

ARPA Project Name: Broadband infrastructure program

ARPA Funds: \$10,000,000.00

5.17	Broadband: Other projects	\$10,000,000.00
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Telecommunication Sector

Timeline to implementation: 6 months to 18 months

Overview

Developing and expanding the territory’s bandwidth capacity and connectivity are crucial components to responding to the COVID-19 pandemic and our public health emergency declaration.

Improving upload and download speed is critical for educational and commercial purposes. The outer villages and outer islands are already susceptible to frequent connectivity interruptions. Improving internet capabilities through the local service providers will, therefore, provide the connectivity foundation needed to effectively respond to the mitigation and prevention protocols.

The ARPA funding provides local providers crucial funding to meet the statutory broadband objectives for speed, connectivity and affordability for residents.

These improvements will be a direct response to the negative impact to our economy, work and educational activities.

PROJECT BACKGROUND

The COVID-19 Public Health Emergency has had a great impact on American Samoa’s public health infrastructure and services, as well as the local economy. The projects identified in this document are to be funded using American Rescue Plan Act (ARPA) funds from the Federal Government in accordance with the requirements of the Act.

American Samoa remains the only part of the United States of America and its Territories that has been blessed with zero cases of locally transmitted COVID-19 virus. While we are grateful for this blessing, it was not accidental that American Samoa has remained COVID-19 free. It required tremendous sacrifice by the people of American Samoa to keep their loved ones safe and protected. We are fortunate to have the support and federal assistance of the various COVID-19 relief and recovery funds to help meet the challenges as a result of the COVID-19 pandemic and the public health emergency declaration.

Our leaders drew upon the lessons of our history, specifically the 1918 Spanish pandemic that decimated our neighbors 80 miles to the West that lost an estimated 20% of their population as their borders remained open during the critical early stages of the spread. As a result of the first Public Emergency Declaration in March 2020, American Samoa closed its borders as part of its strategy to mitigate the transmission of the Coronavirus that had grown to become a global pandemic. Our borders remain closed to regular commercial travel and all authorized travel by air or sea follow careful protocols to minimize the risk of exposure or transmission of the COVID-19 virus.

The COVID-19 pandemic and the public health emergency declaration and the resulting border closure highlighted the limited access and speed capabilities for internet services, especially in the outer islands and villages on the main island of Tutuila.

The limited transportation between the main island of Tutuila and Manu'a and Aunu'u, and restricted travel on the main island of Tutuila has exacerbated the need for improving broadband connectivity and speed for work, education, medical services and commerce activity. The improvements to the territorial broadband connectivity and speed will also provide crucial healthcare service and support for vulnerable population in American Samoa Islands.

(a) KEY STAKEHOLDERS

Infrastructure Broadband project to be developed and designed by Department of Commerce (DOC) management with all key stakeholder(s) input and contribution

- DOC management
- Broadband Coordinating Office
- Industry/private sector professionals
- ASTCA
- ARPA Oversight Office

(b) COMMUNITY ENGAGEMENT

Community engagement is an essential aspect of ARPA funded projects. The intent of the US Treasury in fostering public participation is to maintain transparency and provide opportunities for feedback to ensure that funds are used in the most beneficial manner.

In keeping with the intent of the US Treasury, the American Samoa ARPA Oversight Office has adopted the following notice and comment timeline for proposed projects:

- A Notice of Proposed Project will be published online, in local newspapers, and via television or radio broadcasts. The Notice will specify that there will be twenty (20) days for the public to provide comment either in writing or by attendance at scheduled public hearings.
- Concurrent to the publication of the Notice, a draft proposal and scope of work will be published on the ARPA website for the public to review.
- General meetings with the public will be scheduled and publicized within the twenty (20) day Notice period. Email comments will also be accepted.
- Presentations to the Legislature will be conducted during the Notice period, as needed.
- At the close of the public comment period, the agency will have 20 days to revise the project as appropriate and submit the Final Draft to the ARPA Oversight Office.
- The Final Draft of the Project will be posted for public review once completed and certified by the ARPA Oversight Office.

It is the responsibility of the agencies in charge to publicize notices and adhere to the stated timelines. For the Infrastructure broadband project, the anticipated date for the Notice of Proposed Project will be _____, 2021.

(c) TIMELINE ON PROJECT LAUNCH

ARPA Funds are required by federal statute to be encumbered by December 31, 2024 or spent by December 31, 2026. This mandate makes the need for a definite timeline for completion of projects of critical importance.

The infrastructure broadband Project must identify the proposed start date, the completion dates of each phase of the project, inclusion of any notice/bid periods for procurement purposes, and an estimated date of completion, along with any other dates relevant to the project progress.

(d) SCOPE of Project (Infrastructure Broadband project)

Each proposed project must be submitted to the ARPA Office with a cover letter addressed to the Executive Director. Submittals must include the proposed plan as detailed below. ARPA will review of eligibility and compliance to the American Samoa ARPA Spending Plan.

Once approved, an award certified letter will be provided verifying the project description and project lead.

Project Leads (Department) must provide the following:

1. Project Description and/or Business Plan
2. Completed Eligibility Analysis
3. Scope of Work
4. Implementation Plan & Timeline
5. Proposed itemized budget
6. Project Lead

Define scope of project based on response to Covid-19 pandemic and the public health emergency declaration

- Meet statutory connectivity and speed requirements (See Interim Final Rule):
 1. Project must reliably meet or exceed 100 Mbps symmetrical for download and upload speeds.
 2. In such instances project is unable to meet the 100 Mbps download and upload speeds, project must be able upon completion to deliver 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload and be scalable to a minimum of 100 Mbps download and upload speeds.
 - 3: If project is unable to meet any of the above requirements, provide a detailed explanation of why not including limitations, constraints, challenges (topography, geography, financial, etc.) for not being able to achieve the expected internet service speeds. Please include the current internet speed levels and be aware that if starting speed levels are below the desired speed of 100 Mbps download and upload, project must be scalable to meet the expected high quality internet speed outcomes. Provide

detailed explanation of project phases/steps and timeframe on plans to become scalable in order to reach expected 100 Mbps speed goals.

- Meet statutory affordability requirements (Define projected improvements for affordability for residential and business users)
 1. Project must integrate affordability options for residential and business users
- Define expected improvements in internet services for underserved or disadvantaged populations in American Samoa
 1. Project must focus on locations that are underserved or unserved for both residential and business users. The IFR clarifies this as those lacking access to wireline connection with speeds of 25 Mbps download and 3 Mbps upload.
 2. The goal of the project is to provide accessibility for residential and business users to reach sufficient internet speed levels to meet their daily needs.
 3. Project should focus on achieving last-mile connections
 4. The negative economic impact due to Covid makes it more critical for households and businesses to have access to adequate and high-speed internet to participate in and perform their remote work, school, and healthcare activities. Project must provide explanation on efforts to improve or increase internet speed levels for such targeted group to meet sufficiently robust speed.
 5. Provide data to support conclusion in determining such targeted location area, village, district, county, island or group as underserved/disadvantaged over another location area, village, etc. Census 2020 is a good source of information to retrieve data on internet service accessibility for residential and business in American Samoa.
- Define targeted population for improvements to broadband connectivity and speed
 1. Provide data or some evidence-based information to support why such population (village, district, county, island, etc.) is a priority over other groups or populations in American Samoa
 2. Projects should promote strong, equitable growth and racial equity. The following questions should be considered while drafting/designing/planning proposed programs:
 - a. Describe efforts to promote equitable outcomes, including how programs were designed with equity in mind.
 - b. Are there particular historically underserved, marginalized, or adversely affected groups that you intend to serve?
 - c. How equal and practical is the ability for residents or businesses to become aware of the services provided?
 - d. Are there differences in levels of access to benefits and services across groups?
 - e. Are intended outcomes focused on closing gaps, reaching universal levels of service, or disaggregating progress by race, ethnicity, and other equity dimensions where relevant for the policy objective?
- IFR prioritizes support for broadband networks owned and/or affiliated with local governments, non-profits, and co-operatives. However, its intent is very clear in ensuring adequate and high-speed internet services in addition to achieving accessibility and affordability in American Samoa. Thus, applicants must provide data or some evidence-based information on their current performance levels in reaching positive outcomes or results relative to internet services.

- IFR prioritizes investments in fiber optic projects where feasible as it provides long term technology benefits for most of the island territory. Project must provide explanation, data, timeline, analysis, if possible, to assist in determining why an investment in a particular area for fiber optic (e.g., maintenance, repair, etc.) is crucial and a priority in achieving sufficient high quality internet services for American Samoa. Provide information on how this investment will contribute to achieving desired goals of accessibility and affordability in American Samoa.
- Meet all equipment purchase requirements
 1. Any purchase of equipment must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D. Equipment acquired under this program must be used for the originally authorized purpose and comply with relevant laws and regulations.
- Meet all compliance and reporting for infrastructure projects
 1. Broadband (EC 5.16-5.17): Projects must reliably meet and exceed desired internet speed levels upon completion.
 2. Project should incorporate practices that enhance strong labor standards. This promotes efficient and cost-effective delivery of project and services in addition to supporting economic recovery, strengthening employment work opportunities and encourage local hiring in American Samoa.

(e) Adherence to ASG Procurement Process

ARPA funds are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements of Federal Awards (2 CFR Part 200). Specifically, these regulations require ASG to follow local procurement laws in using these funds. 2 CFR 200.317. The lead agency for each project (in the case of the Broadband Infrastructure Project, this will be DOC) will work in concert within its established Procurement procedures to ensure that all procedures and requirements are followed and documented. All agencies are reminded that ARPA funds will be subject to federal audits.

CLAUSE	REQUIRED BY AMERICAN SAMOA ADMINISTRATIVE CODE	APPLIES TO
EQUAL OPPORTUNITY	10.0250(d)(3), 10.0260(c)	All Contracts in excess of \$10,000
DAVIS BACON ACT	10.0250(d)(5)	Construction contracts that exceed \$2,000 and when required by federal grant program legislation
CONTRACT WORK HOURS AND SAFETY STANDARDS ACT	10.0250(D)(6); 10.0260(D)	Construction contracts in excess of \$2,000 or contracts in excess of \$2,500 which involve employment of mechanics or laborers

CLEAN AIR AND WATER	10.0250(d)(7); 10.0260(f)	All contracts over \$100,000 (unless requirement has been waived by EPA)
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In addition to the above required clauses, ASG Procurement Rules give preference to local bidders in construction projects. For contracts valued at \$50,000 or less, only local bidders are allowed to participate. For those greater than \$50,000, local bidders are given specified add-on percentages. This local preference leads to a greater number of local employees and overall income that is much needed in the Territory. This policy has a direct effect on local stimulation of the economy.

(f) Reconsideration Process

In accordance with Executive Order 03-2021, the ARPA Oversight Office reserves the right to determine which projects will receive funding based on a number of factors including but not limited to ensuring compliance with all federal requirements. The Office, however, recognizes that some of these determinations may adversely affect interested parties. For the purposes of this section, an interested party will be limited to applicants for direct funding opportunities for projects.

A process for reconsideration of denied projects is hereby implemented. For clarity, this process is separate and apart from any procurement disputes subject to the jurisdiction of the Office of the Administrative Law Judge. ASCA 4.0604(f).

Covered Disputes:

The dispute resolution process will be limited to ARPA Oversight Office denials of project awards. As an office of limited purview, the covered disputes identified above shall not be considered final agency decisions for the purpose ASCA 4.0604.

Reconsideration Requests:

Interested parties will have 5 business days from the announcement of awards by the ARPA Oversight Office to file a "Reconsideration Request" with the Director. The announcement of awards will mean each project is "provisionally awarded" the requested ARPA funds.

The request will detail the basis for reconsideration including the project award denial being challenged, how the decision adversely affects the party, how the requested change would benefit the objectives of the American Rescue Plan Act.

A hearing shall be held within 5 days of filing the Reconsideration Request with the Director. The Director shall issue a notice of hearing to the filing party.

The hearing will be conducted by a three-member panel headed by the Director. Panel members will be selected by the ARPA Oversight Office. The panel will have an advisory role, but the ultimate decision-making authority shall be the Director's.

Parties to the dispute may present evidence, materials, and witnesses in support of their claims. The Director will have discretion to limit presentation of evidence, materials, or witnesses.

Upon completion of the hearing, which shall not exceed two hours, the panel will consider arguments and evidence presented in the Reconsideration Request and at the hearing. The Director shall be responsible for rendering a decision on the issues presented within three (3) business days of the conclusion of the hearing. "

(g) Local Certification/Licensing/Permitting

Each project will require adherence to applicable local licensing, certification, and permitting laws. DOC will be responsible for obtaining each necessary approval prior to the start date. A list of these documents as well as copies should be submitted to the ARPA Oversight Office.

(h) ARPA Reporting Requirements

ARPA requires monthly, quarterly and annual reporting to be submitted by the sub-recipients on projects progress and expenditures. The American Samoa ARPA Oversight Office will, therefore, be requesting information from relevant agencies in order to meet the strict deadlines set forth in the US Treasury's Reporting and Compliance Guide. Each agency must provide the requested information or an explanation as to why information is not available by the time specified by ARPA Oversight Office staff. Failure to do so could jeopardize future funding opportunities. All ARPA infrastructure funding sub-recipients are required to submit Project and Expenditure Reports.

1. Monthly and Quarterly Reporting

- Monthly reports will cover one calendar month and must be submitted to ARPA on the 10th of the month or next business day
- Quarterly reports will cover one calendar quarter and must be submitted to Treasury within 30 calendar days after the end of each calendar quarter.
- The table below summarizes the quarterly report timelines for sub-recipients:

Report	Year	Quarter	Period Covered	Due Date
1	2021	2 - 4	Award Date – December 31	January 10, 2022
2	2022	1	January 1-March 31	April 10, 2022
3	2022	2	April 1-June 30	July 10, 2022
4	2022	3	July 1-September 30	October 10, 2022
5	2022	4	October 1-December 31	January 10, 2023
6	2023	1	January 1-March 31	April 10, 2023

7	2023	2	April 1-June 30	July 10, 2023
8	2023	3	July 1-September 30	October 10, 2023
9	2023	4	October 1-December 31	January 10, 2024
10	2024	1	January 1-March 31	April 10, 2024
11	2024	2	April 1-June 30	July 10, 2024
12	2024	3	July 1-September 30	October 10, 2024
13	2024	4	October 1-December 31	January 10, 2025
14	2025	1	January 1-March 31	April 10, 2025
15	2025	2	April 1-June 30	July 10, 2025
16	2025	3	July 1-September 30	October 10, 2025
17	2025	4	October 1-December 31	January 10, 2026
18	2026	1	January 1-March 31	April 10, 2026
19	2026	2	April 1-June 30	July 10, 2026
20	2026	3	July 1-September 30	October 10, 2026
21	2026	4	October 1-December 31	March 10, 2027

2. Annual Reporting

- The initial Project and Expenditure Report will cover from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent annual reports will cover one calendar year and must be submitted to Treasury by October 31. The table below summarizes the report timelines for sub-recipients

Report	Period Covered	Due Date
1	Award Date – December 31	January 10, 2022
2	January 1, 2022 – September 30, 2022	October 10, 2022
3	October 1, 2022 – September 30, 2023	October 10, 2023
4	October 1, 2023 – September 30, 2024	October 10, 2024
5	October 1, 2024 – September 30, 2025	October 10, 2025
6	October 1, 2025 – September 30, 2026	October 10, 2026
7	October 1, 2026 – December 31, 2026	January 10, 2027

3. Required Information

- A. Project Status
 - a) The project name,
 - b) Identification number (created by the recipient),
 - c) Project expenditure category (see Appendix 1, Compliance and Reporting Guidance),
 - d) Project expense allocation to budget
 - e) Description, and status of completion.
 - Not started
 - Completed less than 50 percent
 - Completed 50 percent or more
 - Completed

Project descriptions must describe the project in sufficient detail to provide understanding of the major activities that will occur, and will be required to be between 50 and 250 words. Projects should be defined to include only closely related activities directed toward a common purpose.

B. Project Expenditures

- Current period obligation
- Cumulative obligation
- Current period expenditure
- Cumulative expenditure

C. Subawards

The following information is required for Contract, Grant, Loan, Transfer, or Direct Payment greater than or equal to \$50,000:

- a) Subrecipient identifying and demographic information (e.g., DUNS number and location)
- b) Award number (e.g., Award number, Contract number, Loan number)
- c) Award date, type, amount, and description
- d) Award payment method (reimbursable or lump sum payment(s))
- e) For loans, expiration date (date when loan expected to be paid in full)
- f) Primary place of performance
- g) Related project name(s)
- h) Related project identification number(s) (created by the recipient)
- i) Period of performance start date
- j) Period of performance end date
- k) Quarterly obligation amount
- l) Quarterly expenditure amount
- m) Project(s)
- n) Additional programmatic performance indicators for select Expenditure Categories (see below) Aggregate reporting is required for contracts, grants, transfers made to other government entities, loans, direct payments, and payments to individuals that are below \$50,000. This information will be accounted for by expenditure category at the project level.

D. SAM.gov

- Subrecipients must be compliant with registering and maintaining an active profile on the System for Award Management System (SAM) (<https://www.sam.gov>)
- All entities wishing to do business with the Federal Government must have a unique entity identifier (UEI). Currently, the DUNS number, which is a unique nine-character identification number is the official UEI.
- In registering on SAM.gov you will complete the following steps (details are available on SAM.gov):
 - i) Request a DUNS number
 - ii) Prepare your data
 - iii) Get a Login.gov Account
 - iv) Submit and Finish