

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 585 Department or Agency Alabama 9-1-1 Board
Rule No. 585-X-2-.08
Rule Title: Alabama 9-1-1 Board Grant Program
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Jay Fisher, Sr.
Date 7/19/2019

(DATE FILED)
(STAMP)

Alabama 9-1-1 Board

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama 9-1-1 Board

RULE NO. & TITLE: 585-X-2-.08
Alabama 9-1-1 Board Grant Program

INTENDED ACTION: Adoption of New Rule

SUBSTANCE OF PROPOSED ACTION:

To set forth guidelines and procedures regarding how the Alabama 9-1-1 grant program shall be administered by the Board. The rule also sets forth requirements and conditions for grant applicants.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing prior to and orally at a public hearing on September 18, 2019 at 10:00 A.M. at the offices of the Alabama 9-1-1 Board, 1 Commerce Street, Suite 620, Montgomery, Alabama 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

September 18, 2019

CONTACT PERSON AT AGENCY:

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Secretary of the Board

NEW

**RULES AND REGULATIONS OF THE ALABAMA 9-1-1 BOARD
CHAPTER 585-X-2
OPERATIONS AND MEETINGS**

585-X-2-.08 ALABAMA 9-1-1 BOARD GRANT PROGRAM

1. Goal, Purpose and Funding.

- (a) The grant program is established by the Alabama 9-1-1 Board (the Board) to provide financial assistance to Emergency Communication Districts (ECDs) based on needs in compliance with Sec. 11-98-1 et seq. Code of Alabama, 1975, as amended. The purpose is to fund non-recurring costs or capital expenditures to achieve or maintain continuity and enhancement of 9-1-1 services assuring that every location in the State of Alabama has access to 9-1-1 service.
- (b) The grant program is funded from one percent (1%) of the total amount of the statewide 9-1-1 charges paid to the 9-1-1 Board during each month for payment of administrative expenses. Therefore, funds are limited and any grant awards are contingent on the availability of funds.

2. Eligibility.

(a) Eligible Applicants:

- (i) The applicant must be a validly formed and operating Alabama ECD at the time of submission of grant application.
- (ii) The ECD must be in compliance with Sec.11-98-1 et. seq. Code of Alabama, 1975, as amended.
- (iii) The ECD must be willing and available to provide reasonable ECD and/or PSAP data at the request of the Alabama 9-1-1 Board or its designee.
- (iv) The ECD must have submitted an ECD certification for the grant cycle during which it is applying.
- (v) The ECD must have submitted the annual reporting information required by the Alabama Department of Examiners of Public Accounts for the grant cycle during which it is applying.

3. Definitions.

- (a) All definitions stated in Sec. 11-98-1 Code of Alabama, 1975, as amended and Chapter 585-X-3 Administrative Code of Alabama are applicable, in addition to the following :
- (i) "Grant Cycle" - the timeframe assigned in the calendar
 - (ii) "Deliverable"- item to be provided as a product of the grant project process.

4. Calendar.

- (a) The application period will open on or before July 1st in each fiscal year. Applications are due on or before September 1st after the grant cycle is opened. Review of applications will take place for thirty (30) days after the application period ends, and grants, if any, will be awarded at the next regularly scheduled Board meeting after the review is completed. Applicants may submit no more than one application per grant cycle. An application not funded in a grant cycle must be resubmitted in order to compete again in a subsequent grant cycle.

5. General Conditions.

- (a) The applicant must provide one original printed copy along with one electronic version of the application package with any accompanying documentation to be postmarked delivered to the office of the Alabama 9-1-1 Board on or before August 1st.
- (b) Procurement shall be based on the ECD's governing authority's purchasing requirements and any purchasing requirements of the State of Alabama.
- (c) All grant applications shall be accompanied by at least two (2) written competitive complete quotes from different vendors for grants requesting new equipment or services. If the applicant is unable to provide at least two (2) quotes, then an explanation as to why must be included.
- (d) If two or more ECDs choose to apply jointly for a grant, each ECD will be required to submit an application detailing the funds requested by that ECD and the project components as it pertains to that ECD. Additionally, a combined grant project summary will be required detailing the entire project as well as a memorandum of understanding of all ECDs involved in the project.
- (e) Applications must include all necessary costs (including that of any third party) required for the full implementation of the project. If the grant application award is less than the total cost of the project, the applying ECD will be required to provide verification of its ability to fund the difference.

6. Eligible Use of Funds.

- (a) Grant funds must be used pursuant to Sec. 11-98-6 Code of Alabama, 1975, as amended, which states how funds must be used by an ECD.
- (b) Any property acquired with grant funds must be used for the direct benefit of the ECD throughout the useful life of the property.

7. Review of Applications by the Board.

- (a) The decision to fund or award or not award grants is entirely at the discretion of the Board.
- (b) The Finance Committee of the Board will evaluate and all complete and eligible applications submitted to the Board or its designee based on the substance of the request make recommendations to the full Board using Deliberation Forms formulated by the Board.
- (c) The Board or its designee will notify applicants within thirty (30) days after receipt of the application if the application does not meet the guidelines and will identify items that need to be provided before the application will be considered by the Board or its designee.
- (d) An applicant should demonstrate that it has developed an attainable plan to achieve or maintain continuity and enhancement of 9-1-1 services and priority will be given to those projects that:
 - (i) Require immediate funds to continue operation, including but not limited to, replacement, repair, or upgrade of a system critical to the provision of modern 9-1-1 service;
 - (ii) Implement measures that maximize efficiencies in the provision of modern 9-1-1 service in the State of Alabama, including but not limited to, regionalization or consolidation of facilities and systems, etc.
 - (iii) Enhance existing services or fill the technology needs of the ECD that will facilitate significant progress toward achieving readiness for and compatibility with next generation 9-1-1 technology systems, including but are not limited to, hardware, software for Customer Premise Equipment (CPE), protective, enhancing and backup systems to 9-1-1.
- (e) Since applicants must compete against other applicants for available grant funds, the Board or its designee will award funds after considering the following factors:
 - (i) Soundness of project plan;
 - (ii) Feasibility of project;
 - (iii) Readiness to proceed;

- (iv) Sustainability of the project without additional funding from the Board; and,
- (v) Degree to which grant funds will assist in achieving or maintaining, compliance with any Board adopted standards, policies, projects, missions, plans, objectives or rules.

8. Approval and Award.

- (a) Within sixty (60) days after the application deadline, the Board or its designee will make a decision to either approve or disapprove each application. The Board or its designee may choose to modify the amount of any grant awarded by either increasing or decreasing the amount requested in the application or designating a match requirement.
- (b) The Board or its designee will notify each applicant in writing of the Board's or its designee's decision regarding the application.

9. Administrative/Reporting Requirements.

- (a) Successful applicants must enter into a Grant Project Agreement with the Board or its designee. The Grant Project Agreement will establish the terms and conditions of the grant award.
- (b) Successful applicants will be required to submit a Request for Change Form for approval prior to any changes being made to the project.
- (c) Successful applicants will be required to submit a Status Report during the project based on the terms and conditions set forth within the Grant Project Agreement.

10. Forms.

- (a) The Board shall formulate and publish, all forms necessary to administer the grant program, including but not limited to, Grant Application, Grant Project Agreement, Request for Change, Status Report, and Deliberation Forms.

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Statutory Authority: Alabama Code, 1975, Section 11-98-4.1, as amended

History: New Rule filed July 22, 2019