

# Montana BEAD Program Main Round FAQs

October 2024



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# Frequently Asked Questions

## 1. GENERAL INFORMATION AND RESOURCES

### 1.1. What is BEAD?

**Response:** The Broadband Equity, Access, and Deployment (BEAD) program provides \$42.45 billion to expand high-speed internet access by funding planning, infrastructure deployment and adoption programs. Montana will receive a \$629 million grant under the BEAD program to improve broadband coverage across the state. BEAD program requirements focus this funding on unserved, locations unable to obtain broadband service of at least 25 Megabits per second (Mbps) downstream and three (3) Mbps (25/3 Mbps), and underserved locations, those locations with broadband service between 25/3 Mbps and 100/20 Mbps, and 1 Gbps symmetric for community anchor institutions (CAIs). For the purposes of BEAD, locations with unlicensed fixed wireless or satellite service are considered unserved. Unserved or underserved locations that received recent grant funding or have demonstrated commitments to be completed shortly are not eligible for BEAD funding.

### 1.2. What are the requirements for the State to receive BEAD funding?

**Response:** To receive the \$629 million in BEAD funding, the State must comply with the NTIA requirements. The Department has completed the first requirement of preparing and submitting the State's BEAD Five Year Action Plan. The second requirement was to submit an Initial Proposal to the NTIA by December 27, 2023. The Initial Proposal is separated into two volumes. The Initial Proposal Volume 1, which includes adopting the NTIA's BEAD Model Challenge Process, and the Initial Proposal Volume 2, which outlines the subgrantee selection process. Once the NTIA approves the Initial Proposal, the Department will conduct the subgrantee selection process. Within one year of NTIA's approval of the Initial Proposal, the Department is required to submit a Final Proposal that outlines the projects selected for funding.

### 1.3. When is the BEAD application process opening?

**Response:** The Prequalification Round opened on March 12, 2024, and the Main Round opened on August 13, 2024.

### 1.4. What unserved and underserved areas will be prioritized during the BEAD application process?

**Response:** The State must comply with the NTIA BEAD Notice of Funding Opportunity (NOFO) requirements when selecting projects. Under NTIA guidelines, the State must award projects to provide coverage of all unserved locations followed by all underserved locations

and if funding allows, eligible community anchor institutions. Initial Proposal Volume 2 outlines the process the state will use to select subgrantees.

**1.5. What kind of factors will be prioritized in the process of considering applications?**

**Response:** The State has designed the subgrantee selection criteria consistent with NTIA guidance and SB 531. NTIA guidance requires the subgrantee selection process to prioritize projects providing end-to-end fiber-optic facilities to each end user premises (“Priority Broadband Project”). Projects are scored based on the rubric detailed in MT’s Initial Proposal Volume 2. Priority Broadband Projects will be evaluated based on minimal BEAD program outlay, affordability, fair labor practices, speed to deployment and additional prioritization factors. Non-priority projects will be evaluated based on minimal BEAD program outlay, affordability, fair labor practices, speed to deployment, speed of network and other technical capabilities, and additional prioritization factors.

**1.6. If an ISP does not complete a prequalification application, will it be disqualified from participating in any capacity during any phase of the program?**

**Response:** Completion of a prequalification application is mandatory to participate in the BEAD program. All potential recipients are encouraged to complete the prequalification process as early as possible.

**1.7. Were the online technical assistance sessions recorded? If so, where can I watch them?**

**Response:** Recordings and slides from all technical assistance sessions are available on the ConnectMT website.

**1.8. How long will subgrantees have to complete construction?**

**Response:** Subgrantees will have 4 years from the date the agreement with the State is fully executed to complete construction.

**1.9. When will subgrantee awards be determined?**

**Response:** Montana will provisionally select awardees and submit the selection to NTIA as part of the Final Proposal. The Final Proposal is due in July 2025. Once NTIA approves the Final Proposal, MT will make final awards.

**1.10. What is the matching requirement for the BEAD program? Do waivers exist for this matching requirement, and in what circumstances would those waivers be provided?**

**Response:** As noted in the BEAD NOFO, except for specific circumstances where NTIA has waived the matching requirement, subrecipients are required to provide a match of 25% of project costs. NTIA removed the match requirement for the NTIA defined High Cost CBGs and Montana has not chosen to implement one. Please note, this is only for the 23 CBGs designated by NTIA. All other project areas would require a match. At this time, Montana has not applied for any additional waivers.

**1.11. Will the BEAD application summaries be posted after the application window closes?**

**Response:** Montana will include application summaries as part of the Final Proposal, which is due in July 2025 and will be posted for public comment. This proposal, submitted within one year of NTIA's approval of the Initial Proposal, will outline the projects selected for funding.

## 2. ELIGIBILITY

**2.1. Who is eligible to receive BEAD funding from the ConnectMT Broadband Office?**

**Response:** Consistent with SB 531, an eligible applicant means an entity that has authorization to do business in the state and has demonstrated that it has the technical, financial, and managerial resources and experience to provide broadband service or other communications service to customers in the state. This includes incorporated businesses or partnerships, Montana nonprofit organizations, limited liability companies, corporations, or cooperative entities organized for the purpose of expanding broadband access. A government entity or tribe is only eligible to apply in partnership with an eligible broadband service provider.

In order to be eligible to receive BEAD funding from the State of Montana, subgrantees must:

1. Meet mandated financial, operational, and managerial requirements
2. Propose a project that will provide a minimum 100/20 Mbps broadband service to all locations within the service area within a 4-year timeline
3. Be able to comply with all requirements mandated by the NTIA and the State of Montana

**2.2. Will the same companies receive funding as ARPA?**

**Response:** The Department will perform a subgrantee selection process consistent with SB 531 and the Initial Proposal. Companies that received ARPA funding may choose to apply for additional projects through the BEAD application process.

**2.3. Can startups apply for BEAD funding? If so, should they follow the same application process as experienced companies who already provide service in Montana?**

**Response:** Yes, startups may apply for BEAD funding. Startup entities must follow the same process and guidelines as existing entities applying for BEAD funding. New entrants to the market will be required to submit documentation illustrating their minimum qualifications and be required to meet the same threshold as all other applicants. This includes audited financial statements, evidence of managerial capacity and organizational readiness to implement the program. The ConnectMT Broadband Office will require applicants to provide materials that document the length of time they have been doing business in the state. The ConnectMT Broadband Office will verify this by reviewing the Certificate of Good Standing from the Montana Secretary of State.

### 3. PROJECT AREAS AND BENCHMARKING

#### 3.1. Will the FCC National Broadband Map or the Montana Broadband Availability Map be used to determine eligibility? When will project areas be published?

**Response:** The state received approval on the Challenge Process results from NTIA on October 10, 2024. The BEAD Application Map is in the process of being updated to reflect these final results. A full eligibility list is posted to the ConnectMT website and includes eligible locations and census block groups (CBGs). Applicants can find the final Challenge Process results on the ConnectMT website under Internet Service Provider Information and Challenge Process Results.

#### 3.2. If an area is covered by satellite technology, will it be considered served for the purposes of the BEAD program?

**Response:** For the purposes of the BEAD program, locations served exclusively by satellite, services using entirely unlicensed spectrum, or a technology not specified by the Commission for purposes of the Broadband DATA Maps do not meet the criteria for Reliable Broadband Service and so will be considered "unserved".

#### 3.3. Can BEAD provide funding to areas considered underserved or are only areas deemed unserved eligible for funding?

**Response:** The State must comply with the NTIA BEAD Notice of Funding Opportunity (NOFO) requirements when selecting projects. Under NTIA guidelines, the State must award projects to provide coverage to all unserved locations followed by all underserved locations, and if funding allows, eligible community anchor institutions. Initial Proposal Volume 2 outlines the process the state will use to select subgrantees.

#### 3.4. What methodology will be used to determine benchmarks?

**Response:** As noted in the Initial Proposal Volume 2, “the State will set a reference funding benchmark for each CBG, which will be informed by the CostQuest Associates (CQA) cost model as provided to states by NTIA’s Eligible Entity Toolkit as a starting point. The ConnectMT Broadband Office will consider the CostQuest estimates for both capital expenditures and estimated BEAD subsidy required for greenfield and brownfield deployment of fiber and fixed wireless. Additionally, the ConnectMT Broadband Office may consider other data, e.g., data from previous broadband deployment funding opportunities, to validate and refine the benchmarks.” Additional detail about the benchmarking process can be found beginning on page 38 of the Initial Proposal Volume 2.

**3.5. How will CBGs be subdivided and what factors will influence that decision? Will benchmark prices be set before or after CBGs are split into smaller units? How will applicants know which CBGs have been subdivided?**

**Response:** The State will conduct an analysis of eligible locations and may decide to split certain CBGs based on the results of the benchmarking process. This information will be made available with the Main Round application materials.

**3.6. When will benchmark pricing be available? How long will applicants have to work with the benchmark pricing before Main Round applications are due?**

**Response:** The state published the initial benchmarking pricing per CBG before the Main Round opened and published the final benchmark pricing after the Challenge Process results were approved on October 10th.

**3.7. What is the Extremely High Cost Per Location threshold?**

**Response:** As noted on page 13 of the BEAD NOFO, “an ‘Extremely High Cost Per Location Threshold’ is a BEAD subsidy cost per location to be utilized during the subgrantee selection process ...[where] an Eligible Entity may decline to select a proposal if use of an alternative technology meeting the BEAD Program’s technical requirements would be less expensive”. The Extremely High Cost Per Location threshold (EHCPLT) will not be set until all bids are received, as the threshold will be used to ensure the limited funds available to the State are used efficiently in order to meet the State’s service goals. According to page 68 of the Initial Proposal Volume 2, “to set the EHCPLT, the MBO will estimate the cost to serve all unserved and underserved BSLs using CQA data as a baseline. These estimates will be adjusted based on the bids received. Finally, an optimization analysis will be conducted to ensure that the threshold can be set as high as possible but still meet the State’s goals of maximizing the use of fiber and stretching BEAD funding as far as possible including the use of other technologies permissible for BEAD subgrants”.

**3.8. Can the state provide applicant mapping?**

**Response:** Yes, the State will provide a detailed map of CBGs, eligible BSLs, and CAIs for applicants. This information will be published prior to the opening of the Main Round application.

**3.9. The location CSV file posted on September 25, 2024 lists the location IDs and “classifications” of 0, 1, and 2. What do those classification numbers mean?**

**Response:** NTIA guidelines for this data file, found in the [NTIA Challenge Process Policy](#) (Section 10.6), detail the following classifications:

- 0 = unserved
- 1 = underserved
- 2 = served

**3.10. If a Community Anchor Institution (CAI) is located within an underserved or unserved Census Block Group (CBG), are applicants required to serve them? Are applicants required to serve all CAIs within a CBG, or just those that are specifically designated underserved or unserved?**

**Response:** Montana’s BEAD program does not require applicants to serve any CAIs within a CBG, regardless of it being classified as unserved or underserved. Applicants can receive higher scores by committing to serve CAIs, but they are not required to by program rules. As noted on page 45 of the [Initial Proposal Volume 2](#), “applicants will specify in their applications which CAIs they propose to deploy broadband service to”.

**3.11. How will the Montana Broadband Office handle proposals with overlapping project areas?**

**Response:** Each application will be evaluated on the project area level, rather than by individual CBG. The ConnectMT Broadband Office has chosen to allow applicants to determine their preferred method of structuring any submitted applications and the associated project areas. For additional information on overlapping project areas, please review [MT BEAD Initial Proposal Volume 2](#) Section 2.4.2.E.

## 4. MAPPING

**4.1. What is the Montana Broadband Availability Map?**

**Response:** The Broadband Availability Map is the outcome of Montana's BEAD Challenge process, identifying which locations within Census Block Groups (CBGs) are eligible for funding under the BEAD program. Each CBG outlines the number of served, unserved, and underserved locations, the total number of locations, the benchmarking reference price, and the percentage of the CBG eligible for BEAD funding. As of October 22, 2024, it is in the



process of being updated. Please refer to the Challenge process results spreadsheets for preparing your application for the BEAD program.

#### 4.2. Where can I find the ConnectMT BEAD Map?

**Response:** The ConnectMT BEAD Map can be found at <https://connectmt.mt.gov/IIJA/IIJA-Map> or by visiting the ConnectMT homepage at <https://connectmt.mt.gov/>, selecting the IIJA/BEAD tab, following the dropdown menu to IIJA Map, and selecting the State Broadband Availability Map tab.

#### 4.3. How do I show only BEAD-eligible locations?

**Response:** To view BEAD-eligible location data only, remove all layers on the map. Go to the IIJA Map page. Select the State Broadband Availability Map drop-down. Select the State Broadband Availability Map. On the map home page, at the top right of your screen, you will see three icons. Select the middle icon (layer list). Please unselect the five FCC USAC locations: the FCC Rural Digital Opportunity Fund, the FCC Enhanced Alternative Connect America Cost Model, The USDA ReConnect Loan and Grant Program, and the US Treasury American Rescue Plan by clicking the blue check marks. Once all of these layers are removed, the resulting map view will show BEAD-eligible locations.

#### 4.4. Can an applicant download data from the map?

**Response:** To download data from the map, you must be registered with an ISP Login to access the BEAD Application Map. If you are an ISP in Montana and have a login with the state: Go to the IIJA Map homepage and select the BEAD Application Map. Log in when prompted. Follow the steps to remove layers to show BEAD-eligible locations. Select your Census Block Group (CBG). A pop-up will appear with all the CBG's information, including a link to download the CBG's data. Follow that link.

#### 4.5. How do I learn more about the Montana Broadband Availability Map functionality?

**Response:** Refer to the State of Montana BEAD Broadband Map How-to Guide for step-by-step instructions. This guide outlines the purpose of each map, outlines how to access the map, and provides detailed instructions on using features and functionalities.

#### 4.6. Can my ARPA Map credentials allow me to register for the BEAD application map?

**Response:** Your ARPA credentials should allow you access to the BEAD Application Map. If you are having trouble logging in, please go to the IIJA Map homepage and request access through the map access request function on the second tab.

#### 4.7. Can an applicant download multiple Census Block Groups files at a time?

**Response:** No, you can only download one Census Block Group File at a time.

#### **4.8. Who should I reach out to if I am having trouble accessing the map?**

**Response:** Please reach out to the Technical Assistance Email: [ConnectMTTechAssistance@mt.gov](mailto:ConnectMTTechAssistance@mt.gov) if you are having trouble accessing the maps.

#### **4.9. Has the ConnectMT Broadband Office published a location eligibility list?**

**Response:** Yes, the current Challenge Process Results spreadsheet serves as the official list approved by NTIA on October 10, 2024. Applicants can find the results on the ConnectMT website under Internet Service Provider Information and Challenge Process Results.

#### **4.10. What should applicants do if a Census Block Group they wish to apply to serve contains Broadband Serviceable Locations that are incorrectly classified as underserved or unserved due to recent provision of service that was not identified during the challenge process?**

**Response:** Applicants should submit proposals based on the approved challenge results and associated serviceability determinations. Any locations an applicant determines should not be included in the project due to interim changes in serviceability should be documented on the Cost Reduction Spreadsheet for recommended descoping. Montana will take these recommendations into account when reviewing the application. In anticipation of further guidance from NTIA, the State may ask for additional justification for descoping of a CBG during the negotiation process.

#### **4.11. Can an applicant utilize the available downloadable information from the Montana Broadband Availability Map for submitting their application, even if the data differs from what NTIA has approved?**

**Response:** The ConnectMT Broadband Office is in the process of updating the map. For preparing your application, please use the Challenge Process Results spreadsheet which serves as the official list that has been approved by NTIA. These results are final and approved by NTIA. Applicants can find the results on the ConnectMT website under Internet Service Provider Information and Challenge Process Results.

#### **4.12. Is the applicant required to provide a breakdown between residential and business locations for a BEAD application? \*\***

**Response:** The project description example text provided in the application guide on page 20 is illustrative and not prescriptive. Therefore, applicants are not required to provide a breakdown between residential and business locations for their application.

**4.13. What is required by the applicant to provide in order to complete question 3.1 of the BEAD application regarding the Census Block Group (CBG) templated .csv file? \*\***

**Response:** The Census Block Group (CBG) templated .csv file is made available on the ConnectMT website and the CBG template is included in Appendix B of the Main Round Application Guide. A full eligibility list identifying which locations within CBG's are eligible under the BEAD program is posted to the ConnectMT website under Internet Service Provider Information and Challenge Process Results. The CBG template should indicate each CBG included in the proposed broadband project area, along with the county name, CBG ID number, the number of Community Anchor Institutions (CAI) you are proposing to connect, and your proposed broadband project funding request amount for deploying the proposed broadband project area in that CBG. The sum of the costs in each CBG should total to the BEAD outlay for the proposed broadband project.

## **5. PRIORITY VS NONPRIORITY APPLICATIONS**

**5.1. Can an applicant submit more than one application covering a CBG if the applicant can offer different technologies (i.e., one application with fiber and the second with fixed wireless)?**

**Response:** A bid must cover the entire census block group unless the state has pre-determined that the census block in question can be divided. Applicants may submit two bids for the same census block group as long as those bids are different application types (i.e. Priority or Non-Priority). An applicant may not submit two bids of the same application type for the same census block group.

**5.2. If an applicant proposes all fiber, would they be able to then mix technologies?**

**Response:** No. If an applicant proposes a priority all-fiber plan, this would be the required path forward unless later changed in agreement with the State.

**5.3. Can an applicant tell the state that it will serve some locations with an alternate technology and the remaining with fiber, matching the price?**

**Response:** Any application proposing to serve some locations with a technology other than fiber would be considered a non-priority application.

**5.4. Can multiple companies submit a bid as a joint application?**

**Response:** Yes, joint applications are permitted, but there must be a lead applicant.

**5.5. What is the definition of hybrid?**

**Response:** The term “hybrid” is relevant to the type of technology that will be employed to build out broadband infrastructure. For the purposes of an applicant’s understanding, the term is most relevant in the context of what is considered to be reliable broadband service by NTIA. It is within this context that page 15 of the BEAD NOFO describes reliable broadband service as “broadband service that the Broadband DATA Maps show is accessible to a location via:10 (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,”.

**5.6. How can an applicant know which BEAD project application to complete: priority or non-priority? \*\***

**Response:** Projects providing end-to-end fiber-optic facilities to each end-user premises are considered Priority Broadband projects, and for these all-fiber projects applicants should complete the priority application. Any project providing a partially or wholly non-fiber technology, which could include HFC, DSL, licensed fixed wireless, or a mix of these technologies, is considered a Non-Priority Broadband project, and an applicant should complete the non-priority application.

## **6. SUBMITTING AN APPLICATION**

**6.1. Can applicants work on prequalification and Main Round applications simultaneously in AmpliFund? Will the portal automatically fill in the information provided during prequalification in the Main Round application?**

**Response:** Applicants must submit their prequalification application before they can begin the Main Round application. The portal will not automatically fill in the information submitted from the prequalification application.

**6.2. If an applicant applies for three separate CBGs, would that be considered one or three applications?**

**Response:** It all depends on how the applicant approaches the application. If an applicant were to submit three applications for three separate CBGs, that would amount to three applications. If an applicant were to submit one application with three census blocks groups, that would be considered one project.

**6.3. If an applicant submits more than one application, can the same documents be uploaded for all applications?**

**Response:** Each applicant can choose how to define their proposed project area, which can be composed of one or multiple CBGs. All associated documents (financials, project plans, PE certifications, etc.) would be provided at the "project area" level.

**6.4. Have any changes been made to the Prequalification or Main Round application deadlines?**

**Response:** Yes. The State received approval on the Challenge Process results from NTIA on October 10, 2024. The submission deadlines for both the Prequalification and Main Round applications have been extended. With this NTIA approval, the Main Round application window will now close on October 31, 2024. The prequalification application window will close on the same day.

**6.5. How can an applicant mark excel and shapefiles as confidential in AmpliFund if they need to be uploaded in that specific format?\***

**Response:** Any documents deemed by the applicant to include confidential information, trade secrets, or personal information MUST be uploaded separately into the "Confidential Documents" field located in Section 10 of the main round application. Please include the Applicant's name and the words CONFIDENTIAL INFORMATION in the file name. Please note that if a file that is required in another part of the Application, is marked as confidential and uploaded in AmpliFund in Section 10, to reference that the response is considered confidential and is located in the Confidential Documents section of the Application.

## 7. APPLICATION – SCORING CRITERIA

**7.1. When evaluating length of service provision in the state of Montana, what is the definition of a legacy company?**

**Response:** A legacy company is considered a company that has previously provided telecommunications service in the state of Montana.

**7.2. The Initial Proposal Volume 2 notes that one point will be awarded for every ten years that a subgrantee has been providing broadband service in the State. Is there a minimum service speed required for this period, or will historical offerings such as DSL meet the definition of broadband for awarding of these points?**

**Response:** There is not a speed requirement for this factor. Provision of any level of internet service will suffice.

**7.3. How does an applicant's bid price relative to the benchmark reference affect an applicant's score?**

**Response:** As noted in Initial Proposal Volume II, Section 2.4.1.C.ii, “Points will be awarded to applicants based on the percentage their requested grant funding amount is below or above the benchmark for a given area.” The State will be using a formula for this scoring criterion designed such that, for any applicant that bids a cost that is more than twice the reference price, that applicant will forgo any points on this core scoring criterion.

## 8. APPLICATION – FINANCIAL CAPABILITY

**8.1. In the case that an applicant submits multiple applications, should the pro forma be done separately for each proposed project, or should all proposals be included in a single pro forma?**

**Response:** The pro forma for an application needs to include all Montana BEAD construction included in that application. If an applicant submits multiple applications, then each application should have a project pro forma for all construction in each application that is independent of the other applications.

**8.2. In the case that an applicant submits multiple applications, can a single Letter of Credit apply to multiple projects or does a separate Letter of Credit need to be completed on a case-by-case basis?**

**Response:** Applicants need to submit evidence that they have a bank or surety lined up for the Letter of Credit, but an executed Letter of Credit does not need to be in the application. A finalized Letter of Credit will be required prior to the execution of any award.

**8.3. Will the State accept performance bonds for the amount of work to be performed over a 365-day period, with the intent to renew the performance bond on an annual basis, instead of a performance bond securing the full amount of the grant?**

**Response:** No, a performance bond must cover the full term of the contract.

**8.4. Where can applicants locate additional information about match requirements?**

**Response:** NTIA has published a [BEAD Match Primer](#) that provides extensive detail on match requirements.

**8.5. Does the ConnectMT Broadband Office have a suggested template for performance bonds?**

**Response:** There is no specific template provided for Performance Bonds. Applicants are free to use what their surety company recommends, as long as it meets the requirements outlined in the BEAD Letter of Credit Waiver. These requirements can be found in the [Main Round Application Guide](#) (p. 60-61). Applicants may reference the model irrevocable standby letter of

credit provided in Appendix E of the Application Guide when working with a banking institution or surety company.

**8.6. Can one performance bond be used for all Montana BEAD applications, or does a new performance bond need to be issued for each application?**

**Response:** At the time of application, applicants need to provide a letter from a "company holding a certificate of authority as an acceptable surety on federal bonds as identified in the Department of Treasury Circular 570 committing to issue a performance bond to the prospective subgrantee. The letter shall at a minimum provide the dollar amount of the performance bond." At the time of award, the State can work directly with the awardee on the final structure of the bond. See Section 2.4.11.b (p. 72) of the [Initial Proposal Volume 2](#).

**8.7. Will the ConnectMT Broadband Office accept an ILOC that was issued with conditions by the granting authority?**

**Response:** No, conditional ILOC commitments will not be accepted. Any ILOC submitted as part of a BEAD application must be without conditions.

**8.8. If an applicant has multiple applications for a company, is the ILOC the total of the ILOC requirements or should an applicant submit separate ILOCs for the matching funds required for each application?**

**Response:** The letter of commitment for the ILOC included in each application must align to the amount requested in the specific application. Upon award, the ILOC can be adjusted to match the final awarded amount.

**8.9. Would it be possible to have a single Letter of Credit or performance bond covering multiple applications?**

**Response:** A letter of commitment for a performance bond or an ILOC is required for each application. This may be a single letter with each application amount itemized. Please note that applicants must pursue either a performance bond or an ILOC for each application - the two cannot be combined.

**8.10. If an application request amount is adjusted during negotiation, will the match also be adjusted?**

**Response:** The match amount required is based on the full amount requested. If that amount changes at award, the match would be adjusted accordingly.

**8.11. Will financial ratios be determined based on the applicant or the parent company in the case where the parent company is the entity providing the unqualified consolidated financial report?**

**Response:** The financial ratios will be calculated based on the applicant information (see Initial Proposal Volume II, Section 2.4.11.a). As a reminder, if the applicant is relying on a parent company audit, this pro forma should cover the full company, not just the project. The parent company guarantee will be included as part of the grant agreement (see [Draft Grant Agreement, Exhibit I](#)).

**8.12. Does the Executive guarantee and the legal opinion cover any requirement for the parent company to guarantee project costs, including grant and matching funds?**

**Response:** The parent company guarantee will be part of the grant agreement (see [Draft Grant Agreement, Exhibit I](#)).

**8.13. Is a “schedule of ratios” required for the narrative business plan and related analyses?**

**Response:** Providing a schedule of ratios is not a required component of the application, but it is something that can be provided by the applicant in order to make a stronger case as to why the applicant should be selected. There are not specific ratios that must be met by the applicant, but it is a factor that is considered during the underwriting process.

**8.14. Can an applicant submit an electronic transfer in lieu of a check, if a complying draw is issued? \*\***

**Response:** The State will accept electronic transfers in lieu of a check. The bank can amend the language in the BEAD model letter of credit to reflect this form of payment.

**8.15. How should an applicant structure their application if they anticipate that they cannot meet the match requirement? \*\***

**Response:** Per IPVII, applications must propose a solution for all unserved and underserved locations within a CBG. Applications should be submitted with a proposal to cover all locations. As outlined in IPVII and guidance from NTIA, MBO is able to negotiate with applicants to meet the stated objectives of coverage for all locations with a prioritization of fiber solutions. Potential adjustments made during negotiation may include descoping high-cost locations or adjusting match requirements. The 25% match requirement applies absent a waiver, which is granted only by NTIA and not by the state. The state cannot guarantee that NTIA will grant a waiver in any particular case; therefore, applicants are strongly encouraged to submit proposals meeting that requirement in order to reduce their own risk that a federal waiver may not be granted. However, Montana also understands that in certain higher cost areas of the state, a 25% match may not be possible given fundamental cost structures. Montana will consider submitting waiver requests to NTIA in the Final Proposal in the event that the best proposal for a given area requires so. NTIA has provided guidance to



states outlining the evidence required for a match waiver in any given case, and Montana will make best efforts to secure waivers where necessary to ensure the best service for eligible locations in a given area. At its sole discretion, NTIA may choose to deny a full or partial waiver of the match requirement, in which case the bid or application must be revised.

**8.16. Can an applicant with less capital to secure a performance bond in the full amount of the grant secure a performance bond for the amount of work performed in a 365-calendar day period? \*\***

**Response:** At this time, the state is not exercising any reduction in the performance bond requirements. The performance bond must cover the full term of the contract. Please note that contractor performance bonds are not required - the bond requirements apply only to the applicant themselves.

## 9. APPLICATION – ORGANIZATIONAL AND MANAGERIAL CAPACITY

**9.1. Does the State have any resources available to assist with the creation of cybersecurity risk management plans?**

**Response:** Please see below for a few resources that may be helpful as you create your cybersecurity and risk management plans:

- NIST has specific resources available for small businesses. More information can be found at the following links: <https://www.nist.gov/cyberframework>, <https://www.nist.gov/itl/smallbusinesscyber>
- NIST has profiles available under the older version of the NIST framework: <https://www.nist.gov/cyberframework/csf-11-archive/community-profiles>
- SBA also has resources that might prove helpful: <https://www.sba.gov/business-guide/manage-your-business/strengthen-your-cybersecurity>
- NTCA - The Rural Broadband Association has a series that may be helpful: <https://www.ntca.org/advocacy/issues/consumer-protection-network-reliability/cybersecurity/cybersecurity-series>

**9.2. How should an applicant respond to the questions in Section 5.23A-BB?**

**Response:** These questions only require a simple Yes, No or N/A. MBO will follow up if they have any questions about responses in this section. These questions are not scored and will not have an impact on the final award decision.

**9.3. Are applicants permitted to make modifications to the legal opinion letter posted on the ConnectMT website?**

**Response:** Yes. A sample legal opinion letter has been provided for the use or reference of applicants, but applicants are not required to use this sample letter. Please note that an updated legal opinion letter was posted as of September 24, 2024. Use of this updated letter is optional. If an applicant has previously submitted a legal opinion there is no requirement to update it using this model letter.

**9.4. For the legal opinion template, does the attorney signing the document have to be barred in MT?**

**Response:** The legal opinion may be signed by an attorney barred in any state. Please ensure the completing attorney identifies which state they are barred in and provides their associated bar number.

**9.5. May the applicant submit the pre-qualification application without a signature on the legal opinion?**

**Response:** The submission requirements have been updated and the legal opinion is required to be submitted with the Main Round application. The legal opinion may be signed by an attorney barred in any state. Please ensure the completing attorney identifies which state they are barred in and provides their associated bar number.

## **10. APPLICATION – PROJECT STAFFING AND LABOR REQUIREMENTS**

**10.1. Davis-Bacon is a federal statute and there is no job classification regarding fiber deployment. Is the State adhering to Davis-Bacon or does Montana have its own “baby” Davis-Bacon process to follow?**

**Response:** Labor related requirements and scoring are different. Applicants who commit to offering prevailing wages (per Davis-Bacon) to their BEAD project workforce will receive an additional two points. Compliance requirements are different.

As noted on page 91 of the BEAD NOFO, for projects over \$5 million, subgrantees must provide certification that “all laborers and mechanics employed by contractors and subcontractors in the performance of such Project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ‘Davis-Bacon Act’ ), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as ‘baby Davis-Bacon Acts’),” and that “if such certification is not provided, a Recipient must provide a project employment and local impact report”.

## 10.2. Do applicants need to include a chart, staff certifications, and a subcontracting plan?

**Response:** If applicants did not provide such information in their prequalification applications, then they will have to include these pieces of information in their Main Round applications.

Montana's BEAD Application will ask for a narrative explaining an applicant's approach to project staffing, including if the workforce is directly employed, subcontracted, or a combination of the two. Given that construction will not begin, in some cases, until early 2026, the state would like applicants to take a more general approach to their narrative descriptions of staffing, subcontracting practices, and the organization of staff, as well as potentially including an organizational chart capturing the structure of subcontractor management.

## 10.3. Will the state allow a contingency for increases in prices from suppliers?

**Response:** Applicants should be ready for Build America, Buy America (BABA) requirements, as they may cause prices to change. The state does not want increased costs for the network and types of equipment to fall back on subgrantees and recommends that applicants prepare for this in their applications (perhaps by building this into the cost).

Though the NOFO does not explicitly note whether contingency costs are allowed, the NTIA has provided some guidance on the topic in the BEAD NOFO FAQ; this document stipulates that according to Section IV.J.1.f of the NOFO, funds may be utilized for other allowable costs needed for programmatic activities of an award, but does not include the ineligible costs as listed in Section IV.J.2 of the NOFO.

## 10.4. Do Professional Engineers on project teams need to be licensed in the state of Montana?

**Response:** The ConnectMT Broadband Office will accept applications certified by a professional engineer licensed in any state.

## 10.5. Do projects need to be certified by an independent engineer?

**Response:** For the BEAD professional engineer certification requirement, projects can be certified by an in-house professional engineer.

## 10.6. With the revised NTIA guidance removing the certification component of the capital investment schedule, if an applicant deletes the professional engineer certification form sentence that includes the language, "within the required four-year deployment timeline," will the application be deemed incomplete and ineligible?

**Response:** The waiver is specific to the Capital Investment Schedule (CIS) requirement, which shows project completion within four years. However, the PE is still required to certify all relevant materials, including the project timeline, and this timeline must demonstrate that the

project can be completed within the required four-year deployment period. The Montana Department of Administration held a Technical Requirements webinar which included a discussion on the NTIA waiver, which can be found on [slide 9 of the presentation recording](#).

## 11. APPLICATION – PROJECT PLAN

### 11.1. Can applicants download BSL data from the state and then re-upload with application documents? Do applicants need to identify CAI locations?

**Response:** Yes, the State will provide a list of all eligible BSLs and CAIs. Applicants will be required to upload a list of all BSLs and CAIs they intend to serve.

### 11.2. How much detail will the state request for the fixed wireless propagation analysis?

**Response:** To provide this information, the applicant should complete the Fixed Wireless Design Spreadsheet, which outlines all required details. This template is available on the ConnectMT website.

### 11.3. If a CAI is also classified as unserved, will subgrantees need to provide 1 Gbps service?

**Response:** Yes, if a bid is proposing to serve an eligible CAI, the service provided must be at least 1 Gbps service.

### 11.4. In the case of a hybrid application, can applicants break down project costs?

**Response:** Yes. The templates offer some uniformity; however, applicants can also provide information as they see fit. The goal of the state is to get enough details such that the applicants understand the scope of the cost.

### 11.5. Under the assumption that the application is a hybrid: Is the application completely rigid in terms of committing to amounts of specific technology?

**Response:** There should be a re-baselining phase after awards are distributed in which the engineering will be reviewed again. However, applicants should assume that they are committing to what they put in the application. Nevertheless, the state may entertain reasonable change requests.

### 11.6. Are permitting fees and right of way (ROW) fees considered part of eligible expenses?

**Response:** NTIA has provided that eligible costs are those directly related to the project and consistent with 2 CFR 200. These include fees associated with permitting and ROW. In addition, “waiver of fees associated with access to rights of way, pole attachments, conduits,

easements, or other types of infrastructure related to the project may be used as an in-kind match.” See BEAD NOFO page 22.

**11.7. If fees are implemented after applicants have submitted their applications, can applicants petition for changes to the budget?**

**Response:** There is a limited amount of funding available from NTIA and once it is allocated, it will not be reallocated. Applicants may change how they utilize the money; however, the amount of funding allocated cannot be changed.

**11.8. Can applicants submit multiple locations to be considered for descoping in the Cost Reduction Spreadsheet?**

**Response:** Yes. Each FCC Location ID the applicant is requesting to descope should be entered as a separate line in the Cost Reduction Spreadsheet.

**11.9. If an applicant feels that there are BSLs within their proposed CBG that are mischaracterized as BSLs (e.g., a rock, an outbuilding), how should they communicate this to the State?**

**Response:** Applicants must propose to serve all eligible locations within a CBG. If applicants feel that a location is unserviceable for some reason (mischaracterized, has declined service, etc.) the applicant may propose that location be descoped on the Cost Reduction Spreadsheet. Montana will take those recommendations into consideration when evaluating the application.

**11.10. Are infeasible right-of-use (IRU) agreements considered eligible expenses?**

**Response:** According to the BEAD NOFO, long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including infeasible right-of-use (IRU) agreements, qualify as an eligible expense. IRU costs will be limited to the upfront cost for the IRU and three years of the annual maintenance costs. See BEAD NOFO page 39.

**11.11. Are applicants able to use non-BABAA certified components in their networks if they are self-funded?**

**Response:** The Buy America Preference applies to all federally funded infrastructure projects unless otherwise specified. See 2 CFR Part 200.322 and the BEAD NOFO. Each article, material, or supply that is consumed in, incorporated into, an integral part of, or affixed to an infrastructure project are subject to its Buy America Preference requirements. NTIA has provided a [limited waiver](#) on the BABAA requirements detailing specific requirements for common components.

**11.12. Are there restrictions or limitations on the use of backhaul technologies and service providers, on either a temporary or permanent basis?**

**Response:** Backhaul technologies and service providers must provide backhaul sufficient for the required latency and speed – both in a temporary and permanent solution. Please note that if new backhaul is being constructed as part of the proposed project, the technology type must match the technology requirements of the application type (e.g., priority applications must have fiber backhaul).

**11.13. In the case of an extremely remote location, can applicants propose to establish service within the service provider timeline by using a Cell Tower on Wheels (COW), and then establishing a more permanent structure on-site to deliver service? If so, are both the COW and the permanent tower considered allowable costs?**

**Response:** The provider shall describe its assumptions about infrastructure in the narrative response. A tower is an allowable cost. A COW is also an allowable cost, but potential applicants should note the time available for construction, which should be sufficient for a permanent solution, and carefully consider whether the value of having both a temporary and permanent solution will justify the added cost.

**11.14. If BEAD projects are extending existing infrastructure, does equipment and infrastructure previously installed need to be retrofitted to comply with BABA requirements?**

**Response:** No. BABA requirements apply only to new infrastructure/additions. Recipients will not be required to retrofit previously built infrastructure to meet BABA certification requirements.

**11.15. When is the upfront payment on an IRU reimbursable? When are monthly/recurring costs considered allowable expenses?**

**Response:** The upfront payment for an IRU will be reimbursable at the point when IRU agreements are completed. Monthly/recurring costs are allowable during the period of performance only.

**11.16. If an applicant is planning on/already has leased fiber by the proposed area, can they obtain these points or does leased fiber not apply?**

**Response:** Leased fiber will be accepted as long as the applicant can explain how the fiber connects to the network and provides proof they have the lease. Applicants cannot use hypothetically leased fiber as the existing infrastructure.

**11.17. Can an applicant submitting a licensed fixed wireless application, use technologies for back-haul that are NOT fiber, HFC, DSL, or licensed fixed wireless, so long as the resulting licensed FWA service to the end user meets the bandwidth and latency requirements as detailed out in the BEAD NOFO?**

**Response:** Projects must be supported with sufficient backhaul to meet the BEAD program's speed and latency requirements. However, the BEAD NOFO does not specify that the backhaul needs to be in the same tier of technology as the deployed project. BEAD projects will be classified at the lowest tier funded by BEAD dollars. If the project's specified backhaul solution is not funded through BEAD (i.e. identified in the network design documents, but not accounted for in the project budget) then the project will be classified at the lowest tier of technology funded with BEAD dollars. For example, a priority fiber application that utilizes microwave backhaul will still be considered priority as long as BEAD funds are not being used for the lower tier technology backhaul.

**11.18. Is an Optical Networking Terminal (ONT) an eligible cost? Is a router with or without Wi-Fi capability an eligible cost? \*\***

**Response:** Yes, customer-premises equipment (CPE) is an eligible cost. Page 39 of the BEAD NOFO further defines eligible costs related to last-mile deployment projects.

**11.19. Should the pro forma workbook template in the BEAD application packet reflect the years 2024-2028 as the base years for analysis given that the contracts will likely not be signed until mid-2025? \*\***

**Response:** We recommend that applicants project out to 2030 to reflect the requirements in both the NOFO and IPV2. Section IV.D.2.a.iv of the NOFO states that a project must have at least three years of operating costs and cash flow projections post targeted completion of the project, while Section 2.4.11.d of the IPV2 notes that projects must be cash flow positive within five years. The years in the template are not fixed and can be adjusted.

## **12. APPLICATION – ENVIRONMENTAL AND HISTORICAL COMPLIANCE**

**12.1. In addition to the National Environmental Policy Act (NEPA), Montana has the Montana Environmental Policy Act (MEPA). Which law takes precedence?**

**Response:** Applicants must adhere to NEPA first, and MEPA second as federal statutes supersede state law.

**12.2. With consideration for timing, should applicants complete some NEPA requirements prior to submission to NTIA?**

**Response:** The State is in the process of refining the application requirements in regard to NEPA. More detail will be provided to applicants at a later date.

**12.3. Are there any resources available if I have questions regarding permitting or other agency-specific issues?**

**Response:** Yes. For permitting or other agency-specific questions, please reach out to the agency directly. More details can be found at each of the links below:

- [National Environmental Policy Act \(NEPA\)](#)
- [National Historic Preservation Act \(NHPA\)](#)
- [Montana State Historic Preservation Office \(MT SHPO\)](#)
- [Montana Sage Grouse Habitat Conservation Program](#)
- [Montana Department of Transportation \(MDT\)](#)
- [Montana Department of Environmental Quality \(DEQ\)](#)
- [Montana Department of Natural Resources & Conservation \(DNRC\)](#)

## 13. AGREEMENTS

### 13.1. Is any additional collateral beyond the Letter of Credit required as part of the application?

**Response:** Although a Letter of Credits helps to ensure completion of the project, it is not considered collateral. As this is a grant program, there are no specific collateral requirements, but applicants should note that the government holds an interest in all grant funded assets and awardees must get permission to sell or dispose of the funded assets.

### 13.2. If an applicant submits an application comprised solely of a high-cost Census Block Group (CBG) that is exempt from the match requirements, is a Letter of Credit still required?

**Response:** Yes, a Letter of Credit is a required component of all applications.

## 14. REPORTING

### 14.1. Has NTIA provided guidance on what will be required for internal reporting (items such as payroll, wage licenses, etc.)?

**Response:** Subgrantees will be required to submit reports to the state, at least semiannually, for the duration of the subgrant to track the effectiveness of the use of funds provided.

Subgrantee reports must include the following items:

- Description of each type of project and/or other eligible activities carried out using the subgrant and the duration of the subgrant



- A list of addresses or location identifications (including the Broadband Serviceable Location Fabric established under 47 U.S.C. 642(b)(1)(B)) that constitute the service locations that will be served by the broadband infrastructure to be constructed and the status of each project
- Identification of new locations served within each project area at the relevant reporting intervals, and service taken (if applicable)
- Identification of whether each address or location is residential, commercial, or a community anchor institution
- Description of the types of facilities that have been constructed and installed
- Description of the peak and off-peak actual speeds of the broadband service being offered
- Description of the maximum advertised speed of the broadband service being offered
- Description of the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered
- List of all interconnection agreements that were requested, and their current status
- The number and value of contracts and subcontracts awarded by the Subgrantee disaggregated by recipients of those such contracts or subcontracts that are Minority Business Enterprises (MBE) or Women's Business Enterprises (WBE).
- Any other data that would be required to comply with the data and mapping collection standards of the Commission under Section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects
- Inclusion of an SF-425, Federal Financial Report and meeting the requirements described in the Department of Commerce Financial Assistance Standard Terms and Conditions, Section A.01 for Financial Reports
- Compliance with any other reasonable reporting requirements determined by the Eligible Entity to meet the reporting requirements established by the Assistant Secretary, and certify that the information in the report is accurate

Subgrantee reports for projects over \$5 million (based on expected total cost) have a few additional requirements for subgrantee reports:

- Certification that laborers and mechanics employed by contractors or subcontractors working on the project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with the Davis-Bacon Act or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law
  - If such certification is not provided, the Subgrantee must provide a project employment and local impact report. Please see further details on page 91 of the BEAD NOFO.
- Certification that a project either will use a unionized project workforce or includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f))

- If such certification is not provided, the Subgrantee must provide a project workforce continuity plan. Please see further details on pages 91-92 of the BEAD NOFO.

#### **14.2. What will the project employment and local impact report require?**

**Response:** Projects over \$5 million are required to provide certification that laborers and mechanics employed by contractors or subcontractors working on the project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with the Davis-Bacon Act or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law.

If such certification is not provided, the Subgrantee must provide a project employment and local impact report, which must include the following: the number of contractors and sub-contractors working on the project, the number of workers on the project hired directly and hired through a third party, the wages and benefits of workers on the project by classification, and whether those wages are less than prevailing wage rates.

#### **14.3. Are assets purchased under this program subject to federal interest?**

**Response:** Yes. The Federal Interest Period as defined in the draft grant agreement will last until December 31st of the 10th year after the acceptance of the Closeout Report by the Department of Commerce (DOC) and NTIA. If awarded a grant, please review the final grant agreement as this requirement may change. The State will determine if there will be additional filing and reporting requirements with regards to the Federal Interest at a later date.

## **15. TRIBAL CONSIDERATIONS**

#### **15.1. What should applicants do if census block groups intersect with Tribal Lands?**

**Response:** Applicants that submit applications for project areas that are partially or wholly located on Tribal Lands must secure written permission from the Tribe or Tribes that own the land. This will be a required component of the Main Round application submission, where applicants will be asked to indicate via a checkbox certification whether a project area falls within Tribal Lands. If it does, the applicant must submit a Resolution of Consent or other formal demonstration of consent from each Tribal Government, either from the Tribal Council or other governing body, upon whose Tribal Lands the infrastructure will be deployed.

#### **15.2. Can funds awarded to tribes be used as matching funds for BEAD?**

**Response:** Funds awarded to tribes may be used as matching funds for BEAD *only* if they are from federal programs in the Infrastructure Act explicitly listed in the BEAD NOFO. The NOFO states: "Except as expressly provided for in the Infrastructure Act, funds from other

Federal programs (including funds from the Commission’s Universal Service Fund programs) may not be used as matching funds. The Infrastructure Act expressly provides that matching funds for the BEAD Program may come from a federal regional commission or authority and from funds that were provided to an Eligible Entity or a subgrantee for the purpose of deploying broadband service under the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178); the CARES Act (Public Law 116-136; 134 Stat. 281), the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182); or the American Rescue Plan Act of 2021 (Public Law 117-2; 135 Stat. 4), to the extent permitted by those laws. Eligible Entities are encouraged to consider terms and conditions that may be associated with potential sources of match funds and how those may impact the project overall. For example, if an Eligible Entity utilizes federal regional commission funding as a match, the project will need to comply with all BEAD programmatic requirements and any requirements imposed by the federal regional commission. Likewise, Eligible Entities that use funds from the Coronavirus State and Local Fiscal Recovery Funds or Coronavirus Capital Projects Fund as the source of matching funds for the BEAD Program must comply with the requirements of both the BEAD Program and the relevant Treasury program. Loan funding issued through a federal agency, such as through the USDA ReConnect Program, may also be used as match funding.” (See BEAD NOFO Section III.B.3 p. 21.)

## Revision History

<b>Date</b>	<b>Update Summary</b>
August 30, 2024	<ul style="list-style-type: none"><li>• Questions added: 9.2, 11.8, 11.9, 11.10, and 11.11</li></ul>
September 13, 2024	<ul style="list-style-type: none"><li>• Questions added: 4.9, 4.10, 8.3, 11.12, 11.13</li></ul>
October 4, 2024	<ul style="list-style-type: none"><li>• Questions added: 3.9, 3.10, 3.11, 6.4, 8.4, 8.5, 8.6, 8.7, 9.3, 11.14, 11.15</li><li>• Questions updated: 1.3 (updated application opening dates)</li></ul>
October 22, 2024	<ul style="list-style-type: none"><li>• Questions added: 1.11, 4.11, 7.3, 8.8, 8.9, 8.10, 8.11, 8.12, 8.13, 9.4, 9.5, 10.5, 10.6, 11.16, 11.17</li><li>• Questions updated: 3.1, 3.6, 4.1, 4.9, 6.4 (challenge process finalized)</li></ul>
October 30, 2024	<ul style="list-style-type: none"><li>• Questions added: 4.12, 4.13, 5.6, 6.5, 8.14, 8.15, 8.16, 11.18, 11.19</li></ul>