2023 Recovery Plan

Kansas
AD ASTRA PER ASPERA

Coronavirus Capital Projects Funds
2023 Performance Report

Treasury Program Plan Number:
1A - Broadband Infrastructure Projects

Table of Contents

General Overview

Executive Summary

Kansans have continued to display a remarkable level of resilience amid overwhelming challenges since the emergence of the COVID-19 pandemic and its negative economic impacts in early 2020. To support a strong and equitable recovery, the Kansas Office of Broadband Development (KOBD) within the Kansas Department of Commerce, has launched several broadband investment programs to connect Kansans in unserved and underserved areas in the state since its 2020 inception. The KOBD was established in 2020 to help ensure all Kansas have the opportunity to live, work, learn, and compete in a global economy and by improving universal access to quality, affordable, and reliable broadband.

In 2020, the Strengthening People and Revitalizing Kansas (SPARK) committee allocated $60M in Coronavirus Relief Funding (CRF) to the Kansas Office of Broadband Development (KOBD) to increase connectivity in the State of Kansas, in response to needs precipitated by the COVID-19 pandemic which forced many to stay at home.

As a result, KOBD launched two pandemic response programs. The Connectivity Emergency Response Grant (CERG) program and the Broadband Partnership Adoption Grant (BPAG) program were created to drive immediate access and long-term impact. Expanding broadband infrastructure and supporting internet access was critical to meeting urgent Covid-19 needs related to telehealth services, remote learning, and remote work, while also investing in the state of Kansas for future generations.

Following the success of these CRF programs, the State of Kansas also allocated an additional $35M in ARPA State Fiscal Recovery Funds to connectivity programs to be implemented by KOBD. These programs are launching in the Spring and Summer of 2023.

Most recently KOBD has been awarded $103,356,521.00 of Coronavirus Capital Projects Funds (CPF), to administer an additional two approved Program Plans.

- Treasury Program Plan number: 1A: Broadband Infrastructure Projects
- Treasury Program Plan number: 1B: Digital Connectivity Technology Projects

The Capital Project Fund program is intended to address the following priorities:

- Broadband infrastructure deployment designed to directly enable work, education, and healthcare monitoring.
- Address a critical need that resulted from or was made apparent or exacerbated by the COVID-19 public health emergency.
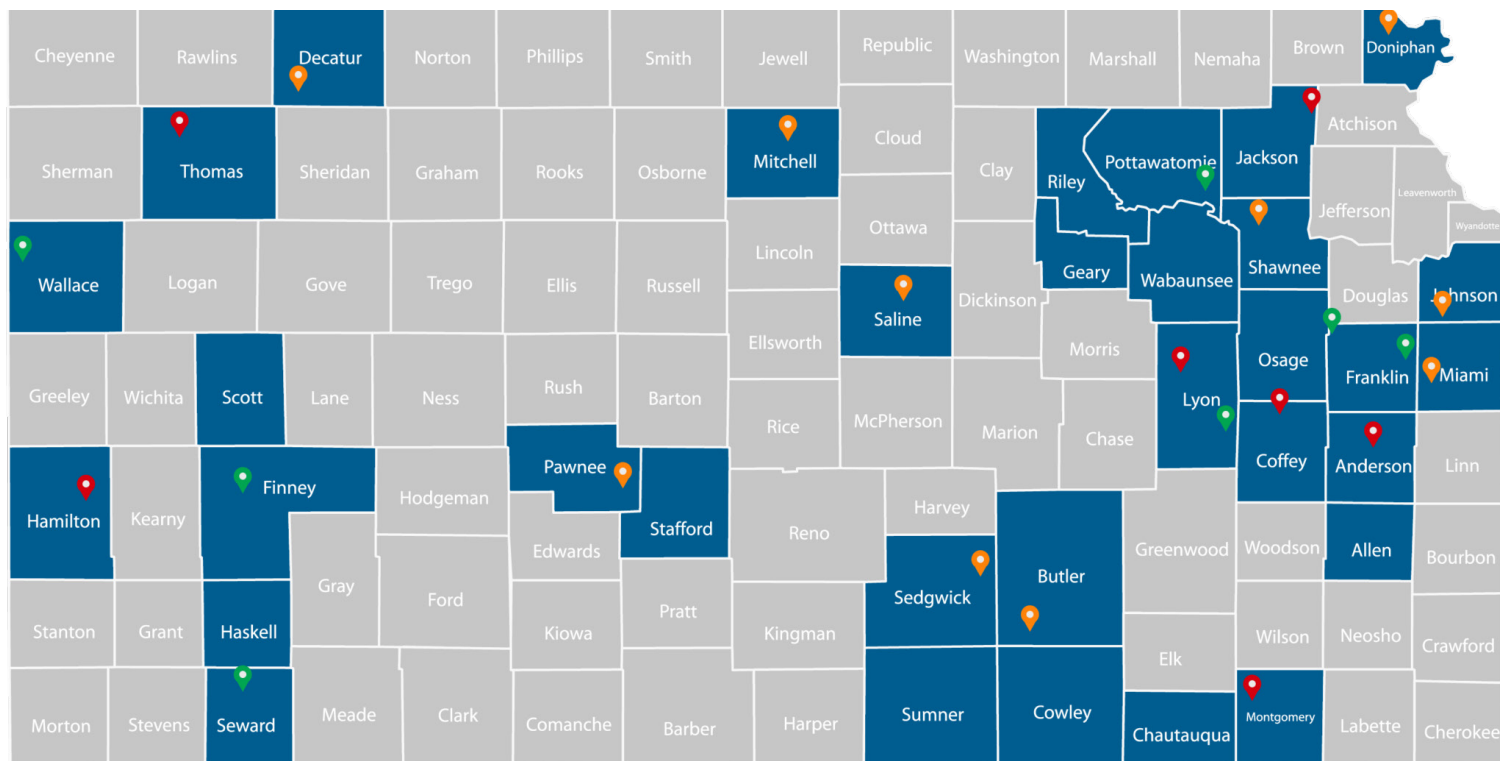- Address a critical need of the community to be served by it.

Kansas' Capital Project Fund - Broadband Infrastructure Program is providing funding to make broadband

connections in critical areas of the state that lack access to high-speed internet. The $83.5 million total CPF investment, combined with almost $42 million in matching funds, will result in more than 24,500 homes, businesses, schools, health care facilities, and other public institutions being connected to fast, reliable internet for the first time. This program was developed to bring broadband infrastructure that will deliver speeds that meet or exceed symmetrical speeds of 100 Mbps to underserved or unserved areas across Kansas. A list of awardees is available on KOBD's website.

Awarded projects will address the lack of broadband connectivity in rural and economically distressed areas. KOBD recognizes the adverse impact of limited access to reliable internet services and is committed to implementing scalable and future-proof solutions. Through partnerships with local government representatives, businesses, school districts, and residents, broadband access is becoming more financially viable. By replacing aging infrastructure, deploying fiber networks, and providing higher broadband speeds, projects aim to bridge the digital divide and bring numerous benefits to the communities, such as remote work opportunities, telehealth services, improved educational access, and enhanced quality of life.

The CPF Broadband Infrastructure Program implementation has begun, and progress is being made on multiple projects. Different stages of the process are underway for each project, including engineering, supply procurement, construction, and outreach efforts. Several projects have started the implementation of broadband services for end-users.

The image below displays the Kansas Counties with a Capital Projects Fund Award.

Program Information

TREASURY PROGRAM PLAN NUMBER: 1A: BROADBAND INFRASTRUCTURE PROJECTS

PROJECT: Kansas Office of Broadband Development (KOBD) – Broadband Infrastructure Plan Program Activities and Administrative Costs
FUNDING AMOUNT: $87,853,043.00
STATE ADMINISTERING AGENCY: Kansas Department of Commerce
PROJECT OVERVIEW:

- Description: Funding to bring new or improved high-speed broadband connections to homes, businesses, and community anchor institutions in areas of critical need that are not currently served by a wireline connection while reliably delivering at least 100Mbps of download and upload speeds. Includes the administrative expenses for Kansas Office of Broadband Development (KOBD) – Broadband Infrastructure Plan program.

- Approximate timeline: Expected completion by 12/31/2026

- Link to Broadband Infrastructure Program website.

Uses of Funds

The objective of the CPF Broadband Infrastructure Program is to provide access to high-quality, reliable broadband in Kansas with priority given to applications that address unserved areas, economically distressed communities, and areas of compelling need. Awarded projects were expected to engage community leaders and stakeholders in the development of projects that are strategic, scalable, and bridge critical access gaps to support quality of life considerations and economic viability for Kansas citizens and communities.

Key milestones and activities of the covered reporting period include:

- Ongoing development and planning to leverage the program in the context of past and future funding for Broadband development in Kansas.

- Development of application process, program guidelines, and program resources released summer of 2022, with application window opening July 25, 2022

- Application review and public comment period, resulting in three rounds of awards announced on November 4 and December 15, 2022, and January 18, 2023.
  - 141 applications were received and reviewed requesting $579 million in funding.
  - Details on grant awards and communities served can be found here.

- Key feedback and best practices provided to unfunded applications for future opportunities.

- Executed award agreements and project activities commenced.

Activities anticipated in the next reporting period include ongoing monitoring and support as projects engage in construction efforts, ongoing engineering tasks, and continued project management activities.

Monthly reporting from recipients will collect metrics related to households, businesses, and community anchor institutions benefiting from program funds. As final phase awards are completing agreement execution at the end of the current period, future reports will contain more robust detail on program outcomes and success, as well as challenges, once project and expenditure reporting by award recipients begins.

Promoting Equitable Outcomes and Addressing Critical Needs

The Kansas Office of Broadband Development is committed to strategically deploying funding to promote equity and improve outcomes for historically underserved and marginalized Kansans. An equity lens has been applied throughout the CPF Broadband Infrastructure Program process, starting with program design through the evaluation and consideration of applications, with a specific focus on addressing barriers to and closing the gap in economic participation and access for rural residents across the state. Application submissions for the Broadband Infrastructure Plan included a detailed perspective on how the recommended projects will promote equity and improve outcomes for historically underserved or underserved Kansans community and were required to include co-investment partnerships and matching funds.

KOBD first identified all unserved and underserved areas within the State of Kansas through available broadband data sources (FCC Form 477, Ookla Speed Tests and Network Intelligence, National Broadband Availability Map and Measurement Lab (M-Lab)) to understand locations in the State not meeting at least 100Mbps/100Mbps. Investment opportunities were then focused on locations not targeted to be improved through other federal and state programs such as Rural Digital Opportunity Fund (RDOF), United States Department of Agriculture (USDA), National Telecommunications and Information Administration (NTIA)-Broadband Infrastructure Program (BIP) grants.

Projects were selected based on the outcome of a competitive request for proposal (RFP) process. Applications were evaluated based projects that optimized stewardship of public infrastructure dollars through collective investment including, but not limited to criteria such as:

- Projects that address a critical need that resulted from, was made apparent or exacerbated by the COVID-19 public health emergency,
- Economically distressed area,
- Demographics,
- Community need based on the social vulnerability index,
- Affordability of services,
- Rurality, and
- Technical viability and scalability.

Partnership with local government and collaborations with non-profit organizations was also prioritized. Applicants were required to provide letters of support, partnership commitments, collective investment funding, and other defined project support.

Applicants that applied for Broadband Infrastructure Program funds included information related to their involvement with assisting underserved communities such as low-income assistance, minority-owned businesses, BIPOC communities, how eligible subscribers are qualified, and the number of eligible participants in the area. Equity was considered by targeting economically disadvantaged communities that are underserved that have had low penetration and adoption rates.

Selected projects will serve historically underserved, marginalized, and rural communities with a focus on closing gaps and reaching universal levels of service. Funded recipients will ensure equal and practical access to information about the CPF-funded projects and services for households, businesses, and organizations in these communities through diverse communication channels. Quantitative and qualitative methods, including surveys and interviews, will be employed to measure and qualify the progress made in addressing critical needs and promoting equity. Finally, projects will also be required to commit to the maximum allowable costs on service pricing tiers for 3 years upon project completion. This will ensure affordability in economically distressed areas. In line with CPF guidelines, all subrecipients will be required to participate in the Emergency Broadband Benefit program. The program's efforts are projected to result in improved access, digital inclusion, and the advancement of economic development in the targeted communities.

KOBD will continue to engage with the community through stakeholder engagement to gather public feedback, perform equity and needs assessments and adjust the weighted selection process on an annual basis to maintain integrity in the selection process for future programs and funding opportunities.

Labor

In addition to rules set out under the Federal Fair Labor Standard Act, such as overtime and minimum wages, all CPF recipients must comply with state labor practice standards. Kansas state labor laws provide employee protections and opportunities, including rights to quit without notice, and shared work program options.

KOBD encourages the use of strong labor standards to promote effective and efficient delivery of high-quality infrastructure while supporting economic recovery through employment opportunities. Various practices are being utilized to achieve these goals. Project labor agreements, which establish the terms and conditions of employment for the duration of the project, are being encouraged to promote harmonious labor relations and enhance productivity. Community benefits agreements are also being utilized to ensure that local communities directly benefit from the projects through various provisions. Prevailing wage requirements are being prioritized to ensure that workers receive fair and competitive wages for their services. Additionally, a focus on local hiring is being emphasized to provide job opportunities to individuals residing in the project areas, thereby stimulating the local economy, and fostering community development. These workforce practices not only contribute to the successful implementation of broadband infrastructure projects but also play a crucial role in promoting equitable and inclusive growth in the labor market.

Community Engagement

The state of Kansas has demonstrated a strong commitment to community engagement, focusing on incorporating feedback from communities, organizations, and constituents during the development of the Capital Project Fund proposal and selection of Capital Projects Fund Projects. To ensure a comprehensive approach, KOBD conducted a series of engagements prior to the launch of the Capital Projects Fund Broadband Infrastructure program that encompassed a diverse range of activities, including interviews, focus groups, and webinars, which attracted a significant level of participation from local, Tribal, and state government entities, as well as internet service providers. Through these collaborative efforts, KOBD gathered valuable insights and developed a deep understanding of the digital divide that Kansans are experiencing.

KOBD's commitment to the community extends beyond the initial engagements that took place. They undertook extensive discussions with stakeholders from critical sectors such as the Kansas Departments of Health, Agriculture, Education, Commerce, Administration, and Transportation. These discussions aimed to assess these sectors' specific needs and requirements comprehensively. By actively seeking input and feedback, KOBD aimed to ensure that the Capital Project Fund Broadband Infrastructure program would not only enhance access to vital services but also elevate the overall quality of life for the people of Kansas.

Additional efforts were taken from January 2023 to June 2023, during which KOBD held more than 30 in-person community engagement meetings and conducted numerous virtual meetings and answered questions about the Capital Projects Fund to informed constituents about locations proposed broadband buildout. KOBD provided maps and amounts awarded to various regions of engagement to inform stakeholders. These concerted endeavors were dedicated to understanding Kansans' broadband infrastructure and digital equity needs, further solidifying the commitment to inclusive and impactful efforts.

Civil Rights Compliance

The Kansas Office of Recovery provides technical assistance and compliance best practices to recipients of federal pandemic relief funding, including CPF and SLFRF. Assistance is available to both state agencies and local governments across the state. In June of 2023, the Office of Recovery hosted a virtual training that covered federal Title VI Civil Rights Compliance requirements. The webinar provided an explanation of the types of policies and procedures recommended to be compliant with the Civil Rights Assurance Agreement. A recording of the meeting is available at the Office of Recovery's website, along with a toolkit that includes a self-assessment federal fund recipients can utilize to track their progress and review their compliance status. This training and tool kit is available to both KOBD and CPF subrecipients.

2023 Recovery Plan

Coronavirus Capital Projects Funds 2023 Performance Report

Treasury Program Plan Number:
1B: Digital Connectivity Technology (DCT)

Kansas
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Table of Contents

GENERAL OVERVIEW

Executive Summary

Kansans have continued to display a remarkable level of resilience amid overwhelming challenges since the emergence of the COVID-19 pandemic and its negative economic impacts in early 2020. To support a strong and equitable recovery, the Kansas Office of Broadband Development (KOBD) within the Kansas Department of Commerce, has launched several broadband investment programs to connect Kansans in unserved and underserved areas in the state since its 2020 inception. The KOBD was established in 2020 to help ensure all Kansas have the opportunity to live, work, learn, and compete in a global economy and by improving universal access to quality, affordable, and reliable broadband.

In 2020, the Strengthening People and Revitalizing Kansas (SPARK) committee allocated $60M in Coronavirus Relief Funding (CRF) to the Kansas Office of Broadband Development (KOBD) to increase connectivity in the State of Kansas, in response to needs precipitated by the COVID-19 pandemic which forced many to stay at home.

As a result, KOBD launched two pandemic response programs. Connectivity Emergency Response Grant (CERG) program and the Broadband Partnership Adoption Grant (BPAG) program to drive immediate access and long-term impact. Expanding broadband infrastructure and supporting internet access was critical to meeting urgent Covid-19 needs related to telehealth services, remote learning, and remote work, while also investing in the state of Kansas for future generations.

Most recently KOBD has been awarded $103,356,521.00 of Coronavirus Capital Projects Funds (CPF), to administer two approved Program Plan(s).

- Treasury Program Plan number: 1A: Broadband Infrastructure Projects
- Treasury Program Plan number: 1B: Digital Connectivity Technology Projects

Kansas announced Treasury's approval of Kansas' Digital Connectivity Technology Project on March 8, 2023. The program will be a competitive grant program that aims to address gaps in digital equity, affordability, and broadband adoption by investing in public Wi-Fi infrastructure, digital devices, and digital literacy training resources. The DCT program will improve broadband access and affordability by targeting public Wi-Fi investments, including access points, repeaters, and routers, to economically distressed communities with low rates of broadband access and adoption. The program will also provide laptops, tablets, and other Wi-Fi-enabled devices to lower affordability barriers and increase adoption. Kansas was the first state in the nation to receive approval to use CPF to provide devices and digital skills training to ensure access in hard-to-reach communities.

Since the program approval announcement, the Kansas Office of Broadband Development has continued development of the DCT program and intends to formally launch fall of 2023.

Program Information

TREASURY PROGRAM PLAN NUMBER:
1B: DIGITAL CONNECTIVITY TECHNOLOGY (DCT)

PROJECT: Kansas Office of Broadband Development (KOBD) – Digital Connectivity Technology (DCT) Program Activities and Administrative Costs
STATE ADMINISTERING AGENCY: Kansas Department of Commerce
FUNDING AMOUNT: $15,503,478.00
PROJECT OVERVIEW

- Description: Funding to address digital equity inclusion and adoption gaps by focusing on three main barriers: (1) affordability, (2) digital literacy and equity, and (3) the use of broadband access and service where there is a demonstrated need to include helping to resolve problems exacerbated by the COVID-19 public health emergency. Includes the administrative expenses for Kansas Office of Broadband Development (KOBD) – Digital Connectivity Technology (DCT) program.
- Approximate timeline: Expected completion by 12/31/2026

Uses of Funds

The intended and actual use of funds and the performance of the approved Digital Connectivity Technology Program plan is summarized below and also references the objectives and activities during the covered period of July 1, 2022, through June 30, 2023.

The objective of the Coronavirus Capital Project Fund (CPF) Digital Connectivity Technology (DCT) Program will be to address digital equity inclusion and adoption gaps by focusing on three main barriers:

1. affordability,
2. digital literacy and equity, and
3. the use of broadband access and service where there is a demonstrated need to include helping to resolve problems exacerbated by the COVID-19 public health emergency.

KOBD will leverage best practices and lessons learned from community organizations that are already conducting successful digital equity, digital literacy, and inclusion initiatives to evaluate the possibility of replicating these initiatives in other areas of the state or using these models to enable new organizations to offer these services. Providing digital equity initiatives to unserved and underserved communities will enable work, education, and health monitoring for a greater number of Kansans.

Activities planned for the future include developing a Request for Proposal (RFP) and selection process, hosting a kickoff meeting to share program details and timelines with potential applicants, including details on reporting requirements and methodology, project setup, fiscal monitoring process, payment schedules, and determining eligible and ineligible costs.

Once projects are awarded, monthly status reports will be required from the subrecipient. As federal reports are developed, KOBD will show adherence to performance and budgetary milestones.

All projects and programs will be managed in a developed standard format assigning project and program managers as needed to oversee the implementation of each initiative from planning and design to the execution and closeout. Projects that experience challenges will be offered technical assistance and resolved as detailed in the grant agreement.

Promoting Equitable Outcomes and Addressing Critical Needs

The state of Kansas is committed to strategically deploying funding to promote equity and improve outcomes for historically underserved and marginalized Kansans. Application submissions will be required to include a detailed perspective on how the recommended projects will promote equity and improve outcomes for historically underserved or underserved Kansans community.

Equity has been considered in the design of this program and will be considered in the selection of projects and the distribution of funds. For example, in 2020 and 2021, KOBD successfully administered programs with projects selected based on critical needs of the community to ensure digital equity is being addressed. KOBD will make selections for the CPF Digital Connectivity Technology projects based on the same standards to address equity issues for affordable and reliable broadband access.

KOBD factored in equity by planning on securing key demographic location information associated with the unserved, underserved, and currently served locations including but not limited to identifying the elderly, people of color, low-income populations, those who are lacking digital equity, across both rural and urban areas. KOBD will engage with the community to gather public feedback, perform equity, and needs assessments and adjust the weighted selection process to maintain integrity in the selection process. Incremental information such as lack of access to remote work, telemedicine, distance learning, and other critical need capabilities will be integrated into the location data set to provide the best view to areas with the most critical digital equity and literacy needs. Subrecipients will also be required to commit to offering internet services at the listed price for 3 years.

Target projects will meet the DCT program's eligibility based on the criteria of improving access to adoption in unserved and underserved areas. KOBD will identify areas that lack digital equity, literacy and have barriers to broadband adoption. Demographics (economic distress factor, BIPOC, digital equity, rural vs. urban, social vulnerability, etc.) and key project attributes (i.e., affordability, cost) will be assigned to specific locations that are potentially eligible for affordability and adoption. KOBD will collaborate with local government, schools, libraries, Kansas Digital Equity Collaborative, Kansas Housing Resource Center, Preservation Plus, Kansas Health Institute, and other state agencies to identify federal assistance program participants, like SNAP, Medicaid, Supplemental Security Income, Federal Public Housing Assistance, or Veterans and Survivors Pension Benefit, that are in need. Subrecipients will be required to demonstrate the capability to administer a Broadband Internet Device Distribution Program. All projects will be required to enable work, education, and health monitoring to ensure that it meets the critical needs of the community to be served.

KOBD's approach to determining whether Digital Connectivity Technology projects meet a critical need depends on an assessment of available data on economic distress, demographics, and broadband availability. Enrollment in federal assistance programs will help identify households that may not be able to afford broadband or have devices for remote learning or telework. Working with leaders of state agencies to provide access to participants of federal assistance programs will determine needs in the community. Continued stakeholder engagement feedback will shape future guidelines around the program to ensure Kansans have the opportunity to connect to the internet.

Additionally, the application process for this program will be enhanced to comply with CPF guidelines which include targeting communities that have critical needs. Once the program is announced, there will be an application window where participants will be able to submit projects that address priorities for unserved, economically distressed, and other service areas with compelling needs. For the Kansas application process, institutions will need to provide information related to their current involvement with assisting underserved communities such as the low-income assistance their institution provides, how eligible subscribers are qualified and the number of eligible participants in the area, the type, quantity, and cost of devices being requested. Subrecipients will also be asked how they will sustain their program once the grant period has been completed.

Labor

In addition to rules set out under the Federal Fair Labor Standard Act, such as overtime and minimum wages, Kansas must also comply with state labor practice standards. Kansas state labor laws provide employee protections and opportunities, including rights to quit without notice, and shared work program options. All state labor laws, as well as federal standards for labor laws for ARPA, are enforced for all SFRF-funded programs.

KOBD encourages the use of strong labor standards to promote effective and efficient delivery of high-quality infrastructure while supporting economic recovery through employment opportunities. Various practices are being utilized to achieve these goals. Project labor agreements, which establish the terms and conditions of employment for the duration of the project, are being encouraged to promote harmonious labor relations and enhance productivity. Community benefits agreements are also being utilized to ensure that local communities directly benefit from the projects through various provisions. Prevailing wage requirements are being prioritized to ensure that workers receive fair and competitive wages for their services. Additionally, a focus on local hiring is being emphasized to provide job opportunities to individuals residing in the project areas, thereby stimulating the local economy and fostering community development. These workforce practices will not only contribute to the successful implementation of Digital Connectivity Technology projects but also play a crucial role in promoting equitable and inclusive growth in the Kansas labor market.

Community Engagement

The state of Kansas has demonstrated a strong commitment to community engagement, focusing on incorporating feedback from communities, organizations, and constituents during the development of the Capital Project Fund proposal and selection of Capital Projects Fund Projects. To ensure a comprehensive approach, KOBD conducted a series of engagements prior to the launch of the Capital Projects Fund Broadband Infrastructure program that encompassed a diverse range of activities, including interviews, focus groups, and webinars, which attracted a significant level of participation from local, Tribal, and state government entities, as well as internet service providers. Through these collaborative efforts, KOBD gathered valuable insights and developed a deep understanding of the digital divide that Kansans are experiencing.

KOBD's commitment to the community extends beyond the initial engagements that took place with the Broadband Infrastructure Program. They undertook extensive discussions with stakeholders from critical sectors such as the Kansas Departments of Health, Agriculture, Education, Commerce, Administration, and Transportation. These discussions aimed to assess these sectors' specific needs and requirements comprehensively. By actively seeking input and feedback, KOBD aimed to ensure that the Capital Project Fund Broadband Infrastructure program would not only enhance access to vital services but also elevate the overall quality of life for the people of Kansas.

Additional efforts were taken from January 2023 to June 2023, during which KOBD held more than 30 in-person community engagement meetings and conducted numerous virtual meetings and answered questions about the Capital Projects Fund to informed constituents about locations proposed broadband buildout. KOBD provided maps and amounts awarded to various regions of engagement to inform stakeholders. These concerted endeavors were dedicated to understanding Kansans' broadband infrastructure and digital equity needs, further solidifying the commitment to inclusive and impactful efforts.

The State of Kansas will continue this commitment through the development and implementation of the Capital Projects Fund Digital Connectivity Program as well.

To ensure equitable access and distribution of funds, the State of Kansas is committed to minimizing the administrative burden for communities and individuals accessing funding and assistance. Application procedures will continue to be as simplified and accessible as possible, with resources translated into multiple languages to ensure access for non-English speaking communities on request.

Civil Rights Compliance

The Kansas Office of Recovery provides technical assistance and compliance best practices to recipients of federal pandemic relief funding, including CPF and SLFRF. Assistance is available to both state agencies and local governments across the state. In June of 2023, the Office of Recovery hosted a virtual training that covered federal Title VI Civil Rights Compliance requirements. The webinar provided an explanation of the types of policies and procedures recommended to be compliant with the Civil Rights Assurance Agreement. A recording of the meeting is available at the Office of Recovery's website, along with a toolkit that includes a self-assessment federal fund recipients can utilize to track their progress and review their compliance status. This training and tool kit is available to both KOBD and CPF subrecipients.