fiscal Recovery Funds, Final Rule: Frequently Asked Questions*, as of July 2023; <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-FAQ.pdf>.

²⁵ Public Law 117-2. <https://www.congress.gov/117/plaws/publ2/PLAW-117publ2.pdf>.



Clearinghouse (FAC), the government-wide repository for audits of financial assistance programs.²⁶ The OBO will require applicants to submit the past three years of financial audits for risk assessment and compliance purposes.

The OBO will require the subrecipient to track, monitor, and detail specific project information throughout the duration of the project. In further compliance with the Treasury, the OBO will require quarterly programmatic and expenditure reports for each project. This detailed project information includes, but is not limited to, the project technology type(s) (Planned/Actual) either fiber, coaxial cable, terrestrial fixed wireless; the total miles of fiber deployed (Planned/Actual); total number of funded locations served (Planned/Actual) broken out by speeds (pre-SLFRF award and post-SLFRF Investment); total number of funded locations served broken out by type of service (Planned/Actual) either residential (total housing units), business, or community anchor institution²⁷; and the type of speed tiers offered, corresponding non-promotional prices including associated fees, and the data allowance for each speed tier of broadband service (collection will be on a rolling basis for future reporting). For each location served by a Project, the subrecipient is also required to report the latitude/longitude at the structure where service will be installed, and the technology used to offer service at the location. Programmatic location-by-location project information includes the type of location (if residential, number of housing units); type of speed tier at the location pre-SLFRF investment (either 25/3 Mbps or below, or between 25/3 Mbps and 100/20 Mbps); speed and latency at the location post-SLFRF investment (maximum download speed offered and delivered, maximum upload speed offered and delivered, and the latency); and the standardized FCC identifies (Fabric ID # and FCC Issue Provider ID #). All the location-by-location project tracking and monitoring will be reported to the Oklahoma Broadband Office to report to the U.S. Treasury.²⁸

XI. SLFRF BROADBAND INVESTMENT APPLICATION TEMPLATE

Please see the broadband.ok.gov website for the template.

²⁶ *SLFRF and CPF Supplementary Broadband Guidance*, (May 17, 2023).

<https://home.treasury.gov/system/files/136/SLFRF-and-CPF-Supplementary-Broadband-Guidance.pdf>.

²⁷ Treasury July 2022 PE Report User Guide defines “community anchor institution to mean an entity, such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.” <https://home.treasury.gov/system/files/136/July-2022-PE-Report-User-Guide.pdf>

²⁸ *Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds*, U.S. Department of Treasury, Version 5.1, pg. 30-33, (as of June 6, 2023). <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>.