
INTERNET FOR ALL

Broadband Equity, Access, and Deployment (BEAD) Program

Initial Proposal Guidance



U.S. Department of Commerce
National Telecommunications and Information Administration

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Introduction

This document is intended solely to assist recipients in better understanding the Broadband Equity, Access, and Deployment (BEAD) Program and the requirements set forth in the Notice of Funding Opportunity (NOFO) for this program. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this document.

Current Status of BEAD Program

NTIA issued the Broadband Equity, Access, and Deployment (BEAD) Program [Notice of Funding Opportunity](#) (NOFO) in May 2022, describing the requirements under which it will award grants for the Program. The BEAD Program provides eligible states, territories, and the District of Columbia (“Eligible Entities”) the opportunity to receive federal grant funding to expand high-speed Internet access by funding planning, infrastructure deployment, and adoption programs. Currently in the BEAD Program timeline, Eligible Entities have submitted their Letters of Intent (LOIs), have received Initial Funds, and may have started developing and submitting their Five-Year Action Plans.

Through the Five-Year Action Plans, an Eligible Entity will establish its broadband goals and priorities, and provide a comprehensive needs assessment. The Five-Year Action Plans will present foundational information that will inform and be complementary to the Initial and Final Proposals. Eligible Entities that have already submitted their Five-Year Action Plans may be able to directly copy a limited number of Requirements from their Five-Year Action Plans into their Initial Proposals, as outlined in the BEAD NOFO and within this document. This Initial Proposal Guidance document aims to assist Eligible Entities to complete their Initial Proposals by providing specific guidance, examples, and additional resources necessary to fulfill each Initial Proposal Requirement according to the requirements set by the Assistant Secretary in the BEAD NOFO.



IMPORTANT

BEAD Five-Year Action Plan guidance is separate from Initial Proposal guidance and can be found on the [BroadbandUSA website](#).

Overview of the Initial Proposal Requirements

The Initial Proposal is the “first draft” of an Eligible Entity’s Final Proposal for BEAD grant funding, and, among other things, should explain how States and Territories will ensure that every resident has access to a reliable, affordable, and high-speed broadband connection, drawing on all funding available to accomplish this goal, including but not limited to BEAD Program funds. The BEAD NOFO, Section IV.B.5.b outlines 19 Requirements of the Initial

Proposal. Section IV.C.2.c.i also requires Eligible Entities to submit a middle-class affordability plan, which will henceforth be considered the twentieth requirement of the Initial Proposal.

After the publication of the updated [National Broadband Map](#) in June 2023, Eligible Entities will receive a Notice of Available Amounts. An Eligible Entity will have 180 days from receipt of their Notice of Available Amounts to submit a completed Initial Proposal and, if applicable, an Initial Proposal Funding Package to the Assistant Secretary. Eligible Entities should not wait until the Notice of Available Amounts is issued to begin preparing their Initial Proposals. Eligible Entities are encouraged to submit Initial Proposals as early as possible within the 180-day window. The Assistant Secretary reserves the right to extend the deadline for submissions if requested; however, the Assistant Secretary will be reluctant to grant an extension except when extenuating circumstances demonstrate that additional time will support the overall goals of the BEAD Program.



IMPORTANT

While the Middle-Class Affordability Plan is not aligned to a specific Initial Proposal Requirement outlined in Section IV.B.5 of the BEAD NOFO, it is required as part of Initial Proposal submissions, and will be considered Requirement 20.

As outlined in the BEAD NOFO, NTIA will provide technical assistance to Eligible Entities throughout the BEAD Program.

If you have any questions or require technical assistance in the development of the Initial Proposal, please reach out to your assigned Federal Program Officer.

The Assistant Secretary will publish resources on the [BroadbandUSA website](#), including an online template, to help Eligible Entities prepare their Initial Proposals. The template will include prompts where Eligible Entities must provide narratives, structured data, and certifications to meet the requirements of the Initial Proposal. This template will contain the same elements and questions as the online form required to submit the Initial Proposal via the NTIA Grants Portal; therefore, it is **strongly encouraged** that Eligible Entities use the template to draft the Initial Proposal offline. Eligible Entities can also use this template to post their Initial Proposal for public comment prior to submission.

Initial Proposal Structure

BEAD is a unique federal grant program, and NOFO guidance allows flexibility in the submission and review processes. Eligible Entities will submit their Initial Proposals via the NTIA Grants Portal in two volumes to reduce the delays in awarding funding and to support

iterative reviews. The volumes approach will enable Eligible Entities to proceed with subsequent phases of the BEAD Program more quickly. For example, NTIA’s review and approval of Volume I prior to the other Initial Proposal requirements will allow Eligible Entities to begin conducting their Challenge Processes before *approval* (but after submission) of the full Initial Proposal.

The contents of each volume and the separate Initial Funding Proposal Funding Request (IPFR) are outlined in Table 1 below.


Table 1: Initial Proposal and IPFR Requirements by Document

Document	Contents
Volume I of the Initial Proposal	<ul style="list-style-type: none"> Existing Broadband Funding (Requirement 3) – <i>may be satisfied by completion of the Five-Year Action Plan</i> Unserved and Underserved Locations (Requirement 5) Community Anchor Institutions (CAIs) (Requirement 6) Challenge Process (Requirement 7)
Volume II of the Initial Proposal	<ul style="list-style-type: none"> Objectives (Requirement 1) – <i>may be satisfied by completion of the Five-Year Action Plan</i> Local, Tribal, and Regional Broadband Planning Coordination (Requirement 2) – <i>may be satisfied by completion of the Five-Year Action Plan</i> Local Coordination (Requirement 4) Deployment Subgrantee Selection (Requirement 8) Non-deployment Subgrantee Selection (Requirement 9) Eligible Entity Implementation Activities (Requirement 10) Labor Standards and Protections (Requirement 11) Workforce Readiness (Requirement 12) Minority Business Enterprises (MBEs)/ Women’s Business Enterprises (WBEs)/ Labor Surplus Firms Inclusion (Requirement 13) Cost and Barrier Reduction (Requirement 14) Climate Assessment (Requirement 15) Low-Cost Broadband Service Option (Requirement 16) Middle Class Affordability (Requirement 20)¹ Use of 20 Percent of Funding (Requirement 17) Eligible Entity Regulatory Approach (Requirement 18) Certification of Compliance with BEAD Requirements (Requirement 19)
Initial Proposal Funding Request	<ul style="list-style-type: none"> Project Plan/Narrative Consolidated Budget Form

Volume I will describe the Eligible Entity’s plan for the Challenge Process and includes Existing Broadband Funding (Requirement 3), Unserved and Underserved Locations (Requirement 5), Community Anchor Institutions (Requirement 6), and Challenge Process (Requirement 7). **NTIA strongly encourages Eligible Entities to develop and submit Volume I first.** This sequencing is critical for Eligible Entities seeking to proceed quickly with

¹ The Middle-Class Affordability Plan is not aligned to a specific Initial Proposal requirement listed in section IV.B.5 of the NOFO. However, section IV.C.2.c.i of the NOFO does require that Eligible Entities submit this plan as part of their Initial Proposal submissions.

completing pre-requisite Challenge Process activities and the Subgrantee Selection Process (in sequence) prior to submitting their Final Proposals. Once submitted, the Assistant Secretary may either approve the Volume I proposed by the Eligible Entity or notify the Eligible Entity of deficiencies in the Volume I, provide the Eligible Entity with an opportunity to resubmit the Volume I, and establish a deadline for resubmission. Once an Eligible Entity makes any required modifications, the Assistant Secretary will approve Volume I, either in conjunction with, or prior to, approval of the Eligible Entity’s full Initial Proposal. Eligible Entities may also refer to the [BEAD Challenge Process Policy Notice](#) for additional guidance on Volume I and may choose to adopt the BEAD Model Challenge Process in whole or in part to expedite the development, submission, and approval of Volume I.

 **IMPORTANT**

NTIA **highly encourages** Eligible Entities to submit their Initial Proposals early to accelerate the review process and enable quicker access to funding.

Volume II will include the remaining Initial Proposal Requirements, Requirements 1, 2, 4 and 8-20. Eligible Entities are encouraged to begin drafting Volume II prior to the Notice of Available Funding Amounts and opening of the NTIA Grants Portal submission module. Once Volume I is approved and Volume II is submitted, the Eligible Entity may begin executing their Challenge Process.

Last, the optional Initial Proposal Funding Request is a separate document that Eligible Entities are only required to submit if they are seeking funding at this stage of the BEAD program. It includes requirements set forth by NIST to request BEAD funds. The Initial Proposal Funding Package includes two Requirements: Project Plan/Narrative and a Consolidated Budget Form. The NOFO does not require an Eligible Entity to submit an Initial Proposal Funding Request with its Initial Proposal.. Under the Infrastructure Act, if the Assistant Secretary approves an Initial Proposal, NTIA will make 20 percent of an Eligible Entity’s funding allocation available to it for allowable expenses listed in the Initial Proposal related to programmatic costs, such as the execution of the Challenge Process and Subgrantee Selection Process; broadband deployment projects, subject to the limitations related to high poverty areas for deployment prior to approval of the Final Proposal; digital equity projects subject to the requirement of demonstrating sufficient funding to serve all unserved and underserved areas; and costs related to the administration of the Eligible Entity’s grant (not to exceed 2 percent).²

² An Eligible Entity may request less than 20 percent of its funding allocation if it so chooses. All individual costs, and the total amount requested, must be substantiated in the Eligible Entity’s Initial Proposal.

Eligible Entities may request more than 20 percent of funding before the Final Proposal if they

demonstrate a need and develop a comprehensive plan for using the additional funds. Eligible Entities may also request the full amount (100 percent) of their funding allocations in the Initial Proposal round, if they demonstrate a specific need, such as but not limited to, a state requirement (e.g., anti-deficiency clause) that would require the obligation of all funding prior to conducting the Subgrantee



IMPORTANT

An Eligible Entity requesting funding must **submit its Initial Proposal Funding Request along with Volume II** for Assistant Secretary approval. It is **highly recommended** that Eligible Entities request funding to accelerate their access and use of funds prior to approval of the Final Proposal.

Selection Process. Additional information on the funding scenarios is in the guidance for [Requirement 17: Use of 20 Percent of Funding](#).

Initial Proposal Development and Public Comment Period

Eligible Entities are strongly encouraged to utilize the support of their assigned Federal Program Officer (FPO) for informal reviews and feedback while drafting the Initial Proposal before it is published for public comment. NTIA encourages Eligible Entities to utilize the template format when making their Initial Proposals available for public comment prior to submission to NTIA. This format will facilitate the public’s review of Volumes I and II of the Initial Proposal. Eligible Entities may choose to post their Volumes I and II at the same time, or separately, but each volume must be available for public comment for no less than 30 days.



IMPORTANT

Volumes I and II can be posted for public comment prior to the Notice of Available Amounts. NTIA requires a public comment period of at least 30 days for Volumes I and II.

The public comment period is intended to promote transparency by gathering feedback from stakeholders. Eligible Entities must conduct outreach and engagement activities to encourage broad awareness and participation during the public comment period, particularly among Tribal Governments, local community organizations, unions and worker organizations, and other underrepresented groups. Eligible Entities may utilize outreach mechanisms including, but not limited to, public meetings, informational brochures, local media, relevant social media channels, and direct mail. Eligible Entities must provide a high-level summary of the comments received during the public comment period and demonstrate how the Eligible Entity incorporated feedback in its Initial Proposal submission, if applicable.

Initial Proposal Submission and Review

Following the public comment period, Eligible Entities must submit the Initial Proposal via the [NTIA Grants Portal](#). Eligible Entities may include waiver requests when submitting their Initial Proposal. NTIA will review the Initial Proposal in sequence by volume. Each submission will be reviewed by the NTIA Office of Internet Connectivity and Growth prior to being sent to the Assistant Secretary for final approval. The Assistant Secretary may approve the Initial Proposal by volume, with an Eligible Entity’s Volume I approved before Volume II. This approach will allow the Eligible Entity to proceed with initiating their Challenge Process while NTIA reviews the remaining Requirements of its Initial Proposal.



IMPORTANT

NTIA will provide additional guidance to Eligible Entities on utilizing the NTIA Grants Portal to submit and, if necessary, correct deficiencies within their Initial Proposals prior to the Notice of Funding Amounts.

When drafting Initial Proposals, Eligible Entities:

- Must ensure the Initial Proposal proposes uses of funds that:
 - Comply with Section 60102(f) of the Infrastructure Act;
 - Are in the public interest; and
 - Effectuate the purpose of the Infrastructure Act; and
- Should ensure the Initial Proposal:
 - Provides a layperson a full understanding of the Eligible Entity goals;
 - Communicates, in its entirety, all material steps in the process of ensuring that every resident of the Eligible Entity has access to a reliable, affordable, high-speed broadband connection, utilizing all funding available to be brought to bear to accomplish this goal, including but not limited to BEAD Program funds;
 - Identifies and describes each significant decision point; and
 - Articulates the manner in which the Eligible Entity will determine the proposed course of action at each decision point.

Initial Proposal and State Digital Equity Plan Alignment

The State Digital Equity Planning Grant (SDEPG) and State Digital Equity Capacity Grant (SDECG) Programs were authorized by the Infrastructure Investment and Jobs Act of 2021 (November 15, 2021), also known as the Bipartisan Infrastructure Law. These Programs provide new federal funding for grants to states, territories, and tribes to further advance federal goals relating to digital equity and digital inclusion.

It is anticipated that each Eligible Entity participating in the BEAD Program will concurrently participate in the SDEPG Program. There are opportunities to integrate digital inclusion activities to both satisfy requirements of the State Digital Equity Plan and the BEAD Initial Proposal. For example, Requirement 9 of the Initial Proposal allows an Eligible Entity that can demonstrate it has a plan for bringing affordable, high-speed broadband service to all unserved and underserved locations within its jurisdiction to also allocate funding to non-deployment

activities, including the implementation of an Eligible Entity's digital equity plans. Thus, a non-deployment activity is to supplement, not duplicate, Planning and Capacity Grant funds received by the Eligible Entity in connection with Digital Equity Act of 2021.

Additionally, an Eligible Entity that is also relying on funding from the SDEPG should coordinate the stakeholder engagement that they conduct for the purposes of that plan with the stakeholder engagement conducted for the development of the Initial Proposal. For example, for both efforts, an Eligible Entity should assemble comprehensive lists of stakeholders, identify overlaps, and coordinate or combine outreach to those stakeholders through combined listening sessions, surveys, and site visits. This will help limit confusion and reduce the burden on mutually relevant stakeholders. Further, the Initial Proposal must be informed by collaboration with Tribal entities as applicable. It is the responsibility of the Eligible Entity under the BEAD Program and a state's Administering Entity for the State Digital Equity Planning Grant Program to understand and address the broadband needs of Tribal and Native entities.

How to use the Initial Proposal Guidance and Template

The following pages outline a proposed template and associated guidance to meet the requirements of the Initial Proposal. The proposed structure for the Initial Proposal includes two volumes:

- [Volume I \(Requirements 3, 5 - 7\)](#), and
- [Volume II \(Requirements 1, 2, 4, 8 - 20\)](#).

Eligible Entities that are requesting use of initial 20 percent of funding are required to submit an Initial Proposal Funding Package. Additional guidance, training, and FAQs on the Initial Proposal Funding Package will be provided separately at a later date.

The appendix includes a list of the Initial Proposal's [20 Requirements](#), as written in the BEAD NOFO, Section IV.B.5.b.

The attachments include:

- The template for the Initial Proposal, and
- Templates for structured data elements to be submitted with the Initial Proposal.

The guidance—and template—are structured to align with the Initial Proposal's 20 Requirements. As such, the sections of the guidance with these requirements include call-out boxes with the NOFO language, for reference. The guidance also includes an overview of the purpose of each proposed section, importance of the content for the success of the program, and other optional information or data that the Eligible Entity may consider when developing its Initial Proposal.

Volume I (Requirements 3, 5 – 7)

Initial Proposal Volume I Guidance Introduction

An Eligible Entity may find an outline of the submission requirements for Initial Proposal Volume I in the BEAD NOFO. However, much of the guidance and additional substantive requirements outlined in this document are derived from the [NTIA BEAD Challenge Process Policy Notice](#) and the [NTIA BEAD Model Challenge Process](#).

Existing Broadband Funding (Requirement 3)

Relevant Requirements from the [NOFO](#), pages 30 - 32:

Identify existing efforts funded by the federal government or an Eligible Entity within the jurisdiction of the Eligible Entity to deploy broadband and close the digital divide, including in Tribal Lands.⁴¹

⁴¹ For States and Territories that have completed Five-Year Action Plans, reference to this plan satisfies this requirement.

An Eligible Entity that has already completed its Five-Year Action Plan may directly copy Existing Programs (Requirement 3 in the Five-Year Action Plan) into the Initial Proposal to satisfy this Requirement. An Eligible Entity that is still drafting its Five-Year Action Plan must ensure that its responses to this Requirement in the Initial Proposal and the Five-Year Action Plan are consistent.

The purpose of this section is to identify existing broadband efforts funded by the federal government or an Eligible Entity within the jurisdiction of the Eligible Entity to minimize duplication of efforts or funding. Documenting the current state of broadband efforts is important to understand current resources and relationships, identify gaps and barriers that may exist, and inform and improve future planning and implementation efforts to deploy broadband and close the digital divide.

1.1.1 Attachment: As a required attachment, submit the file identifying sources of funding, a brief description of the broadband deployment and other broadband-related activities, the total funding, the funding amount expended, and the remaining funding amount available. Eligible Entities may copy directly from their Five-Year Action Plans.

To identify existing sources of funding, an Eligible Entity is required to upload a file identifying funding source(s), their purpose, the total funding amount, the expended funding amount, and the remaining funding amount. The file must be a five-column file. Examples of funding include, but are not limited to, other NTIA competitive grant programs, USDA telecom and broadband programs, American Rescue Plan funding, Treasury funding, and other federal, state, and local government programs.

The Eligible Entity may consider resources, such as [USASpending.gov](#) to populate this and identify funding sources being spent within a State or Territory. The funding could be stated as a sum for each of the funding programs. The Eligible Entity must know of individual projects to know where the unserved/underserved locations remain.

In addition to the relevant requirements above, the Eligible Entity may also choose to include information or resources related to broadband deployment and digital inclusion, including existing state policies, mapping, or other technological resources used to inform broadband-related activities, studies and best practices, or outreach endeavors.

To download a copy of the NTIA Template for Existing Broadband Funding, please see the file named “BEAD Initial Proposal_Volume I_Broadband Funding Sources Template.xlsx”

Unserved and Underserved Locations (Requirement 5)

Relevant Requirements from the NOFO, pages 31:

Identify each unserved location and underserved location under the jurisdiction of the Eligible Entity, including unserved and underserved locations in applicable Tribal Lands, using the most recently published Broadband DATA Maps as of the date of submission of the Initial Proposal, and identify the date of publication of the Broadband DATA Maps used for such identification.

1.2.1 Attachment: As a required attachment, submit one CSV file with the location IDs of each unserved location including unserved locations in applicable Tribal Lands.

1.2.2 Attachment: As a required attachment, submit one CSV file with the location IDs of each underserved location including underserved locations in applicable Tribal Lands.

An Eligible Entity is required to identify each unserved and underserved location under its jurisdiction, including unserved and underserved locations in applicable Tribal Lands. To derive its list of unserved and underserved locations, an Eligible Entity must consult the latest version of the Federal Communication Commission (FCC)'s National Broadband Map. The Eligible Entity can do so through the BEAD Eligible Entity Planning Toolkit. The BEAD Eligible Entity Planning Toolkit, expected for release in Summer 2023, is a collection of NTIA-developed technology tools that, among other things, overlay multiple data sources to capture federal, state, and local enforceable commitments. For reference, the National Broadband Map can be accessed and downloaded at this link: <https://broadbandmap.fcc.gov/>.

To report the set of unserved and underserved locations identified, the Eligible Entity is required to upload two separate CSV files containing the location IDs of unserved and underserved locations. One CSV file must contain the location IDs of unserved locations (named "unserved.csv"), and the other CSV file must contain the location IDs of underserved locations (named "underserved.csv"). Both CSV files must be single-column files. For this question, the definition of reliable broadband service follows the BEAD NOFO definition (pg.15), without any changes in the list of technologies. The Eligible Entity must refer to [NTIA BEAD Challenge Process Policy Notice](#) Appendix A for additional guidance as needed.

In the file attachment, the Eligible Entity must follow the format of the NTIA template.

To download a copy of the NTIA Templates for Unserved and Underserved Locations, please see the files named "unserved.csv" and "underserved.csv"

1.2.3 Date Selection: Identify the publication date of the National Broadband Map that was used to identify the unserved and underserved locations.

The Eligible Entity will need to identify the publication date of the National Broadband Map to ensure that the most recently published National Broadband Map (as of the date of submission of the Initial Proposal) is used in identifying unserved and underserved locations. Only the first edition of the National Broadband Map in each month can be selected. The publication date of the National Broadband Map cannot predate submission of the Initial Proposal by more than 59 days, a timeframe designed to allow the Eligible Entity sufficient time to identify eligible locations from the National Broadband Map and submit the Initial Proposal.

Community Anchor Institutions (Requirement 6)

Relevant Requirements from the NOFO, page 31:

Describe how the Eligible Entity applied the statutory definition of the term “community anchor institution,” identified all eligible CAIs in its jurisdiction, identified all eligible CAIs in applicable Tribal Lands, and assessed the needs of eligible CAIs, including what types of CAIs it intends to serve; which institutions, if any, it considered but declined to classify as CAIs; and, if the Eligible Entity proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations.

1.3.1 Text Box: Describe how the statutory definition of “community anchor institution” (e.g., schools, libraries, health clinics) was applied, how eligible CAIs were identified, and how network connectivity needs were assessed, including the types of CAIs that the Eligible Entity intends to serve.

The identification of Community Anchor Institutions (CAIs) is essential to facilitate greater use of broadband service by vulnerable populations and to advance the goals of the BEAD program. Given the variability in the types of CAIs to be identified and served, it is important that an Eligible Entity uses consistent criteria in identifying CAIs and accurately assess the network connectivity needs for each institution. NTIA does not expect an Eligible Entity to identify an exhaustive list of every CAI in within its jurisdiction. However, to the best of its ability, an Eligible Entity must identify CAIs within its jurisdiction that lack access to 1 Gpbs symmetrical broadband.

In describing the process to identify eligible Community Anchor Institutions, the Eligible Entity must include:

1. A description of how the Eligible Entity applied the statutory definition of the term “community anchor institution.”
2. The Eligible Entity identified which categories of institutions that fall within broad categories of CAIs it considered but declined to classify as CAIs, including based on public comment.
 - a. The Eligible Entity provided a reasonable justification for declining to define the aforementioned categories of institutions as CAIs and explained why it determined those categories of institutions did not facilitate greater use of broadband service by vulnerable populations.
3. If the Eligible Entity identified one or more categories of CAI that are not specifically 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 low-income individuals, unemployed individuals, and aged individuals,” the Initial Proposal provided a reasonable basis on which the Eligible Entity determined that each such category of CAI facilitates greater use of broadband service by vulnerable populations.

4. The Eligible Entity described how the Eligible Entity identified eligible CAIs in its jurisdiction, including eligible CAIs in applicable Tribal Lands.
5. The Eligible Entity describes how the Eligible Entity assessed the needs of eligible CAIs, including what types of CAIs it intends to serve.

To do so, an Eligible Entity should:

1. Document standardized **criteria used to include and exclude specific classes or types** of such institutions.
2. Outline the **definitions and sources** used to support the identification of CAIs and types of CAIs. The categories of CAIs identified may include, but not limited to, the following examples:



Schools

Schools: K-12 schools may include all K-12 schools participating in the FCC E-Rate program or that have an NCES (National Center for Education Statistics) ID in the categories “public schools” or “private schools”.



Libraries

Libraries: Libraries may include all libraries that participate in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association (ALA).



Healthcare Facilities

Health Clinic, Health Center, Hospital, or other Medical Providers: The list of health clinics, health centers, hospitals and other medical providers may include all institutions that have a Centers for Medicare and Medicaid Services (CMS) identifier.



Public Safety Entities

Public Safety Entities: Public safety entities may include fire houses, emergency medical service station, police station, among others. An Eligible Entity can obtain records of primary and secondary [Public Safety Answering Points \(PSAP\)](#) to determine the network connectivity needs of public safety organizations across the state.



Institutions of Higher Education

Institutions of Higher Education: Institutions of higher education may include all institutions that have an NCES ID in the category “college,” including junior colleges, community colleges, universities, or other educational institutions.



Public Housing Locations

Public Housing Organizations: Public housing organizations may be identified by contacting the [Public Housing Agencies \(PHAs\)](#) for the state or territory enumerated by the U.S. Department of Housing and Urban Development. The nonprofit organizations Public and Affordable Housing Research Corporation (PAHRC) and National Low-Income Housing

Coalition maintain a database of nationwide public housing units at the National Housing Preservation Database (NHPD).



Community Support Organizations: Community support organizations may include any organization that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals. An Eligible Entity can access a list of job training centers using the [American Job Center Finder](#). An Eligible Entity may also find senior center locations through the [National Council on Aging \(NCOA\)](#).

The Eligible Entity is also encouraged to draw on state, territorial, tribal, county/parish and municipal resources to identify additional types of eligible community anchor institution and include justification for including such type or instances of CAIs identified.

- Engage relevant **government agencies or stakeholders** across the state or territory to better understand network connectivity needs:



Government Agencies: An Eligible Entity can compile data from agencies such as the Eligible Entity Department of Health and Human Services that maintains records on Eligible Entity-run health centers, or the Eligible Entity Department of Education or Procurement Offices that may collect and keep records of the broadband service available at CAIs across the Eligible Entity.



Nonprofit Organizations: An Eligible Entity can also reach out to nonprofit organizations, such as community support organizations that support elderly individuals or other vulnerable members of the population, to determine connectivity needs.



Umbrella Organizations: An Eligible Entity can conduct outreach to umbrella organizations that work with CAIs to gather information on the needs of their members and ensure network connectivity needs are being met.

An Eligible Entity can refer to the [NTIA BEAD Model Challenge Process](#) for example responses to **Section 1.3.1** An Eligible Entity may also refer to the [NTIA BEAD Challenge Process Policy Notice](#) Section 5.2 for additional guidance.

1.3.2 Attachment: As a required attachment, submit the CSV file (named “cai.csv”) that lists eligible community anchor institutions that require qualifying broadband service and do not currently have access to such service, to the best of the Eligible Entity’s knowledge.

An Eligible Entity must include a list of each CAI location identified within the jurisdiction of the Eligible Entity, to the best of the Eligible Entity’s knowledge, including the National Broadband Map location ID (if applicable) and/or latitude and longitude for each eligible CAI in the data format in Appendix A. The Eligible Entity must complete all mandatory fields in the file named “cai.csv” as outlined in Appendix A of the [BEAD Challenge Process Policy Notice](#), including:

1. **Type:** Enumerated character identifying the type of CAI;
2. **Entity Name:** Official name of the CAI;
3. **Entity Number:** USAC assigned unique identifying number to each school or library that participates in the E-Rate program;
4. **CMS number:** The CMS certification number (CCN);
5. **FRN:** FCC registration number if applicable;
6. **Location ID:** The identifier for the broadband serviceable location from the BDC;
7. **Street Address:** Street number, street name, and any applicable prefix or suffix of the first address line (primary address) of the CAI;
8. **City:** Full name of the city, town, municipality, or census designated place associated with address;
9. **State or Territory:** Two-letter USPS abbreviation identifying the state or territory associated with address;
10. **Zip code:** Five-digit USPS ZIP code associated with address, including any leading zeros.
11. **Longitude:** Unprojected (WGS-84) geographic coordinate longitude in decimal degrees for the CAI, with a minimal precision of 6 decimal digits;
12. **Latitude:** Unprojected (WGS-84) geographic coordinate latitude in decimal degrees for the CAI, with a minimal precision of 6 decimal digits;
13. **Explanation:** For CAIs of type C, provide a brief explanation of how the institution facilitates greater broadband use and the population it serves, either as text or as a reference to a longer explanation accompanying the submission. For example, the submitter may define a set of sub-categories of CAI category C and describe how they meet the conditions;
14. **Broadband Need:** The broadband need on the CAI, denoted in Mbps download speeds.
15. **Broadband Availability:** The highest available broadband service speed of the CAI, denoted in Mbps download speeds.

The Eligible Entity must enter the address of the physical location of the Community Anchor Institutions, not the administrative location. For example, the address must describe the location of the school building, not that of the board of education administrative building.

An Eligible Entity is not expected to submit an exhaustive list of eligible community anchor institutions within their jurisdiction. However, submitting a list of community anchor institutions that is as complete as possible will expedite the review of eligible community anchor institutions during the challenge process.

To download a copy of the NTIA Template for CAIs, please see the file named “cai.csv”

Challenge Process (Requirement 7)

NTIA BEAD Model Challenge Process Adoption

1.4.1 Yes/No Box: Select if the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process for Requirement 7.



IMPORTANT:

An Eligible Entity may choose to adopt NTIA’s Model Challenge Process to meet NTIA’s requirements and expedite the approval process.

When designing its BEAD Challenge Process, an Eligible Entity will have access to the [NTIA BEAD Model Challenge Process](#). The goal of the NTIA BEAD Model Challenge Process is to provide Eligible Entities a baseline framework in the design of the challenge process. Eligible Entities are encouraged to review the NTIA pre-approved answers and adopt the NTIA BEAD Model Challenge Process.

The NTIA BEAD Model Challenge Process is expected to save Eligible Entities significant time when designing a robust and comprehensive challenge process. The NTIA BEAD Model Challenge Process will also provide Eligible Entities with the flexibility to adopt different modules for speed test and area challenge requirements, depending on the Eligible Entity’s preferences and technical capacity.

An Eligible Entity must select whether it plans to adopt the NTIA BEAD Model Challenge Process for Initial Proposal Requirement 7. The Eligible Entity should refer to “How to Use the NTIA BEAD Model Challenge Process” section of the NTIA BEAD Model Challenge Process if choosing to adopt the model for Initial Proposal Requirement 7.

Looking Ahead

Eligible Entities will be required to submit the results of their challenge process to NTIA for review and approval.

An Eligible Entity must copy and paste the Model text into the appropriate response textbox and complete all required additional information (indicated in blue text throughout the Model) if adopting the NTIA BEAD Model Challenge Process.

An Eligible Entity may also choose to adopt the optional modules if choosing to accept speed tests, conduct area challenges, or make modifications to reflect data not present in the National Broadband Map.

Modifications to Reflect Data Not Present in the National Broadband Map

1.4.2 Text Box: If applicable, describe any modifications to classification of broadband serviceable locations in the Eligible Entity’s jurisdiction as “served,” “underserved,” or “unserved,” and provide justification for each modification.

An Eligible Entity may modify the classification of locations identified as eligible for funding on the National Broadband Map subject to the approval of the Assistant Secretary. If an Eligible Entity plans to modify the classification of locations identified as eligible for funding, a description of the proposed modifications and associated justification must be included in the description.

An Eligible Entity that chooses to adopt the NTIA BEAD Model Challenge Process may adopt one of the optional modules outlined in the NTIA BEAD Model Challenge Process:

1. Optional module 1: No modifications

- The broadband office will make no modifications to the National Broadband Map’s list of unserved and underserved locations.

2. Optional module 2: Digital Subscriber Line (DSL) modifications

- The broadband office will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) delivered via DSL as “underserved.”

3. Optional module 3: Speed test modifications

- The broadband office will treat as “underserved” locations that the National Broadband Map shows to be “served” if rigorous speed test methodologies (i.e., methodologies aligned to the BEAD Model Challenge Process Speed Test Module) demonstrate that the “served” locations actually receive service that is materially below 100 Mbps downstream and 20 Mbps upstream.

An Eligible Entity must copy and paste the chosen module text into the appropriate response box. The Eligible Entity should refer to [NTIA BEAD Challenge Process Policy Notice](#) Section 6.1 for additional guidance.

Deduplication of Funding

Relevant Requirements from the NOFO, pages 36 – 37:

3. In identifying an Unserved Service Project or Underserved Service Project, an Eligible Entity may not treat as “unserved” or “underserved” any location that is already subject to an enforceable federal, state, or local commitment to deploy qualifying broadband as of the date that the challenge process described in Section IV.B.6 of this NOFO is concluded.

NOFO Footnote 52, pages 36 – 37:

An enforceable commitment for the deployment of qualifying broadband to a location exists when the commitment to deploy qualifying broadband service to that location was made as a condition of:

- Any grant, loan, or loan guarantee provided by an Eligible Entity to the provider of broadband service;
- Any grant, loan, or loan guarantee provided by the Secretary of Agriculture under:
 - Title VI of the Rural Electrification Act of 1936 (7 U.S.C. § 950bb et seq.), including: any program to provide grants, loans, or loan guarantees under Sections 601 through 603 of that Act (7 U.S.C. § 950bb et seq.); and the Community Connect Grant Program established under Section 604 of that Act (7 U.S.C. § 950bb-3); or
 - The broadband loan and grant pilot program known as the “Rural eConnectivity Pilot Program” or the “ReConnect Notice of Funding Opportunity Program” authorized under Section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115-141; 132 Stat. 348);
 - Any high-cost universal service support provided under Section 254 of the Communications Act of 1934 (47 U.S.C. § 254), except that in the case of the Rural Digital Opportunity Fund, a location will be considered to have an

enforceable commitment for qualifying broadband only (a) after the Federal Communications Commission has announced in a Public Notice that RDOF support for that location is ready-to-authorize or is authorized, and (b) the provider does not rely on satellite technologies to deliver service;

- Any grant provided under Section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. § 1305);
- Amounts made available for the Education Stabilization Fund established under the heading “DEPARTMENT OF EDUCATION” in title VIII of division B of the CARES Act (Public Law 116-136; 134 Stat. 564), and funded under the CARES Act, the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act), and the American Rescue Plan Act (ARP Act);
- Amounts made available for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) established under the American Rescue Plan Act of 2021 (Public Law 117-2; 135 Stat. 4) (ARPA);
- Amounts made available for the Capital Projects Fund established by Section 604 of the Social Security Act, as added by Section 9901 of ARPA; or
- Any other grant, loan, or loan guarantee provided by, or funded in whole or in part by, the federal government or a State or Territorial government for the provision of broadband service.

Eligible Entities may fund Unserved Service Projects and Underserved Service Projects that include locations in an area that has an enforceable commitment for the deployment of qualifying broadband to less than 100 percent of the locations in that area. See, e.g., 47 C.F.R. § 54.308(a). Eligible Entities must, however, seek to identify as part of the challenge process described in Section IV.B.6 of this NOFO those unserved locations and underserved that will not be served by qualifying broadband service as a result of such enforceable commitment, and use that information in determining whether to treat each location as unserved or underserved within the relevant area.

Further, for unserved locations and underserved on Tribal Lands, a commitment that otherwise meets the criteria set forth above shall not constitute an enforceable commitment for the deployment of qualifying broadband unless it includes a legally binding agreement, which includes a Tribal Government Resolution, between the Tribal Government of the Tribal Lands encompassing that location, or its authorized agent, and a service provider offering qualifying broadband service to that location.

1.4.3 Yes/No Box: Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.



IMPORTANT:

Eligible Entities are strongly encouraged to use the BEAD Eligible Entity Planning Toolkit (expected release Summer 2023), which is a collection of NTIA-developed technology tools that will overlay multiple data sources to capture enforceable commitments.

An Eligible Entity must select whether it plans to use the BEAD Eligible Entity Planning Toolkit (expected to be released in Summer 2023) to identify existing federal enforceable commitments within its jurisdiction. The BEAD Eligible Entity Planning Toolkit is a collection of NTIA-developed technology tools that, among other things, overlays multiple data sources to capture federal, state, and local

enforceable commitments. The BEAD Eligible Entity Planning Toolkit is intended to help Eligible Entities quickly and efficiently identify existing federal enforceable commitments.

1.4.4 Text Box: Describe the process that will be used to identify and remove locations subject to enforceable commitments.

An Eligible Entity must describe the process used to identify and remove locations subject to enforceable commitments, and outline whether the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit. If the Eligible Entity does not plan to use the BEAD Eligible Entity Planning Toolkit, the Eligible Entity must also include the following information:

1. A description of the technology or tool to be used for deduplication, including explanation of its capacity to aggregate multiple data sources to create an accurate list of existing federal, state, and local commitments.
2. Assurance that the process to identify and remove enforceable commitments will analyze, at a minimum:
 1. All programs included in the Broadband Funding Map published by FCC (pursuant to the Infrastructure Act § 60105), as of the date of the deduplication of funding process. These may include:
 - Programs administered by NTIA, including the Broadband Infrastructure Program, the Tribal Broadband Connectivity Program, and Middle Mile Broadband Infrastructure Grant Program.
 - Programs administered by FCC, including the Rural Digital Opportunity Fund (RDOF), Connect America Fund Phase II Auction, Alternative Connect America Model (A-CAM), Connect America Fund Broadband Loop Support (CAF BLS), and Alaska Plan.³
 - Programs administered by USDA, including the ReConnect Loan and Grant Program, Community Connect Grant Program, Telecommunications Infrastructure Loans and Loan Guarantees, and programs established by the Agriculture Improvement Act of 2018 (also known as the Farm Bill).
 2. All state broadband deployment programs that utilize funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.

In addition to the programs specified above, Eligible Entities must consider any additional programs specified by OICG, prior to the initiation of the challenge process.

³ FCC.gov has publicly-available data for the amount of Universal Service Fund (USF) High-Cost/Connect America Fund support distributed to each state. The FCC’s [Federal-State Joint Board Monitoring Reports](#) include data on funding received each year from the various USF High-Cost distribution mechanisms and the FCC [Public Reporting System](#) includes results from the Rural Digital Opportunity Fund Phase I and Connect America Fund Phase II auctions.

1.4.5 Attachment: As a required attachment, submit the list of the federal, state/territorial, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding.



IMPORTANT:

If an Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit, it will be required to submit the state/territory program location data at a later date to support the deduplication of funding process.

If the Eligible Entity **plans to use the BEAD Eligible Entity Planning Toolkit**,

the Eligible Entity must list any state or territorial and local programs that will be used to identify existing enforceable commitments.

If the Eligible Entity **does not plan to use the BEAD Eligible Entity Planning Toolkit**, the Eligible Entity must list the federal, state or territorial, and local programs that will be analyzed to identify existing enforceable commitments. These programs must include, at a minimum:

1. All programs included in the Broadband Funding Map published by FCC (pursuant to the Infrastructure Act § 60105), including:
 - Programs administered by NTIA, including the Broadband Infrastructure Program, the Tribal Broadband Connectivity Program, and Middle Mile Broadband Infrastructure Grant Program.
 - Programs administered by FCC, including the Rural Digital Opportunity Fund (RDOF), Connect America Fund Phase II Auction, Alternative Connect America Model (A-CAM), Connect America Fund Broadband Loop Support (CAF BLS), and Alaska Plan.⁴
 - Programs administered by USDA, including the ReConnect Loan and Grant Program, Community Connect Grant Program, Telecommunications Infrastructure Loans and Loan Guarantees, and programs established by the Agriculture Improvement Act of 2018 (also known as the Farm Bill).
2. All state broadband deployment programs that utilize funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.

To download a copy of the NTIA Template for Deduplication of Funding, please see the file named “BEAD Initial Proposal_Volume I_Deduplication of Funding Programs Template.xlsx”

Challenge Process Design

Relevant Requirements from the [NOFO](#), pages 34-35:

Each Eligible Entity shall develop and describe in the Initial Proposal, a transparent, evidence-based, fair, and expeditious challenge process under which a unit of local government, nonprofit organization, or broadband service provider can challenge a determination made by the Eligible Entity in the Initial Proposal as to whether a particular location or community anchor institution within the jurisdiction of the Eligible Entity is

⁴ See *id.*

eligible for grant funds. Among other things, the process must allow for challenges regarding whether a particular location is unserved or underserved as those terms are defined in the Infrastructure Act and Section I.C of this NOFO. Eligible Entities should update the data provided in their Initial Proposal to reflect the most recently published version of the National Broadband Maps available as of the initiation of the challenge process.

The Assistant Secretary may modify the challenge process proposed by the Eligible Entity as necessary and shall inform the Eligible Entity of any modifications required. Once an Eligible Entity makes any required modifications, the Assistant Secretary shall approve the challenge process, either in conjunction with, or prior to, approval of the Eligible Entity’s Initial Proposal. The Eligible Entity shall conduct the approved challenge process before allocating grant funds received from BEAD for the deployment of broadband networks to subgrantees.

After resolving each challenge and at least 60 days before allocating grant funds for network deployment, an Eligible Entity must provide public notice of the final classification of each unserved location, underserved location, or Eligible Community Anchor Institution within the jurisdiction of the Eligible Entity. An Eligible Entity must also notify NTIA of any modifications to the Initial Proposal that are necessitated by successful challenges to its initial determinations. Pursuant to the discretionary authority granted to the Assistant Secretary in the Infrastructure Act, NTIA may reverse the determination of an Eligible Entity with respect to the eligibility of a particular location or community anchor institution.

1.4.6 Text Box: Describe the plan to conduct an evidence-based, fair, transparent, and expeditious challenge process.



In designing its challenge process to be evidence-based, fair, transparent, and expeditious, an Eligible Entity is encouraged to adopt the [NTIA BEAD Model Challenge Process](#). An Eligible Entity not adopting the NTIA BEAD Model Challenge Process in full is still encouraged to consider adopting the approaches outlined by NTIA wherever possible.

An Eligible Entity that adopts the NTIA Model Challenge Process must copy and paste the full text response to **Section 1.4.6** outlined in the NTIA BEAD Model Challenge Process, while also submitting individualized responses (where indicated in blue text) in the NTIA BEAD Model Challenge Process.

In its response, an Eligible Entity must include:

1. The proposed approach for the challenge process, including the publication of eligible locations, challenge phase, rebuttal phase, and final determination phase.
2. Challenge types permitted, including the identification of Community Anchor Institutions, existing Broadband Serviceable Location (BSL) and Community Anchor Institution BEAD funding eligibility determinations, enforceable commitments, and planned service.
3. Challengers permitted, including units of local and tribal government, nonprofit organizations, and broadband service providers.

4. Proposed evidentiary review process through which the Eligible Entity will review and make determinations based on challenges and rebuttals received. If the Eligible Entity decides to add any additional data sources to or remove from the list as outlined in Table 3 “Examples of Acceptable Evidence for BEAD Challenges and Rebuttals” in Section 7.4 of the BEAD Challenge Process Policy Notice, it must respond to question 1.4.6 and outline the proposed sources and requirements that will be considered acceptable evidence.
5. Requirements for acceptable speed tests (e.g., number of speed tests, geographic distribution, speed test collection time), if applicable.
6. Plan to ensure that sufficient opportunity and time is given to all relevant parties to initiate, rebut, and substantiate challenges, and that the challenge process standards of review are applied uniformly to all challenges submitted.
7. The plan to ensure transparency, including:
 - a. The plan to publicly post documentation explaining the challenge process once it is approved by NTIA (prior to beginning the challenge process)
 - b. The plan to post all submitted challenges and rebuttals before final determinations are made, including information from Section 7.6 of the NTIA BEAD Challenge Process Policy Notice.
 - c. The plan to host a website, including the link to the website’s URL, if the hosting website already exists.
 - d. The plan to inform units of local government, relevant nonprofit organizations and broadband providers to the challenge process, its deadlines, and how providers and other affected parties will be notified of challenges.
8. The plan to ensure the protection of Personally Identifiable Information (PII) and proprietary information, including anyone who will have access to any PII submitted through the challenge process (e.g., provider’s subscriber PII), including through state/territory public records processes.
9. The overall timeline, with tentative dates of initiation and completion, for the challenge process. An Eligible Entity may determine the specific timeframes for the various Requirements of the challenge process (e.g., challenge submission, rebuttal window) if the requirements below are met. The Eligible Entity is encouraged to extend the submission and rebuttal window, as possible, based on the Eligible Entity’s preferred timelines and capacity. The timeline must also include a plan to ensure that:
 - a. The proposed challenge process will be completed within 120 days, starting with the initiation of the challenge submission window;
 - b. The proposed challenge process will allow a minimum challenge submission window of at least 14 days;
 - c. The proposed challenge process will include a minimum 14-day window to file a rebuttal after the challenge is available on the challenge portal;
 - d. Following approval by NTIA, the proposed challenge process will publicly post final classification of eligible locations after resolving each challenge, at least 60 days before allocating grant funds for network deployment.

The Eligible Entity must also indicate which modules from the NTIA Model Challenge Process , if any, the Eligible Entity plans to adopt, including the speed test module and the area challenge module. If the Eligible Entity chooses to not adopt the modules, the Eligible Entity must indicate whether it plans to accept speed tests or conduct an area challenge and if so, it must include its plans for doing so. NTIA will review the proposed speed test requirements and/or area challenge plan.

The Eligible Entity should refer to [NTIA BEAD Challenge Process Policy Notice](#) Section 7 for additional guidance for designing the challenge process.

1.4.6 Optional Attachment: As a required attachment only if the Eligible Entity is not using the NTIA BEAD Model Challenge Process, outline the proposed sources and requirements that will be considered acceptable evidence.

An Eligible Entity adopting the [NTIA BEAD Model Challenge Process](#) is not required to upload the attachment.

An Eligible Entity not adopting the NTIA BEAD Model Challenge Process must list any proposed data sources that will be accepted as sufficient evidence that are not included in Section 7.4 of the NTIA BEAD Challenge Process Policy Notice. The Eligible Entity must also include any data sources that are included in Section 7.4 of the NTIA BEAD Challenge Process Policy Notice that will not be accepted as sufficient evidence.

- **To add an additional data source:** complete all columns and indicate in column 3 (“Proposed Change to NTIA Policy Notice”) whether the Eligible Entity will add or remove this data source as outlined in Section 7.4 of the NTIA BEAD Challenge Process Policy Notice.
- **To remove an approved data source:** skip columns 4 and 5 (e.g., “Data Source Requirement” and “Permissible Rebuttal” and fill out only columns 1 and 2 (e.g., “Challenge Type” and “Data Source”).

The Eligible Entity should refer to NTIA BEAD Challenge Process Policy Notice Section 7.4 for additional guidance.

Table 2: Proposed Data Sources

Complete the table below to identify any data sources the Eligible Entity is proposing to add or remove from the list of acceptable evidence sources in NTIA BEAD Challenge Process Policy Notice Section 7.4. The Eligible Entity must follow the instructions for each column when submitting any potential data sources additions or removals.

Challenge Type	Data Source	Proposed Change to NTIA Policy Notice	Data Source Requirements	Permissible Rebuttal
<i>Type of challenge based on BEAD Challenge Process Policy Notice Table 3: “Examples of Acceptable Evidence for BEAD Challenges and Rebuttals in the BEAD Policy Notice”</i>	<i>Brief description of the data source</i>	<i>Whether Eligible Entity will add or remove this data source as outlined in the BEAD Challenge Process Policy Notice</i>	<i>Brief description of the requirements associated with each data source being added to the list of acceptable sources. If proposing removal, indicate N/A.</i>	<i>Brief description of the acceptable rebuttal evidence and any associated requirements for each source being added to the list of acceptable sources. If proposing removal, indicate N/A.</i>

In the file attachment, the Eligible Entity must follow the format of the NTIA template.

To download a copy of the NTIA Template for Evidence Data Sources, please see the file named “BEAD Initial Proposal_Volume I_ Evidence Data Sources Template.xlsx”

Volume I Public Comment

1.5.1 Text Box: Describe the public comment period and provide a high-level summary of the comments received during the Volume I public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

- a. The public comment period was no less than 30 days; and
- b. Outreach and engagement activities were conducted to encourage feedback during the public comment period.



IMPORTANT

The Eligible Entity must conduct a public comment period for **no less than 30 days**.

The Eligible Entity must describe how it conducted a public comment period for no less than 30 days, provide a high-level summary of the comments received, and demonstrate how the Eligible Entity incorporated feedback in its Initial Proposal

submission, as applicable. The Eligible Entity is not required to respond to all individual comments but must capture where public comments impacted the contents of the Initial Proposal submission.

The Eligible Entity must also demonstrate how it conducted outreach and engagement activities to encourage broad awareness, participation, and feedback during the public comment period, particularly among Tribal Governments, local community organizations, unions and worker organizations, and other underrepresented groups. Examples of outreach mechanisms include, but are not limited to, public meetings, informational brochures, local media, relevant social media channels, and direct mail.

1.5.2 Optional Attachment: As an optional attachment, submit supplemental materials to the Volume I submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.

The Eligible Entity may upload additional documentation, such as formatted text, tables, or graphics, relevant to any of the requirements in Volume I. If the Eligible Entity chooses to upload supplemental materials, they must provide a crosswalk to the relevant requirement(s). In the responses to Volume I requirements, the Eligible Entity may reference the materials uploaded here to provide additional context to their responses. However, content submitted here will not be reviewed for sufficiency in meeting Initial Proposal requirements; only responses to requirements in previous sections of the NTIA Grants Portal will be evaluated for meeting the standard of review required for approval.

Volume II (Requirements 1, 2, 4, 8 – 20)

Objectives (Requirement 1)

Relevant Requirements from the [NOFO](#), pages 30 - 32:

Outline long-term objectives for deploying broadband, closing the digital divide, addressing access, affordability, equity, and adoption issues, and enhancing economic growth and job creation including information developed by the Eligible Entity as part of the Five-Year Action Plan and information from any comparable strategic plan otherwise developed by the Eligible Entity, if applicable.³⁹

³⁹ For States and Territories that have completed Five-Year Action Plans, reference to this plan satisfies this requirement.

An Eligible Entity that has already completed its Five-Year Action Plan may directly copy Objectives from its Five-Year Action Plan into the Initial Proposal to satisfy this requirement. An Eligible Entity that is still drafting its Five-Year Action Plan should ensure that its responses to this requirement in its Initial Proposal and its Five-Year Action Plan are substantively the same.

2.1.1 Text Box: Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five-Year Action Plans.

In this section, the Eligible Entity is required to explicitly outline long-term objectives covering **each** of the following:



Broadband Deployment



Closing the Digital Divide



Addressing Access, Affordability, Equity, or Adoption Issues



Enhancing Economic Growth and Job Creation

Objectives are specific, measurable, attainable, relevant, and time-based and support the attainment of long-term goals. Example objectives may include:

- Develop broadband investment and deployment strategies for unserved and underserved areas.
- Leverage all resources, including BEAD Program funding and support from other federal, state or territory, and local programs and binding commitments from Internet providers, to achieve the Eligible Entity’s broadband deployment goals.
- Develop and strengthen partnerships with community stakeholders to identify opportunities for an Eligible Entity to support and coordinate broadband deployment and equity initiatives.
- Enhance economic growth and job creation by promoting sector-based partnerships among employers and education providers.

Objectives **are not required** to be specific to the BEAD Program funds. Instead, the Eligible Entity may also include objectives related to other federal, state or territory, and local programs.

Local, Tribal, and Regional Broadband Planning Processes (Requirement 2)

Relevant Requirements from the [NOFO](#), pages 30 - 32:

Identify, and outline steps to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide and describe coordination with local and Tribal Governments, along with local, Tribal, and regional broadband planning processes.

⁴⁰ For States and Territories that have completed Five-Year Action Plans, reference to this plan satisfies this requirement.

An Eligible Entity that has already completed its Five-Year Action Plan may directly copy its Stakeholder Engagement Process (Requirement 7 in the Five-Year Action Plan) into the Initial Proposal to satisfy this requirement. An Eligible Entity that is still drafting its Five-Year Action Plan must ensure that the response to this requirement in its Initial Proposal and its Five-Year Action Plans are substantively the same.

2.2.1 Text Box: Identify and outline steps that the Eligible Entity will take to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide. In the description, include how the Eligible Entity will coordinate its own planning efforts with the broadband planning processes of local and Tribal Governments, and other local, Tribal, and regional entities. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

The purpose of this section is to identify and outline steps to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide through coordination with local and Tribal Governments, and other local, Tribal, and regional entities.

The Eligible Entity must describe existing local and regional planning or deployment efforts, including those in Tribal areas. The Eligible Entity must describe how it has coordinated with local and, if applicable, Tribal Governments in developing statewide strategies, and how the Eligible Entity will continue this engagement moving forward. The Eligible Entity may provide an inventory of existing broadband planning efforts across the Eligible Entity or describe how it is conducting and/or plans to conduct outreach activities to facilitate coordination with local and Tribal Governments, and other local, Tribal, and regional entities.

Local Coordination (Requirement 4)

Relevant Requirements from the [NOFO](#), pages 30 - 32:

Certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and worker organizations, and other groups, consistent with the requirements set forth in Section IV.C.1.c of this NOFO, describe the coordination conducted, summarize the impact such coordination had on the content of the Initial Proposal, detail ongoing coordination efforts, and set forth the plan for how the Eligible Entity will fulfill the coordination requirements associated with its Final Proposal.

Relevant Requirements from the [NOFO](#), page 52:

In evaluating whether local coordination and outreach efforts meet the programmatic requirements, the Assistant Secretary will assess whether plans and activities undertaken ensure: (1) full geographic coverage of the Eligible Entity; (2) meaningful engagement and outreach to diverse stakeholder groups, labor organizations, and community organizations, including to promote the recruitment of women and other historically marginalized populations for workforce development opportunities and jobs related to BEAD-funded eligible activities; (3) utilization of multiple awareness and participation mechanisms and different methods to convey information and outreach; (4) transparency of processes, to include the documentation and publication of results and outcomes of such coordination and outreach efforts, including additions or changes to the Eligible Entity’s Initial Proposal and/or Final Proposal; and (5) outreach to and direct engagement of unserved and underserved communities to include historically underrepresented and marginalized groups and/or communities. These requirements are designed to allow Eligible Entities to tailor the program for the unique environments within its boundaries. In evaluating the sufficiency of local coordination efforts, the Assistant Secretary will consider quantitative measures as well as the quality of the engagements.

The purpose of this section is to detail how an Eligible Entity has coordinated and will continue to coordinate with all communities within its jurisdiction, including its marginalized and underrepresented populations. Local government, Tribal, and stakeholder coordination is essential to the BEAD Program’s success because it promotes full representation and inclusion of unserved, underserved, and underrepresented communities throughout the planning and deployment processes, and fosters strong relationships and buy-in from the individuals this Program is designed to serve. The Eligible Entity should refer to the [Local Coordination Resources One-Pager](#) for additional information on conducting local coordination including guidance on creating accessible meetings and how to conduct effective community engagement.

Looking Ahead

In the Final Proposal, the Eligible Entity will be required to certify and describe local coordination conducted, including a summary of the impact such coordination had on the content of the Final Proposal.

2.3.1 Text Box: Describe the coordination conducted, summarize the impact such impact has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfil the coordination associated with its Final Proposal.

2.3.1.1 Attachment: As a required attachment, submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations, and other groups.

The Eligible Entity must submit both a narrative summarizing their local coordination efforts and the Local Coordination Tracker Tool detailing specific coordination activities the Eligible Entity has conducted.

The Eligible Entity is required to describe local coordination conducted, ongoing coordination efforts, and the impact of such coordination on the content of the Initial Proposal. The Eligible



IMPORTANT

It is strongly recommended that the Eligible Entity conducts local coordination for the BEAD and Digital Equity Act in tandem as one cohesive effort. This approach will be particularly important to avoid confusion and reduce the burden on local stakeholders.

Entity must coordinate with political subdivisions, Tribal Governments, local and community-based organizations, and unions and worker organizations within its jurisdiction to promote full representation and inclusion of unserved,

underserved, and underrepresented communities throughout the planning and deployment processes.



The Eligible Entity must address **each** of the following five criteria mentioned in the [BEAD NOFO](#) in its descriptions of local coordination efforts.

Local Coordination Evaluation Criteria



1 Geographic Coverage

The Eligible Entity must describe how its local coordination efforts within its political subdivisions and applicable Tribal Governments include sufficient geographic granularity to demonstrate full participation within the Eligible Entity. Engagement must include Tribal, rural, suburban, and urban areas as well as all key demographic groups within the Eligible Entity’s jurisdiction, to the extent these categories are applicable in the Eligible Entity.

INTEGRATION OF LOCAL AND TRIBAL PLANS

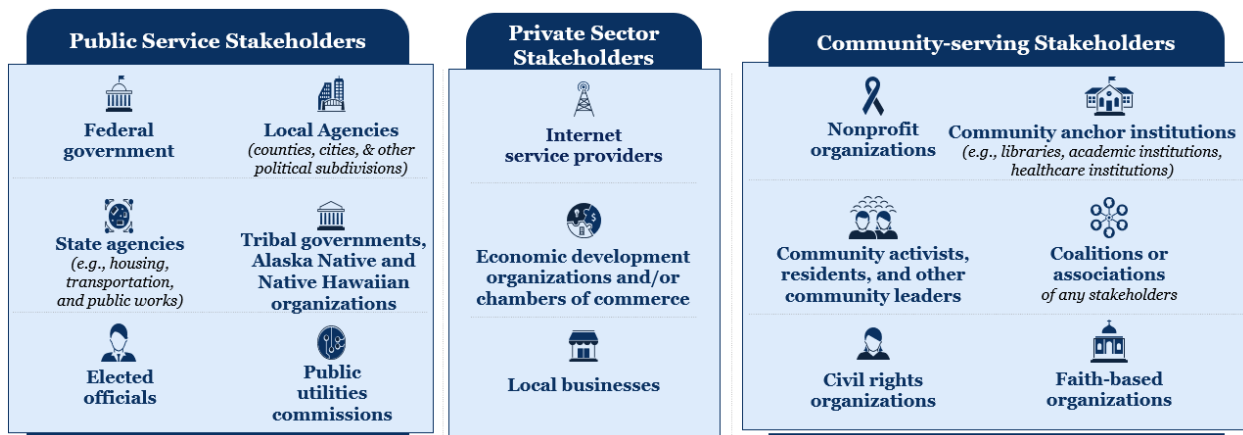
Each political subdivision and federally recognized Tribe must be given an opportunity to submit its own plan to the Eligible Entity for consideration in the development of the Eligible Entity’s Initial Proposal. Plans in this context refer to formal, local broadband plans addressing deployment, equity, or other issues relevant to the BEAD Program goals. The Eligible Entity must detail how it addressed each submitted plan in the Initial Proposal.

2 Outreach to Diverse Groups

Throughout its local coordination and outreach activities, the Eligible Entity must involve a diverse set of stakeholders in the development of its Initial Proposal. The Eligible Entity must coordinate with local governments, Tribal governments, and stakeholders to solicit input on relevant portions of their Initial Proposals. For example, the Eligible Entity should seek input from groups that carry out workforce development programs and labor unions, to develop an approach to ensuring a reliable supply of skilled workers, elicit feedback on plans for creating well-paid jobs, and to recruit and hire women and other historically marginalized groups for the job opportunities created through the BEAD Program.

Examples of stakeholder groups for consideration include, but are not limited to the following:


Figure 1: Broadband Stakeholders



3 Multiple Awareness Mechanisms

The Eligible Entity must describe multiple mechanisms it is using or intends to use to promote broad awareness and participation from various stakeholder groups. It is **not** sufficient to only utilize one type of awareness mechanism. Examples of such methods include but are not limited to those listed in Figure 2 below.

Figure 2: Examples of Awareness Mechanisms



Awareness Mechanisms

- Listening sessions, or public meetings (in-person within the community and virtual);
- Eligible Entity websites and/or email address to submit comments directly;
- Informational materials such as fact sheets, brochures, Frequently Asked Questions, and newsletters;
- Social media (blogs, Twitter, Facebook, Instagram, etc.);
- Email notifications and use of traditional mail;
- Utilization of community anchor institutions to help promote and distribute information);
- Local Advertisements and Public Service Announcements.

Note that the Local Coordination Tracker Tool is required to reflect a wide-ranging use of awareness mechanisms in the conducted and planned engagement activities.

4 Transparency

In conducting local coordination and outreach activities, the Eligible Entity must establish, document, and adhere to clear procedures to promote transparency. The Eligible Entity must describe how it makes information on planned broadband activities accessible to a diverse set of stakeholder groups.

Examples of ways to promote and document transparency include:

- Posting publicly available information to easily navigable websites with up-to-date information;
- Conducting periodic reporting/reports on broadband efforts to local and community stakeholders;
- Involving a diverse set of stakeholders in the planning, implementation and execution of coordination and outreach efforts and activities, and in-person meetings and mailings; and
- Providing information in commonly used languages other than English to be accessible to a broad range of community members.

5 Underrepresented Engagement

The Eligible Entity must describe direct engagement efforts with underrepresented communities within its jurisdictions and highlight any feedback provided by these groups. The Eligible Entity must identify these communities and determine specific outreach and engagement strategies tailored to their needs, including providing outreach in the languages used in the communities these eligible activities serve.

Examples of activities that might be used to reach unserved, underserved, and underrepresented communities include, but are not limited to:

- The creation of an Eligible Entity-wide task force or advisory board with representatives from underrepresented communities;
- Frequent engagement with State, Territorial, county, Tribal, and municipal associations that may have a greater reach to these communities through their local elected official members;
- Engagement with other Eligible Entity departments or agencies that regularly serve these communities and can help identify and engage with them, such as Eligible Entity departments of education, health and human services, workforce development, and/or public health;
- Utilization of the awareness mechanisms listed above that demonstrates a targeted focus on the above identified communities; and
- Investment in surveys, data collection, and mapping initiatives to better understand gaps in connectivity and needs.

An Eligible Entity that is also utilizing funding from the State Digital Equity Planning Grant Program (SDEPG) is encouraged to make sure that the stakeholder engagement that is conducted for the purposes of the Digital Equity plan is coordinated and aligned with the stakeholder engagement conducted for the development of the Initial Proposal. For example, for both efforts, the Eligible Entity is encouraged to assemble comprehensive lists of stakeholders, identify overlaps, and coordinate or combine outreach to those stakeholders through combined listening sessions, surveys, and site visits. This will be particularly important to avoid confusion and reduce the burden on community stakeholders.



IMPORTANT

An Eligible Entity that has already completed the Local Coordination Tracker Tool for the Digital Equity program may submit the same document for the Initial Proposal, as long as it fulfills the five coordination criteria required by the [BEAD NOFO](#).

For the attachment, the Eligible Entity is required to submit a [Local Coordination Tracker Tool](#) to document coordination efforts conducted, including with Tribal Governments, local community organizations, unions and worker organizations, and other

groups. A completed Local Coordination Tracker must demonstrate compliance with all five coordination criteria required by the [BEAD NOFO](#).

The Local Coordination Tracker tool includes several important tabs, including:

- **Overview:** The Overview tab outlines the purpose of the tool and provides descriptions for each tab including how they relate to specific BEAD NOFO requirements.
- **List of Organizations:** The List of Organizations tab is an area to document and record each organization and stakeholder group engaged and the purpose of the engagement. The List of Organizations must illustrate engagement with a diverse set of stakeholders (see Figure 1), including underrepresented communities, and reflect that local coordination efforts have met the requirement for sufficient geographic coverage.

- Stakeholder Engagement Tracker:** The Stakeholder Engagement Tracker tab provides an area to document and record engagement with each stakeholder group. This list must comprise a diverse set of stakeholders (see Figure 1), including underrepresented communities, and reflect that local coordination efforts have met the requirement for sufficient geographic coverage. Note that the Eligible Entity is not required to complete the column for “Covered Populations Reached” since this is a Digital Equity Program requirement, but it is encouraged to do so in coordination with the development of the State Digital Equity Plan.
- Local Plans:** The Local Plans tab provides an area to document any plans submitted to the Eligible Entity or existing plans or programs instituted by municipal, regional, or local governments and/or Tribal Entities, as well as notes on how these plans will be incorporated into the Initial Proposal. Each political subdivision and federally recognized Tribe must be given an opportunity to submit its own local broadband plan to the Eligible Entity for consideration in the development of the Eligible Entity’s Proposals. Each Eligible Entity must detail how it addressed each submitted plan in its Initial Proposal.
- Public Comment Disclosure:** The Public Comment Disclosure tab provides an area to capture any feedback and public comments from political subdivisions, Tribal Governments, and stakeholders, and how the Eligible Entity will address the feedback.

2.3.2 Text Box: Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note “Not applicable.”

2.3.2.1 Optional Attachment: As a required attachment only if the Eligible Entity encompasses federally recognized Tribes, provide evidence that a formal tribal consultation process was conducted, such as meeting agendas and participation lists.

Where an Eligible Entity encompasses federally recognized Tribes, the Eligible Entity must describe the formal consultation process conducted with federally recognized Tribal or Native entities to promote alignment and visibility of broadband needs and priorities between the Eligible Entity and Tribal officials.

The Eligible Entity must describe how it provided multiple opportunities for Tribes to provide input and ensure that feedback is both recorded (e.g., through recordings, detailed notes, or summary reports) and incorporated into the Initial Proposal.

Where an Eligible Entity encompasses federally recognized Tribes, the Eligible Entity must submit evidence that a formal tribal consultation process was conducted. Evidence may include, but not be limited to:

- Documenting meeting details and feedback in the Local Coordination Tracker Tool
- Providing Tribal consultation summary reports, meeting agendas, and participant lists
- Providing a copy of a Dear Tribal Leader Letter (DTLL) sent as request to engage with Tribal Governments

An Eligible Entity may refer to and leverage pre- and post-consultation [materials](#) previously developed for the Tribal Broadband Connectivity Program (TBCP) as examples for documentation of Tribal engagements for the BEAD Program. This includes Dear Tribal Leader Letters (DTTLs), agendas, summary reports, and consultation transcripts and recordings. Additionally, English Entities may refer to the [Memorandum on Uniform Standards for Tribal Consultation](#) for more information on how Tribal consultations are to be conducted.

If an Eligible Entity does not encompass sovereign Tribal or Native entities, please note “Not applicable” within this text box.

Deployment Subgrantee Selection (Requirement 8)

Relevant Requirements from the [NOFO](#), pages 30 - 32:

Include a detailed plan to competitively award subgrants consistent with Section IV.B.7.a of this NOFO with regard to both last-mile broadband deployment projects and other eligible activities. With respect to last-mile broadband deployment projects, the plan must explain how the Eligible Entity will ensure timely deployment of broadband and minimize the BEAD subsidy required to serve consumers consistent with Section IV.B.7 and the other priorities set out in this NOFO. The Initial Proposal must include identification of, or a detailed process for identifying, an Extremely High Cost Per Location Threshold to be utilized during the Subgrantee Selection Process described in Section IV.B.7 of this NOFO. Each Eligible Entity must establish its Extremely High Cost Per Location Threshold in a manner that maximizes use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.7.b of this NOFO. NTIA expects Eligible Entities to set the Extremely High Cost Per Location Threshold as high as possible to help ensure that end-to-end fiber projects are deployed wherever feasible.

The purpose of this section is to provide a detailed plan to competitively award subgrants. This is a critical Requirement of the Initial Proposal as subgrantees will be primarily responsible for completing eligible deployment activities. Figure 3 below provides examples of eligible uses of funding related to broadband deployment projects, as outlined in the [BEAD NOFO](#).

Figure 3: Eligible Uses of Funding Related to Deployment Projects

- Construction, improvement, and/or acquisition of facilities and telecommunications equipment required to provide qualifying broadband service, including infrastructure for backhaul, middle- and last-mile networks, and multi-tenant buildings.
- Long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including indefeasible right-of-use (IRU) agreements.
- Deployment of internet and Wi-Fi infrastructure within an eligible multi-family residential building.
- Engineering design, permitting, and work related to environmental, historical and cultural reviews.
- Personnel costs, including salaries and fringe benefits for staff and consultants providing services directly connected to the implementation of the BEAD Program (such as project managers, program directors, and subject matter experts).
- Network software upgrades, including, but not limited to, cybersecurity solutions.
- Training for cybersecurity professionals who will be working on BEAD-funded networks.
- Workforce development, including Registered Apprenticeships and pre-apprenticeships, and community college and/or vocational training for broadband-related occupations to support deployment, maintenance, and upgrades

Please note that while requirements vary in this section, most responses should integrate strong grants management practices, including establishing and following best practices on 1) policies and procedures; 2) transparency; 3) and internal controls. Figure 4 provides several helpful tips that can be applied across requirements for both Deployment Subgrantee Selection (Requirement 8) and Non-Deployment Subgrantee Selection (Requirement 9).

Figure 4: Best Practices for Subgrantee Selection Grants Management

When an Eligible Entity is required to identify or outline a detailed process for a requirement of the Initial Proposal, they should consider the following grants management best practices.



TIE YOUR RESPONSE TO ESTABLISHED POLICIES, PROCESSES, & PROCEDURES

Established and approved policies, processes, and procedures are fundamental to ensuring Eligible Entities are properly managing, monitoring, and assessing subgrantees. Eligible Entities should include **all established policies, processes, & procedures** when responding to each subgrantee selection requirement.

- If an Eligible Entity is developing a new process, this should be noted and **tied back** to an existing internal control or policy document. This makes the process easier to justify and explain to potential subgrantees and auditors.

What Policies Should Eligible Entities Have?

- Procurement Policy
- Record Retention Policy
- Subgrantee Selection Policy
- Subgrantee Monitoring Policy

Eligible Entities should highlight **strong record retention** policies when writing responses that include details on subgrantee certification.



INCLUDE AS MUCH TRANSPARENCY AS POSSIBLE TO YIELD BETTER APPLICATIONS/OUTCOMES

- The more transparent an Eligible Entity is with their potential subrecipients, the **better applications/submissions and eventually outcomes** will be. Subrecipients will have a better understanding of what is needed, what is required, and what will make a good application.
- Eligible Entities should consider **developing support documents**, where needed, and including these materials in their subgrantee selection responses. Materials could include checklists, samples, outreach plans, etc.
- Eligible Entities should also include **conflict of interest rules** in their approach to increase transparency and reduce risk.

For responding to each subgrantee selection requirement consider responding with: 1) Who is responsible for the requirement? 2) Why is the requirement necessary for the project/program outcome? 3) What is the level of detail a subgrantee would need to understand this



NOTE STRONG INTERNAL CONTROLS AS THEY INSTILL CONSTANCY AND CONFIDENCE IN PLANS TO VALIDATE SUBGRANTEE QUALIFICATION REQUIREMENTS

- Strong responses should include references to **internal control plans** for all phases of the subgrantee selection lifecycle.

Pre-Award

- Plan to develop solicitation documents, application guidance, technical assistance, etc., for grantees.

Award

- Plan to document and retain records for evaluation review, including rules and submission packages.

Post-Award

- Plan to document clear, explicit terms and conditions along with processes to revise or amend subawards.

Deployment Projects Subgrantee Selection Process & Scoring Approach

2.4.1 Text Box: Describe a detailed plan to competitively award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.

The Eligible Entity must provide detailed description of the selection process that is fundamentally fair, open, and competitive.

The Eligible Entity must describe the safeguards to ensure the subgrantee selection process is **fair**, including safeguards against **each** of the following:

- Collusion
- Bias
- Conflicts of interest
- Arbitrary decisions

The Eligible Entity must ensure the subgrantee selection process is **open** by describing how the Eligible Entity will provide adequate public notice to potential subgrantees to enable participation by a wide variety of potential applicants, to ensure an open and competitive process, and to prevent favoritism, collusion, and abuse.

The Eligible Entity must also describe how it ensured the subgrantee selection process is **competitive**, such as by using a competitively neutral evaluation criteria that does not favor one type of provider over another, except certain preferences expressed neutrally and in advance. Such preferences may only be included as secondary criteria.

As part of creating a plan to competitive award subgrants to last-mile broadband deployment projects, Eligible Entities should understand the regulations outlined in the BEAD NOFO and document their adherence to these regulations in a set of Sub-granting Accountability Procedures. In accordance with the BEAD NOFO, subgrant agreements should, at a minimum, include the following in their Sub-granting Accountability Procedures:

- Disbursement of funding to subgrantees for all deployment projects, at a minimum, on a reimbursable basis (which would allow the state or territory to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize);
- The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the state or territory and any subgrantee;
- Timely subgrantee reporting mandates; and
- Robust subgrantee monitoring practices.

When developing their Sub-granting Accountability Procedures, Eligible Entities should demonstrate how they intend to satisfy the comprehensive monitoring and management requirements of their awarded subgrantees. Eligible Entities are encouraged to conduct periodic comprehensive monitoring of all awarded subgrantees to ensure they are demonstrating strong performance throughout the lifecycle of the program.

Additionally, when developing a plan to competitively award subgrants, Eligible Entities should be aware of restrictions surrounding Conflict of Interest in the BEAD NOFO. Conflict of Interest applies when two parties have concerns that can be incompatible, or there exists a conflict between the private interests and the official responsibilities of a person in a position of trust.

For additional information on creating a competitive application process, please reference the [Subgrantee Selection Primer](#).

2.4.2 Text Box: Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.

2.4.2.1 Attachment: As a required attachment, submit the scoring rubric to be used in the subgrantee selection process for deployment projects. Eligible Entities may use the template provided by NTIA, or use their own format for the scoring rubric.

The Eligible Entity must describe how the prioritization and scoring process will be conducted and how the subgrantee selection process is consistent with the principles for I) selection among Priority Broadband Projects covering the same location or locations and/or II) selection among Other Last-Mile Broadband Deployment Projects.

- **Priority Broadband Projects:**⁵ An Eligible Entity’s process in selecting subgrantees for last-mile broadband deployment projects must first assess which locations or sets of locations under consideration are subject to one or more proposals that (1) constitute Priority Broadband Projects and (2) satisfy all other requirements set out in this NOFO with respect to subgrantees. In the event there is just one proposed Priority Broadband Project in a location or set of locations, and that proposal does not exceed the Eligible Entity’s Extremely High Cost Per Location Threshold, that proposal is the default winner, unless the Eligible Entity requests, and the Assistant Secretary grants, a waiver allowing the Eligible Entity to select an alternative project. To the extent there are multiple proposals in a location or set of locations that (1) constitute Priority Broadband Projects and (2) satisfy all other requirements with respect to subgrantees, the Eligible Entity must competitively select a project based on the criteria set by the BEAD NOFO.
- **Other Last-Mile Broadband Deployment Projects:** In deciding among competing projects that are not Priority Broadband Projects covering the same locations or area, the Eligible Entity must use the criteria detailed in the BEAD NOFO.

Selection Criteria for Priority Broadband Projects

Relevant Requirements from the NOFO, pages 43 – 44:

Primary Criteria. In deciding among competing Priority Broadband Projects covering the same location or locations, Eligible Entities must give the greatest weight (*e.g.*, substantial points or credits) to the following criteria:¹

- **Minimal BEAD Program Outlay.** The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee’s proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases. In comparing the project’s BEAD outlay and the prospective subgrantee’s match commitments, Eligible Entities should consider the cost to the Program per location while accounting for any factors in network design that might make a project more expensive, but also more scalable or resilient.

⁵ The term “Priority Broadband Project” means a project that will provision service via end-to-end fiber-optic facilities to each end-user premises BEAD NOFO at 14.

- **Affordability.** The prospective subgrantee’s commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps service in the project area.
- **Fair Labor Practices.** Eligible Entities must give priority to projects based on a prospective subgrantee’s demonstrated record of and plans to be in compliance with federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects. This prioritization requirement is described in further detail in Section IV.C.1.e of this NOFO.

Secondary Criterion. Eligible Entities must also give weight (*e.g.*, some number of points or quantity of credits less than the amount given to the criteria above) to the following criterion:

- **Speed to Deployment.** All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the Eligible Entity. Eligible Entities must give secondary criterion prioritization weight to the prospective subgrantee’s binding commitment to provide service by an earlier date certain, subject to contractual penalties to the Eligible Entity, with greater benefits awarded to applicants promising an earlier service provision date.²

The Eligible Entity may develop additional prioritization criteria to be given weight that aligns with Eligible Entity and local priorities. The Eligible Entity may incorporate the following as additional prioritization criteria:

Additional Prioritization Factors.

- **Equitable Workforce Development and Job Quality.** NTIA encourages Eligible Entities to adopt selection criteria relating to the subgrantee’s enforceable commitments with respect to advancing equitable workforce development and job quality objectives, *see* Section IV.C.1.f of this NOFO.
- **Open Access.** NTIA encourages Eligible Entities to adopt selection criteria promoting subgrantees’ provision of open access wholesale last-mile broadband service for the life of the subsidized networks, on fair, equal, and neutral terms to all potential retail providers.
- **Local and Tribal Coordination.** NTIA encourages Eligible Entities to adopt selection criteria reflecting a prospective subgrantee’s support from the local and/or Tribal Government with oversight over the location or locations to be served.

¹ The primary criteria must collectively account for no less than three-quarters of the total benefits available across all the criteria the Eligible Entity employs in choosing between or among competing proposals.

² Nothing herein supersedes the requirement that, barring an extension granted by the Assistant Secretary, any subgrantee that receives BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband service within the project area not later than four years after the date on which the subgrantee receives the subgrant from the Eligible Entity.

Selection Criteria for Other Last-Mile Broadband Deployment Projects

Relevant Requirements from the [NOFO](#), pages 44 – 45:

Primary Criteria. In deciding among competing projects that are not Priority Broadband Projects covering the same locations or area, Eligible Entities must give the greatest weight (e.g., substantial points or credits) to the following criteria:

- **Minimal BEAD Program Outlay.** The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee’s proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific benefits awarded increasing as the BEAD outlay decreases. In comparing the project’s BEAD outlay and the prospective subgrantees match commitments, Eligible Entities should consider the cost to the Program per location while accounting for any factors in network design that might make a project more expensive, but also more scalable or resilient.
- **Affordability.** The prospective subgrantee’s commitment to provide the most affordable total price to the customer for 100/20 Mbps service in the proposed service area.
- **Fair Labor Practices.** Eligible Entities must give priority to projects based on a prospective subgrantee’s demonstrated record of and plans to be in compliance with federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects. This prioritization requirement is described in further detail in Section IV.C.1.e of this NOFO.

Secondary Criteria. Eligible Entities must also give weight (e.g., some number of points or credits less than the amount given to the criteria above) to the following criteria:

- **Speed to Deployment.** The prospective subgrantee’s binding commitment to provision service by a date certain, subject to contractual penalties to the Eligible Entity, with greater benefits awarded to prospective subgrantees promising an earlier service provision date.
- **Speed of Network and Other Technical Capabilities.** Eligible Entities must weigh the speeds, latency, and other technical capabilities of the technologies proposed by prospective subgrantees seeking to deploy projects that are not Priority Broadband Projects. Applications proposing to use technologies that exhibit greater ease of scalability with lower future investment (as defined by the Eligible Entity) and whose capital assets have longer useable lives should be afforded additional weight over those proposing technologies with higher costs to upgrade and shorter capital asset cycles.

Additional Prioritization Factors. Eligible Entities may develop additional secondary criteria to be given weights that align with Eligible Entity and local priorities, subject to the requirement to give the greatest weight to the primary criteria and the approval of the Assistant Secretary in the Initial and Final Proposal process. In particular, NTIA encourages Eligible Entities to incorporate the following as selection criteria:

- **Equitable Workforce Development and Job Quality.** NTIA encourages Eligible Entities to adopt selection criteria relating to the subgrantee’s enforceable commitments with respect to advancing equitable workforce development and job quality objectives, see Section IV.C.1.f of this NOFO.
- **Open Access.** NTIA encourages Eligible Entities to adopt selection criteria promoting subgrantees’ provision of open access wholesale last-mile broadband service for the life of the subsidized networks, on fair, equal, and neutral terms to all potential retail providers.
- **Local and Tribal Coordination.** NTIA encourages Eligible Entities to adopt selection criteria reflecting a prospective subgrantee’s support from the local and/or Tribal Government with oversight over the location or locations to be served.

Regardless of whether the Eligible Entity is selecting among Priority Broadband Projects, the Eligible Entity must describe how primary criteria will account for at least 75% of the total scoring or bidding credits. Secondary criteria can account for no more than 25% of total scoring or bidding credits. This criterion must be reflected in the scoring rubric(s) to be used in each proposed subgrantee selection process.

An Eligible Entity that includes advancing equitable workforce development and job quality objectives should make sure that those objectives are also included in its response to [Requirement 12 \(Workforce Readiness\)](#).

For the attachment, the Eligible Entity must submit a scoring rubric to be used in the proposed subgrantee selection process. The Eligible Entity may reference the subgrantee selection scoring rubric template to help complete the attachment. The Eligible Entity may submit a scoring rubric using their own format or may use the template provided below.

To download a copy of the NTIA Template for the Subgrantee Selection Process Scoring Rubric, please see the file named “BEAD Initial Proposal_Volume II_Subgrantee Selection Scoring Rubric.xlsx.” The Eligible Entity may also reference the sample Subgrantee Selection Process Scoring Rubric for guidance when completing their submission.

2.4.3 Text Box: Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.

Relevant Requirements from the NOFO, page 41:
 The Eligible Entity, in awarding subgrants for the deployment of a broadband network, shall award funding in a manner that ensures the deployment of service to all unserved locations within the Eligible Entity’s jurisdiction. If the Eligible Entity has sufficient funds to ensure deployment of service to all underserved locations within its jurisdiction, it must ensure such deployment as well. If the Eligible Entity lacks sufficient funds to ensure deployment of service to all underserved locations, it must commit the remainder of its BEAD funds to ensure deployment to underserved locations. Eligible Entities must submit Initial Proposals and Final Proposals that will result in coverage for all unserved locations, and (to the extent funds are available) all underserved locations.

The Eligible Entity must describe how the proposed subgrantee selection process is consistent with the principle for funding broadband deployment to all unserved locations and underserved locations, followed by prioritization of eligible CAIs. Eligible Entities that are able to fund



deployment to all unserved and underserved locations are to allocate remaining funds to eligible CAIs, and to move to alternative eligible uses only if they are able to fund deployments to all unserved locations, underserved locations, and eligible CAIs.



IMPORTANT

The Assistant Secretary will only approve an Initial Proposal and Final Proposal that include a plan to ensure deployment of broadband to all unserved and underserved locations within the Eligible Entity or that provides a strong showing that the Eligible Entity is financially incapable of ensuring universal coverage of all unserved and underserved locations.

More specifically, the Eligible Entity must describe how it will award funding in a manner that ensures the deployment of service to all **unserved and underserved locations** within the Eligible Entity’s jurisdiction. Eligible Entities must submit Initial Proposals and Final Proposals that will result in coverage for all unserved locations, and (to the

extent funds are available) all underserved locations.

For this section, the Eligible Entity may describe how it will use multiple rounds of funding to ensure coverage for areas without successful bids in earlier rounds, provide special consideration for hard to serve areas, and specifically plan to engage with providers to expand into areas without initial applications or bids.

The requirement that an Eligible Entity has a plan to ensure deployment to all unserved and underserved locations before contemplating non-deployment uses of funds does not impose any temporal requirement as to the order in which BEAD-funded initiatives are undertaken or completed. If an Eligible Entity has a plan to deploy service to all unserved and underserved locations within its jurisdiction, it may pursue nondeployment initiatives using BEAD funds before or while deployment projects are underway.

To the extent that an Eligible Entity demonstrates that there are insufficient funds available to fund deployment to all unserved, underserved, or eligible CAI locations, the Eligible Entity must prioritize projects within each of those categories based on a strong preference for projects in high poverty areas or persistent poverty counties.

Looking Ahead
The Eligible Entity will be required to certify that it provided service to all unserved and underserved locations in its Final Proposal.

The BEAD NOFO defines high poverty areas as areas in which the percentage of individuals with a household income that is at or below 150 percent of the poverty line applicable to a family of the size involved (as determined under Section 673(2) of the Community Services Block Grant Act (42 U.S.C. § 9902(2)) is higher than the national percentage of such individuals. Persistent poverty counties are counties that have had poverty rates of 20 percent or greater for at least 30 years as calculated by the Economic Research Service in the Department of Agriculture.

2.4.4 Text Box: If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note “Not applicable.”

If an Eligible Entity proposes to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of service to eligible CAIs, the Eligible Entity must provide a strong

rationale for doing so. For example, the Eligible Entity may provide an explanation of why the remaining CAIs do not need gigabit symmetrical service to meet the needs of the organization or why the planned non-deployment uses are essential to achieving BEAD Program goals. Refer to the BEAD NOFO page 41 for more information related to the prioritization of BEAD funds.

2.4.5 Text Box: The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA)⁶ requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.

Looking Ahead

The Eligible Entity will be required to provide environmental documentation associated with all eligible activities and a description of how the Eligible Entity will comply with applicable EHP requirements in its Final Proposal.

The Eligible Entity must describe how it will communicate EHP and BABA requirements to prospective subgrantees. Additionally, the Eligible Entity must describe how EHP and BABA requirements will be incorporated into the subgrantee selection process. The Eligible Entity will also be responsible for monitoring subgrantees' compliance with EHP requirements over the duration of its specific projects.

For EHP requirements, the Eligible Entity may refer to the [EHP and Climate Resiliency Preparation Checklist](#) for additional information on engaging prospective subgrantees on this topic.

The Eligible Entity must provide a description of how they plan to work with prospective subgrantees to obtain EHP-related information and review it for completeness and technical sufficiency prior to delivering it to NTIA for review and next steps.

⁶ Infrastructure Investment and Jobs Act of 2021, Division G, Public Law 117-58, 135 Stat. 429 (Nov. 15, 2021).

Further guidance around BABA will be finalized at a later date. However, the Eligible Entity must still describe its understanding of BABA requirements and how it will integrate these requirements into its subgrantee selection process.

Looking Ahead

EHP requirements are a critical path issue as no construction or deployment may begin until they are fulfilled, therefore Eligible Entities are strongly encouraged to begin engaging in and documenting the following activities:

- Coordination with federal land-and resource managing agencies, including but not limited to the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the U.S. Coast Guard, the U.S Forest Service, and others, to understand any restrictions or special conditions that may apply to infrastructure proposed on federal land, or that may impact federally managed resources such as wetlands, threatened or endangered species, navigable waterways, and others.
- Coordination with state agencies that may have a role in EHP requirements, such as the State Historic Preservation Office, as well as state agencies that may need to issue their own permits for any proposed projects.
- Exploring contracting vehicles to retain EHP-related subject matter expertise and technical support if such resources are not currently available within the existing organization to support compliance activities, including EHP program management support and possibly the preparation of EHP documentation for subgrantees, if desired.

Last-Mile Broadband Deployment Project Areas

Relevant Requirements from the [NOFO](#), page 38:

7. The Eligible Entity may solicit proposals from prospective subgrantees at the geographic level of its choosing—for example, on a per-location basis, per-census block basis, per-town, per-county or another geographic unit. An Eligible Entity may alternatively solicit proposals for project areas it defines or ask prospective subgrantees to define their own proposed project areas. If the Eligible Entity allows prospective subgrantees to define proposed project areas, it must develop a mechanism for de-conflicting overlapping proposals (for example, by de-scoping some locations from a provider’s proposed project area) to allow for like-to-like comparison of competing proposals. Whatever process is selected, the Eligible Entity must ensure it has a plan for serving all unserved and (where it has sufficient funding) underserved locations. ...

9. If, after soliciting proposals, the Eligible Entity has received no proposals to serve a location or group of locations that are unserved, underserved, or a combination unserved and underserved, the Eligible Entity may engage with existing providers and/or other prospective subgrantees to find providers willing to expand their existing or proposed service areas. An Eligible Entity may consider inducements such as use of state funding toward the match requirement set forth in Section III.B or benefits during the grant selection process (e.g., points or credits). The Eligible Entity shall, in this circumstance, work to ensure that its approach is as transparent as possible. For the avoidance of doubt, this provider-specific outreach is only appropriate after the Eligible Entity has solicited proposals and failed to obtain one or more proposals to serve the location or locations at issue.

2.4.6 Text Box: Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de-conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.

The Eligible Entity must describe how it intends to solicit proposals at a geographic level of its choosing for project areas it defines or if the Eligible Entity intends to ask prospective subgrantees to define the proposed project areas. Geographic levels may be chosen, per project, on a per-location basis, per-census block basis, per-town, per-county, or another geographic unit that the Eligible Entity may define. An “Unserved Service Project” or “Underserved Service Project” may be as small as a single unserved or underserved location, respectively.

If the Eligible Entity allows prospective subgrantees to define proposed project areas, it must develop a mechanism for de-conflicting overlapping proposals to allow for like-to-like comparison of competing proposals (e.g., by de-scoping some locations from a provider’s proposed project area). Eligible Entities may solicit proposals at multiple geographic levels (e.g., per-location in certain circumstances and per-census block in others).

2.4.7 Text Box: If no proposals to serve a location or group of locations that are unserved, underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.

The Eligible Entity must describe how the Eligible Entity will engage in outreach to specific existing providers or to other prospective subgrantees willing to expand their existing or proposed service areas **only if** it receives no proposals to serve a location or group of locations that are unserved or underserved.

The Eligible Entity must ensure transparency by clearly explaining the steps it will take in the described situation, including the methods it will use to make prospective subgrantees aware of the “no response” situation, and any changes of rules it will make to get a response, including but not limited to inducements to serve all unserved and underserved locations, such as the use of state funding toward the match requirement or other benefits. If an Eligible Entity decides to use inducements, the Eligible Entity must describe when and what inducements will be offered, and how the Eligible Entity will ensure that all interested parties were made aware of them.

Other actions that the Eligible Entity may take to ensure universal coverage could include conducting multiple funding rounds for areas not selected initially or structuring bidding or application areas in ways that group higher cost areas with lower cost areas.

2.4.8 Text Box: Describe how the Eligible Entity intends to submit proof of Tribal Governments’ consent to deployment if planned projects include any locations on Tribal Lands.

To the extent an Eligible Entity encompasses federally recognized Tribal lands, Eligible Entities must describe how it intends to submit a Resolution of Consent or other formal demonstration of consent from each Tribal Government, from the Tribal Council or other governing body, upon whose Tribal Lands the infrastructure will be deployed. The Eligible Entity should consider when the consent documentation will be collected (e.g., with the applications or bids to serve these areas or after preliminary selection of a project) and describe the approach it intends to take. The Eligible Entity is encouraged to discuss this process with Tribal Governments during the consultation and engagement process. Refer to page 48, footnote 70 of the BEAD NOFO for more information on Resolution of Consent, particularly related to consent for projects deployed on Tribal lands in Hawaii and Alaska.

Looking Ahead

The Final Proposal requires an Eligible Entity to submit a Resolution of Consent from each Tribal Government, from the Tribal Council or other governing body, upon whose Tribal Lands the infrastructure will be deployed.

Extremely High Cost Per Location Threshold

Relevant Requirements from the [NOFO](#), page 13:

An Extremely High Cost Per Location Threshold is a BEAD subsidy cost per location to be utilized during the subgrantee selection process described in Section IV.B.7 of the BEAD NOFO above which an Eligible Entity may decline to select a proposal if use of an alternative technology meeting the BEAD Programs technical requirements would be less expensive.⁶

⁶Each Eligible Entity must establish its Extremely High Cost Per Location Threshold in a manner that maximizes use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO. NTIA expects Eligible Entities to set the Extremely High Cost Per Location Threshold as high as possible to help ensure that end-to-end fiber projects are deployed wherever feasible.

2.4.9 Text Box: Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include the operational costs for the lifespan of the network.

The Eligible Entity must identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be used during the subgrantee selection process. This includes the identification of data to be used in determining the threshold and the threshold to be applied against this data. An Eligible Entity that intends to use the functionality within the Eligible Entity Planning Tool to support the identification of the Extremely High Cost Per Location Threshold (available Summer 2023) may indicate that they intend to use NTIA’s data set.

An Eligible Entity that does not plan to use the Eligible Entity Planning Tool must identify or include a detailed process for identifying the data set to be used in determining their Extremely High Cost Per Location Threshold to be used during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include the operational costs for the lifespan of the network.



IMPORTANT

The Extremely High Cost Per Location Threshold is distinct from High-Cost Area. NTIA will release further information regarding the identification of high-cost areas for purposes of BEAD funding allocations at a later date.

The Eligible Entity is given discretion to determine the threshold that is appropriate for its jurisdiction and should consider the competing goals of encouraging fiber deployment to as many areas as possible and ensuring universal coverage. NTIA expects that an Eligible Entity with a surplus of funding to achieve universal coverage would set a higher

threshold to ensure greater fiber coverage. Conversely, NTIA recommends that an Eligible Entity with tighter budget constraints should set a lower threshold to ensure universal coverage.


2.4.10 Text Box: Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO. The response must describe:

- a. The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.
- b. The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.
- c. The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.

The Eligible Entity must explain how the Extremely High Cost Per Location Threshold will be implemented in the subgrantee selection process, including the process for **each** of the following:

- Declining a proposal that requires a BEAD subsidy that exceeds the Extremely High Cost Per Location Threshold for any location to be served in the proposal if use of an alternative technology meeting the BEAD program’s technical requirements for Reliable Broadband Service would be less expensive;
- Engaging with a prospective subgrantee to revise the proposal to ensure that no location requires a subsidy; and
- Selecting a proposal involving a less costly technology and may not meet the BEAD program's requirements for Reliable Broadband Service (while otherwise satisfying the Program's technical requirements) because no technology meeting the Reliable Broadband Service requirements can be deployed for less than the Extremely High Cost Per Location Threshold at a given location.

The Eligible Entity has the opportunity (but is not required) to decline to fund projects that exceed the Extremely High Cost Per Location Threshold. In this circumstance, the Eligible Entity may instead fund a different Reliable Broadband Technology that can be provided at a lower cost or a technology that does not meet the definition of reliable but will provide service at a minimum of 100/20 and latency less than or equal to 100 milliseconds at a lower cost. The Eligible Entity must explain the process that will be followed in exercising this discretion and any planned engagement with providers to reduce the cost of a project below the Extremely High Cost Per Location Threshold.

 **IMPORTANT**

Reliable Broadband Service refers to broadband service that the National Broadband Map shows is accessible to a location via: (i) fiber-optic technology; (ii) Cable Modem/Hybrid fiber-coaxial technology; (iii) digital subscriber line (DSL) technology; or (iv) terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.

Deployment Subgrantee Qualifications

2.4.11 Text Box: Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined on pages 72-73 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the Eligible Entity authorizes additional disbursements.
- b. Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF).
- c. Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.
- d. Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.

2.4.11.1 Optional Attachment: As an optional attachment, submit application materials related to the BEAD subgrantee selection process, such as drafts of the Requests for Proposals for deployment projects, and narrative to crosswalk against requirements in the Deployment Subgrantee Qualifications section.

The Eligible Entity must articulate how it will ensure prospective subgrantees deploying network facilities will meet the minimum qualifications for financial capability. The Eligible Entity must explain the information it will require of subgrantees, how it will collect or require this information, and how it will assess this information during the subgrantee selection process. As a best practice, the Eligible Entity should also consider including information on how they will revise certifications/terms and conditions, as needed, due to a potential Special Award Conditions (SACs). For information on how to successfully create a plan to revise terms and conditions, please see Figure 5.

The Eligible Entity must detail how it is prepared to gather and assess prospective subgrantees' certifications that they are financially qualified to meet the obligations associated with a Project, letters of credit, audited financial statements, and sustainability/ pro forma analyses of a proposed Project.

The Eligible Entity may refer to the [RDOF sample letters of credit](#) and other resources to help detail its plans for establishing a similar model letter of credit. The Eligible Entity may satisfy this requirement by uploading guidelines for the program and/or application materials using the "Optional Attachment" feature in 2.4.11.1 and providing reference to page numbers that are responsive to this question.

For the optional attachment, an Eligible Entity may provide supplementary materials, such as application questions or Requests for Proposals (RFPs), to help demonstrate that the Eligible Entity is planning to employ subgrantees that meet the qualifications set by the [BEAD NOFO](#). This attachment will apply to all questions in the Deployment Subgrantee Qualifications section, and the Eligible Entity should reference page numbers in the attachment to show the information that they will require from prospective subgrantees to demonstrate their qualifications.

2.4.12 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.
- b. Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.

The Eligible Entity must clearly articulate how it will ensure prospective subgrantees deploying network facilities will meet the minimum qualifications for managerial capability. The Eligible Entity must explain the information it will require of subgrantees, how it will collect or require this information, and how it will assess this information during the subgrantee selection process.

The Eligible Entity must detail how it is prepared to gather and assess prospective subgrantees' narratives for describing the experience and qualifications of its key management, their experience undertaking projects of similar size and scope, recent and upcoming organizational changes including mergers and acquisitions, and relevant organizational policies.

2.4.13 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.
- b. Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

The Eligible Entity must clearly articulate how it will ensure prospective subgrantees deploying network facilities will meet the minimum qualifications for technical capability. The Eligible Entity must explain the information it will require of subgrantees, how it will collect or require this information, and how it will assess this information during the subgrantee selection process. Example responses may include:

- A description of how the Eligible Entity will ensure that the prospective subgrantees are licensed and in good standing with governing bodies (e.g., safety violations) and have a demonstrated experience designing and delivering similar projects.
- A description of how the Eligible Entity will ensure that the engineer who certifies the design, diagram, project costs, etc., holds a current, applicable license in the state or territory in which the network is being constructed.
- A description of how the project plan will clearly identify the steps (planning, design, implementation, and operation) to which the capital investment schedule will cross reference to.

As a best practice, when requesting plans from prospective subgrantees, and in order to guarantee the adherence to the predetermined standards of technical capabilities, the Eligible Entity should undertake the responsibility to establish specific criteria for technical capability, corresponding to industry standards, BEAD NOFO requirements and best practices.

The prospective subgrantees should be subjected to rigorous evaluations, which include but are not limited to, assessment of their previous project performances, analysis of their technical project plan (encompassing network design, diagrams, project costs, build-out timeline, and milestones for the project), and an appraisal of their technical workforce's proficiency.

To connect with a professional engineer in their states, the Eligible Entity is encouraged to reach out to the following resources:

- **State Licensing Board:** Each state in the U.S. has a separate engineering licensing board. These boards can provide information about licensed professional engineers in their respective states.
- **National Society of Professional Engineers (NSPE):** The NSPE has state societies in all 50 states as well as the District of Columbia, Puerto Rico, and Guam. These societies can often assist in providing information about professional engineers in their respective regions.

2.4.14 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable federal, state, territorial, and local laws.
- b. Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.

The Eligible Entity must clearly articulate how it will ensure prospective subgrantees deploying network facilities will meet the minimum qualifications for compliance with all applicable federal, state, territorial, and local laws. For example, the Eligible Entity must ensure that prospective subgrantees adhere to relevant federal and state or territory procurement laws.

To foster a successful sub-granting process, Eligible Entities should understand the critical components related to procurement. Both legally binding regulations and agency-specific policies work together to create a process unique to each Eligible Entity. Before creating a competitive selection process, Eligible Entities should work to recognize existing federal, state or territory, and local requirements, document relevant procedures, and develop new policies, where needed. For further guidance on federal and state or territory procurement components, including how they work together, please reference the [Subgrantee Selection Primer](#).

The Eligible Entity must detail how it is prepared to gather and assess prospective subgrantees' submission of its network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant.

The Eligible Entity must also detail how it will require prospective subgrantees to permit workers to create work-led health and safety committees. The Eligible Entity must explain the

information it will require of subgrantees, how it will collect or require this information, and how it will assess this information during the subgrantee selection process. For additional information and best practices on working with labor groups, please reference the [NTIA Internet For All: Workforce Planning Guide](#).

2.4.15 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.
- b. Detail how the Eligible Entity will require prospective subgrantees to submit a certification that have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, attests to and specify the number of years the prospective subgrantee or its parent company has been operating.
- c. Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission’s rules and regulations.
- d. Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.
- e. In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.

The Eligible Entity must clearly articulate how it will ensure prospective subgrantees deploying network facilities will meet the minimum qualifications for operational capability. The Eligible Entity must explain the information it will require of subgrantees, how it will collect or require this information, and how it will assess this information during the subgrantee selection process. Please refer to Figure 5 for additional best practices on incorporating information on strong processes in this response. For additional guidance on record retention for certifications, reference the BIL Grant File Management Guide Best Practices document.

2.4.16 Text Box: Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide

application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).

The Eligible Entity must clearly articulate how it will ensure prospective subgrantees deploying network facilities will meet the minimum qualifications for providing information on ownership. The Eligible Entity must explain the information it will require of subgrantees, how it will collect or require this information, and how it will assess this information during the subgrantee selection process. For most Eligible Entities, this information will be included in the subgrantees' standard terms and conditions. For information on how to write strong terms and conditions to include in this question's response, see Figure 5.

Figure 5: Terms and Conditions Best Practices

How to Write Strong Terms and Conditions

For each qualification, or amendment to a qualification, the Eligible Entity should ensure terms and conditions:

1. Are specific and clearly defined;
2. Are measurable in whether or not they are achieved;
3. Have a specific timeframe; and
4. Note the reviewing party and associated responsibilities.

2.4.17 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.
- b. At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.

The Eligible Entity must clearly articulate how it will ensure prospective subgrantees deploying network facilities will meet the minimum qualifications for providing information on other public funding. The Eligible Entity must explain the information it will require of subgrantees,

how it will collect or require this information, and how it will assess this information during the subgrantee selection process.

The Infrastructure Act defines Reliable Broadband Service as “broadband service that meets performance criteria for service availability, adaptability to changing end-user requirements, length of serviceable life, or other criteria, other than upload and download speeds, as determined by the Assistant Secretary in coordination with the Commission.” This definition is incorporated into the BEAD NOFO, which defines the minimum criteria for speed and latency for subgrantees. When reviewing subgrantee applications, Eligible Entities are strongly encouraged to explain how they will specifically meet the performance measurement requirements of the Program.

Non-Deployment Subgrantee Selection (Requirement 9)

Relevant Requirements from the [NOFO](#), pages 30 - 32:

With respect to non-deployment eligible activities, explain any preferences the Eligible Entity will employ in selecting the type of initiatives it intends to support using BEAD Program funds, the means by which subgrantees for these eligible activities will be selected, how the Eligible Entity expects the initiatives it pursues to address the needs of the Eligible Entity's residents, the ways in which engagement with localities and stakeholders will inform the selection of eligible activities, and any efforts the Eligible Entity will undertake to determine whether other uses of the funds might be more effective in achieving the BEAD Program's equity, access, and deployment goals.

The purpose of this section is to outline non-deployment eligible activities an Eligible Entity may support using BEAD Program funds. Non-deployment eligible activities are important because they help provide the information technology capacity, educational resources, and skills necessary to adopt broadband and advance digital inclusion.

Eligible Entities may only fund non-deployment eligible activities if they have a plan to ensure



IMPORTANT

An Eligible Entity may use non-deployment funds to support the implementation of Digital Equity Plans.

deployments to all unserved and underserved locations and can demonstrate the effectiveness of that plan to satisfaction of the Assistant Secretary. An Eligible Entity that proposes to use BEAD funds to pursue non-deployment objectives in lieu of the deployment of

service to eligible CAIs must provide a strong rationale for doing so. An Eligible Entity that has a plan to deploy service to all unserved and underserved locations within its jurisdiction may pursue eligible non-deployment uses prior to its last-mile deployment projects being completed. Where an Eligible Entity has sufficient funding to pursue non-deployment uses, Eligible Entities are encouraged to begin non-deployment activities as soon as is feasible, before or while deployment projects are underway. For example, while an Eligible Entity is only permitted to pursue a device-subsidy program using BEAD funds if it has a plan to deploy service to all unserved and underserved locations within its jurisdiction, an Eligible Entity approved for such a program is both permitted and encouraged to implement it as soon as is feasible once its Initial Proposal has been approved.

An Eligible Entity should consider the list of eligible non-deployment activities in Figure 6.

Figure 6: Examples of Eligible Non-Deployment Uses

EXAMPLES OF ELIGIBLE NON-DEPLOYMENT USES
<ul style="list-style-type: none"> • User training with respect to cybersecurity, privacy, and other digital safety matters. • Remote learning or telehealth services/facilities. • Digital literacy/upskilling (from beginner-level to advanced). • Computer science, coding and cybersecurity education programs. • Implementation of Eligible Entity digital equity plans (to supplement, but not to duplicate or supplant, Planning Grant funds received by the Eligible Entity in connection with the Digital Equity Act of 2021). • Broadband sign-up assistance and programs that provide technology support. • Multi-lingual outreach to support adoption and digital literacy. • Prisoner education to promote pre-release digital literacy, job skills, online job-acquisition skills, etc. • Digital navigators. • Direct subsidies for use toward broadband subscription, where the Eligible Entity shows the subsidies will improve affordability for the end user population (and to supplement, but not to duplicate or supplant, the subsidies provided by the Affordable Connectivity Program). • Costs associated with stakeholder engagement, including travel, capacity-building, or contract support. • Other allowable costs necessary to carrying out programmatic activities of an award, not to include ineligible costs described below in Section V.K.2 of this NOFO.

2.5.1 Text Box: Describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.

If the Eligible Entity does not anticipate engaging in non-deployment activities or anticipates engaging in non-deployment activities directly as opposed to subgranting, the Eligible Entity may indicate as such in response to this question. If the Eligible Entity is not yet able to determine if they will have sufficient funds to engage in non-deployment activities after completing their deployment activities to achieve universal coverage, they should indicate such and must respond to the prompts to indicate their plan for non-deployment subgrantee selection, should they have the ability to do so.

When selecting subgrantees for non-deployment uses of BEAD Program funds, an Eligible



IMPORTANT

An Eligible Entity may carry out non-deployment initiatives as a recipient without making a subgrant. Refer to Eligible Entity Implementation Activities ([Requirement 10](#)) for more information.

Entity must adhere to the Infrastructure Act’s requirement that subgrants be awarded competitively. Apart from this, NTIA does not prescribe any specific framework for selecting subgrantees given that the breadth of potential non-deployment eligible activities could necessitate a broad range of subgrantee selection processes, even within a single

Eligible Entity, and that such processes might require the Eligible Entity to compare and choose among very different proposals. As with deployment projects, NTIA encourages the Eligible Entity to promote participation of minority-owned businesses and other socially or economically disadvantaged individual-owned businesses.

If the Eligible Entity intends to subgrant for non-deployment activities, the Eligible Entity must provide a detailed description of the selection process that is fundamentally fair, open, and competitive.

The Eligible Entity must describe the safeguards to ensure the subgrantee selection process is **fair**, including safeguards against **each** of the following:

- Collusion
- Bias
- Conflicts of interest
- Arbitrary decisions

The Eligible Entity must ensure the proposed subgrantee selection process is **open** by describing how the Eligible Entity will provide adequate public notice, at the discretion of the Eligible Entity, to potential subgrantees to enable participation by a wide variety of potential applicants, to ensure an open and competitive process and to prevent favoritism, collusion, and abuse.

The Eligible Entity must also describe how it ensured the subgrantee selection process is **competitive**, such as by using a competitively neutral evaluation criteria that does not favor one type of provider over another, except certain preferences expressed neutrally and in advance (e.g., giving more weight to Tribally or municipally-owned ISPs, or small businesses). Such preferences may only be included as secondary criteria.

2.5.2 Text Box: Describe the Eligible Entity’s plan for the following:

- a. How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program funds;
- b. How the non-deployment initiatives will address the needs of residents within the jurisdiction;
- c. The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities;
- d. How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD Program’s equity, access, and deployment goals.

Looking Ahead

An Eligible Entity will be required to provide a detailed description of all planned uses of BEAD funding that are not last-mile broadband deployment projects in its Final Proposal.

If the Eligible Entity does not anticipate engaging in any non-deployment activities, it may indicate as such in response to this question. If the Eligible Entity is not yet able to determine whether it will have sufficient funds to engage in non-deployment activities after completing deployment activities to achieve universal coverage, it should indicate as such in response to this question and should still describe its *plan* for non-deployment activities, should it have the ability to implement them.

2.5.1.a: The Eligible Entity must describe the preferences employed in selecting the type of initiatives it intends to support.

2.5.2.b: The Eligible Entity is required to justify how the non-deployment initiatives will address the needs of residents within its jurisdiction. An Eligible Entity proposing multiple non-deployment initiatives may describe how needs vary by resident demographics. For example, residents in a more rural area may require different programs than residents living in another part of the Eligible Entity.

2.5.2.c: The Eligible Entity is required to describe how local coordination and engagement has or will inform the selection of eligible non-deployment activities. The Eligible Entity must select eligible non-deployment activities that will address local broadband needs. The Eligible Entity may consider the data collected as part of the Local Coordination Tracker ([Requirement 4: Local Coordination](#)) to inform the selection of eligible activities.

2.5.2.d: If the Eligible Entity chooses to fund non-deployment activities other than those outlined in the BEAD NOFO, it must describe how those uses are more effective in achieving the BEAD Program’s equity, access, and deployment goals. This response should reference the unique needs of the residents within the Eligible Entity’s jurisdiction to justify why the non-deployment activities other than those outlined in the BEAD NOFO should receive BEAD Program funding.

2.5.3 Text Box: Describe the Eligible Entity’s plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.

The Eligible Entity must describe how it will award funding in a manner that ensures the deployment of service to all unserved and underserved locations prior to allocating funds to non-deployment activities. An Eligible Entity must submit Initial Proposals and Final Proposals that will result in coverage for all unserved locations, and (to the extent funds are available) all underserved locations.

If the Eligible Entity does not anticipate engaging in non-deployment activities, they may indicate such in response to this question. The Eligible Entity may also indicate that they are not yet able to determine if they will have sufficient funds to engage in non-deployment activities after completing their deployment activities to achieve universal coverage.

The requirement that an Eligible Entity has a plan to ensure deployment to all unserved and underserved locations before contemplating non-deployment uses of funds does not impose any temporal requirement as to the order in which BEAD-funded initiatives are undertaken or completed.

2.5.4 Text Box: Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the NOFO.

If the Eligible Entity does not anticipate subgranting for non-deployment activities, the Eligible Entity may indicate as such in response to this question. If the Eligible Entity is not yet able to determine if they will have sufficient funds to engage in non-deployment activities after completing their deployment activities to achieve universal coverage, it should indicate such and must respond to the prompts to indicate their plan for non-deployment subgrantee selection, should it have the ability to do so.

The Eligible Entity must ensure that prospective subgrantees meet the **three general qualifications** below:

- Can carry out activities funded by the subgrant in a competent manner in compliance with all applicable federal, Eligible Entity, and local laws;
- Have the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the Program and such other requirements as have been prescribed by the Assistant Secretary or the Eligible Entity; and
- Have the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

The Eligible Entity must describe the following for **each of the three qualifications separately**:

- The minimum **standards** applied to determine compliance;
- **Methods** used to determine a prospective subgrantee meets the necessary standards; and
- **Evidence** the Eligible Entity will accept in making its determination.

Eligible Entity Implementation Activities (Requirement 10)

Relevant Requirements from the [NOFO](#), pages 30 - 32:

Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.

2.6.1 Text Box: Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.

In this section, the Eligible Entity must describe any initiatives it proposes to implement as the recipient. Examples of initiatives the Eligible Entity may propose include administrative activities to manage the grant, implementation of the Challenge Process, implementation of the subgrantee selection process, workforce development related to the deployment of broadband, digital equity, or broadband adoption activities (as long as the Eligible Entity has sufficient funding for unserved and underserved areas), and mapping or data collection. An Eligible Entity may not propose broadband deployment projects without conducting a competitive sub-granting process.

The Eligible Entity may also decide to carry out non-deployment activities itself as a recipient. Examples of non-deployment activities can be found in [Requirement 9: Non-Deployment Subgrantee Selection](#).

The Eligible Entity is required to outline *why* it proposes to implement the initiative without making a subgrant. For example, an Eligible Entity may justify implementing pre-existing activities as a recipient if the Eligible Entity is already running them, such as mapping or data collection.

If the Eligible Entity does anticipate implementing any initiatives without making a subgrant, it may indicate such in response to this question.

Labor Standards and Protection (Requirement 11)

Relevant Requirements from the [NOFO](#), pages 30 - 32:

Detail how the Eligible Entity will ensure that subgrantees, contractors, and subcontractors use strong labor standards and protections, such as those listed in Section IV.C.1.e, and how the Eligible Entity will implement and apply the labor related Subgrantee Selection criteria described below in Section IV.C.1.e of this NOFO.

The purpose of this section is to ensure jobs created by BEAD investments create good jobs and safe work environments. The Eligible Entity must explain how they will account for and oversee subgrantee adherence to federal labor and employment laws that mandate minimum safety, wage, anti-discrimination, and other workplace standards for all businesses in the United States.

The Eligible Entity must outline its approach to comply with and oversee subgrantee adherence to the laws listed in the BEAD NOFO and the [Workforce Planning Guide](#). States, territories, and Tribal entities may have additional applicable labor and employment requirements which Eligible Entities and subgrantees alike must follow.

2.7.1 Text Box: Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes. Information from prospective subgrantees must demonstrate the following and must include information about contractors and subcontractors:

- a. Prospective subgrantees' record of past compliance with federal labor and employment laws, which:
 - i. Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;
 - ii. Should include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and
 - iii. Should include written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.
- b. Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:
 - i. How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:
 1. Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and
 2. How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

2.7.1.a: The Eligible Entity must describe what specific information it will require subgrantees to provide in their applications, specifically as it relates to the prospective subgrantees’ record of past compliance with federal labor and employment laws, as well as the records of any other entities that will participate in the project, including contractors and subcontractors. This information must include, at a minimum, information on these entities’ compliance with federal labor and employment laws on broadband deployment projects in the last three years. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects (BEAD NOFO pg. 43).

The Eligible Entity will be required to describe what specific information it will require prospective subgrantees to provide and how the information will be weighed in the selection process. This should include, but is not limited to:



A certification from an **Officer/Director-level employee** (or equivalent) of the prospective subgrantee evidencing **consistent past compliance** with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors



Written confirmation that the prospective subgrantee **discloses any instances in which it or its contractors or subcontractors have been found to have violated laws** such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years

2.7.1.b: Additionally, the Eligible Entity must describe what specific information it will require subgrantees to provide in their applications to demonstrate their plans for ensuring compliance with federal labor and employment laws. These plans must address, at a minimum, how the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:

- Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network, and
- How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.



IMPORTANT

The subgrantee selection scoring rubric submitted in Requirement 8 must include how the subgrantees’ record of compliance with Federal Labor and employment laws will be weighed.

The Eligible Entity must describe how the subgrantees’ record of compliance with federal labor and employment laws will be weighed in the competitive subgrantee selection process. When evaluating subgrantee applications, NTIA requires that Eligible Entities give

priority to fair labor practices, based on records of and plans to be in compliance with federal labor and employment laws.

2.7.2 Text Box: Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes:

- a. Using a directly employed workforce, as opposed to a subcontracted workforce;
- b. Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;
- c. Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);
- d. Use of local hire provisions;
- e. Commitments to union neutrality;
- f. Use of labor peace agreements;
- g. Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);
- h. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and
- i. Taking steps to prevent the misclassification of workers.

The Eligible Entity must describe in detail whether it will make any of the labor standards and protections listed on page 57 of the BEAD NOFO mandatory for all subgrantees (including contractors and subcontractors), and if required, how it will incorporate them into binding legal commitments in the subgrants it makes. The Eligible Entity may respond by indicating that they do not intend to make any labor standards and protections mandatory for subgrantees.

While the above actions are not required, an Eligible Entity that is taking this approach can reduce the showing that prospective subgrantees need to make in their applications regarding their plans to incorporate labor standards and protections. This response should comport with the Eligible Entity's responses for Requirements 8 and 9 regarding the consideration of prospective subgrantee's commitments to labor standards and protections during the subgrantee selection process.

Workforce Readiness (Requirement 12)

Relevant Requirements from the NOFO, pages 30 - 32:

Detail how the Eligible Entity will ensure an available, diverse, and highly skilled workforce consistent with Section IV.C.1.e of this NOFO.

The purpose of this section is to outline how the Eligible Entity will ensure an available, diverse, and highly skilled workforce. A highly skilled workforce is essential in ensuring job applicants have the skills and training they need to be competitive in the telecommunications labor market, while creating a strong talent pool for prospective subgrantees. The Eligible Entity is encouraged to refer to the [Workforce Planning Guide](#) for support in defining skilled workforce requirements and guidance for their subgrantees that will shape the experiences of workers on job sites building and servicing broadband infrastructure.

These requirements may vary by state or territory, and each Eligible Entity can set requirements for subgrantee participation and evaluation for BEAD funding that will be approved by NTIA throughout the BEAD submission process. Setting strong requirements for skilled workforce in areas such as pay and credentialing will ensure that Internet For All projects balance worker competence, training, and certifications with a competitive and attractive environment for workers in local and regional markets.

2.8.1 Text Box: Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response should clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:

- a. A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective;
- b. A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (e.g., child care, transportation, mentorship), to attract, train, retain, or transition to meet local workforce needs and increase high-quality job opportunities;
- c. A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process; and
- d. A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers.

The Initial Proposal is required to describe how the Eligible Entity and its subgrantees will make appropriate investments to develop a skilled, diverse workforce. At a minimum, this includes providing **each** of the following:



Use of highly trained workforce

Description of how the Eligible Entity will ensure subgrantees support the development of a skilled workforce capable of carrying out BEAD Program work in a manner that is safe and effective



Participation in partnerships

Description of how the Eligible Entity will promote sector-based partnerships that provide skills-based training and wrap-around services to support local workers (e.g., Registered Apprenticeships)



Equitable on-ramps into broadband jobs

Description of how the Eligible Entity will create equitable on-ramps into broadband-related jobs by removing barriers to entry, and by maintaining job quality and worker voice



Job availability to diverse worker pool

Description of how the Eligible Entity will ensure job opportunities created by broadband funding programs are available to a diverse pool of workers

Example responses may include:

- A description of how the Eligible Entity plans to support subgrantee programs that promote diversity in hiring practices, including the promotion of Registered Apprenticeship, pre-apprenticeship, training, and/or mentoring programs targeting underrepresented groups in the industry (e.g., women, people of color).
- A description of how the Eligible Entity will form partnerships with minority-serving institutions to create a pipeline of workforce candidates.
- A description of how Eligible Entities will give preference to subgrantees that prioritize hiring local workers and are committed to recruiting underrepresented populations.

The Eligible Entity may refer to Section IV.C.1.e of the [BEAD NOFO](#) for more examples of how the Eligible Entity and its subgrantees can invest in a skilled and diverse workforce.

The Eligible Entity is also encouraged to implement requirements for subgrantees, such as those that prioritize the hiring of local workers and/or require robust plans to recruit historically underrepresented populations facing labor market barriers to ensure that they have reasonable access to the job opportunities created by subgrantees.

2.8.2 Text Box: Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce. These plans should include the following:

- a. The ways in which the prospective subgrantee will ensure the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers;
- b. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
- c. Whether the workforce is unionized;

- d. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- e. The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

If the project workforce or any subgrantee’s, contractor’s, or subcontractor’s workforce is not unionized, the subgrantee must also provide with respect to the non-union workforce:

- a. The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;
- b. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - i. Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
 - ii. Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

To ensure that subgrantees have the technical and operational capacity to carry out the subgrant, the Eligible Entity must require prospective subgrantees to have a plan for ensuring that the project workforce will be appropriately skilled and credentialed (including by the subgrantee and each of its contractors and subcontractors). Section IV.C.1.e. of the BEAD NOFO highlighted below provides specific information required from prospective subgrantees as it relates to a plan for a highly skilled and credentialed workforce. The Eligible Entity must ensure that **each of the following NOFO requirements are included in its subgrantees’ plans.**

Minority Business Enterprises (MBEs/ Women’s Business Enterprises (WBEs)/ Labor Surplus Area Firms Inclusion (Requirement 13)

Relevant Requirements from the [NOFO](#), pages 30 - 32:

Describe the process, strategy, and data tracking method(s) that the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises, and labor surplus area firms are recruited, used, and retained when possible.

NOFO Section VII.D.7:

Minority Businesses Enterprises (MBEs) and Women’s Business Enterprises (WBEs) are major catalysts for economic growth and job creation. However, data shows that MBEs and WBEs historically face significant contracting disparities compared to other businesses. Pursuant to 2 C.F.R. § 200.321, Eligible Entities must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

- Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- Requiring subgrantees to take the affirmative steps listed above as it relates to its subcontractors.

Eligible Entities are strongly encouraged to establish MBE and WBE utilization plans consistent with their Initial and Final Proposals.

The purpose of this section is to outline how the Eligible Entity will promote recruiting, utilizing, and retaining minority business enterprises (MBEs), women’s business enterprises (WBEs), and labor surplus area firms, when possible. This is a critical step to promote MBE, WBE, and labor surplus area firm inclusion and to help curb contracting disparities that historically exist. The Eligible Entity is encouraged to refer to the [Workforce Planning Guide](#) for additional support in fulfilling this requirement.

2.9.1 Text Box: Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible.

The Eligible Entity is required to describe a strategy and detailed plan to take **each** of the steps detailed in Figure 7 to ensure that MBEs, WBEs, and labor surplus area firms are recruited, used, and retained when possible.

Figure 7: Affirmative Steps Towards Inclusion of MBEs, WBEs, and Labor Surplus Area Firms

- 1 Place qualified small and minority businesses and women's business enterprises on solicitation lists;
- 2 Assure that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- 3 Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- 4 Establish delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- 5 Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- 6 Require subgrantees to take these affirmative steps as they relate to its subcontractors.

As part of the requirement to use the services and assistance, as appropriate, of organizations such as the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA), the Eligible Entity may describe its plans to consult with SBA's [Small Business Development Centers](#) and MBDA's [State-Based Business Centers](#) for more information on multiple SMA contracting assistance programs, including:

- [Small Disadvantaged Business](#)
- [Women-Owned Small Business Federal Contract program](#)

The Eligible Entity may reference current policies or procedures to ensure minority-owned business, women-owned enterprises and labor surplus area firms are included in sub-granting practices. The Eligible Entity may also include strategies it may reference in its response to the workforce readiness requirement, such as a description of how the Eligible Entity will form partnerships with minority-serving institutions to create a pipeline of workforce candidates.

The Eligible Entity must include a description of its current tracking methods. The data tracking method(s) described should reasonably demonstrate a methodology that can be validated. The Eligible Entity's response may reference existing processes or tracking methods used in its jurisdictions for contracting purposes. For example, the Eligible Entity may describe how it will leverage a small business agency or local database to obtain a list of MBEs, WBEs, or Labor Surplus Area firms that it can reference when soliciting proposals.

2.9.2 Check Box: Certify that the Eligible Entity will take all necessary affirmative steps to ensure minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:

- a. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
- b. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- f. Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.

The Eligible Entity must certify, by checking a box, that it plans to take necessary affirmative steps to ensure MBEs, WBEs, and labor surplus area firms are recruited, used, and retained, when possible.

Cost and Barrier Reduction (Requirement 14)

Relevant Requirements from the [NOFO](#), pages 30 - 32:

Identify steps that the Eligible Entity will take to reduce costs and barriers to deployment, promote the use of existing infrastructure, promote and adopt dig-once policies, streamlined permitting processes and cost-effective access to poles, conduits, easements, and rights of way, including the imposition of reasonable access requirements.⁴²

⁴² Consistent with the goal that Eligible Entities seek to minimize the BEAD funding outlay on a particular project, Eligible Entities and their political subdivisions are strongly encouraged to remove time and cost barriers associated with BEAD projects, including by expediting permitting timelines and waiving fees where applicable, where doing so does not undermine other critical policy goals.

The purpose of this section is to identify steps that the Eligible Entity will take to reduce costs and barriers to deployment through promoting the use of existing infrastructure and promoting and adopting dig-once policies, streamlined permitting processes, and cost-effective access to poles, conduits, easements, and rights of way, including the imposition of reasonable access requirements. Identifying steps to reduce costs and barriers is critical to ensuring that the Eligible Entity is utilizing BEAD Program funds efficiently, while also reducing unnecessary delays.

2.10.1 Text Box: Identify steps that the Eligible Entity will take to reduce costs and barriers to deployment. Responses may include but not be limited to the following:

- a. Promoting the use of existing infrastructure;
- b. Promoting and adopting dig-once policies;
- c. Streamlining permitting processes;
- d. Streamlining cost-effective access to poles, conduits, easements; and
- e. Streamlining rights of way, including the imposition of reasonable access requirements.

The Eligible Entity must identify steps to reduce costs and barriers to deployment, including through the following: promoting the use of existing infrastructure and/or promoting and adopting dig-once policies, streamlined permitting processes, and cost-effective access to poles, conduits, easements, and rights of way, including the imposition of reasonable access requirements. The Eligible Entity is **not required to address each of these**; rather, the Eligible Entity may indicate which barriers it intends to address. The Eligible Entity should identify steps that are specific to its jurisdiction including its unique geography, demographics, political landscape, and regulatory environment, among other factors.

Example responses may include, but are not limited to the following:

- A description of how the Eligible Entity will establish an interagency working group to coordinate with different governmental bodies on permitting issues;
- A description of how the Eligible Entity will track permit applications and identify delays or other issues for escalation;
- A description of how the Eligible Entity plans to enhance consistency in permit application processes and requirements across State and local permitting authorities;

- A description of how the Eligible Entity will identify common standards of documentation for common elements of permitting applications;
- A description of how the Eligible Entity will identify any early coordination efforts that have taken place to understand requirements across permitting jurisdictions, how they intersect, and opportunities for change;
- A description of how permitting agencies will coordinate across state or territory, local, Tribal, and federal jurisdictions;
- A description of steps that the Eligible Entity will take to ensure subrecipients and other rights-of-way applicants are in current compliance on rights-of-way already granted at the local, state or territory, and federal levels; or
- A description of how rights-of-way grant holders will be provided an opportunity to come into compliance regarding issues of trespass, non-payment of rents, revised purpose, etc., on private, state or territory, local, federal, and tribal lands.

It is also acceptable for the Eligible Entity to identify other ways to reduce costs and barriers to deployment that are not listed above. The Eligible Entity can refer to the permitting resources on the [NTIA BEAD website](#), including the [Permitting Best Practices: Case Studies](#) and [Permitting Needs Assessment](#) documents, for additional information to incorporate in its response.

The [Permitting Best Practices: Case Studies](#) outlines case studies and examples of streamlining permitting, including Broadband Ready Communities, E-Permitting, and Rights-of-Way.

The [Permitting Needs Assessment](#) contains a checklist of four major permitting categories, including Rights-of-Way, Pole Attachments, Conduit Access, and Environment Planning/Historic Preservation.

Climate Assessment (Requirement 15)

Relevant Requirements from the NOFO, pages 30 - 32:

Provide an assessment of climate threats within the Eligible Entity and proposed mitigation methods consistent with the requirements of Section IV.C.1.h of this NOFO.

The purpose of this section is for an Eligible Entity to sufficiently account for and provide an assessment of current and future weather and climate-related risks to new broadband infrastructure. These risks include, but are not limited to, wildfires, extreme heat and cold, inland and coastal flooding, and the extreme winds produced by tornadoes and hurricanes. Communities that lack broadband are also most vulnerable to extreme weather and climate events. Thus, it is important for the Eligible Entity to assess these risks to build climate-resilient broadband infrastructure.

The Eligible Entity must complete the following sections to complete a climate assessment and fulfill this requirement. It is permissible for the Eligible Entity to provide a climate assessment that it has conducted previously in the last five years if the assessment covers the requirements outlined in the BEAD NOFO.

2.11.1 Text Box: Describe the Eligible Entity's assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure. At a minimum, this response must clearly do each of the following, as outlined on pages 62 - 63 of the BEAD NOFO:

- a. Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings;
- b. Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons;
- c. Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment;
- d. Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified; and
- e. Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.

2.11.1.1 Optional Attachment: As an optional attachment, submit any relevant reports conducted within the past five years that may be relevant for this requirement and will be referenced in the text narrative above.

2.11.1.a: First, the Eligible Entity must provide a narrative on general geographic areas that are subject to an initial hazard screening, specifically areas that are susceptible to significant weather and climate related risks. The Eligible Entity does not need to provide specific location

IDs for this section but should broadly reference recognizable geographic areas within the jurisdiction of its Eligible Entity.

2.11.1.b: Second, the Eligible Entity must characterize which weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons. The Eligible Entity is strongly encouraged to leverage the resources and tools provided in Table 1 or other resources available to the Eligible Entity to understand and account for weather and climate-related risks. For example, the Eligible Entity may describe how it referred to the National Oceanic and Atmospheric Administration’s (NOAA) 2022 State Climate Summaries to research information on current and projected climate conditions and risks in their jurisdiction.

Table 3: Climate Resources and Tools

Title	Purpose	Link
2018 National Climate Assessment	Provides Eligible Entities a broad, coarse-level screening of current and projected future weather- and climate-related risks	<ul style="list-style-type: none"> https://nca2018.globalchange.gov/
NOAA’s 2022 State Climate Summaries	Provides Eligible Entity-specific information on current and projected climate conditions and risks	<ul style="list-style-type: none"> https://statesummaries.ncics.org/
NOAA’ Disaster and Risk Mapping Tool	Provides an assessment of current weather-related risks for specific regions	<ul style="list-style-type: none"> https://www.ncdc.noaa.gov/billions/mapping
NOAA’s Climate Explorer and Digital Coast Tools	Provides Eligible Entities an ability to research historic and future projected environmental variables (e.g., changes in temperature thresholds, sea level rise) for their region	<ul style="list-style-type: none"> https://coast.noaa.gov/digitalcoast/tools/climate-explorer.html https://coast.noaa.gov/digitalcoast/tools/
FEMA’s National Risk Index	Provides a composite risk index for all regions across the United States, incorporating a range of natural hazards (most of which, but not all, are weather- and climate-related)	<ul style="list-style-type: none"> https://hazards.fema.gov/nri/learn-more
FEMA’s Flood Map	Provides flood hazard information and current conditions for specific locations	<ul style="list-style-type: none"> https://msc.fema.gov/portal/home
Federal Flood Risk Management Standard	Provides Federal Flood Risk Management Standard and Implementing Guidelines established through Executive Orders	<ul style="list-style-type: none"> https://www.fema.gov/floodplain-management/intergovernmental/federal-flood-risk-management-standard
Climate Mapping for Resilience and Adoption	Provides real-time statistics and maps documenting where	<ul style="list-style-type: none"> https://resilience.climate.gov/

Title	Purpose	Link
	climate-related hazards are impacting infrastructure	
USGS Earthquake Hazards by Region	Provides state-specific information on earthquake seismicity and hazard	<ul style="list-style-type: none"> • https://www.usgs.gov/programs/earthquake-hazards/information-region
Relevant centers of expertise at State and regional levels	Provides climate and weather-related information and programs at the state and regional levels	<ul style="list-style-type: none"> • https://www.weather.gov/srh/nws/offices • https://www.ncei.noaa.gov/regional/regional-climate-centers • https://www.ncei.noaa.gov/regional/regional-climate-services-directors • https://cpo.noaa.gov/Meet-the-Divisions/Climate-and-Societal-Interactions/RISA/RISA-Teams • https://stateclimate.org/state_programs/

2.11.1.c: The Eligible Entity must describe any projected weather and climate risks to new infrastructure deployed using BEAD Program funds. The Eligible Entity may use the resources and tools provided in Table 1 to characterize these risks. The Eligible Entity should particularly emphasize those weather and climate risks that are the most likely in these areas. For example, the Eligible Entity may describe how rising sea levels and coastal flooding may impact broadband infrastructure.

2.11.1.d: The Eligible Entity must identify how the proposed climate readiness plan will address the weather and climate risks identified through measures including, but not limited to:

- Choice of a technology platform suitable to the climate risks of the region, reliance on alternative siting of facilities (e.g., underground construction where appropriate);
- Retrofitting or hardening of existing assets that are critical to BEAD-funded projects;
- Additional onsite and in-home power resources;
- Use of established plans and processes to deal with extreme weather-related risks;
- The speed of restoration of service in the case of an outage; and
- Use of network and facility redundancies to safeguard against threats to infrastructure.

IMPORTANT

In the subgrantee selection process, an Eligible Entity may give preferential weight to subgrantees that plan to address or mitigate weather and climate risks.

2.11.1.e: Last, the Eligible Entity should describe a plan for identifying and addressing weather and climate-related risks over the life of the Program to ensure that evolving risks are

understood, characterized, and addressed, and that the most up-to-date tools and information resources are used. This includes a plan for periodically repeating (e.g., every 20 years or as needed to respond to observed changes in climate conditions) the climate assessment process. Eligible Entities must outline their approach for determining a cadence that is appropriate for their jurisdiction and climate risks therein.

Low-Cost Broadband Service Option (Requirement 16)

Relevant Instructions from NOFO Section IV.B.5:

Describe the low-cost plan(s) that must be offered by subgrantees consistent with the requirements of Section IV.C.2.c.i of this NOFO.

Relevant Instructions from NOFO Section IV.C.2.ii.c.i:

Eligible Entities must propose low-cost broadband service option parameters that best serve the needs of residents within their jurisdictions. Low-cost broadband service options must remain available for the useful life of the network assets. In crafting proposals, NTIA emphasizes that access to affordable broadband is among the Infrastructure Act’s objectives. In determining whether to approve an Eligible Entity’s proposed definition of “low-cost broadband service option,” the Assistant Secretary will consider, among other factors, (1) whether prospective subgrantees will be required to participate in the Affordable Connectivity Program, any successor program, and/or any other household broadband subsidy programs; (2) the expected cost (both monthly and non-recurring charges) to an Eligible Subscriber for a typical broadband internet access service plan after the application of any subsidies; and (3) the performance characteristics of the proposed options, including download and upload speeds, latency, data caps, and reliability commitments.

A definition of low-cost broadband service option should address, at a minimum: (1) all recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs); (2) the plan’s basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices, (3) whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan’s rate; and (4) any provisions regarding the subscriber’s ability to upgrade to any new low-cost service plans offering more advantageous technical specifications [...] NTIA recognizes, however, that different Eligible Entities face different circumstances. NTIA will review and consider any definition proposed by an Eligible Entity in accordance with the terms of the BEAD statute. In all cases, an Eligible Entity must explain in its Initial and Final Proposal why the selected definition best effectuates the purposes of the program. NTIA may provide additional guidance to Eligible Entities on the development of the low-cost broadband service option definition.

For example, a definition of low-cost broadband service option could be as follows:

1. The proposed service option:
 - a. Costs \$30 per month or less, inclusive of all taxes, fees, and charges if the subscriber does not reside on Tribal Lands, or \$75 per month or less, inclusive of all taxes, fees, and charges if the subscriber resides on Tribal Lands, with no additional non-recurring costs or fees to the consumer;
 - b. Allows the end user to apply the Affordable Connectivity Benefit subsidy to the service price;
 - c. Provides the greater of (a) typical download speeds of at least 100 Mbps and typical upload speeds of at least 20 Mbps, or the fastest speeds the infrastructure is capable of

if less than 100 Mbps/20 Mbps or (b) the performance benchmark for fixed terrestrial broadband service established by the Federal Communications Commission pursuant to Section 706(b) of the Communications Act of 1934, as amended;

- d. Provides typical latency measurements of no more than 100 milliseconds; and
- e. Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere;
- f. In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost

2. Subgrantees are required to participate in the Affordable Connectivity Program or any successor program, and Eligible Subscribers that are eligible for a broadband service subsidy can apply the subsidy to the proposed service option.

The purpose of this section is to outline how the Eligible Entity plans to ensure that all residents within its jurisdiction will have access to affordable broadband service options. The Eligible Entity must develop a low-cost broadband service option using the guidelines provided by NTIA in the BEAD NOFO.

Developing an equitable and robust low-cost service option promotes the uptake of BEAD-funded broadband networks among residents of varying socioeconomic and geographic backgrounds. Eligible Entities must ensure that services offered over BEAD Funded Networks allow subscribers in the service area to use the FCC’s Affordable Connectivity Program (ACP). A well-designed low-cost service option will also allow the residents of an Eligible Entity to take advantage of other federal programs aimed at easing the burden of broadband service connection.

2.12.1 Text Box: Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity’s jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO:

- a. All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs);
- b. The plan’s basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices);
- c. Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan’s rate; and
- d. Any provisions regarding the subscriber’s ability to upgrade to any new low-cost service plans offering more advantageous technical specifications.

The Eligible Entity is **strongly encouraged** to adopt the example low-cost broadband service option definition as outlined in the BEAD NOFO and provided in Figure 8 to fulfill this requirement.

Figure 8: NOFO Example - Definition of Low-cost Broadband Service Option

NOFO Example - Definition of Low-cost Broadband Service Option

1. The proposed broadband service option:
 - a. Costs \$30 per month or less, inclusive of all taxes, fees, and charges if the subscriber does not reside on Tribal Lands, or \$75 per month or less, inclusive of all taxes, fees, and charges if the subscriber resides on Tribal Lands, with no additional non-recurring costs or fees to the consumer;
 - b. Allows the end user to apply the Affordable Connectivity Benefit subsidy to the service price;
 - c. Provides the greater of (a) typical download speeds of at least 100 Mbps and typical upload speeds of at least 20 Mbps, or the fastest speeds the infrastructure is capable of if less than 100 Mbps/20 Mbps or (b) the performance benchmark for fixed terrestrial broadband service established by the Federal Communications Commission pursuant to Section 706(b) of the Communications Act of 1934, as amended;
 - d. Provides typical latency measurements of no more than 100 milliseconds;
 - e. Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere;
 - f. In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost.
2. Subgrantees are required to participate in the Affordable Connectivity Program or any successor program, and Eligible Subscribers that are eligible for a broadband service subsidy can apply the subsidy to the proposed service option

In designing the low-cost broadband service option definition, the Eligible Entity must include:

1. **Cost:** The plan’s expected cost (both monthly and non-recurring charges) to an Eligible Subscriber for a typical broadband Internet access service plan after the application of any subsidies;
 - If the Eligible Entity does not adopt the example low-cost broadband service option definition in the BEAD NOFO, the Eligible Entity must also provide the exact cost of the low-cost broadband service option, or the state/territory-derived formula based on objective economic data to be used.
2. **Basic Service Characteristics:** The plan’s basic service characteristics, including download and upload speeds, latency, any limits on usage or availability such as data caps, any material network management practices, and reliability.
3. **Affordable Connectivity Benefits Application:** A description of whether the plan will allow a subscriber to use any Affordable Connectivity Benefit subsidy toward the plan’s rate; and
4. **Available Technical Upgrades:** A description of whether there are any provisions regarding the subscriber’s ability to upgrade to any new low-cost service plans offering more advantageous technical specifications.

2.12.2 Checkbox: Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

The Eligible Entity must certify, by checking a box, that all subgrantees will be required to participate in the Affordable Connectivity Program⁷ or any successor program.

⁷ The Affordable Connectivity Program was established in the Infrastructure Act as the successor to a previous program that has since been discontinued. The Commission in 2022 issued the *Affordable Connectivity Program Report and Order*, which sets out details regarding the ACP's operation. See *Affordable Connectivity Program, Report and Order and Further Notice of Proposed Rulemaking*, FCC 22-2, (rel. Jan. 21, 2022).

Middle Class Affordability Plans (Requirement 20)

Relevant Instructions from NOFO Section IV.C.2.i.c:

Accordingly, each Eligible Entity must include in its Initial and Final Proposals a middle-class affordability plan to ensure that all consumers have access to affordable high-speed internet. We expect that Eligible Entities will adopt diverse strategies to achieve this objective. For example, some Eligible Entities might require providers receiving BEAD funds to offer low-cost, high-speed plans to all middle-class households using the BEAD-funded network. Others might provide consumer subsidies to defray subscription costs for households not eligible for the Affordable Connectivity Benefit or other federal subsidies. Others may use their regulatory authority to promote structural competition. Some might assign especially high weights to selection criteria relating to affordability and/or open access in selecting BEAD subgrantees. Ultimately, however, each Eligible Entity must submit a plan to ensure that high-quality broadband services are available to all middle-class families in the BEAD-funded network’s service area at reasonable prices. Eligible Entities will be required to ensure that services offered over Funded Networks allow subscribers in the service area to utilize the ACP.

The purpose of this section is to outline how the Eligible Entity will adopt strategies as part of a middle-class affordability plan. The middle-class affordability plan will support the BEAD Program’s goal of ensuring every resident has access to a reliable, affordable, high-speed broadband connection.

2.13.1 Text Box: Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network’s service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network’s service area at reasonable prices.

The Eligible Entity must articulate a middle-class affordability plan designed to ensure that a BEAD-funded network’s service area provides high-quality broadband service to all middle-class households at reasonable prices, though the Eligible Entity has a wide degree of discretion in detailing an “affordable” standard.

The Eligible Entity’s middle-class affordability plan may include the following:

- Requiring providers receiving BEAD funds to offer low-cost, high-speed plans to all middle-class households using the BEAD-funded network;
- Providing consumer subsidies using BEAD funding, if the Eligible entity has surplus funds after meeting its obligation to connect all unserved and underserved areas;
- Using regulatory authority to promote structural competition such as eliminating barriers to entry, opening access to multi-dwelling units, or promoting alternative technologies;
- Promoting consumer pricing benchmarks that provide consumers an objective criterion to use in determining whether the rate offerings of broadband service providers are reasonable and to encourage providers to adopt affordable pricing; and

- Establishing a regime of continued monitoring and public reporting to ensure that high-speed Internet connections are affordable for middle-class households in their state or territory.

Whether these, a combination of these, or other strategies are used, the Eligible Entity is encouraged to develop a plan for affordability which recognizes the specific circumstances of its jurisdiction.

Use of 20 Percent of Funding (Requirement 17)

Relevant Requirements from the [NOFO](#), pages 30-32:

Describe the intended use of the 20 percent of total funding allocation that is made available upon approval of the Initial Proposal consistent with Section IV.B.8 of this NOFO.

Relevant Instructions from [NOFO](#) Section IV.B.8:

If the Assistant Secretary determines that the Initial Proposal meets the standards set forth in Section IV.B.5.c, the Assistant Secretary shall make available to the Eligible Entity 20 percent of the grant funds that were allocated to the Eligible Entity, or a higher percentage at the sole discretion of the Assistant Secretary, for uses as described in Section IV.B.3 of this NOFO. Upon completion of the challenge process described in Section IV.B.6 and the Subgrantee Selection Process described in Section IV.B.7, an Eligible Entity may use the funds made available under this Section to fully fund deployment projects that: 1. Consist of at least 80 percent unserved locations; and 2. Are in a location in which the percentage of individuals with a household income at or below 150 percent of the poverty line applicable to a family of the size involved (as determined under Section 673(2) of the Community Services Block Grant Act (42 U.S.C. § 9902(2)) that is higher than the national percentage of such individuals. An Eligible Entity may use the funds made available under this Section of the NOFO for other eligible uses described under Section IV.B.7 of this NOFO (i.e., for uses other than deployment of last-mile broadband infrastructure to unserved and underserved locations or eligible CAIs) only if the Eligible Entity is able to demonstrate to the satisfaction of the Assistant Secretary that the Eligible Entity has a plan to meet the unserved and underserved location broadband deployment commitments set forth in the Eligible Entity's Final Proposal, in which case the Assistant Secretary may waive, in whole or in part, limitations on the use of this funding round.⁶⁹

⁶⁹ Additional information on how to request the use of funds for other purposes and the associated documentation required to demonstrate such plan will be provided at a later date.



IMPORTANT:

If the Eligible Entity indicates in Volume II that they do not wish to request funding during the Initial Proposal phase, the Eligible Entity cannot change this determination once Volume II is submitted and under review.

The purpose of this section is to identify whether the Eligible Entity intends to access Initial Proposal funding and describe how the Eligible Entity intends to use the funding allocation that is made available upon approval of the Initial Proposal, contingent on specific guidelines outlined in the BEAD NOFO.

The Eligible Entity will have the opportunity to pursue one of three funding scenarios, which are detailed in Table 2 below.

Table 2: Funding Scenarios

Funding Requested	Use of Funding
No funding requested	<ul style="list-style-type: none"> Eligible Entities may elect to not request funding during the Initial Proposal round. These Eligible Entities will defer funding until after the approval of the Final Proposal.
Less than or equal to 20 percent of funding allocation	<ul style="list-style-type: none"> Eligible Entities may request less than or equal to 20 percent of funding allocation during the Initial Proposal round. These Eligible Entities will defer the request for their remaining allocation until after the approval of the Final Proposal.
Greater than 20 percent of funding allocation	<ul style="list-style-type: none"> Eligible Entities may request more than 20 percent of funding allocation during the Initial Proposal round, which must be accompanied by a rationale for requesting funds greater than 20 percent of the funding allocation. Approval of such a request is at the sole discretion of the Assistant Secretary. Eligible Entities that request less than 100 percent of their funding allocation will defer the request for their remaining allocation until after the approval of the Final Proposal.

2.14.1 Text Box: Describe the Eligible Entity’s planned use of any funds being requested, which must address the following:

- a. If the Eligible Entity does not wish to request funds during the Initial Proposal round, it must indicate no funding requested and provide the rationale for not requesting funds.
- b. If the Eligible Entity is requesting less than or equal to 20 percent of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, and how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations.
- c. If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations, and provide rationale for requesting funds greater than 20 percent of the funding allocation.

The Eligible Entity must follow the guidance for the sub-requirement relevant to their Initial Proposal Funding Request among 2.14.1.a, 2.14.1.b, or 2.14.1.c. For example, if the Eligible Entity is not requesting funding during this round, the Eligible Entity should refer to the guidance under 2.14.a to complete this text box.

2.14.1.a: If the Eligible Entity does not wish to request Initial Proposal funds, the Eligible Entity must indicate no funding requested and provide the rationale for not requesting funds and deferring the allocation to after the approval of the Final Proposal.

For example, an Eligible Entity may respond by explaining that they are not requesting Initial Proposal funds and that they are doing so because they have sufficient funding for their challenge and subgrantee selection processes without utilizing funding from this round and that

they do not have state/territory law requirements in place that would require the obligation of all funding prior to conducting a sub-granting process.

2.14.1.b: If the Eligible Entity is requesting less than or equal to 20 percent of funding allocation during the Initial Proposal round, it must detail the amount of funding requested upon approval of the Initial Proposal, the intended use of funds, and explain how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations. NTIA will prioritize ensuring funding for all unserved and underserved locations before other uses of funding when assessing the Eligible Entity’s justification for their ability to serve all unserved and underserved locations.

The use of funds includes (i) administrative costs, (ii) programmatic costs, such as funding the challenge or subgrantee selection processes, funding last-mile broadband deployment projects, and funding non-deployment uses, or (iii) a combination of these uses.

- i. Administrative costs may include expenses incurred by the grant recipients or subrecipients in support of the day-to-day operations, not directly tied to a specific programmatic purpose or activity. Approved funding for administrative expenses may be expended prior to the completion of the challenge and subgrantee selection processes.
- ii. Programmatic costs are costs that are directly tied to the delivery of a particular project, service, or activity undertaken by a grantee to achieve an outcome intended by the funding program. Approved funding for programmatic costs may be expended prior to the completion of the challenge and subgrantee selection processes.
 - o Funding for the challenge and subgrantee selection processes may include personnel costs specifically to conduct these processes (e.g., a digital equity specialist who will charge a set number of hours to support the subgrantee selection process from a digital equity lens); contractor(s) to carry out these processes; technology costs (e.g., website services to carry out these processes); and costs related to communications or awareness specifically for these processes). Approved funding for programmatic costs may be expended prior to the completion of the challenge and subgrantee selection processes.
 - o Funding for deployment projects may include any of the eligible costs outlined in Section IV.B.7.a.ii and in line with Section IV.B.8 of the BEAD NOFO. Approved funding for programmatic costs may be expended prior to the completion of the challenge and subgrantee selection processes.
 - o Funding for non-deployment projects may include any of the eligible costs outlined in Section IV.B.7.a.iii and in line with Section IV.B.8 of the BEAD NOFO. Approved funding for programmatic costs may be expended after the completion of the challenge and subgrantee selection processes.
- iii. The Eligible Entity may use funds for a combination of administrative and programmatic costs. For example, an Eligible Entity may indicate that it will use 2 percent of funds for administrative costs, and 1 percent of funds to implement their challenge and subgrantee selection processes (e.g., through hiring a contractor), and the remaining 17 percent to fully fund last-mile deployment projects outlined in Section IV.B.7.a.ii and in line with Section IV.B.8 of the BEAD NOFO.

2.14.1.c: If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal funding round, it must detail the amount of funding requested upon approval of the Initial Proposal, the intended use of funds, and how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations. As noted in 2.14.b, the use of funds may include (i) administrative costs, (ii) programmatic costs, such as funding the challenge or subgrantee selection processes, funding last-mile broadband deployment projects, and funding non-deployment uses, or (iii) a combination of these uses.

The Eligible Entity must also provide a rationale for requesting funds greater than 20 percent of the funding allocation. The NOFO details that the Assistant Secretary shall make available 20 percent of the grant funds that are available to the Eligible Entity upon approval of the Initial Proposal, or a higher percentage if requested, but at the sole discretion of the Assistant Secretary. In this instance, the Eligible Entity must detail the amount of funding intended to be used after the Initial Proposal is approved and before the Final Proposal. Eligible Entities that request less than 100 percent of their funding allocation will defer the request for their remaining allocation until after the approval of the Final Proposal.

For example, the Eligible Entity may elect to request the full amount (100 percent) of their funding allocations in the Initial Proposal round if they demonstrate a specific need, such as a state or territory requirement (e.g., anti-deficiency clause) that would require the obligation of all funding prior to conducting the subgrantee selection process.

2.14.2 Financial Data Entry: Enter the amount of the Initial Proposal Funding Request. If not requesting initial funds, enter ‘\$0.00.’

The Eligible Entity should enter the total dollar amount of funding requested in the Initial Proposal Funding Request. This value should match the amount **intended** to be included in the Initial Proposal Funding Request.

2.14.3 Check Box: Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Funding Request, note “Not applicable.”

The Eligible Entity must certify, by checking a box, that it will adhere to BEAD Program requirements regarding Initial Proposal funds usage, including reporting requirements and conditions specific to the requested use of funds.

For costs related to the administration of the Eligible Entity’s grant, this certification indicates that the Eligible Entity will not exceed the two percent statutory cap for costs related to the administration of the Eligible Entity’s grant, including any subcontracts or subawards made to assist in the administration of the Eligible Entity’s grant. Please note that the two percent statutory cap does not apply to funds allocated during the Initial Planning Funds phase of the BEAD Program. Otherwise, the two percent statutory cap applies to all other BEAD Program funding. Please refer to the [BEAD FAQs 7.9 to 7.16](#) for more information on costs related to the administration of the Eligible Entity’s grant.

For a requested use of funds for non-deployment projects, this certification indicates that the Eligible Entity will ensure that funding initiated before the approval of the Final Proposal will not imperil the Eligible Entity’s ability to achieve universal service for all unserved and underserved locations within its jurisdiction.

For a requested use of funds for deployment projects, this certification indicates that the Eligible Entity will only use 20 percent of funds (unless requesting above 20 percent of funds) before the Final Proposal funding allocation to fully fund deployment projects that: (i) consist of at least 80 percent unserved locations; and (ii) are in a location in which the percentage of individuals with a household income at or below 150 percent of the poverty line applicable to a family of the size involved (as determined under Section 673(2) of the Community Services Block Grant Act (42 U.S.C. § 9902(2)) that is higher than the national percentage of such individuals. This certification also indicates that funds for this purpose will not be distributed until after the challenge process and subgrantee selection process are complete. The Assistant Secretary may waive this restriction on the Initial Proposal funding round if the Eligible Entity is able to demonstrate that it has a plan to meet the unserved and underserved location broadband deployment commitments set forth in its Final Proposal.

If the Eligible Entity requests use of funds for non-deployment projects, this certification indicates that the Eligible Entity will ensure that funding initiated before the approval of the Final Proposal will not imperil the Eligible Entity’s plan to achieve universal service for all unserved and underserved locations within its jurisdiction.

Additionally, this certification indicates that the Eligible Entity will comply with all relevant EHP and BABA requirements if the Eligible Entity intends to fund projects before the approval of the Final Proposal.

Eligible Entity Regulatory Approach (Requirement 18)

Relevant Requirements from the [NOFO](#), pages 30-32:

Disclose (1) whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act, that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer; and (2) if it will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive and describe how they will be applied in connection with the competition for subgrants.

Relevant Requirements from the [NOFO](#), pages 50-51:

Competition among broadband providers has the potential to offer consumers more affordable, high-quality options for broadband service. As required by the Infrastructure Act, in awarding subgrants for the deployment of a broadband network using grant funds, Eligible Entities may Notice of Funding Opportunity – 51 not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments (“potential providers”) from eligibility for grant funds. In determining whether to approve an Eligible Entity’s Initial or Final Proposal, NTIA will consider whether the Eligible Entity has, after the enactment of the Infrastructure Act, adopted new laws, regulations, policies, procedures or any other form of rule or restriction that, in the determination of NTIA, seeks to exclude or has the effect of excluding any potential providers from eligibility for its subgrant competition. This could include new laws that have the effect of excluding providers from offering broadband service or rendering them incapable of effectively competing for subgrants.

Some laws of Eligible Entities concerning broadband, utility services, or similar subjects that predate the enactment of the Infrastructure Act may either preclude certain public sector providers from participation in the subgrant competition or may impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer. NTIA strongly encourages Eligible Entities to waive all such laws for purposes of the Program. If an Eligible Entity does not do so, the Eligible Entity must identify all such laws in its Initial Proposal and describe how the laws will be applied in connection with the competition for subgrants. Such Eligible Entity must, in its Final Proposal, disclose each unsuccessful application affected by such laws and describe how those laws impacted the decision to deny the application.

The purpose of this section is to disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects that either preclude certain public sector providers from participation in the subgrant process or impose specific requirements and limitations on public sector entities.

This could include new laws that have the effect of excluding providers from offering broadband service or rendering them incapable of effectively competing for subgrants. The Eligible Entity may not exclude cooperatives, nonprofit organizations, public-private partnerships, public or private utilities, public utility districts, or local governments (“potential providers”) from

eligibility for BEAD Program funds. An example of such law could include a ban on municipal broadband or co-op providers.

2.15.1 Text Box

- a. Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.
- b. If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.

2.15.1.1 Optional Attachment: As a required attachment only if the Eligible Entity will not waive laws for BEAD Program project selection purposes, provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the Eligible Entity Regulatory Approach template provided.

NTIA strongly encourages the Eligible Entity to waive all laws that preclude or limit public sector participation. If an Eligible Entity does not waive all relevant laws, the Eligible Entity must disclose this, identify the laws that it will not waive (using the template provided), and describe how the laws will be applied in connection with the competition for subgrants.

If the Eligible Entity will waive all relevant laws, the Eligible Entity must disclose this, but does not need to submit the optional attachment.

If there are no laws of the Eligible Entity concerning broadband, utility services, or similar projects that hinder the participation of public sector entities, please write “Not applicable.”

If the Eligible Entity does not waive all laws of the Eligible Entity that either preclude or impose specific requirements and limitations on public sector entities, the Eligible Entity must attach a list of the laws it will not waive using the template provided. This attachment must include the name of the law, a publicly accessible link, brief description, the date on which it was enacted, and a description of how the law will be applied in connection to competition for the subgrants.

To download a copy of the NTIA Template for Eligible Entity Regulatory Approach, please see the files named “BEAD Initial Proposal_Volume II_Eligible Entity Regulatory Approach.xlsx”

Certification of Compliance with BEAD Requirements (Requirement 19)

Relevant Requirements from the [NOFO](#), pages 30-32:

Certify the intent of the Eligible Entity to comply with all applicable requirements of the Program, including the reporting requirements, and describe subgrantee accountability procedures.

The purpose of this section is to ensure that the Eligible Entity intends to comply with statutory requirements of the BEAD Program, including the reporting requirements and subgrantee accountability procedures. It is critical for the Eligible Entity and its subgrantees to remain compliant for the success of the Program; failure to do so may result in delays or cancellation of any award and/or recoupment of funds already disbursed.

Looking Ahead

The Eligible Entity will be required to include the processes for oversight and accountability to ensure the proper use of the BEAD Program funds in their Final Proposals.

2.16.1 Check Box: Certify the Eligible Entity’s intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

The Eligible Entity must certify, by checking a box, that it intends to comply will all applicable requirements of the Program, including the reporting requirements. Future reporting requirements for the BEAD Program include those outlined in NOFO Section VII.E. In advance of reporting due dates NTIA will provide additional instructions, including formatting requirements and other information on how to satisfy the reporting requirements.

2.16.2 Text Box: Describe subgrantee accountability procedures, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO:

- a. Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize);
- b. The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;
- c. Timely subgrantee reporting mandates; and
- d. Robust subgrantee monitoring practices.

Subgrantee accountability procedures enable the Eligible Entity to ensure the integrity of its BEAD projects. NTIA expects the Eligible Entity to proactively monitor their subgrantees throughout the duration of their projects to ensure compliance with all BEAD Program requirements.

At a minimum, the Eligible Entity will employ **each** of the practices outlined on Page 51 of the BEAD NOFO. The Eligible Entity may also have additional standard contracting procedures to describe in this section.



IMPORTANT

NTIA will reject Initial Proposals and Final Proposals that fail to provide sufficient recourse against subgrantees that do not fulfill their legal and contractual responsibilities. Likewise, NTIA will pursue claw back of funds directly from an Eligible Entity that fails to fully ensure subgrantee accountability of the law.

Example responses may include providing:

- A description of financial management practices that include distribution of funding exclusively through reimbursement
- A description of claw back provisions in subgrantee contracts
- An explanation of reporting requirements to include frequency and content of reports,
- An overview of monitoring processes to be implemented to include risk assessment and ongoing interaction with grantees corresponding to the risk level of each grantee.

2.16.3 Check Box: Certify that the Eligible Entity will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

The Eligible Entity must certify, by checking a box, that their selection of subgrantees will account for and satisfy each of the following authorities:

- [Parts II and III of Executive Order 11246, Equal Employment Opportunity](#)
- [Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency](#)
- [Executive Order 13798, Promoting Free Speech and Religious Liberty](#)

Additionally, prior to distributing any BEAD funding to a subgrantee, the Eligible Entity must require the subgrantee to agree, by contract or other binding commitment, to abide by the non-discrimination requirements set forth in the following legal authorities, to the extent applicable, and to acknowledge that failure to do so may result in cancellation of any award and/or recoupment of funds already disbursed:

- [Title VI of the Civil Rights Act](#)
- [Title IX of the Education Amendments of 1972](#)
- [The Americans with Disabilities Act of 1990](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [The Age Discrimination Act of 1975](#)
- Any other applicable non-discrimination law(s)

The Eligible Entity is encouraged to refer to the [Workforce Planning Guide](#) and [BEAD NOFO Section IV.C.1.g.](#) for more information on the laws to which Eligible Entities and subgrantees alike must adhere.

2.16.4 Check Box: Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest that:

Cybersecurity

- 1) The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
- 2) The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days.

Supply Chain Risk Management (SCRM)

- 1) The prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;
- 2) The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.

The Eligible Entity must certify, by checking a box, that it will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 – 71 of the BEAD NOFO.

The Eligible Entity also must ensure that, to the extent a BEAD subgrantee relies in whole or in part on network facilities owned or operated by a third party (*e.g.*, purchases wholesale carriage on such facilities), obtain the above attestations from its network provider with respect to cybersecurity practices and supply chain risk management practices.

Finally, the Eligible Entity must outline any additional cybersecurity or supply chain risk management requirements it plans to impose on subgrantees and explain why the additional measures are necessary to safeguard networks and users falling within its jurisdiction.

Volume II Public Comment

2.17.1 Text Box: Describe the public comment period and provide a high-level summary of the comments received during the Volume II public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

- c. The public comment period was no less than 30 days; and
- d. Outreach and engagement activities were conducted to encourage feedback during the public comment period.



IMPORTANT

The Eligible Entity must conduct a public comment period for **no less than 30 days**.

The Eligible Entity must describe how it conducted a public comment period for no less than 30 days, provide a high-level summary of the comments received, and demonstrate how the Eligible Entity incorporated feedback in its Initial Proposal

submission, as applicable. The Eligible Entity is not required to respond to all individual comments but must capture where public comments impacted the contents of the Initial Proposal submission.

The Eligible Entity must also demonstrate how it conducted outreach and engagement activities to encourage broad awareness, participation, and feedback during the public comment period, particularly among Tribal Governments, local community organizations, unions and worker organizations, and other underrepresented groups. Examples of outreach mechanisms include, but are not limited to, public meetings, informational brochures, local media, relevant social media channels, and direct mail.

2.17.2 Optional Attachment: As an optional attachment, submit supplemental materials to the Volume II submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.

The Eligible Entity may upload additional documentation, such as formatted text, tables, or graphics, relevant to any of the requirements in Volume II. If the Eligible Entity chooses to upload supplemental materials, they must provide a crosswalk to the relevant requirement(s). In the responses to Volume II requirements, the Eligible Entity may reference the materials uploaded here to provide additional context to their responses. However, content submitted here will not be reviewed for sufficiency in meeting Initial Proposal requirements; only responses to requirements in previous sections of the NTIA Grants Portal will be evaluated for meeting the standard of review required for approval.

Looking Ahead: Final Proposal

Final Proposal

To receive the remaining grant funds that are allocated to the Eligible Entity, an Eligible Entity must submit a Final Proposal no later than twelve months after the Assistant Secretary approves both Volumes I and II of the Eligible Entity’s Initial Proposal. If the Assistant Secretary approves Volume I prior to approving Volume II, the timing for the Final Proposal submission

will begin upon the approval of Volume II of the Initial Proposal. NTIA will award the remaining funds allocated to the Eligible Entity upon approval of the Eligible Entity’s Final Proposal, and the Eligible Entity will initiate its subgrants for the remaining 80 percent of funding and any portion of the

original 20 percent that the Eligible Entity has not yet awarded as a subgrant (if 20 percent was requested in the Initial Proposal Funding Request).

If the Final Proposal is incomplete or does not meet standards set forth in the BEAD NOFO, the Assistant Secretary will notify the Eligible Entity of the deficiencies in the proposal, provide the Eligible Entity with an opportunity to resubmit the Final Proposal, and establish a deadline for resubmission.

Failure to submit a Final Proposal by this deadline will be treated as an application failure. The Assistant Secretary reserves the right to extend this deadline; however, the Assistant Secretary will not grant a waiver of the Final Proposal deadlines except in extraordinary circumstances.

The 15 Requirements for the Final Proposal can be found in the appendix.



IMPORTANT

The Final Proposal must be made available for public comment prior to submission to NTIA.

Appendices

Waiver Guidance

Eligible Entities may submit waivers for Volume I, Volume II, and the Initial Proposal Funding Request at the time that they submit each volume in the NTIA Grants Portal. If NTIA identifies the need for a waiver after the Eligible Entity's submission, NTIA will coordinate with the Eligible Entity to submit a waiver request via the NTIA Grants Portal. Eligible Entities should work with their assigned FPO to receive further guidance on waivers.

The 20 Requirements of the Initial Proposal

At a minimum, the BEAD NOFO requires that an Eligible Entity’s Initial Proposal must:

1. Outline long-term objectives for deploying broadband, closing the digital divide, addressing access, affordability, equity, and adoption issues, and enhancing economic growth and job creation including information developed by the Eligible Entity as part of the Five-Year Action Plan and information from any comparable strategic plan otherwise developed by the Eligible Entity, if applicable.⁸
2. Identify, and outline steps to support, local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide and describe coordination with local and Tribal Governments, along with local, Tribal, and regional broadband planning processes.⁹
3. Identify existing efforts funded by the federal government or an Eligible Entity within the jurisdiction of the Eligible Entity to deploy broadband and close the digital divide, including in Tribal Lands.¹⁰
4. Certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and worker organizations, and other groups, consistent with the requirements set forth in Section IV.C.1.c of this NOFO, describe the coordination conducted, summarize the impact such coordination had on the content of the Initial Proposal, detail ongoing coordination efforts, and set forth the plan for how the Eligible Entity will fulfill the coordination requirements associated with its Final Proposal.
5. Identify each unserved location and underserved location under the jurisdiction of the Eligible Entity, including unserved and underserved locations in applicable Tribal Lands, using the most recently published Broadband DATA Maps as of the date of submission of the Initial Proposal, and identify the date of publication of the Broadband DATA Maps used for such identification.
6. Describe how the Eligible Entity applied the statutory definition of the term “community anchor institution,” identified all eligible CAIs in its jurisdiction, identified all eligible CAIs in applicable Tribal Lands, and assessed the needs of eligible CAIs, including what types of CAIs it intends to serve; which institutions, if any, it considered but declined to classify as CAIs; and, if the Eligible Entity proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations.
7. Include a detailed plan to conduct a challenge process as described in Section IV.B.6.
8. Include a detailed plan to competitively award subgrants consistent with Section IV.B.7.a of this NOFO with regard to both last-mile broadband deployment projects and other eligible activities. With respect to last-mile broadband deployment projects, the plan must explain how the Eligible Entity will ensure timely deployment of broadband and minimize the BEAD

⁸ For States and Territories that have completed Five-Year Action Plans, reference to this plan satisfies this requirement.

⁹ For States and Territories that have completed Five-Year Action Plans, reference to this plan satisfies this requirement.

¹⁰ For States and Territories that have completed Five-Year Action Plans, reference to this plan satisfies this requirement.

subsidy required to serve consumers consistent with Section IV.B.7 and the other priorities set out in this NOFO. The Initial Proposal must include identification of, or a detailed process for identifying, an Extremely High Cost Per Location Threshold to be utilized during the Subgrantee Selection Process described in Section IV.B.7 of this NOFO. Each Eligible Entity must establish its Extremely High Cost Per Location Threshold in a manner that maximizes use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.7.b of this NOFO. NTIA expects Eligible Entities to set the Extremely High Cost Per Location Threshold as high as possible to help ensure that end-to-end fiber projects are deployed wherever feasible.

9. With respect to non-deployment eligible activities, explain any preferences the Eligible Entity will employ in selecting the type of initiatives it intends to support using BEAD Program funds, the means by which subgrantees for these eligible activities will be selected, how the Eligible Entity expects the initiatives it pursues to address the needs of the Eligible Entity’s residents, the ways in which engagement with localities and stakeholders will inform the selection of eligible activities, and any efforts the Eligible Entity will undertake to determine whether other uses of the funds might be more effective in achieving the BEAD Program’s equity, access, and deployment goals.
10. Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.
11. Detail how the Eligible Entity will ensure that subgrantees, contractors, and subcontractors use strong labor standards and protections, such as those listed in Section IV.C.1.e, and how the Eligible Entity will implement and apply the labor-related Subgrantee Selection criteria described below in Section IV.C.1.e of this NOFO.
12. Detail how the Eligible Entity will ensure an available, diverse, and highly skilled workforce consistent with Section IV.C.1.e of this NOFO.
13. Describe the process, strategy, and data tracking method(s) that the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises, and labor surplus area firms are recruited, used, and retained when possible.
14. Identify steps that the Eligible Entity will take to reduce costs and barriers to deployment, promote the use of existing infrastructure, promote and adopt dig-once policies, streamlined permitting processes and cost-effective access to poles, conduits, easements, and rights of way, including the imposition of reasonable access requirements.¹¹
15. Provide an assessment of climate threats within the Eligible Entity and proposed mitigation methods consistent with the requirements of Section IV.C.1.h of this NOFO.
16. Describe the low-cost plan(s) that must be offered by subgrantees consistent with the requirements of Section IV.C.2.c.i of this NOFO.
17. Describe the intended use of the 20 percent of total funding allocation that is made available upon approval of the Initial Proposal consistent with Section IV.B.8 of this NOFO.
18. Disclose (1) whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment

¹¹ Consistent with the goal that Eligible Entities seek to minimize the BEAD funding outlay on a particular project, Eligible Entities and their political subdivisions are strongly encouraged to remove time and cost barriers associated with BEAD projects, including by expediting permitting timelines and waiving fees where applicable, where doing so does not undermine other critical policy goals.

of the Infrastructure Act, that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer; and (2) if it will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive and describe how they will be applied in connection with the competition for subgrants.

19. Certify the intent of the Eligible Entity to comply with all applicable requirements of the Program, including the reporting requirements, and describe subgrantee accountability procedures.
20. Include a middle-class affordability plan to ensure that all consumers have access to affordable high-speed Internet.
 - a. The Middle-Class Affordability Plan is not aligned to a specific Initial Proposal Requirement as outlined in Section IV.B.5. However, it is required as part of Initial Proposal submissions.

The 15 Requirements of the Final Proposal

At a minimum, the BEAD NOFO requires that an Eligible Entity's Final Proposal must include:

1. A detailed plan that specifies the outcome of the Eligible Entity's Subgrantee Selection Process and how the Eligible Entity will:
 - a. allocate grant funds to subgrantees for the deployment of broadband networks to unserved locations, underserved locations, and (if applicable) CAIs in accordance with the prioritization framework described in Section IV.B.7.b of this NOFO; and
 - b. align the grant funds allocated to the Eligible Entity under the BEAD Program, where practicable, with the use of other funds for broadband that the Eligible Entity receives from the federal government, an Eligible Entity, or any other source.
2. A timeline for implementation of the detailed plan and completion of each project and other eligible activity to be funded;
3. Processes for oversight and accountability to ensure the proper use of the grant funds allocated to the Eligible Entity under the BEAD Program consistent with Section IX.G of this NOFO;
4. Certification that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, and unions and worker organizations, consistent with the requirements set forth in Section IV.C.1.c of this NOFO, a description of the coordination conducted, and a summary of the impact such coordination had on the content of the Final Proposal;
5. Description of the results of the challenge process conducted by the Eligible Entity under Section IV.B.6;
6. Certification that the Eligible Entity will provide service to all unserved and underserved locations, if the Eligible Entity is seeking to use BEAD funding for deployment to CAIs or for other eligible activities;
7. A detailed description of all planned uses of BEAD funding that are not last-mile broadband deployment projects, including the nature of each funded initiative, how those uses are consistent with Section V.K of this NOFO, how the Eligible Entity expects the initiative to address the needs of the Eligible Entity's residents, the ways in which engagement with localities and stakeholders informed the selection of such eligible activities, and any efforts the Eligible Entity undertook to determine whether other uses of the funds might have been more effective in achieving the BEAD Program's equity, access, and deployment goals;
8. The means by which subgrantees for non-deployment eligible activities were selected, if the Eligible Entity pursued those initiatives via subgrant, or, alternatively, how the Eligible Entity determined that it should undertake the initiative itself;
9. A description of efforts undertaken by the Eligible Entity to ensure the participation of non-traditional broadband providers (such as municipalities or political subdivisions, cooperatives, non-profits, Tribal Governments, and utilities), including an explanation for awards to traditional broadband providers when one or more non-traditional providers submitted competing proposals to serve an area consistent with the requirements of Section IV.C.1.a;
10. Implementation status of plans described in the Initial Proposal related to:

- a. Steps that the Eligible Entity has taken or intends to take to promote streamlined permitting processes and cost-effective access to poles, conduits, easements, and rights of way, including the imposition of reasonable access requirements;
 - b. Labor and workforce activities, including how the Eligible Entity implemented and applied the labor-related Subgrantee Selection criterion required herein;
 - c. Utilization of minority businesses, women-owned business enterprises, and labor surplus area firms;
 - d. Low-cost plan requirements; and
 - e. Climate change and resilience;
11. Information regarding specific commitments made by provisionally selected subgrantees to warrant a project's treatment as a Priority Broadband Project;
 12. Information regarding specific commitments made by provisionally selected subgrantees to warrant benefits in the Eligible Entity's Subgrantee Selection Process (e.g., the primary and secondary criteria);
 13. Environmental documentation associated with any construction and/or ground-disturbing activities and a description of how the Eligible Entity will comply with applicable environmental and national historical preservation requirements.
 14. To the extent an Eligible Entity's Final Proposal includes plans to deploy broadband to Unserved Service Projects or Underserved Service Projects on Tribal Lands, the Eligible Entity must submit a Resolution of Consent from each Tribal Government, from the Tribal Council or other governing body, upon whose Tribal Lands the infrastructure will be deployed.¹²
 15. A description of (1) each unsuccessful application that was affected by laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act, that the Eligible Entity did not waive for purposes of BEAD Program project selection and that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer; and (2) how those laws impacted the decision to deny each such application.

Additional requirements for the Final Proposal may be provided to Eligible Entities when the approval of the Initial Proposal is granted.

¹² In the case of consortiums, a Tribal resolution is required from each Tribal Government on whose Tribal Lands the infrastructure will be deployed. For projects deploying to locations on Tribal Lands in Hawaii, consent must be obtained from the Department of Hawaiian Home Lands. For projects deploying to locations in Alaska, with the exception of deployments on the Metlakatla Reservation, an Eligible Entity must gain the consent (by Tribal resolution) of 51 percent or more of the federally recognized tribal governments in the Alaska Native Region in which the infrastructure will be deployed. Consent from the Metlakatla Reservation will not be required for deployments in the Southeast Alaska Region Village. Conversely, deployments within the Metlakatla Reservation will require only the consent (via Tribal resolution) of the Metlakatla Reservation's Tribal Government. If a Tribal Government is not meeting due to COVID-19 restrictions or will not meet between release of this NOFO and submission of the Eligible Entity's Initial Proposal, NTIA will allow the submission of a Letter of Consent from the Governing Body of the Tribe with the Eligible Entity's Final Proposal.