

## Virginia Office of Broadband (OOB)

### Broadband Equity, Access, and Deployment (BEAD) Program

#### *Policy Notice on OOB's Process of BEAD Policy Notice on Declining High-Scoring Applicants, in Whole or In-Part, based on BEAD Criteria*

**General Statement:** The following policy notice is provided to meet the Virginia Office of Broadband's commitment to and the National Telecommunications and Information Administration's (NTIA) requirement for a fair, open, equitable, and competitive subgrantee selection process. This policy reinforces the safeguards identified in Virginia's approved BEAD Initial Proposal Volume 2 to protect the integrity of the competition. These safeguards include measures against collusion, bias, conflicts of interest, arbitrary decisions, and other factors that could undermine confidence in the subgrantee selection process for last-mile broadband deployments. These commitments are provided throughout Virginia's approved BEAD Initial Proposal Volume 2.

#### **Declining High-Scoring Applicants, in Whole or In-Part, based on BEAD Gating Criteria**

The Commonwealth of Virginia's approved BEAD Initial Proposal Volume 2 includes several sections that outline certain gating criteria to be considered when evaluating BEAD applications. As outlined in several of these sections, the OOB reserves the right to not consider an applicant to receive BEAD funding. An example of this language is provided below, specifically for technical capability.

*Applications that fail to meet the minimum qualifications for technical capability by not submitting the information as outlined on page 74 of the BEAD NOFO will not be considered to receive BEAD funding through OOB.*

The OOB has also issued clarifying guidance in its [Application Guidance](#) posted on the BEAD webpage for these and other sections under the "Other Mandatory Application Requirements" section starting on page 9. This language is provided as an excerpt below.

*The following sections outline other mandatory application requirements that must be met to be considered for an award under the BEAD program. The Virginia Office of Broadband reserves the right to deny, in whole or in part, applicants for failure to meet these requirements in applications under the BEAD program.*

If the OOB declines to select the highest-scoring applicant in a Zip Code Tabulation Area due to failure to meet the minimum qualifications outlined in the guidance documents, the OOB will document this decision in writing. This information will be included in Virginia's BEAD Final Proposal, which will be issued for a 30-day public comment period before submission to the NTIA.

This decision narrative in the Final Proposal will reference application responses within the gating criteria sections. Additionally, the OOB may cite other sections of an applicant's narrative and their performance under existing state broadband expansion programs overseen by the OOB's to further justify decisions to deny, in whole or in part, applications submitted under BEAD.