

GUIDELINES FOR INTERNET SERVICE PROVIDERS (ISPs) TO RECEIVE SUPPORT FROM WESTMORELAND COUNTY UNDER THE BROADBAND EQUITY, ACCESS AND DEPLOYMENT (BEAD) PROGRAM

Westmoreland County (County) is committed to financially supporting Pennsylvania Broadband Equity, Access and Deployment Program (BEAD) applications by cost contributing and utilizing ARPA revenue replacement funds for projects addressing broadband deficiencies within the County. Only projects and locations within Westmoreland County would be deemed eligible for a contribution from the County. The purpose and intent of establishing County guidelines is to outline terms and conditions which applicants can rely on and incorporate into Pennsylvania BEAD applications.

It is the County's intent to stay as consistent with the approach to the Early Action Projects in terms of terms and conditions to the awarded ISPs. Note – Only ISPs awarded BEAD funding will be considered eligible to receive Westmoreland County financial support.

The County's goals are to 1) incentivize ISPs to prioritize Westmoreland projects and applications, 2) increase application competitiveness, 3) recognize the BEAD application portal will be open for a relatively short period of time, and 4) manage the limited financial capacity available with the remaining and available County funds.

The following provides an outline of County terms and conditions to access County funds. ISPs will have 2 options to consider. If not specifically stated, all aspects of a project or section outlined below is to be consistent with BEAD Program Guidelines.

1. Investment parameters:
 - a. Option A: \$1,500.00 per passing eligible BSLs. To be eligible for this contribution from the County, projects require a minimum 25% share of the total project cost in matching funds as specified in the BEAD Program Guidelines. The County contribution is to be viewed as additional local match above and beyond the minimum 25% match required in the BEAD Program Guidelines.
 - b. Option B: \$2,500.00 per passing eligible BSLs. To be eligible for this contribution from the County, projects require a minimum 25% share of the total project cost in matching funds as specified in the BEAD Program Guidelines. The County contribution is to be viewed as additional local match above and beyond the minimum 25% match required in the BEAD Program Guidelines.
2. Eligible Project Areas and coverage (BSLs)
 - a. Option A: consistent with BEAD Program Guidelines
 - b. Option B: Pass 100% of eligible BSLs (no exclusions)
3. Curb to structure (lateral) - consistent with BEAD Program Guidelines
4. Time to complete
 - a. Option A: consistent with BEAD Program Guidelines; projects must reach substantial completion as defined in the BEAD Program Guidelines no later than four years after the date on which the Applicant received the BEAD award.
 - b. Option B: 2-year maximum to reach substantial completion of the Project from the date that the Agreement with the County is last executed.

5. Affordable programs – consistent with BEAD Program Guidelines
6. Prevailing wage rates:
Applicants will be responsible for including prevailing wage rates in all bid documents, specifications, and construction contracts pertaining to the Project. Supplementary reporting will be required for projects of \$5 million or more. This information is detailed in the Pennsylvania Broadband Equity, Access and Deployment Program Guidelines.
7. Eligible locations – consistent with BEAD Program Guidelines and identified as a BSL.
8. Eligible Projects – consistent with BEAD Program Guidelines
9. Eligible Project Costs – consistent with BEAD Program Guidelines
10. The County is only considering fixed wired infrastructure that provides the minimum of 100/20 Mbps of service and more specifically specified in the BEAD Program Guidelines. Currently, the County will not consider wireless service under either Option A or Option B.
11. Eligible applicants – Eligible applicants for BEAD funds as set forth in the BEAD Program Guidelines.
12. The County will assist with community outreach upon request of the applicant.
13. Application Process: Any funding under this announcement is contingent upon the applicant being a successful applicant under the BEAD program. Once a BEAD application is awarded, the applicant can apply for County funds. **An agreement will be entered into only when and if the Applicant is awarded BEAD funding for projects within Westmoreland County.** All County applications are to be submitted to:

Westmoreland County Department of Planning and Development
Fifth Floor, Suite 520
40 North Pennsylvania Avenue
Greensburg, PA 15601
ATTN: Jason Rigone, Director

14. **Applications should be submitted to the County within thirty (30) days of notification of award of BEAD funding.** To apply for funding please include a brief letter on the Applicant's letterhead, addressed to the County of Westmoreland, which provides the following information:
 - a. Correct legal name and address of the Applicant;
 - b. Name, title, telephone, and email address of the contact person for the Applicant;
 - c. Set forth that the Proposer has been awarded BEAD funding for projects within Westmoreland County;
 - d. A statement that the application is in response to this announcement and that the Applicant agrees to accept all terms and conditions of the funding. Any exceptions should be clearly identified.
 - e. In the letter, identify the BSLs to be served in Westmoreland County and whether you are proceeding under Option A or Option B.

- f. The signature, along with the typed name and title of the individual who must be authorized to commit the Applicant to the Agreement. The signature must be an original manual signature, not a facsimile.
 - g. Include with the letter (a) all documentation required by the BEAD application process and (b) a copy of the commitment letter and grant agreement for the BEAD Funding.
15. All awarded applications require approval by the Westmoreland County Board of Commissioners at a public meeting. The Commissioners will be signatories on any Agreement awarded under this announcement.
 16. All County funds are to be considered reimbursable and will not be eligible for reimbursement until the Applicant meets the terms and conditions of the executed agreement. Funds will be distributed through a reimbursement/milestone based process. Applicants must follow procedures outlined in the agreement with the County to obtain reimbursement for project expenses and will require validation of invoices and other project monitoring verifications. Ten percent of awarded funds will be reserved until a final report is submitted and accepted by the County.
 17. A draft County agreement is available at the following link:
<https://www.westmorelandcountypa.gov/2892/Westmoreland-Broadband>

If an Applicant takes exception to any of the terms or conditions, the Applicant should set forth the exceptions when submitting its application. If an Applicant seeks to use its own agreement, the agreement should be submitted as part of the application for the County's consideration. The County reserves the right to amend the draft agreement based upon the terms and conditions set forth in the grant agreement for the BEAD Funding as the grant agreement is not yet available.
 18. Applications will be reviewed and evaluated by representatives from the Westmoreland County Department of Planning and Development and its consultant if requested. Applicants must be available to answer any questions raised by the County. After review, County staff may be authorized to commence negotiation of a non-exclusive Agreement with Applicant(s) recommended for award. The Applicant agrees to negotiate in good faith with the County to enter into a formal Agreement with the County.
 19. The successful Applicant(s), who are awarded BEAD funding, shall receive funding under the Agreement with the County only after the transmittal of a fully executed Agreement, and all required bonds and insurance certificates. The successful Applicant(s) will comply with the negotiated Agreement.
 20. The Applicant understands and agrees that the application and any Agreement and records related thereto, are subject to requests made to the County pursuant to the Pennsylvania-Right-to-Know Law.
 21. Deadline for submission of questions regarding this funding announcement may be submitted by email to wcpplanning@co.westmoreland.pa.us and must be received no later than noon **on December 23, 2024** to be considered for answer. Answers will be posted on the County website by January 8, 2025.