



BEAD Application Development Workshop

December 3 & 4, 2024



VIRGINIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT
Partners for Better Communities



Welcome – Day 1



**VIRGINIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT**
Partners for Better Communities



BEAD Resource Overview



**VIRGINIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT**
Partners for Better Communities



BEAD Update – Letters of Intent

47 Letters of Intent Received

- Wide range of technology types
 - Fiber, Satellite, Fixed Wireless
- Geographical diversity
- Additional analysis underway of interest per county and city

Summary of BEAD How-To Apply Webinar

- **Different Options to Submit Applications**
 - Bundled ZCTA Proposal
 - Single ZCTA Proposal
- **Lowest-Priced-Bidder Doesn't Always Win**
 - County/City Letters of Support will influence score heavily
- **One Narrative Application per Applicant, Multiple ZCTA Applications**
- **DHCD streamlining practices withing NTIA's BEAD Framework**



Overview of Applicant Resources

- Extensive resources available at dhcd.virginia.gov/bead
- **MUST READ:** BEAD Application Guidance for Broadband Providers, Version 1.2
- Topic specific webinars and PowerPoints

BEAD APPLICATION PROCESS AND RESOURCES

Once the BEAD Challenge Process results are certified by NTIA, DHCD will announce this certification and the start date of the BEAD application process. To help broadband providers prepare applications under the BEAD program, as well as to keep local governments and other stakeholders informed of the BEAD process, DHCD has made the resources available below.

- [BEAD Application Guidance for Broadband Providers Version 1.2 Published November 1, 2024](#)
- [BEAD vs. VATI Comparison Cheat Sheet](#)
- [BEAD Application Process FAQs](#)
- [BEAD Guidance for Counties and Cities](#)

- Financial Capability Requirements: [Overview](#) | [Webinar](#)
- Managerial Capability Requirements: [Overview](#) | [Webinar](#)
- Technical Capability Requirements: [Overview](#) | [Webinar](#)
- Compliance with Laws Requirements: [Overview](#) | [Webinar](#)
- Operational Capability Requirements: [Overview](#) | [Webinar](#)
- Ownership Summary Requirements: [Overview](#) | [Webinar](#)
- Other Public Funding Sources: [Overview](#) | [Webinar](#)
- Labor and Employment Laws: [Overview](#) | [Webinar](#)
- Advancing Workforce Development: [Overview](#) | [Webinar](#)
- Skilled, Credentialed Workforce: [Overview](#) | [Webinar](#)
- WBEs, MBEs, and LSA's: [Overview](#) | [Webinar](#)
- Buy America, Build America: [Overview](#) | [Webinar](#)
- Environmental and Historical Preservation: [Overview](#) | [Webinar](#)
- Cybersecurity and Supply Chain Risk Management: [Overview](#) | [Webinar](#)
- Cybersecurity Risk Management Plan | [Download](#)
- Cybersecurity Supply Chain Risk Management Plan | [Download](#)

Policy Notices

5 Policy Notices Published on DHCD Website

Purpose:

- Designed to elaborate on, or clarify existing guidance
- Open, Fair, Transparent and Competitive Process
- Ongoing improvement within approved plans and evolving NTIA guidance

To assist prospective applicants with staying up to date on evolving NTIA guidance, as well as to further explain some of the more complex points of the BEAD program to promote an open, fair, and transparent subgrantee selection process, the Va OoB has published BEAD Policy Notices on its BEAD website. The BEAD Policy Notices posted as of November 1, 2024 are listed below. Additional BEAD Policy Notices may be posted prior to and during the 90-day application window of the BEAD subgrantee selection process and prospective applicants are encouraged to frequently check for additional Policy Notices on this website.

BEAD Policy Notices, as of November 1, 2024:

1. [Declining High-Scoring Awards, in Whole or In-Part based on Technical Capability](#)
2. [Handling of Missing, Incomplete, or Non-Compliant Application Information](#)
3. [Identification and De-Obligation of Non-BSLs](#)
4. [Notification of Provisionally Selected Awardees](#)
5. [Technical Assistance, Stakeholder Engagement, and Communications](#)

■ Policy Notice – Declining High Scoring Awards based on Technical Capability

Declining High Scoring Awards based on Technical Capability

- Much of the BEAD Application Process is quantitatively based
- In Virginia's Volume 2, and explained in supplemental guidance, DHCD has additional discretion on selecting awardees and may select a non-high-scoring awardee based on Technical or Managerial Capabilities, or lack thereof, as demonstrated in BEAD application materials or through prior state or federal grants programs.
 - This decision may be a wholesale denial of award, or partial denial in certain geographies.
- If DHCD selects a non-high-scoring awardee in a ZCTA, then this decision will be documented in writing and included in Virginia's BEAD Final Proposal

■ Policy Notice – Handling Missing, Incomplete, or Non-Compliant Applicant Information

Missing Information from Submitted Applications

- Example: A whole response to a question is missing
- 1 business day to respond following notification

Incomplete Information from Submitted Applications

- Example: A multi-part question is only partially answered
- 2 business days to respond following notification, only available on certain sections

Non-Compliant Information from Submitted Applications

- Example: Cybersecurity plan non compliant with NTIA minimum standards
- 3 business days to respond, only available on certain sections

This process will take place during March, per current BEAD Schedule!

■ Policy Notice – Notification of Provisionally Selected Awardees and Public Announcement of Awards

After the conclusion of the 90-day application window...

- DHCD will select a provisionally awarded subgrantee and notify them via email from broadband@dhcd.virginia.gov.
- This notification and list of provisional awards shall be considered confidential and embargoed from disclosure until DHCD publicly announces awards.

After the conclusion of the 30-day application window...

- DHCD will select a provisionally awarded subgrantee and notify them via email from broadband@dhcd.virginia.gov.
- This notification and list of provisional awards shall be considered confidential and embargoed from disclosure until DHCD publicly announces awards.

■ Policy Notice – Technical Assistance, Stakeholder Engagement, and Communications

Technical Assistance

- Requests for technical assistance and questions must be submitted via email to broadband@dhcd.virginia.gov

Weekly Office Hours

- Starting next week, DHCD will hold weekly office hours to answer questions from applicants.

Ad Hoc Webinars and Technical Assistance Sessions

- DHCD may hold topic-focused webinars and technical assistance sessions to further explain certain aspects of BEAD. These will be announced at least 10 days prior to the webinar and registration will be required.

■ ■ Policy Notice – Identification and De-Obligation of Mischaracterized BSLs and Non-BSLs

NTIA has established a process to identify ‘fake’ locations and/or served locations

- Specific reason codes and justifications required for each scenario
- These locations will be identified during the application process and submitted to NTIA in the Final Proposal.

Applicants may identify and submit these locations per DHCD’s process and templates

- Process and templates online at dhcd.virginia.gov/bead
- Template and evidence must be submitted in CAMS

The Provisionally Selected Subawardee’s Identified Locations will be Submitted in the Final Proposal

- DHCD will review and approve submission based on provided evidence

Policy Notices

Future Policy Notices:

- Alternative Technology Guidance
- Consortium Applications and Assignment of Awarded Locations
- Assignment of Awarded Locations Post-Award
- Consideration of Performance-Based Remittances for Sub-Awards

Deployment Timeline - *Updated*

July 25, 2024 – NTIA Approves Initial Proposal Volume 2

September 24, 2024 – Virginia Office of Broadband Announces Start of BEAD Application Process

October 1, 2024 – Letter of Intent Submission Window Opens

November 30, 2024– Letter of Intent Submission Window Closes

TBD – NTIA Approves Challenge Process Results

December 1, 2024 – Application Window Opens in CAMS

TBD – Application Window Opens in ZCTA Application Portal

March 1, 2025 – Application Window Closes, will be extended to 60-day window if challenge results not approved before January 1

TBA – Office of Broadband Notifies Provisionally Selected Applicants

TBD – Office of Broadband staff Opens Applications for No-Bid Areas and Locations

30 Days Later – No-Bid Areas and Locations Application Window Closes

TBA – Office of Broadband Recommends Proposed Awards to Governor Youngkin

TBD – Governor Youngkin Announces Provisionally Selected Applicants

Approx June 2025 – Public Comment Period on Virginia’s BEAD Final Proposal

Approx. June/July 2025 – Submission of Virginia’s BEAD Final Proposal to NTIA

Technical Assistance Workshop (Dec 3-4)

Draft Agenda

	Topic	Presenter	Time
Tuesday, Dec 3	Welcome Remarks and Preview of Road Ahead	Dr. Holmes	1 – 1:30pm
	BEAD Resource Overview – Policy Notices and Application Guidance Overview	Chandler	1:30 – 2:30pm
	Break		2:30 – 2:45pm
	BEAD Requirements Deep Dive – BABA, EHP, Financial Capability, Managerial Capability, Technical Capability, Cybersecurity & Supply Chain Risk Management	RSM	2:45 – 4:00pm
	End of Day 1		
Wednesday, Dec 4	Welcome and Preview of the Day	Dr. Holmes	9 – 9:15am
	Stelonic ZCTA Application	Stelonic	9:15 – 10:15am
	Break		10:15 – 10:30am
	BEAD Requirements Deep Dive – Compliance with Laws, Operational Capability, Ownership Summary, Other Public Funding, Labor & Employment Laws, Workforce Development, Skilled & Credentialed Workforce, MBEs WBEs LSAs	RSM	10:30 – 11:30am
	Debrief and Closing Remarks	All	11:30am – 12:00pm

RSM Presentations Breakdown – Dec 3



BABA

- Overview – TA slide deck
- BABA Waiver
- List of Self-Certified Vendors



EHP

- Overview – TA slide deck
- Application Review Criteria
- SF-299 Overview and Use
- Categorical Exclusions
- Current & Forthcoming Guidance



Financial Capability

- Overview – TA slide deck
- Performance Bond Examples
- LOC Examples



Managerial Capability

- Overview – TA slide deck
- Key response area
- Organizational Chart Example



Technical Capability

- Overview – TA slide deck
- Key response areas and components to include
- Network Diagram Example



Cyber & Supply Chain Risk Management

- Overview – TA slide deck
- Overview Cyber plan template
- Overview S-CRM plan template
- S-CRM and Cyber Example

<https://forms.office.com/r/BkrisZ9KVr>



BABA

Proposed Presentation Topics

01

Overview of TA Slides covering IPv2 requirements

02

Overview of BABA Waiver and application implications

03

How to leverage NTIA's list of BABA compliant vendors

Section 2.4.5 BABA Breakdown

1. Compliance with Build America, Buy America

The Office of Broadband is committed to ensuring that applicants seeking to deploy network facilities comply with all applicable BABA requirements*. Please note that the NTIA has posted a BABA waiver. You can find information from NTIA on the waiver [here](#) and view the filed waiver [here](#). The NTIA has also posted a [BABA FAQ](#) and created a self-certification and compliance framework for ensuring conformity with the BEAD BABA waiver (see Section 4.2 of NTIA's [Compliance and Documentation Requirements and Procedures](#))



The Office of Broadband will require applicants to submit a Bill of Materials or detailed list of vendors, including a comprehensive list of materials and equipment to be purchased for the BEAD project detailing compliance with BABA in the Pre-Contract Phase.

- **Certify that the applicant understands and will comply with the following BABA requirements:**
 - Requirement that all iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States unless a waiver is granted.
 - In determining whether a product is produced in America, subrecipients must comply with definitions included in Section 70912 of the Build America, Buy America Act, which provides that a manufactured product is considered produced in the United States if the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
 - In addition to the provisions above, subgrantees may not use BEAD funding to purchase or support any covered communications equipment or service, as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608).
 - The Infrastructure Act expressly prohibits subgrantees from using BEAD funding to purchase or support fiber optic cable and optical transmission equipment manufactured in the People's Republic of China unless a waiver of this requirement is received from the Assistant Secretary.
- **Certify that the applicant has included all necessary information required by the Office of Broadband and/or NTIA**



BABA Waiver Overview

Background

The Bipartisan Infrastructure Law mandates that all iron and steel, manufactured products and construction materials used in federally funded programs comply with the BABA requirement of being produced in the U.S. Many entities provided input to the NTIA on BABA's restrictions related to the BEAD program.

Outcome

The NTIA issued a BABA Waiver, which partially waives the BABA requirements for certain products because the products are not currently produced in high enough quantities in the U.S. to meet the demand that the BEAD program will generate.

Partially Waived Products

01

Non-Optic-Glass Inputs

- Used in fiber optic cable
- Fiber optic cable produced in the U.S. but “connectorized” outside the US is BABA compliant
- “Plastics and Polymers” used in the production of fiber optic cable are not subject to BABA requirements

02

Passive Optical Equipment and Electronics

Except the following:

- Optical line terminals and remote optical line terminals
- OLT line cards
- Optical Pluggables
- Standalone Optical Network Terminals and Optical Network Units

Which are partially waived but have specific manufacturing activities that must be completed in the U.S.

03

Enclosures

NTIA defined different types of enclosures (Cabinets, Vaults, Pedestal Closures and Terminals) and specified which manufacturing activities must be performed domestically for each type of enclosure.

Resources

[VA OOB Website](#) - BABA [Presentation](#) and [Webinar](#)

[BEAD Notice of Funding Opportunity – Domestic Preference for Procurements \(Buy American\), Page 87-88](#)

[Virginia Initial Proposal Volume 2 – BABA Requirements, Page 16-17](#)

[BABA Waiver](#)

[BABA FAQs](#)

List of Self-Certified BABA Compliant Vendors

Background

Many broadband service providers interested in applying for BEAD funding have expressed the difficulties in determining if suppliers are BABA compliant. To streamline this process, the NTIA developed a tool that allows vendors to self-certify their compliance with BABA.

Outcome

Broadband service providers now have access to the NTIA's list of self-certified BABA compliant suppliers for their review and incorporation into their project development plans.

Incorporating into Project Planning & Application

- Broadband service providers should review the list to determine if they should utilize any of the suppliers to streamline their procurement processes and ensure BABA compliance
- Suppliers' websites are linked and will include the following information:
 - Product Name
 - Product Identifier
 - Product Description
 - Location of Manufacturing
- Applicants should capture these details for inclusion in the Bill of Materials/Detailed List of Vendors that the Office of Broadband requires during the Pre-Contract Phase

Link

[Build America Buy America Self-Certification List for the Broadband Equity Access and Deployment \(BEAD\) Program](#)

The list is updated regularly and is currently up to date as of October 25th, 2024

List of Self-Certified BABA Compliant Vendors as of Oct 25, 2024

- [Adtran, Inc.](#)
- [Aether Fiber Solutions](#)
- [AFL](#)
- [Bekaert Corporation](#)
- [Belden / PPC Broadband](#)
- [Calix, Inc.](#)
- [Cisco Systems](#)
- [Ciena Corporation](#)
- [Clearfield, Inc.](#)
- [CommScope Technologies](#)
- [Corning](#)
- [DDB Unlimited](#)
- [DZS, Inc.](#)
- [Great Lakes Data Racks & Cabinets](#)
- [National Strand](#)
- [Nokia of America](#)
- [Oldcastle](#)
- [OFS Fitel](#)
- [Preformed Line Products Company \(PLP\)](#)
- [Prysmian](#)
- [Superior Essex](#)
- [Vecima](#)
- [Vertiv Corporation](#)
- [Wavenet, Inc.](#)
- [Westell, Inc.](#)

Example Webpage

OLT line cards

Product name	Part number	Description	Location of manufacturing
TA5000 10G Combo PON OLT	1187518F1	Adtran TA5000 8-port GPON/XGS-PON access module supporting 8x GPON, 8x XGS-PON, or both depending on the PON optics that are used. This module is supported in the TA5000, TA5006, TA5004 systems.	Huntsville, Alabama
TA5000 10G Combo PON OLT bundle	4187518F32BD	Adtran bundle that includes (one) p/n: 1187518F1 OLT module and (eight) SFP+ Combo D2 optics, p/n: 1442543F2BD.	Huntsville, AL and South Plainfield, NJ
TA5000 10G Combo PON OLT bundle	4187518F42BD	Adtran bundle that includes (one) p/n: 1187518F1 OLT module and (eight) SFP+ XGS N2 optics, p/n: 1442544F2BD.	Huntsville, AL and South Plainfield, NJ

EHP

NEPA and NHPA Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Review Criteria for Key Sections

03

Milestone Schedule Breakdown and Example

04

SF-299 Form Use Case and Breakdown

05

NEPA Process Flow and Levels of Review

06

List of Categorical Exclusions

07

Overview of Current Guidance & Preview of Forthcoming Guidance

Section 2.4.5 NEPA and NHPA Breakdown

1. Compliance with NEPA and NHPA

The Office of Broadband is committed to ensuring that applicants seeking to deploy network facilities comply with all applicable NEPA and NHPA requirements*.



- Applicant must provide the following information at the time of application submission:
 - Documentation demonstrating efforts and plans to secure all necessary EHP permits
 - Documentation demonstrating efforts and plans to complete all required federal, state, and local EHP consultations/reviews
- Awardee must complete and submit an Environmental Review Record (ERR) pursuant to NEPA and NHPA during the Pre-Contract phase
- Subgrantee must submit all required EHP permits to the OOB and receive approval from the NTIA prior to beginning construction or ground-disturbing activities prior per the BEAD NOFO.



- Each applicant must provide a narrative describing the applicant's readiness to comply with applicable environmental and national historical preservation requirements
- Each applicant must also provide a milestone schedule identifying specific deadlines and describing how the applicant proposes to meet these timing requirements including, as required, the completion of consultations, the completion of NEPA and Section 106 reviews, and the submission of Environmental Assessments (EAs) or Environmental Impact Statements (EISs)



- Certify that the applicant will complete all required permits, reviews, or consultations related to construction or ground-disturbing activities pursuant to NEPA and NHPA.
- Certify that the applicant has included all necessary information required by the Office of Broadband and/or NTIA

NEPA and NHPA

Review Criteria used for Application and Pre-Contract Phase Required Submissions

Application Documentation	Application Narrative	Application Milestone Schedule	Pre-Contract ERR
<p>Demonstrating efforts and plans to complete consultations/reviews and secure permits</p> <p>Documentation to include:</p> <ul style="list-style-type: none"> Any evidence of proactive planning such as preliminary reviews, consultations, or other coordination efforts Any preliminary analyses of the project area 	<p>Readiness to comply with national historic preservation and environmental requirements</p> <p>Narrative to include:</p> <ul style="list-style-type: none"> Intent to leverage best practices or lessons learned from prior experience Resource capability (any dedicated staff or third party) Acknowledgment of the requirements & process as well as the permits needed to obtain 	<p>Schedule identifying deadlines and outlining how timing requirements will be met</p> <p>Schedule to include:</p> <ul style="list-style-type: none"> Clearly defined milestones that align with program milestones and requirements Steps and action items to achieve each milestone Where applicable, the responsible parties for each step 	<p>Completed Environmental Review Record pursuant to NEPA and NHPA</p> <p>ERR to include:</p> <ul style="list-style-type: none"> All environmental review documents Description of project and activities Documented compliance with applicable statutes and authorities Record of written determinations and review findings Verifiable source documents and relevant data used in the environmental review <p>Link to federal guidance</p>

Milestone Schedule

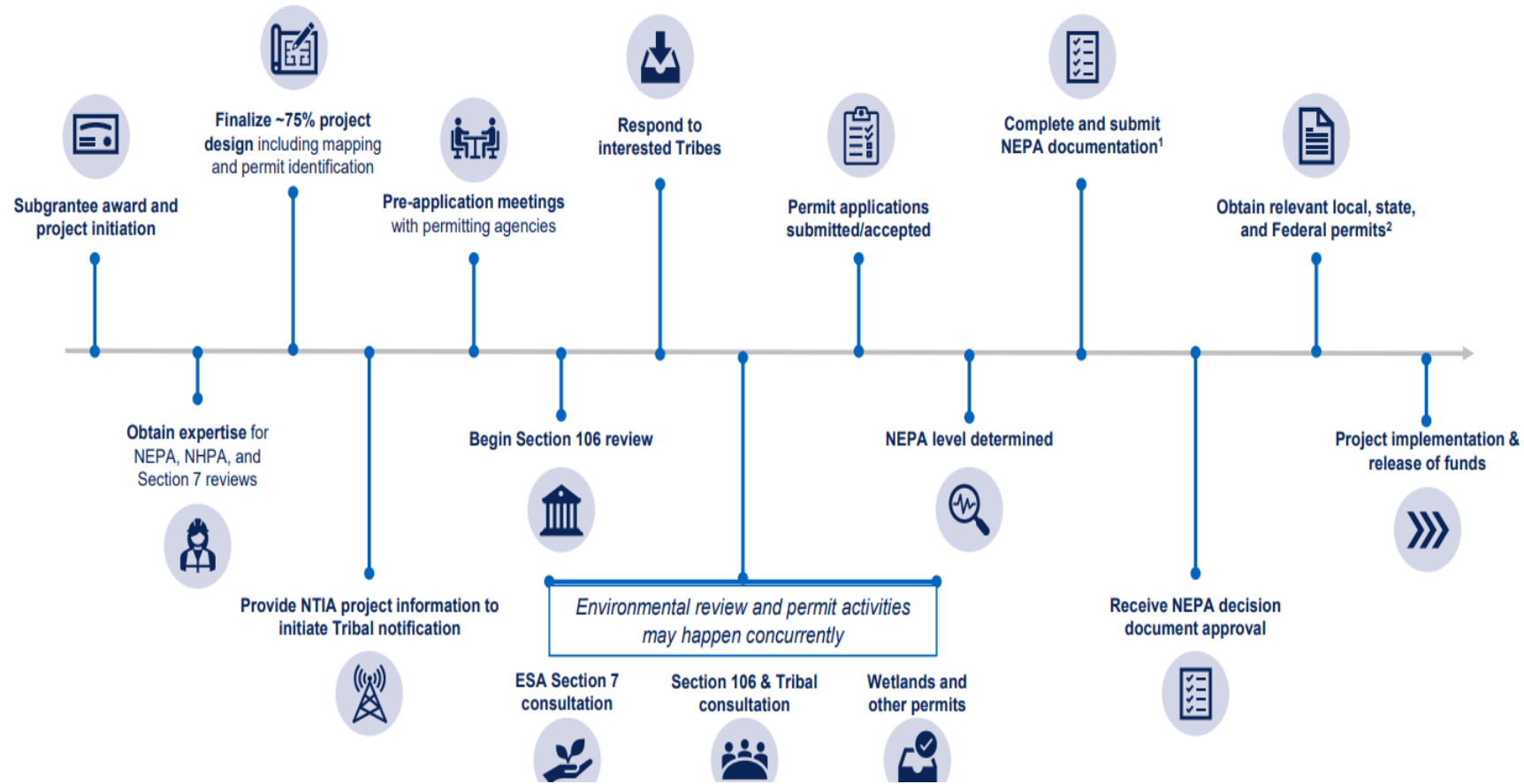
Background

A key component of demonstrating plans for compliance with EHP requirements is the milestone schedule, which must be submitted at the time of application.

Guidance



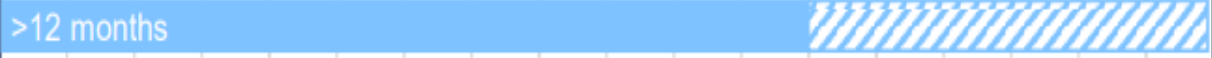
The NTIA published guidance in Thanksgiving week that provides further detail into the milestone schedule requirements. The NEPA for BEAD guidance also includes an example schedule in both timeline and Gantt Chart form.

Milestone schedules will include NEPA & permitting work that qualifies as "limited permissible pre-implementation activity."



Project Design
Tribal Coordination
Permits & Authorizations

Sample Subgrantee Activities	Months																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Obtain expertise for NEPA, NHPA, and Section 7																		
Finalize 75% of project design including mapping and permit identification																		
Submit project overview to Grantees for inclusion in the Final Proposal																		
Provide NTIA project information to initiate Tribal notification																		
Respond to interested tribes, in coordination with NTIA																		
Pre-application meetings with permitting agencies																		
Conduct ESA Section 7 obligations, including use of the Information for Planning and Consultation (IPaC) tool and other relevant consultations																		
Conduct Section 106 process, including State Historic Preservation Office (SHPO) consultation as needed																		
Obtain relevant state, local, and federal permits																		

Schedules should reflect typical durations for anticipated NEPA level:	• Categorical Exclusion (CATEX)	~3 - 6 months																
	• Environmental Assessment (EA)	~6 - 12 months																
	• Env. Impact Statement (EIS)*	>12 months																

A Milestone Schedule for a BEAD program project may include additional activities that are not represented on this sample schedule.

SF-299 Overview

Background

The Standard Form 299 is an application for a special use permit to construct transportation, utility systems, telecommunications, and other facilities on federal lands, essentially applying for a right-of-way.

Use

Depending on the project area, broadband service providers may have to submit a SF-299 to the appropriate federal agency to obtain a permit.

SF-299 Best Practices

- Utilize the [NBAM map tool](#) to determine if your proposed project area may require a federal agency permit
- Engage early – be proactive in scheduling reviews and consultations with the federal agency
- Ensure the SF-299 application is fully complete prior to submission (incomplete submissions are the most popular cause of lengthy delays)

SF-299 Details

- Utilized by federal agencies including BLM, USFS, NPS, USFWS, USACE, etc.
- Includes questions on:
 - Name, address, and contact information
 - Applicant type
 - Purpose of application
 - Project description
 - Area map
 - Technical and financial capability
 - Consideration of alternatives
 - Statement of need
 - Probable Effects
 - Etc.
- Links to SF-299 example forms:
 - [BLM Form and Guidance](#)
 - [USFS](#)
 - Example on next slide

Prospectus Appendix G1

**APPLICATION FOR TRANSPORTATION AND
 UTILITY SYSTEMS AND FACILITIES
 ON FEDERAL LANDS**

FORM APPROVED
 OMB NO. 0596-0082

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date Filed

1. Name and address of applicant (include zip code)

2. Name, title, and address of authorized agent if different from item 1 (include zip code)

3. Telephone (area code)

Applicant

Authorized Agent

4. As applicant are you? (check one)

- a. Individual
- b. Corporation*
- c. Partnership/Association*
- d. State Government/State Agency
- e. Local Government
- f. Federal Agency

5. Specify what application is for: (check one)

- a. New authorization
- b. Renewing existing authorization No.
- c. Amend existing authorization No.
- d. Assign existing authorization No.
- e. Existing use for which no authorization has been received *
- f. Other*

* If checked, complete supplemental page

* If checked, provide details under item 7

6. If an individual, or partnership are you a citizen(s) of the United States? Yes No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (Attach additional sheets, if additional space is needed.)

8. Attach a map covering area and show location of project proposal

9. State or Local government approval: Attached Applied for Not Required

10. Nonreturnable application fee: Attached Not required

11. Does project cross international boundary or affect international waterways? Yes No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

13a. Describe other reasonable alternative routes and modes considered.

b. Why were these alternatives not selected?

c. Give explanation as to why it is necessary to cross Federal Lands.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

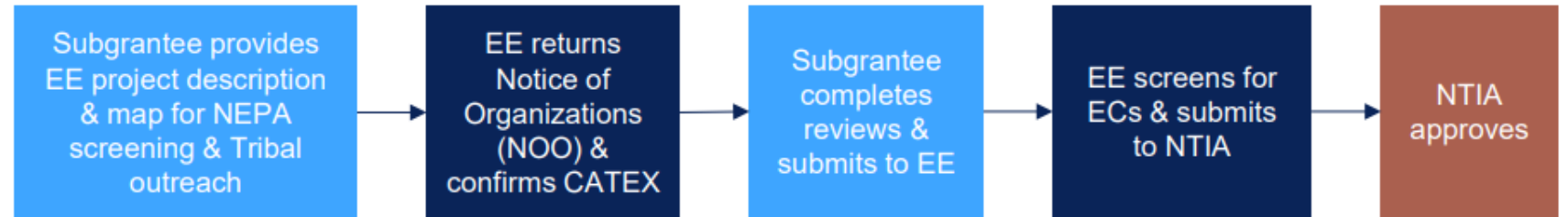
Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

Levels of NEPA Review

NEPA establishes three levels of environmental review for potential projects: Categorical Exclusion (CATEX), Environmental Assessment (EA), and Environmental Impact Statement (EIS).* The potential significance of impacts informs the level of review, and time and resource requirements vary for each.

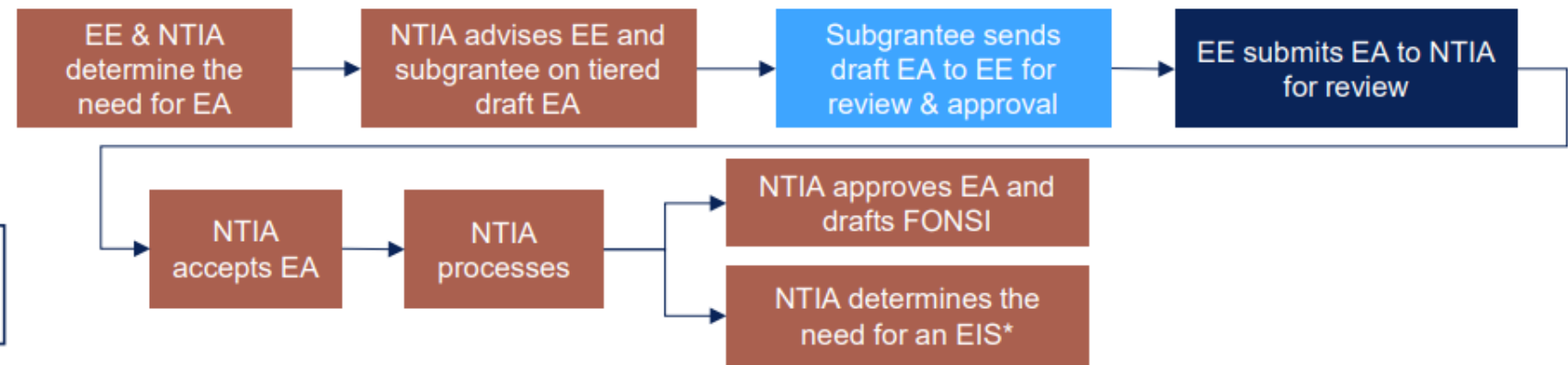
CATEGORICAL EXCLUSIONS

Application of a CATEX requires screening for Extraordinary Circumstances (EC) and takes approximately 3-6 months.



ENVIRONMENTAL ASSESSMENTS

An EA is a more comprehensive environmental review that takes approximately 6-12 months. An EA can “tier” off a programmatic NEPA document.



BEAD-Applicable Categorical Exclusions List (1/4)

Summary of NTIA's Categorical Exclusions - Administrative Actions	
A-1	Personnel, fiscal management, and administrative activities.
A-2	Policy directives, regulations, guidance documents, etc., that will later be subject to NEPA process.
A-3	Studies and engineering undertaken to define proposed actions alternatives to assess environmental effects.
A-4	Planning, educational, informational, or advisory activities.
A-5	Software development or data analysis that does not involve ground disturbing activities.
A-6	Preparation and dissemination of scientific research.
A-7	Technical Assistance.
A-8	Routine use of non-hazardous goods and services in support of administrative, operational, or maintenance activities.
A-9	Purchase of deployable mobile and portable telecommunications equipment that will be housed in existing facilities when not deployed.
A-10	Routine use of hazardous materials and disposal of other waste.
A-11	Changes to personnel, equipment, or mobile assets that do not result in changing use of NTIA facilities or space.
A-12	Federal funding for activities that do not concern environmental matters or have negligible environmental effects.
A-13	Agreements that do not concern environmental matters or have negligible environmental effects.

BEAD-Applicable Categorical Exclusions List (2/4)

Realty Property/Facility Actions		Operational Actions	
B-1	Maintenance of facilities, equipment, and grounds.	C-1	Research activities conducted in laboratories and facilities where research practices and safeguards prevent environmental impacts.
B-2	Internal modifications, renovations, or additions to structures or buildings that do not result in a change in the functional use of the property.	C-2	Outdoor Research activities conducted in compliance with all applicable laws, regulations, and requirements.
B-3	Exterior modifications affecting buildings, roads, grounds, equipment, and other facilities, including subsequent disposal of debris.	C-3	Periodic and routine flight activities for training and research development.
B-4	Abatement of hazardous materials from existing facilities.	C-4	New construction or improvement of non-tower structures on previously disturbed ground (with additional stipulations).
B-5	Proposed new activities and operations conducted in an existing structure that meet certain safety and use stipulations.	C-5	Routine use of or changes to existing microwave or radio communication towers, instruments, structures, or buildings that do not require ground disturbance outside of the original footprint.
B-6	Acquisition or use of space within existing facilities or portion thereof where use or operation will remain unchanged.	C-6	New construction or improvement of temporary buildings or experimental equipment on previously disturbed ground.
B-7	Transfer of administrative control over real property between another Federal agency and NTIA that does not change the functional use of the property.	C-7	New construction of self-supporting wireless communication towers that meet certain height and structural stipulations.
B-8	Decisions and actions to close facilities, decommission equipment, or temporarily discontinue use of facilities or equipment is not used to prevent or control environmental impacts.	C-8	Routine use of or changes to aerial or buried utility, communication and security systems that use existing rights-of-way, easements, or similar arrangements.
B-9	The determination and disposal of real property excess to the needs of NTIA.		

BEAD-Applicable Categorical Exclusions List (3/4)

Summary of FirstNet Categorical Exclusions	
B.3	Construction of buried and aerial telecommunications lines, cables, and related facilities.
B.4	Changes to existing transmission lines that involve less than 20 percent pole replacement, or the complete rebuilding of existing distribution lines within the same right-of-way. Changes to existing transmission lines that require 20 percent or greater pole replacement will be considered the same as new construction.
B.7	Changes or additions to telecommunication sites, substations, switching stations, telecommunications switching or multiplexing centers, buildings, or small structures requiring new physical disturbance or fencing of less than one acre (0.4 hectare).
B.12	Rebuilding of power lines or telecommunications cables where road or highway reconstruction requires the Applicant to relocate the lines either within or adjacent to the new road or highway easement or right-of-way.
B.13	Phase or voltage conversions, reconductoring, or upgrading of existing electric distribution lines or telecommunications facilities.
B.15	Deployment of Cells on Wheels, Systems on Wheels, or another deployable architecture intended for temporary placement (no more than two years) on an impervious surface.

BEAD-Applicable Categorical Exclusions List (4/4)

Summary of Department of Commerce Categorical Exclusions (2009)	
A-1	Minor renovations to facilities that do not change the functional use of the property.
A-2	New construction in an area with developed land or previously disturbed sites that meets conditions around proposed use.
A-3	Software development, data analysis, or testing, including but not limited to computer modeling in existing facilities.
A-4	Siting/construction/operation of microwave/radio communication towers less than 200 feet in height without guy wires on previously disturbed ground.
A-5	Retrofit/upgrade existing microwave/radio communication towers that do not require ground disturbance.
A-6	Adding fiber optic cable to transmission structures or burying fiber optic cable in existing transmission line rights-of-way.
A-7	Acquisition, installation, operation, and removal of communications systems, data processing equipment, and similar electronic equipment.
A-8	Planning activities and classroom-based training and classroom-based exercises using existing conference rooms and training facilities.
A-9	Purchase of mobile and portable equipment and infrastructure which is stored in previously existing structures or facilities.
A-10	Siting, construction, and operation of support structures within previously developed land.
A-11	Personnel, fiscal, management, and administrative activities, such as recruiting, processing, paying, recordkeeping, resource management, budgeting, personnel actions, and travel.

Guidance and Resources

Current

[Environmental & Historical Preservation and Climate Resiliency Preparation Checklist](#)

[NEPA and Climate Resiliency Webinar](#)

[What is Permitting?](#)

[Environmental & Historic Preservation Checklist for BEAD](#)

[Environmental & Historic Preservation Factsheet](#)

[National Historic Preservation Act \(NHPA\) Consultation Process Fact Sheet](#)

[Endangered Species Act \(ESA\) Section 7 Consultations Fact Sheet](#)

[Wetland Regulatory Authority Fact Sheet](#)

[Internet for All Webinar Series - Permitting 101](#)

[Permitting Best Practices: Case Studies Examples and Best Practices of](#)

[Streamlining Permitting](#)

[Permitting Needs Assessment](#)

[NEPA Review: Environmental Assessments](#)

[NEPA Review: Categorical Exclusions](#)

[NEPA: Environmental and Historic Preservation Compliance](#)

[NBAM Training Series: NTIA Permitting and Environmental Information Application](#)

[Permitting and Environmental Information Application Mapping Tool](#)

[The Advisory Council on Historic Preservation Program Comment for Federal Communications Projects](#)

[NEPA Review: Guidance on NTIA National Environmental Policy Act Compliance \(effective March 2024\)](#)

[Smart Start - How to Plan and Prepare for National Environmental Policy Act \(NEPA\) Compliance for BEAD](#)

[Frequently Asked Questions \(FAQ\) NEPA for BEAD Addendum](#)

[Guidance on NTIA National Environmental Policy Act Compliance](#)

[Notice of Administrative Record for Newly Adopted NEPA Categorical Exclusions](#)

[NOTICE OF NEWLY ESTABLISHED NEPA CATEGORICAL EXCLUSIONS](#)

[NOTICE OF NEWLY ADOPTED NEPA CATEGORICAL EXCLUSIONS](#)

[Best Management Practices \(BMP\) and Mitigation Measures](#)

[Local Permitting Importance, Challenges, and Strategies](#)

[NEPA for BEAD: Milestone Schedule and NEPA Timeline](#)

[PEIS Evaluation Sample Memo and Recommendations](#)

Guidance

Forthcoming

- ✓ Evaluating the sufficiency, applicability and accuracy of the relevant FirstNet PEIS section
- ✓ Evaluating what level of environmental review is appropriate and determine what type of NEPA document is required for a grant funded activity to proceed
- ✓ NTIA's criteria for determining whether each type of NEPA document meets the requirements of NEPA
- ✓ How the Grantee and/or Subgrantee should format NEPA documents
- ✓ How the Grantee should submit NEPA documents and any other required environmental documentation to NTIA
- ✓ How the Grantee will work with cooperating agencies
- ✓ How to develop an appropriate milestone schedule and NEPA timeline for meeting NEPA's timing requirements
- ✓ NTIA's process for notifying the Grantee that a NEPA document meets the requirements of NEPA

Financial Capability

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Performance Bond/LOC Examples and Templates

Section 2.4.11 Financial Capability Breakdown

1. Financial Capability

The Office of Broadband is committed to comprehensive vetting of applicants throughout the selection process to ensure that the applicants seeking to deploy network facilities meet the qualifications for financial capability as defined in the BEAD NOFO*.



The NTIA has posted a [letter of credit waiver](#), altering the requirements previously posted in the BEAD NOFO. Please review the waiver and select the option you will use for your project:

- Option 1: Compliance with the Letter of Credit requirements as outlined in the BEAD NOFO and NTIA Waiver
- Option 2: Compliance with the Performance Bond requirements as outlined in the NTIA waiver

Applicant must submit business plans and related analyses that substantiate the sustainability of the proposed project. This can be provided in the form of pro forma statements or analyses and should include:

- Cash flow and balance sheet projections
- 3 years of operating cost and cash flow projections post targeted project completion



- Certify that the applicant has the financial capability to successfully deploy network facilities as outlined in the BEAD NOFO
- Certify that the applicant has included all necessary information required by the Office of Broadband and/or NTIA
- Certify that the applicant will comply with [DHCD's audit policy](#)

Letter of Credit and Performance Bonds

Background

Per the BEAD NOFO, applicants are required to provide a letter of credit to satisfy the requirements for demonstrating financial capability. However, many small broadband service providers voiced their concerns over the difficulties of securing the LOC. The NTIA subsequently issued a waiver altering the financial capability requirements.

Outcome

The waiver contains the following changes:

- Credit Unions may issue the LOC (as opposed to solely U.S. banks)
- Performance bonds equal to 100% of the subaward may be used in lieu of the LOC
- Obligations (25% LOC or 100% performance bond) may be reduced on a milestone basis
- Initial percentages (25% LOC or 100% performance bond) may be set at 10% if reimbursement is issued in periods less than 6 months

Methods of Demonstrating Financial Capability

01

Letter of Credit

- 25% of award amount unless the OOB adopts milestone basis reimbursements
- Can be issued by a U.S. bank or credit union with Weiss rating of B- or higher

02

Performance Bond

- 100% of the award amount
- Issued by a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the [Department of Treasury Circular 570](#)

Resources

- [VA OOB Website – Presentation](#) and [Webinar](#)
- [BEAD NOFO Page 72-73](#)
- [NTIA LOC Waiver](#)
- [NTIA Blog Post](#)

Performance Bond Example – SFAA*

BEAD SURETY BOND - SINGLE OBLIGEE

No. _____
 _____ ("Principal"), with primary place of business at _____, and _____ ("Surety") a company having a certificate of authority to conduct surety insurance business issued in the jurisdiction of the agency awarding a subgrantee agreement, are held and firmly bound unto the _____ [Name of State Broadband Office] ("Obligee"), in the maximum penal sum of _____ Dollars (\$ _____) ("Penal Sum").

WHEREAS, the above named Principal, has been awarded a subgrantee agreement, name _____, project _____, subgrant no. _____, under the _____ program [name of state program] (collectively, "Project"), under the applicable provisions of _____ [insert the pertinent state regulatory or statutory section reference], implementing the Broadband Equity, Access, and Deployment ("BEAD") Program, by Obligee under its selection process and is required to furnish security in the form of a surety bond to secure performance solely of the infrastructure build-out portion of the subgrantee agreement, as further described in the following specific subgrantee agreement provisions and exhibits: _____ (the "Work").

For purposes of this Surety Bond, Work associated with this Project shall be deemed completed to a particular address location within the Project area when the Principal provides speed and latency tests from that address location to the Obligee that demonstrate Principal is providing Qualifying Broadband, as defined in the scope of the Work. No other contractual obligations of the subgrantee agreement shall be covered by this bond.

In accordance with the BEAD Notice of Funding Opportunity, qualifying broadband to an address location that is not a Community Anchor Institution (CAI) means the broadband

service that the Principal provides under the Project that has (i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds; Qualifying Broadband to a CAI means broadband service that Principal provides under the Project that has (i) a speed of not less than 1 Gbps for downloads and uploads alike and (ii) latency less than or equal to 100 milliseconds.

NOW, THEREFORE, it is the condition of this Bond that, once the Principal completes the Work, as explained above, the Surety's obligations under this Surety Bond will terminate. Otherwise, the Surety's obligations shall remain in full force and effect. The Obligee may not invoke the provisions of this Surety Bond if the Obligee is in material breach of its obligations under the subgrantee agreement.

Regardless of the number of years this Surety Bond is in force or of the number of claims made under this Surety Bond, the Surety's aggregate liability under this Surety Bond shall not exceed the maximum Penal Sum stated above.

SURETY OBLIGATIONS If the Principal is in default pursuant to the terms of the subgrantee agreement regarding the said Work, and the Obligee has so declared the Principal in default, the surety promptly may remedy the default or shall:

1. Complete the Principal's obligations regarding said Work, with the consent of the Obligee, through the Principal; or
2. Arrange for completion of the Principal's obligations regarding said Work through another entity acceptable to the Obligee, and the Surety shall make sufficient funds available to the successor entity to pay for completion of the Principal's obligations up to the maximum Penal Sum of the Bond; or
3. Reimburse the Obligee the reasonable costs to complete the Principal's obligations regarding said Work, not to exceed the maximum Penal Sum of the Bond, less the subgrant amount balance.

DISPUTES All disputes regarding this Bond shall be instituted in a federal district court in the jurisdiction in which the Principal is performing its obligations under the subgrantee agreement referenced herein and shall be commenced within one year after the Principal's default. If this provision is prohibited by law, the minimum period of limitation available to sureties in the jurisdiction shall be applicable.

AMENDMENT The Penal Sum of this Bond shall automatically be reduced as Work completion milestones are met by the Principal in accordance with the applicable surety bond provisions of the subgrantee agreement.

This Bond is entered this _____ day of _____, 20__.

SURETY

By

Print Name:

Title:

(Attach Power of Attorney)

Witness:

PRINCIPAL

By

Print Name:

Title:

Witness:

*The Surety and Fidelity Associate of America (SFAA) developed these templates in their [Surety Bond Information Kit](#). SFAA is a national trade association of more than 400 insurance companies that write 98 percent of surety and fidelity bonds in the U.S. SFAA is licensed as a rating or advisory organization in all states, and it has been designated by state insurance departments as a statistical agent for the reporting of fidelity and surety experience.

Managerial Capability

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Key response areas

03

Organizational Chart Example

Section 2.4.12 Managerial Capability Breakdown

1. Managerial Capability

The Office of Broadband will ensure that all applicants seeking to deploy network facilities comply with the managerial capability requirements outlined in the BEAD NOFO*.



The Office of Broadband will require applicants to submit resumes for all key management personnel and any necessary project organizational chart(s) and corporate relationships detailing all parents, subsidiaries, and affiliates.

Each applicant must also provide a narrative describing the applicant's readiness to manage a broadband services network. The narrative should:



- Describe the experience and qualifications of key management for undertaking this project
- Describe its experience undertaking projects of similar size and scope
- Highlight recent and upcoming organizational changes including mergers and acquisitions
- Include relevant organizational policies
- Identify key individuals who will be responsible for the management of the project and provide a brief description of their role and responsibilities for the project. Present this information in table format
- Provide a brief description of the applicant's history and experience with managing state or federal grants and constructing broadband or telecommunication facilities.



- Certify that the applicant has the managerial capability to successfully deploy network facilities as outlined in the BEAD NOFO
- Certify that the applicant has included all necessary information required by the Office of Broadband and/or NTIA

Managerial Capability

Key response areas

Experience Undertaking Projects of Similar Size and Scope

Details to include:

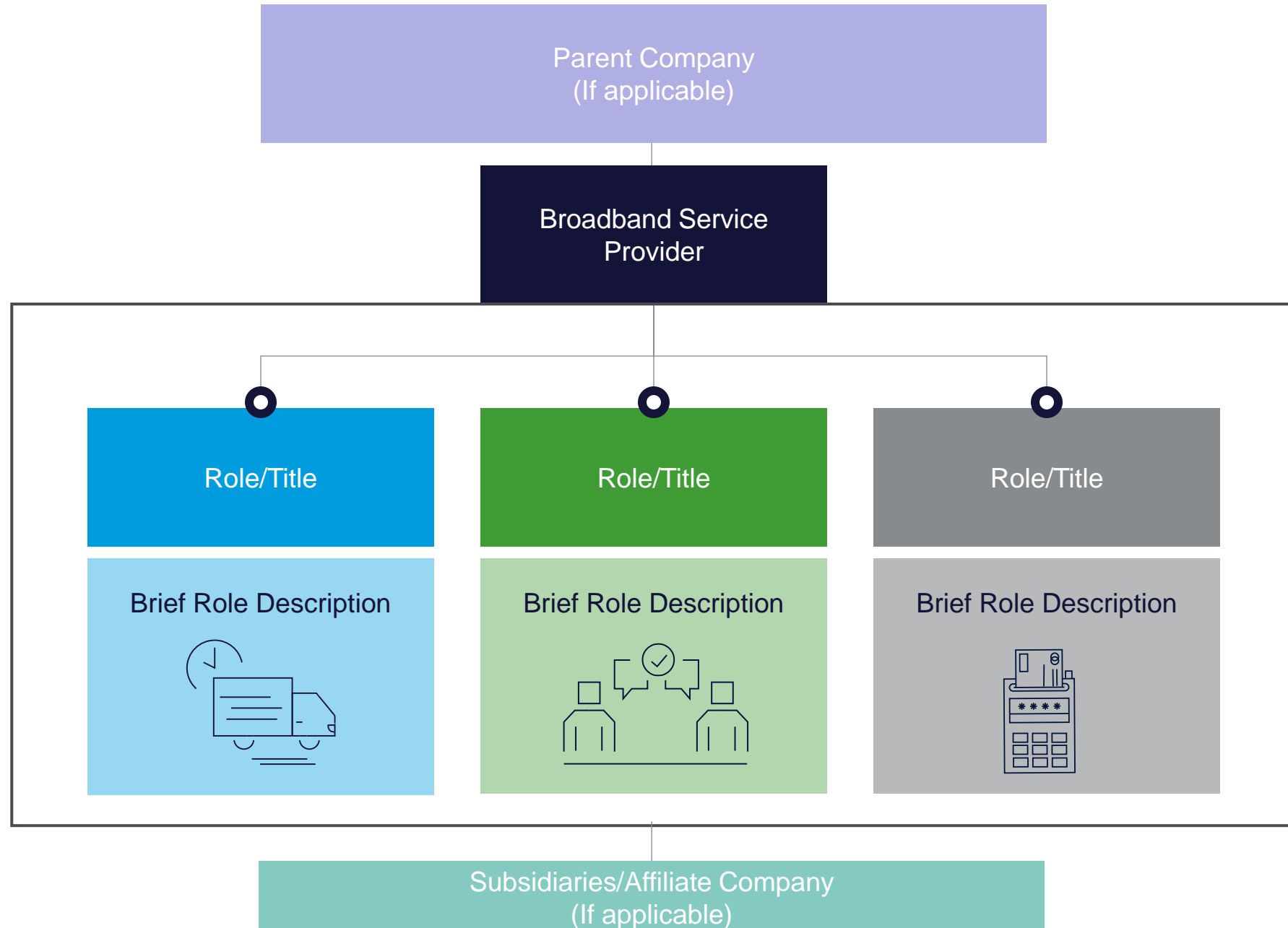
- Number of projects
- Geographic area
- Serviceable locations
- Any unique geographic obstacles
- Coverage percentage
- Funding source and amount
- Project length and schedule adherence
- Budget
- Pricing Structure
- Permits obtained and any impact of permitting process on schedule
- Compliance with applicable laws
- Communication plan and community outreach description

Experience Managing State/Federal Grants and Constructing Broadband or Telecommunication Facilities

Details to include:

- Number of projects
- Funding amount and source details
- Project length and schedule adherence
- Any unique geographic obstacles
- Budget
- Compliance with applicable laws
- Communication plan and community outreach description

Organizational Chart Example



Technical Capability

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Key response areas and components to include

03

Network Diagram Example

Section 2.4.13 Technical Capability Breakdown

1. Technical Capability

The Office of Broadband is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for technical capabilities as outlined in the BEAD NOFO.



- The applicant's efforts to mitigate supply chain constraints, including labor shortages and order-to-delivery delays on telecommunications materials required to construct broadband networks.
- The applicant's efforts to mitigate costs and delays that may be associated with make-ready and other permitting requirements anticipated for network deployment
- Describe the current state of project development, including but not limited to planning, preliminary engineering, identifying easements/permits, status of MOU or MOA, and final design
- Applicants are encouraged to extensively discuss, where applicable, make-ready/pole attachments, easements relating to railroad crossings, state and federally owned lands and parks, partnerships with the Virginia Department of Transportation Department of General Services, and mobile home parks.
- Provide a description of the network system design used to deliver broadband service from the network's primary internet point(s) of presence to end users, including the network components.
- Provide information on how capacity for scalability, or expansion, of how the network can adapt to future needs.
- If using a technology with shared bandwidth, describe how the equipment will handle capacity during peak intervals. For wireless projects, provide a propagation map for the proposed project area with a clearly defined legend for scale of map.
- Describe the internet service offerings, including download and upload speeds, to be provided after completion of the proposed project. Detail whether that speed is based on dedicated or shared bandwidth and detail the technology that will be used. Please note, DHCD reserves the right to request verified speed tests distributed throughout a service area at times of peak network usage from potential subgrantee's existing network to verify a co-applicant's capability to provide broadband service at speeds at or above 100/20 Mbps.
- List the tiered price structure for all speed offerings in the proposed project area, including all speed offerings.
- Detail the internet service provider's digital opportunity efforts to ensure low to moderate income households in the proposed project area will have affordable access to speeds at or above 100/20 Mbps

Section 2.4.13 Technical Capability Breakdown

1. Technical Capability

The Office of Broadband is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for technical capabilities as outlined in the BEAD NOFO.



The Office of Broadband will require all applicants to submit:

- Network design and Network diagram
- Project costs
- Build-out timeline and milestones for project implementation identifying specific tasks, staff, contractor(s) responsible, collection of data, etc., and estimated start and completion dates.
- Capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity is under contract. This 4-year build timeline may be less based on the timeline committed to in the application.

All of which must be 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.



- Certify that the applicant is technically qualified to not only complete construction of the proposed network but also operate the network and that they are capable of carrying out the funded activities in a competent manner, including that it will use an appropriately skilled and credentialed workforce (see Section IV.C.1.e of the BEAD NOFO).
- Certify that the applicant has included all necessary information required by the Office of Broadband and/or NTIA

Technical Capability

Key response areas and response components to include

Supply Chain	Make-Ready	Project Development	Easement Plans
<ul style="list-style-type: none"> Supply Chain Constraints Mitigation Strategy Labor Shortage Order-To-Delivery Delays 	<ul style="list-style-type: none"> Make-Ready and Permitting Delay Strategy Consultations and Reviews scheduled with appropriate agencies Costs and Delay Mitigation 	<ul style="list-style-type: none"> Planning Preliminary Engineering Status of MOU or MOA (If Applicable) Final Design Current Permit Status Future plans/project state 	<ul style="list-style-type: none"> Make-Ready/Pole Attachments Easement plans related to State/Federally owned land, partnerships with VDOT, etc. Mapping to identify entities involved
Network System Design	Capacity	Shared Bandwidth	Wireless Technology
<ul style="list-style-type: none"> Network Components Design used for network primary internet point(s) to end users Ex: <ul style="list-style-type: none"> Fiber: Run length, distribution huts, etc. Wireless: Propagation mapping, proposed homes per service, etc. 	<ul style="list-style-type: none"> Scalability and Expansion Capability Network Adaptation Scalability Plans 	<ul style="list-style-type: none"> Network capacity at peak intervals Service level based on traffic type Plans for: multiplexing, throttling, and queuing 	<ul style="list-style-type: none"> Propagation Map with defined Legend Within proposed project area

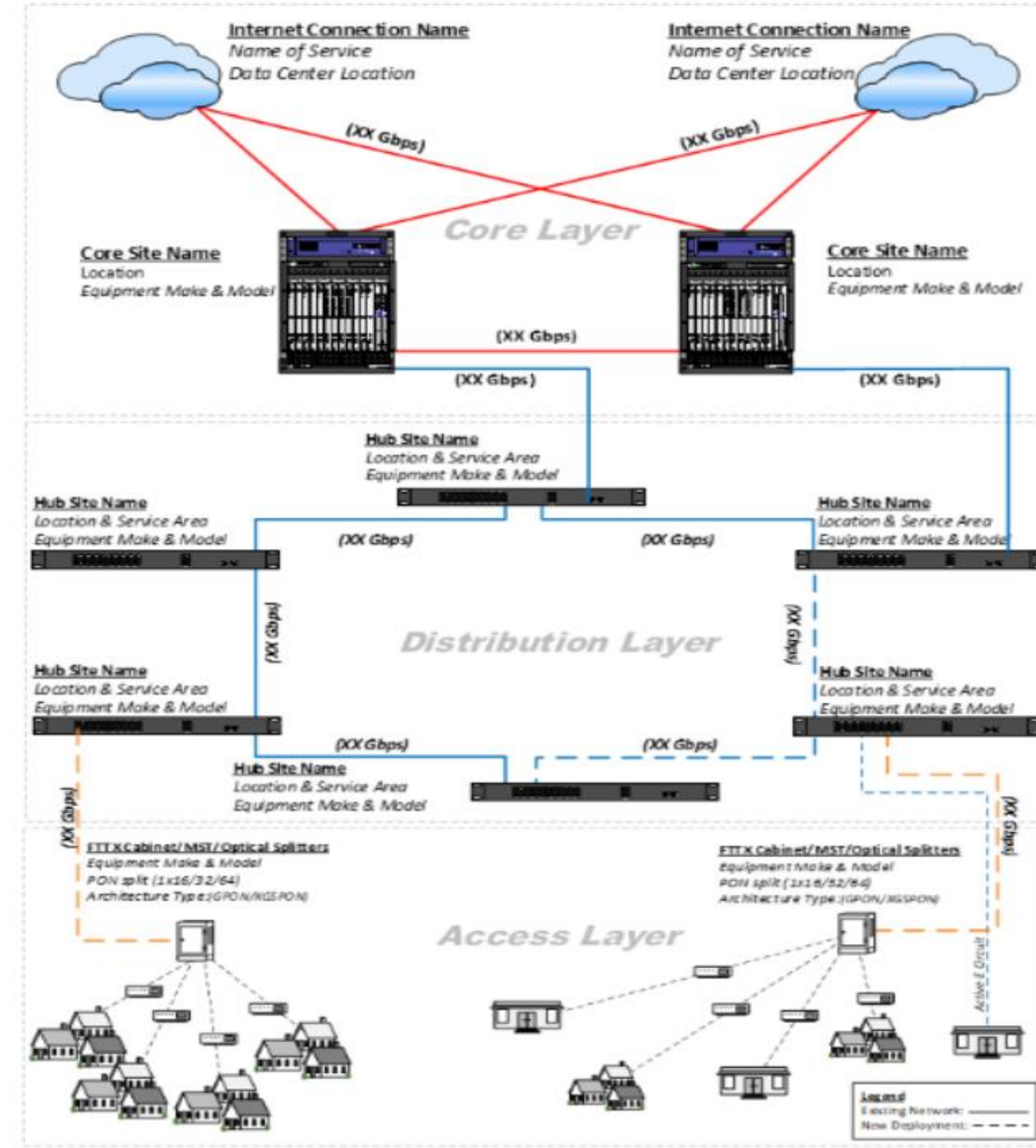
Technical Capability

Key response areas and response components to include

Internet Service Offerings	Tiered Pricing	Digital Opportunity	Network Design and Diagram
<ul style="list-style-type: none"> Download and Upload Speeds Speed based on dedicated or shared bandwidth Type of Technology used 	<ul style="list-style-type: none"> For all speed offerings Between low-cost and high-cost threshold 	<ul style="list-style-type: none"> Access speeds at or over 100/200 Mbps Communication on Availability to Middle Class and of low-cost service offerings to underprivileged groups 	<ul style="list-style-type: none"> Certified by Professional Engineer Logical Network Design Drawing (PDF or ZIP) <ul style="list-style-type: none"> Logical Connectivity Network Capacity Agrees to Scope/Size
Project Costs	Timeline and Milestones	Investment Schedule	Professional Engineer
<ul style="list-style-type: none"> Certified by Professional Engineer Reasonable Budget Breakdown <ul style="list-style-type: none"> Projected Costs Realistic Aligned to Scope 	<ul style="list-style-type: none"> Certified by Professional Engineer Specific tasks Staff/contractors responsible Data collection Start/Finish dates 	<ul style="list-style-type: none"> Complete Build-Out Within 4-Years of the entity contract date Reasonable No Professional Engineer Certification Required 	<ul style="list-style-type: none"> Certification that the proposed network can meet the performance requirements to all locations

Network Diagram Example

This would be deemed as an adequate response to the Technical Capability application question requesting a network diagram that is certified by a professional engineer.



Cyber & Supply Chain

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Breakdown Cyber Risk Management Plan Template

03

Breakdown Supply Chain Risk Management Plan Template

04

Example Supply Chain and Cyber Risk Management Plan Checklist/Template

Section IV.C.2.c.vi Cybersecurity and Supply Chain Risk Management Breakdown



1. Cybersecurity and Supply Chain Risk Management

The Infrastructure Act directs the Assistant Secretary to specify prudent cybersecurity and supply-chain risk management practices for subgrantees deploying or upgrading broadband networks using BEAD funds.



The Office of Broadband will require applicants to maintain, operationalize, and submit to the Eligible Entity the following plans: (1) cybersecurity risk management plan and (2) cyber supply chain risk management (C-SCRM) plan.

Requirements:

Both plans must be:

- Operational or ready to be operationalized
- Re-evaluated at defined intervals and as events warrant
- Submitted to the Eligible Entity for review

The cybersecurity risk management plan must:

- Align to the latest version of the NIST CSF
- Meet standards set forth in Executive Order 14028

The cyber supply chain risk management plan must:

- Be based on key practices discussed in NISTIR 8276 “Key Practices in Cyber Supply Chain Risk Management: Observations from Industry”
- Be based on related SCRM guidance from NIST 800-161 “Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations”
- Specify the controls to be implemented

Steps to be Taken:

- Applicant may leverage plan templates and plan checklists to accelerate their documentation of the Plans.
- Office of Broadband certifies that the Plans meet NOFO requirements.
- (If the subgrantee relies in whole or in part on network facilities owned or operated by a third party) Office of Broadband obtains attestations from network provider with respect to cybersecurity and supply chain risk management practices.



Cybersecurity Risk Management Plan

Background

The NTIA requires certain cybersecurity risk management measures be documented and operationalized for the BEAD program. These requirements may be new for broadband service providers that have received funding from other federal programs.

Technical Assistance

The OOB has published a checklist and plan template to assist applicants in developing their cybersecurity risk management plans, which are required in the application.

Plan Template

- Provides a starting point for applicants to build their plans from
- Highlights where applicants must input responses or selections
- Includes the requirements for a plan to be considered compliant, including:
 - Applicant background
 - Purpose of the plan
 - Scope of the plan
 - Roles & Responsibilities
 - Management commitment and organization
 - Organizational Cybersecurity Overview
 - Detailed stages of the plan
 - RMF Task List
 - Etc.

Checklist

- Provides an item-by-item breakdown of the requirements
- Can be used as a companion to ensure the plan is completed with all the required information
- Includes relevant sources and references for each requirement, where applicable

Resources

- [VA OOB Website](#) – [Presentation](#) and [Webinar](#)
- [NIST Cybersecurity Framework](#)
- [NIST Risk Management Framework](#)
- [Executive Order 14028](#)
- [Download plan template and checklist](#)

Cybersecurity Supply Chain Risk Management Plan

Background

The NTIA requires certain cybersecurity supply chain risk management measures be documented and operationalized for the BEAD program. These requirements may be new for broadband service providers that have received funding from other federal programs.

Technical Assistance

The OOB has published a checklist and plan template to assist applicants in developing their cybersecurity supply chain risk management plans, which are required in the application.

Plan Template

- Provides a starting point for applicants to build their plans from
- Highlights where applicants must input responses or selections
- Includes the requirements for a plan to be considered compliant, including:
 - Applicant background
 - Purpose of the plan
 - Scope of the plan
 - Roles & Responsibilities
 - Management commitment and organization
 - Organizational Cybersecurity Supply Chain Overview
 - Detailed stages of the plan
 - NISTIR 8276 Guidance Breakdown
 - Etc.

Checklist

- Provides an item-by-item breakdown of the requirements
- Can be used as a companion to ensure the plan is completed with all the required information
- Includes relevant sources and references for each requirement, where applicable

Resources

- [VA OOB Website](#) – [Presentation](#) and [Webinar](#)
- [NIST Interagency or Internal Reports \(NISTIR\) 8276](#)
- [NIST Special Publication \(SP\) 800-161](#)
- [Download plan template and checklist](#)

1.1 Background

[INSTRUCTIONS: This section should include a summary of why cybersecurity risk management is important to the organization. In outlining the need for a robust cybersecurity risk management strategy, this section may include:

- a high-level summary of processes/systems/datasets that are critical to business, and why protecting these is important to the organization's mission
- stakeholder expectations, dependencies, industry, third-party and/or legal, regulatory and/or contractual requirements relevant to cybersecurity risk management
- the impact of an adverse cybersecurity event on business processes, sensitive data, critical systems and/or personnel
- how cybersecurity risk management supports the organization's business objectives

This section should state that because of these factors, the organization has established a *Cybersecurity Risk Management Plan*, which is outlined in the remainder of this document.

Delete this instruction and all other instructions from your final version of the document.

[EXAMPLE] This Cybersecurity Risk Management Plan provides definitive information on the prescribed measures used to establish and enforce the cybersecurity risk management program for [ISP Vendor].

[ISP Vendor] is committed to protecting its employees, partners, and customers, from damaging acts that are intentional or unintentional. An effective information security is a team effort involving the participation and support of every [ISP Vendor] user who interacts with data and systems. Therefore, it is the responsibility of every user to know these policies and to conduct their activities accordingly.

Protecting company data and the systems that collect, process, and maintain this information is of critical importance. Consequently, the security of systems must include controls and safeguards to offset threats, as well as controls to ensure accountability, availability, integrity, and confidentiality of the data—Risk management is the process of identifying, evaluating, and addressing threats and vulnerabilities within an organization. Included in the process is implementation of controls to minimize the adverse effect of losses to [ISP Vendor]. Implementing a process of risk evaluation and mitigation strategies reduces the likelihood of incident occurrence, thereby protecting [ISP Vendor] from financial and reputational risk.

[UPDATE]

1.2 Purpose

[INSTRUCTIONS: This section should outline the purpose of the *Cybersecurity Risk Management Plan*, which may reference a desire to mature the organization's security posture, implement a repeatable process to identify and address risk, support enterprise risk management initiatives, and/or mitigate risk to critical business processes. The goal of this section is to establish the risk-based foundation upon which the organization operates and safeguards its data and systems.

This section should also outline how the organization is implementing and supporting this *Cybersecurity Risk Management Plan*—i.e., by implementing controls aligned to an industry framework (such as the *National Institute of Standards and Technology Cybersecurity Framework [NIST CSF]*); documenting

3.1 Prepare

[INSTRUCTIONS: Update the table below with implementation status of controls in this section.]

Table 3-1: Prepare Implementation Summary

Prepare Implementation Summary		Responsible Role:
Implementation Status (check all that apply):		[Named Role(s)] Instruction: Ensure this role matches roles defined earlier in the plan
<input type="checkbox"/> Implemented	<input type="checkbox"/> Alternative Implementation	
<input type="checkbox"/> Partially Implemented	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Planned		
If not implemented, what is the implementation plan?		Planned Date for Full Implementation:
If applicable, insert text or replace with "N/A"		DD Month YYYY

The purpose of the *Prepare* step is to conduct essential activities at the organization, mission and business process, and information system levels of the organization to help prepare the organization to manage its security and privacy risks using the *Risk Management Framework*.

[INSTRUCTIONS: This section describes the organization's approach to meeting the objectives of the *Prepare* step. The activities in the *Prepare* step are foundational for effective use of the *Framework*. Understanding the business context, the resources that support critical functions, and the related cybersecurity risks enables an organization to focus and prioritize its efforts, consistent with its risk management strategy and business needs.

Sub-sections should detail the control objectives that demonstrate how the organization understands its IT environment (hardware, software, external systems—prioritized based on criticality and business value), how the organization has defined an operating and reporting structure, and how these elements serve as a foundation to *Cybersecurity Risk Management*. Sub-sections should be used to identify and understand the business requirements, system requirements, and personnel who can support the *Plan*. This can include how the organization will:

- Track regulatory, industry and third-party requirements relevant to *Cybersecurity Risk Management*
- Identify, classify, track, and protect critical assets, systems, data, and business processes that support the organization's mission.
- Maintain an inventory of data and corresponding metadata for designated data types/types.
- Identify and understand the business requirements, technical requirements, and security/privacy requirements for each system and business process.
- Identify and classify strategic opportunities (i.e., positive risks)
- Identify stakeholders who design, development, implementation, assessment, operation, maintenance, or disposal of systems.

COMMONWEALTH OF VIRGINIA
BROADBAND GRANT MANAGEMENT



Cybersecurity Risk Management Plan Checklist

Revised 10.17.2024

Organization:

Plan Draft Date:

Plan File Name:

Plan Submission Date:

Additional References:	
Executive Order 14028 on Improving the Nation's Cybersecurity:	https://www.whitehouse.gov/briefing-room/presidential-actions/2021/05/12/executive-order-on-improving-the-nations-cybersecurity/
NIST Cybersecurity Framework:	https://www.nist.gov/cyberframework
NIST Risk Management Framework:	https://csrc.nist.gov/projects/risk-management/about-rmf

General Instructions: The National Telecommunications and Information Administration (NTIA) issued a Notice of Funding Opportunity (NOFO) to describe requirements under which it will award grants for the Broadband Equity, Access, and Deployment (BEAD) Program. As part of these requirements, ISPs who deploy BEAD-funded broadband networks must have a strong Cybersecurity Risk Management Plan. The Commonwealth of Virginia has provided a template for the Cybersecurity Risk Management Plan ("the Plan"). This template can be (but does not need to be) used by each ISP to develop their Plan. When compiling the Plan, the checklist below can be used as guidance for developing a cybersecurity risk management strategy that meets NOFO requirements and incorporates best practices. Each "section" corresponds to topics generally included in Cybersecurity Risk Management Plans, which can be used to structure the Plan. "Steps to Incorporate" specify content that should be included in the Plan. "NOFO Requirement Source," "NOFO Requirement," and "Additional Reference Materials" provide additional context on the requirements. "Status," "Subgrantee Plan Section," and "Comments" can be used to check that all applicable sections have been included in the Plan.

Step Number	Section	Steps to Incorporate	NOFO Requirement Source	NOFO Requirement	Additional NIST Reference Materials <i>https://www.nist.gov/cyberframework/framework</i>	Status	Subgrantee Plan Section	Comments
1	General Instructions <i>(Commonwealth complete users only)</i>	All 'update' tags have been adjusted to reflect the ISP's environment.	N/A	N/A	N/A			
		If template is utilized, all instructions have been removed as indicated in the template with red text.						
		All example text has been updated to reflect the organization's cybersecurity risk management plan.						
		The 'Template Overview' section has been removed from the final version.						
2A	Document Maintenance	Table of contents has been refreshed to reflect the final sections and page numbers.	N/A	N/A				
		The Plan clearly captures a version history, approval date, and effective date.						
2B	Document Maintenance	The Plan requires the organization to evaluate and update the Plan on a defined annual basis and as events warrant (such as substantial changes in organizational mission/objectives, business processes, risk tolerance, compliance footprint, etc.).	BEAD NOFO, section IV.C.2.c.vi.3	"With respect to cybersecurity, prior to allocating any funds to a subgrantee, an Eligible Entity shall, at a minimum, require a prospective subgrantee to attest that: 3. The plan will be reevaluated and updated on a periodic basis and as events warrant"	N/A			
2C		The Plan is submitted to the Commonwealth prior to the funds being distributed.	BEAD NOFO, section IV.C.2.c.vi.4	"With respect to cybersecurity, prior to allocating any funds to a subgrantee, an Eligible Entity shall, at a minimum, require a prospective subgrantee to attest that: 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."				
3A	Document Overview	The Plan has a section that describes the purpose and scope. If there are any exceptions or exceptions there are clearly documented along with reasoning.	N/A	N/A	NIST CSF GV.RM-03: Cybersecurity risk management activities and outcomes are included in enterprise risk management processes			
3B		The Plan aligns the cybersecurity risk management strategy with the organization's mission, business objectives, enterprise risk management and overall governance strategies.	N/A	N/A	NIST CSF GV.OG-01: The organizational mission is understood and informs cybersecurity risk management			
		The Plan lists contact information for the owner of Cybersecurity Risk Management.			NIST CSF GV.OG-02: Internal and external stakeholders are understood, and their needs and expectations regarding cybersecurity risk management are understood and considered			
3C		The Plan contains roles and responsibilities, which are clearly outlined for the operation and management of the cybersecurity risk management plan. Roles are not required to be named and can be positions.	N/A	N/A	NIST CSF GV.RR-02: Roles, responsibilities, and authorities related to cybersecurity risk management are established, communicated, understood, and enforced			
	The Plan states which components of the Cybersecurity Risk Management Plan are operational.	BEAD NOFO, section IV.C.2.			"With respect to cybersecurity, prior to allocating any funds to a subgrantee, an Eligible Entity shall, at a minimum, require a prospective subgrantee to attest that: 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"	N/A		
3D	If the Plan is not yet fully operational, the Plan specifies the timeline for when all components of the Plan are expected to be operational.	N/A	N/A	NIST CSF ID.RA-01: Changes and exceptions are managed, assessed for risk impact, recorded, and tracked				
	The Plan contains or references an exception management process.			N/A	N/A	NIST CSF GV.OG-01: The organizational mission is understood and informs cybersecurity risk management		
4A	The Plan contains or references how this effort will be governed by the organization. This can also include other associated policies, standards, procedures, or guidelines that empower the plan or are used to provide further granularity to the processes.	N/A	N/A	N/A				
4B	The Plan summarizes the organization's understanding of Cybersecurity Risk Management, along with a high-level overview of the primary components of the organization's Cybersecurity Risk Management strategy.	N/A	N/A	N/A	NIST CSF GV.OG-01: The organizational mission is understood and informs cybersecurity risk management			
4C	The Plan states that its approach to cybersecurity risk management is aligned with the current version of the NIST Cybersecurity Framework (CSF), if and when new versions of the NIST CSF are released, the Plan should be updated accordingly.	N/A	BEAD NOFO, section IV.C.2.c.vi.2	"With respect to cybersecurity, prior to allocating any funds to a subgrantee, an Eligible Entity shall, at a minimum, require a prospective subgrantee to attest that: 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"	N/A			
4D	The Plan states that its approach to cybersecurity risk management is aligned with the standards and controls set forth in Executive Order 14028.			N/A				
5A	The Plan outlines how the organization will track regulatory, industry and third-party requirements relevant to Cybersecurity Risk Management.				NIST CSF GV.OG-03: Legal, regulatory, and contractual requirements regarding cybersecurity - including privacy and civil liberties obligations - are understood and managed			

RSM Presentations Breakdown – Dec 4



Compliance with Laws

- Overview – TA slide deck
- Key response areas



Operational Capability

- Overview – TA slide deck
- Breakdown "If, then" requirements
- Key response areas



Ownership Summary

- Overview – TA slide deck
- Breakdown 47 C.F.R. § 1.2112(a)(1)-(7) requirements



Other Public Funding

- Overview – TA slide deck
- Disclosure
- Resources available



Labor and Employment Laws

- Overview – TA slide deck
- Key response areas



Workforce Development

- Overview – TA slide deck
- Key response areas



Skilled and Credentialed Workforce

- Overview – TA slide deck
- Key response areas



MBEs, WBEs, and LSAs

- Overview – TA slide deck
- Responses & reference material

<https://forms.office.com/r/AxCdQ1ePHi>



Compliance with Laws

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Showcase Example Narratives and Acceptable Documentation

03

Highlight Frequent/Possible Areas of Compliance Violations

Section 2.4.14 Compliance with Laws Breakdown

1. Compliance with Laws

The Office of Broadband is committed to comprehensive vetting of applicants throughout the selection process to ensure that the applicants seeking to deploy network facilities comply with all applicable laws.



The Office of Broadband will require applicants to demonstrate that they can carry out funded activities in a competent manner in compliance with all applicable Federal, State, and local laws. Applicants must submit a narrative that demonstrates this objective for the Office of Broadband to place on record.



- Applicants to certify that they can carry out funded activities in a competent manner in compliance with all applicable Federal, State, and local laws.
- Certify that the applicant has included all necessary information required by the Office of Broadband and/or NTIA

Compliance with Laws

Key response areas

Compliance Narrative

Details to include:

- Clear documentation attesting to understanding and commitment to all relevant laws and safety requirements
- Established processes, procedures, and protocols to ensure compliance
- Trainings programs or initiatives informing and ensuring understanding of safety and legal standards
 - Schedules
 - Modules
 - Materials
- Past records from projects with similar scope

The Office of Broadband will review the compliance narrative

Laws to Consider

- **Broadband Capacity Provision:**
 - § 56-585.1:9 outlines the responsibilities of electric utilities in providing broadband capacity to ISPs in unserved areas. ISPs must ensure they obtain necessary rights-of-way and easements to facilitate service provision.
- **Virginia Occupational Safety and Health (VOSH) Regulations:**
 - § 40.1-51.1: This section mandates that employers, including ISPs, must maintain records of work-related injuries and illnesses. Employers are required to report serious incidents, such as fatalities or hospitalizations, to the Virginia Department of Labor and Industry (DOLI) within eight hours.
- **Utility Easements:**
 - § 55.1-306.1 governs the use of utility easements for broadband expansion. ISPs must comply with requirements related to indemnification and safety when utilizing these easements for infrastructure deployment.

Operational Capability

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Explanation of “If, then” Requirements

03

Showcase Example Acceptable Responses

Section 2.4.15 Operational Capability Breakdown

1. Operational Capability

The Office of Broadband is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for operational capability as outlined in the BEAD NOFO. The Office of Broadband will require applicants to certify that they possess the operational capability to qualify to complete the project and operate the Network. Examples of such requirements are provided below:



- **If the applicant has operated only an electric transmission or distribution service**, it must 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.
- **For a new entrant to the broadband market**, an applicant must provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. Such evidence may include resumes from key personnel, a list of projects of similar scope with descriptions and project outcomes and references from contractors, subcontractors, funding agencies, localities/units of local governments or other partners who can provide other comparable evidence.
- Describe efforts to keep the public informed of project progress and the broadband adoption plan.
- Develop a communication plan detailing how the applicant plans on communication the project status to shareholder.



- **An applicant that has provided a voice, broadband, and/or electric transmission or distribution service for at least the two (2) consecutive years** prior to the date of its' application submission or that it is a wholly owned subsidiary of such an entity, must submit a certification that attests to these facts and specifies the number of years the applicant or its' parents company has been operation.
- **If the applicant has provided a voice and/or broadband service**, it must 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. Alternatively, an applicant should explain any Notice of Funding Opportunity – 75 pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to comply with Commission rules or regulations.
- **Certify that the applicant has the operational capability to successfully deploy network facilities as outlined in the BEAD NOFO**
- **Certify that the applicant has included all necessary information required by the Office of Broadband and/or NTIA**
- **Verify that the awardee has submitted or will submit data to the Commonwealth of Virginia** under the Virginia Broadband Availability Map – Internet Service Provide Service Territory Data Submission Process for the 2024 collection window.
- If applicable, describe any unique partnerships involved in the proposed project.

“If, Then” Statements

If the applicant has operated only an electric transmission or distribution service

Applicant must:

- Submit operating and financial reports
- Certify that the reports are true and accurate
- Certify that the reports have been filed with a financial institution

Example Operating and Financial Reports:

- Balance Sheet
- Cash Flow Statement
- Income Statement
- Equity Statement

If the applicant is a new entrant to the broadband market

Applicant must demonstrate operational capability by providing evidence to the OOB.

Examples can include:

- Resumes of key personnel
- Projects of similar size and scope, including descriptions and outcomes
- References from parties such as contractors, subcontractors, funding agencies, localities, units of government, or other parties that can attest to the applicant’s operational capability

If the applicant has provided a voice, broadband, and/or electric transmission or distribution service for at least the 2 consecutive years

If the applicant fits (or the entity applying is a subsidiary of a parent company that fits) the above parameters, they must:

Submit a certification that attests to:

- The entity’s consecutive years in service
- The number of years the applicant or its’ parent company has been operation

If the applicant has provided a voice and/or broadband service

Applicant must:

- Certify that it has filed [Commission Form 477](#)
- Certify that it has filed information per the [Broadband DATA Act](#)
- Certify that it has complied with the Commission’s regulations
- Explain any Notice of Funding Opportunity – 75 pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to comply with Commission rules or regulations

Operational Capability

Key response areas

Public Presence

Description:

- The applicant should describe their planned efforts to keep the public informed of project progress and the broadband adoption plan

Details to Include:

- Describe any digital literacy efforts to ensure residents and businesses in the proposed project area sufficiently utilize broadband, highlighting any unique partnerships if applicable
- Public communication channels used, for example:
 - Newspaper
 - School Board or Association meetings
 - Online webpages
- How the information will be displayed, for example:
 - Timeline view
 - Gantt Chart
 - Interactive Dashboard
- The planned cadence of updates

Communication Plan

Description:

- The applicant should describe their communication plan for keeping internal and external stakeholders aligned

Details to Include:

- The method of providing updates to stakeholders
- Roles and responsibilities of those communicating with stakeholders
- Cadence of communications
- Plans to engage various groups (County leadership, elected officials, residents, etc.)
- Explain plans to promote customer take rate, including marketing activities and outreach plans
- Provide the anticipated take rate and describe the basis for the estimate
- Describe any digital literacy efforts to ensure residents and businesses in the proposed project area sufficiently utilize broadband
- The status of unique partnerships, if applicable

Ownership Summary

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Breakdown of 47 C.F.R. § 1.2112(a)(1)-(7) detailed requirements

Section 2.4.16 Ownership Breakdown

1. Ownership

The Office of Broadband is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for operational capability as outlined in the BEAD NOFO.



The Office of Broadband will require each applicant to provide ownership information consistent with the requirements set forth in [47 C.F.R. § 1.2112\(a\)\(1\)-\(7\)](#). These requirements are laid out in the Office of Broadband's [Initial Proposal Volume 2](#), page 28-29.



Certify that the applicant has provided all ownership information consistent with the requirements set forth in the BEAD NOFO and pursuant to 47 C.F.R. § 1.2112(a)(1)-(7).

Ownership Summary

Conditional key response areas and components to include

- | | | |
|---|----------------------------------|--|
| 1 | Limited Partnership | <ul style="list-style-type: none"> • If applicable, each limited Partner who holds 10% or more according to equity paid or distribution of profit/loss. <ul style="list-style-type: none"> • Provide name, address and citizenship |
| 2 | General Partnership | <ul style="list-style-type: none"> • If applicable, each partner and the share of interest participation <ul style="list-style-type: none"> • Provide name, address and citizenship |
| 3 | Limited Liability Company | <ul style="list-style-type: none"> • If applicable, each member who holds 10% or more interest <ul style="list-style-type: none"> • Provide name, address and citizenship |
| 4 | Stock Holding | <ul style="list-style-type: none"> • If applicable, each party holding 10% or more in stock <ul style="list-style-type: none"> • Provide name, address, citizenship, specific percentage held, voting rights and preference |
| 5 | Controlling Interests | <ul style="list-style-type: none"> • If applicable as described in § 1.2110, or owns 10% of any class of stock, warrants, options or debt securities <ul style="list-style-type: none"> • Provide name, address, citizenship, principal business and relationship to applicant as well as members of a conglomerate |

Ownership Summary

Key response areas and components to include

- | | | |
|---|----------------------------|---|
| 1 | Indirect Ownership | <ul style="list-style-type: none"> If applicable, provide a list of all parties that that hold 10% or more of applicant if 50% or more in vertical chain or represent actual control should be treated as 100% interest |
| 2 | FCC Entity | <ul style="list-style-type: none"> If any parties mentioned or applicant is an FCC Entity or applicant for license and own 10% or more of stock <ul style="list-style-type: none"> Provide description of principal business, applicable relationship and entity status |
| 3 | Parties in Interest | <ul style="list-style-type: none"> Provide complete disclosure of identity, relationships of direct and indirect owners and controlling parties Ensure no hidden interests |
| 4 | Bidding Credit | <ul style="list-style-type: none"> If applicable and claiming eligibility <ul style="list-style-type: none"> Provide information satisfying §1.2110(f)(4) |
| 5 | Spectrum Capacity | <ul style="list-style-type: none"> If entered into arrangement or agreement for use of spectrum capacity <ul style="list-style-type: none"> Provide the list of parties and the gross revenues for the applicant, affiliates, controlling interests and affiliates of controlling interests, |

Other Public Funding

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Highlight Factors the OOB Considers When Reviewing Other Projects

03

Reference Website for Reviewing Publicly Funded Projects

2.4.17 Other Public Funding Breakdown

1. Disclosure of Other Public Funding Sources

The Office of Broadband is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for operational capability as outlined in the BEAD NOFO.



The Office of Broadband will require each applicant to disclose, for itself and for its affiliates any application the applicant or its affiliates have submitted or plan to submit, and every broadband deployment project that the applicant or its affiliates are undertaking or have committed to undertake at the time of the application using public funds, including but not limited to funds provided under:

- Families First Coronavirus Response Act (Public Law 116- 127; 134 Stat. 178)
- CARES Act (Public Law 116-136; 134 Stat. 281)
- Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182)
- American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4)
- Federal Universal Service Fund high-cost program (e.g., RDOF, CAF)
- Other programs including the Virginia Telecommunication Initiative (VATI), Appalachian Regional Commission (ARC), Tobacco Region Revitalization Commission, local universal service, or Federal broadband deployment funding



The Office of Broadband will require the disclosure, for each broadband deployment project, of the:

- Speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules)
- Geographic area to be covered
- 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)
- Amount of public funding to be used
- Cost of service to the consumer by speed tiers
- Source of matching funds commitment, if any, provided by the applicant or its affiliates
- Description of the progress of respective project(s), including a detailed explanation of any variances in contractually obligated timelines of the awards

Certify that the applicant has provided all necessary information required by the Office of Broadband and/or NTIA

*Requirements are subject to change as the NTIA continues to issue further guidance.

Disclosure of Other Publicly Funded Projects

Background

It's important for the Office of Broadband to thoroughly vet applicants' performance with projects receiving funding through other publicly funded programs.

Applicable Programs

Please provide the required information if the applicant is involved in any of the following programs or any other publicly funded initiatives:

- Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178)
- CARES Act (Public Law 116-136; 134 Stat. 281)
- Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182)
- American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4)
- Federal Universal Service Fund high-cost program (e.g., RDOF, CAF)
- Other programs including the Virginia Telecommunication Initiative (VATI), Appalachian Regional Commission (ARC), Tobacco Region Revitalization Commission, local universal service, or Federal broadband deployment funding

The applicant should submit a narrative including the following details for each broadband deployment project that it has applied for, undertaken or plans to undertake, or has completed using public funding (state or federal). Be sure to also provide this information for the applicant's parent company (or any affiliates) if applicable.

Example Response Template

(Insert applicant name) has received funding through (insert program name) and wishes to disclose the following details to the Office of Broadband:

- The speed and latency of service will be (insert)
- The geographic area consists of (insert square mileage, county and census blocks, unique terrain, etc.)
- (Insert 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, (insert the relevant percentage)
- The total amount of public funding is (insert)
- The cost to consumer, broken down by tier is (insert)
- If applicable, the source of matching funds commitment comes from (insert source and amount)
- The current state of the project is (insert current state summary and progress description, including a detailed explanation of any variances in contractually obligated timelines)

The Office of Broadband will cross-check the applicant's responses on the publicly funding projects they are involved with and will review responses for completeness, adequacy, and risks.

Applicants may choose to respond to this section’s requirements in table format using the below template and editing as needed.

Project Number	Funding Agency and Program	Prior, Current, or Upcoming	Speed and Latency	Geographic Area	Unserved and Underserved Locations	Percentage Served	Funding Award Amount and Date	Matching Funds	Pricing by Tier	Progress Summary
1										
2										
3										
4										
5										

Other Publicly Funded Project Resources

Websites

Following websites can assist in finding federal and state public funded projects:

- [Federal Communications Commission, Broadband Map](#)
 - Funding Summary Examples:
 - State and Local Fiscal Recovery Fund
 - Capital Project Fund
 - Rural Digital Opportunity Fund (RDOF)
- [NTIA, Broadband Infrastructure Projects](#)
 - Grants Awarded for Broadband Technology Opportunities Program (BTOP) and State Broadband Initiative (SBI)
- [VATI Dashboard](#)
 - Project Dashboard for projects funded in FY21 and FY22
 - [Capital Projects Fund Report 2023-2024](#)

Filter Details

Agency: Federal Communications Commission
 Program: Rural Digital Opportunity Fund
 Technology: Any Technology
 Speed: 0.2/0.2 Mbps or greater
 Buildout Req. Percentage: 90%
 Start Date: From: 1/31/19 To: 12/31/24
 End Date: From: 12/9/22 To: 12/30/32
 Locations Planned: Min.: 0 Max.: 811,782

Program (Projects)	Locs. Planned	Funding Awarded
TOTAL	3,409,767	\$6,002,510,962
Federal Communications Commission	3,409,767	\$6,002,510,962
Rural Digital Opportunity Fund (461)	3,409,767	\$6,002,510,962

Map Legend
 Hexagons are clickable at zoom level 10 and above

Program Details - Rural Digital Opportunity Fund

Project	Loc. Planned	Funding Obligated	Funding Type	Start	End	Provider	Technology	DSL/Tier
3E8 Broadband Solutions, LLC - AR - Gigabit (Tranche: Phase I)	15,523	\$20,547,687	Grant	10/31/21	10/30/31	Craighead Electric Cooperative Corporation	Fiber to the Premises	1000/100
4 IP Technology and Media, LLC - TX - Above Baseline (Tranche: Phase I)	5	\$321	Grant	6/30/22	6/29/32	4ip Technology and Media LLC	Fiber to the Premises	100/20
4 IP Technology and Media, LLC - TX - Gigabit (Tranche: Phase I)	3,268	\$1,083,186	Grant	6/30/22	6/29/32	4ip Technology and Media LLC	Fiber to the Premises	1000/100
4-County Fiber, LLC - MS - Gigabit (Tranche: Phase I)	12,170	\$35,584,877	Grant	10/31/21	10/30/31	4-County Fiber, LLC	Fiber to the Premises	1000/100
Advantage Cellular Systems, Inc. - TN - Gigabit (Tranche: Phase I)	163	\$296,838	Grant	3/31/22	3/30/32	DeKalb Telephone Cooperative, Inc.	Fiber to the Premises	1000/100
Aeneas Communications, LLC - TN - Gigabit (Tranche: Phase I)	10,393	\$6,903,771	Grant	10/31/21	10/30/31	Aeneas Communications, LLC	Fiber to the Premises	1000/100
Aiken Electric Cooperative, Inc. - SC - Gigabit (Tranche: Phase I)	34	\$45,666	Grant	4/30/22	4/29/32	CarolinaConnect Cooperative, Inc.	Fiber to the Premises	1000/100
Air Link Rural Broadband - MO - Gigabit (Tranche: Phase I)	2,011	\$2,108,577	Grant	5/31/22	5/30/32	Air Link Rural Broadband, LLC	Fiber to the Premises	1000/100

Labor and Employment Laws

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Examples of Acceptable Responses

Section 2.7.1 Labor and Employment Laws Breakdown

1. Compliance with all applicable Federal Labor and Employment Laws

The Office of Broadband is committed to ensuring that applicant demonstrate past and future compliance with labor and employment laws *.

Applicants (both parent companies and involved subsidiaries) must provide a record of past compliance with state and federal labor and employment laws, which:

- Must provide detailed information on these entities' compliance with state and federal labor and employment laws on broadband deployment projects in the last three years;
- Should include a certification from an Officer/Director-level employee (or equivalent) of the applicant evidencing consistent past compliance with federal labor and employment laws by the applicant, as well as all contractors and subcontractors;
- Should include written confirmation that the applicant 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.



Applicants (both parent companies and involved subsidiaries) must also provide their plans for ensuring compliance with federal labor and employment laws, which must address the following:

- How the applicant will ensure compliance with both its own labor and employment practices, as well as applicable state and federal labor and employment laws, while also ensuring compliance of their contractors and subcontractors
- 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 applicant 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
- Provide a list of contractors and subcontractors



• Certify that the applicant has complied with all applicable Federal Labor and Employment Laws in the past three years and commits to future compliance

• Certify that the applicant has complied with all occupational safety and health requirements

• Certify that the applicant's workers are permitted to create health and safety committees that management will meet upon reasonable request

• Certify that the applicant has included all necessary information required by the Office of Broadband and/or NTIA

*Requirements are subject to change as the NTIA continues to issue further guidance.

Labor and Employment Laws

Key response areas

Past Record of Compliance

Details to include:

- Detailed information on the applicant's compliance with state and federal labor and employment laws on broadband deployment projects in the last three years
- Certification from an Officer/Director-level employee of the applicant evidencing consistent past compliance with federal labor and employment laws by the applicant
- Written confirmation that the applicant discloses any instances in which it or its contractors or subcontractors have been found to have violated laws (in the last three years) such as:
 - the Occupational Safety and Health Act
 - the Fair Labor Standards Act
 - or any other applicable labor and employment laws

The Office of Broadband will review the record of past compliance for completeness and any glaring compliance issues that could impact the applicant's performance in the BEAD program.

Future Compliance Plans

Details to include:

- How the applicant will ensure compliance with both its own labor and employment practices (as well as applicable state and federal labor and employment laws) while also ensuring compliance of their contractors and subcontractors
- 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
- How the applicant 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
- List of contractors and subcontractors

The Office of Broadband will review the compliance plans for completeness and will determine if the response adequately describes the applicant's plans for and commitment to compliance through the project lifecycle.

Advancing Workforce Development

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Examples of Acceptable Responses

2.8.1 Advancing Workforce Development

Breakdown

1. Advancing Workforce Development

The Office of Broadband is committed to ensuring that subgrantees have a history of utilizing a skilled, diverse workforce and have strong future plans to continue leveraging such workforce for BEAD activities, as outlines in the BEAD NOFO*.



The Office of Broadband will require all applicants (including contractors and subcontractors) submit credentials such as all certifications, licenses, and any other relevant credentials for the members outlined within the staffing plan.



Each applicant must also provide plans to acquire and/or utilize an appropriately credentialed and skilled workforce. The plan for a highly skilled workforce should include the following information:

- The ways in which the applicant 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;
- 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;
- Whether the workforce is unionized;
- Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce;
- The entities that the applicant plans to contract and subcontract with in carrying out the proposed work.
- Plans for targeted outreach to underrepresented populations
- Plans considering providing wrap-around services for their workforce, and plans for analyzing support provided to their workforce



- **Certify that the applicant is committed to utilizing a credentialed and skilled, diverse workforce for BEAD projects**
- **Certify that the applicant has included all necessary information required by the Office of Broadband and/or NTIA**

Advancing Workforce Development

Key response areas

Documentation

Details to include:

- Submit the following documentation for all resources outlined within the staffing plan:
 - Certifications
 - License
 - Other Applicable Credentials

Example Certifications:

- Construction Engineering Professional (CEP)
- Broadband Distribution Specialist (BDS)
- Broadband Transport Specialist (BTS)
- Broadband Telecom Center Specialist (BTCS)
- Certified Wireless Analyst (CWA)
- Certified Wireless Network Administrator (CWNA)
- Broadband Fiber Installer (BFI)
- Certified Telecommunications Network Specialist (CTNS)
- Certified Telecommunications Subject Matter Expert (CTSME)

Future Compliance Plans

Details to include:

- How the applicant will use an appropriately skilled workforce, (e.g. Registered Apprenticeships or other joint labor-management training programs that serve all workers)
- Steps taken to ensure that the workforce will have appropriate credentials (e.g., appropriate and relevant pre-existing occupational training, certification, and licensure)
- Whether the workforce is unionized
- Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce
- Subcontractor details, if applicable
- Plans for targeted outreach to underrepresented populations
- Plans considering providing wrap-around services for their workforce
- Plans for analyzing support provided to their workforce

Skilled and Credentialed Workforce

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Examples of Acceptable Responses

2.8.2 Skilled and Credentialed Workforce Breakdown

1. Skilled and Credentialed Workforce

The Office of Broadband is committed to ensuring that subgrantees utilize an appropriately skilled and credentialed workforce. The Office of Broadband will also require ongoing labor reporting throughout the BEAD process to ensure compliance with all applicable state and federal employment, labor, and workforce laws. This reporting process is described on Page 43 of the [Initial Proposal Volume 2](#) and outlined in the BEAD NOFO.

The Office of Broadband will require the following information from applicants in the application process, which will be evaluated for completeness:



- The ways in which the applicant 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;
- 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;
- Whether the workforce is unionized;
- Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- The entities that the applicant plans to contract and subcontract with in carrying out the proposed work.

For workforces that are not unionized, the Office of Broadband will require the following information from applicants:



- The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) necessary to carry out the proposed activities over the course of the project and the entity(ies) that will employ each portion of the workforce;
 - For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - 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
 - Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.
- Certify that the applicant is committed to utilizing a skilled, credentialed workforce for BEAD projects**
- Certify that the applicant has included all necessary information required by the Office of Broadband and/or NTIA**

Skilled and Credentialed Workforce

Key response areas

All applicants

Details to include:

- How the applicant will use an appropriately skilled workforce, (e.g. Registered Apprenticeships or other joint labor-management training programs that serve all workers)
- Steps taken to ensure that the workforce will have appropriate credentials (e.g., appropriate and relevant pre-existing occupational training, certification, and licensure)
- Whether the workforce is unionized
- Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce
- Subcontractor details, if applicable

Note: this information is the same as the required information for Advancing Workforce Development

Only applicants that are not unionized

Details to include:

- The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) necessary to carry out the proposed activities over the course of the project and the entity(ies) that will employ each portion of the workforce
- For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - 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
 - Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

MBEs, WBEs and LSAs

Proposed Topics

01

Overview of TA Slides covering IPv2 requirements

02

Examples of Acceptable Responses

03

Overview of Websites and Reference Materials

2.9.1 Engaging MBEs, WBEs and LSAs Breakdown

1. Engaging MBEs, WBEs, LSAs in the BEAD Program

The Office of Broadband is committed to ensuring that minority business enterprises (MBEs), women's business enterprises (WBEs), and labor surplus area firms (LSAs) are recruited, used, and retained, when possible, as outlined in the BEAD NOFO*.

- **Applicant to certify that if utilizing subcontractors, they will take the affirmative steps laid out in 2 C.F.R. § 200.321 which have been adopted by the Office of Broadband:**



- Assure that small, women and minority owned businesses, and women's business enterprises are solicited whenever they are potential sources
- 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
- Establish delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises
- Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce

- **Certify that the Applicant has included all necessary information required by the Office of Broadband and/or NTIA**



- **Applicants utilizing contractors and subcontractors must describe their plans for including historically underrepresented businesses and complying with the above requirements**

*Requirements are subject to change as the NTIA continues to issue further guidance.

Engaging MBEs, WBEs and LSAs

Key response areas conditional on the use of contractors or subcontractors

Plans

Details to include:

- Delivery schedules that encourage participation by small and minority businesses, and women's business enterprises
- Assurances that small, women and minority owned business are solicited whenever they are potential sources
- Efforts to divide total requirements, when economically feasible, to permit maximum participation
- Use of Small Business Administration (SBA) and Minority Business Development Agency (MBDA)

Resources

Virginia Department of Small Business and Supplier Diversity

- [Directory Listing](#)
- [Homepage](#)

Small Business Administration

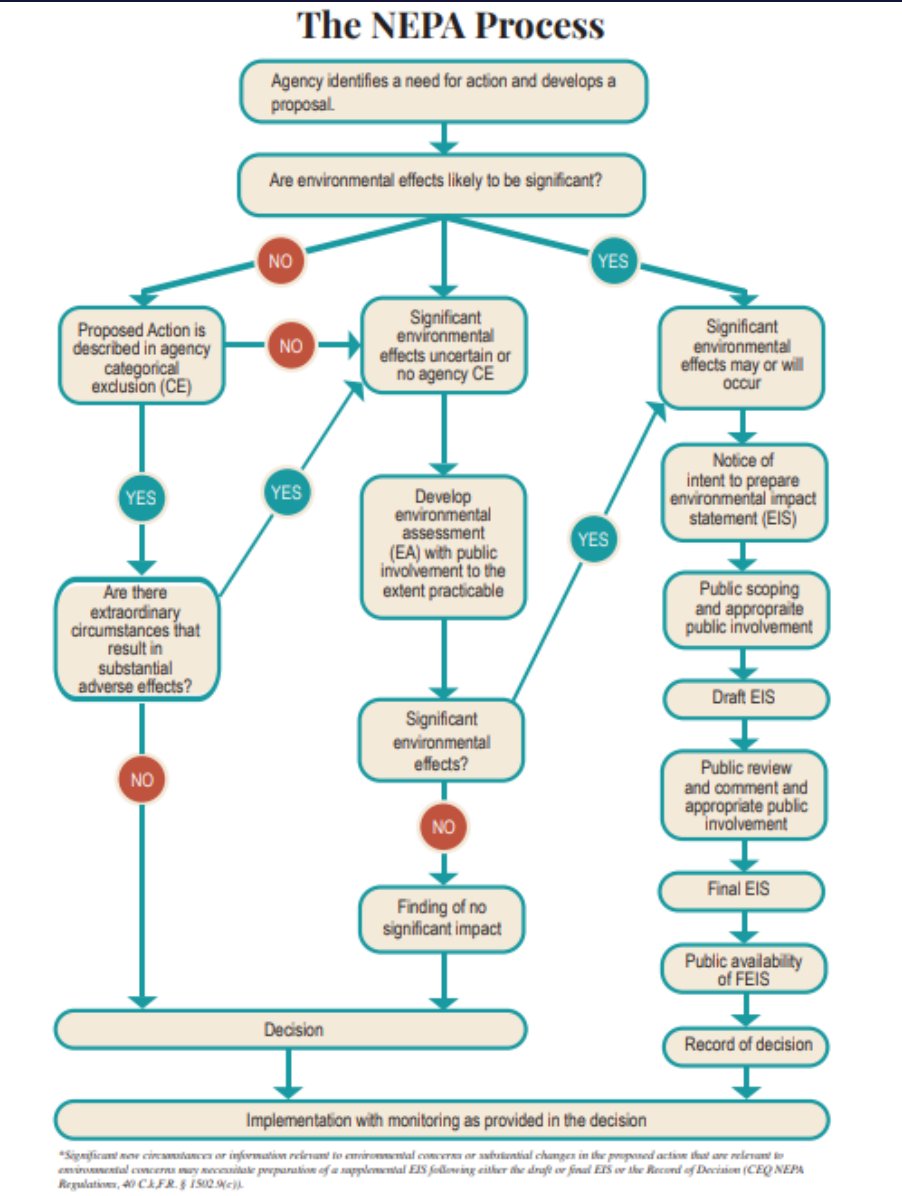
- [Dynamic Small Business Search](#)

Minority Business Development Agency

- [Business Centers](#)
- [Virginia MBDA](#)

Appendix

NEPA Process Flow



The Likely Outcome: Categorical Exclusions

The NTIA expects the vast majority of permitting related actions to result in a Categorical Exclusion (CatEx or CE). A CatEx is a class of actions that do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) is normally required. Analyses and consultations required for CatEx preparation may take approximately 3-6 months or more.