

# Commonwealth Connect

Broadband Equity, Access and Deployment Program

## Application Guidance



commonwealth  
connect

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## Background

The access component of the digital divide – the lack of universal broadband coverage – is not only a technology issue; it is essential infrastructure for modern community and economic development. Broadband availability promotes sustainability and growth of communities by providing; access to health care, particularly through the introduction of telemedicine, which improves the local workforce, provides increased educational opportunities through distance learning, and encourages an entrepreneurial economy where new and existing home-based and small businesses can compete globally.

Disconnected communities continue to struggle to retain existing businesses due to slow, sporadic, or limited broadband services. Since the vast majority of businesses rely on the internet to perform business functions such as online banking, e-commerce transactions (i.e., sales and online payment processing), market development (i.e., online ads, websites, bulk-email, etc.), customer service through online chat or emails and internal/external communication, broadband connectivity is vital to the performance of businesses of all sizes. Broadband is a necessity in the twenty-first century economy.

## About this Document

This document serves as consolidated guidelines and application criteria resource for the last-mile deployment subgrantee selection process under the Commonwealth of Virginia’s BEAD Program. This document includes excerpts from Virginia’s Volume 2 of its BEAD Initial Proposal, as submitted and approved by the National Telecommunications and Information Administration (NTIA), which was previously made available for public comment by stakeholders.

The Virginia Office of Broadband encourages stakeholders to refer to this document, as well as other supplementary materials published on Office of Broadband webpages to prepare to apply under the BEAD program to expand broadband access to BEAD eligible locations.

Additional requests for guidance and questions regarding project development or about the Broadband Equity, Access, and Deployment (BEAD) program, guidelines, or criteria should be directed to [broadband@dhcd.virginia.gov](mailto:broadband@dhcd.virginia.gov).

**NTIA continues to issue guidance to states and territories on implementation of the BEAD Program. The Virginia Office of Broadband reserves the right to update this document as new guidance is issued by NTIA. The next guidance release which is anticipated to require updates to this document is the Final Proposal guidance. Office of Broadband stakeholders will be kept informed of these developments and guidance releases.**

Version 1.2, Published November 1, 2024

*This version of guidance has been updated to reflect additional NTIA Guidance on Final Proposal Development. A summary of changes is provided below.*

## BEAD Consolidated Application Process & Scoring Criteria Document

The subgrantee selection process for BEAD will begin following approval of Volume 2 of Virginia's Initial Proposal by NTIA or following the completion of the BEAD challenge process and publishing of a finalized list of unserved and underserved locations, and unserved community anchor institutions, whichever is later. Upon this approval, the Office of Broadband will announce the beginning of the BEAD application process and will begin accepting letters of intent over a 60-calendar day period to outline plans to provide last mile services, including middle-mile networks, equipment, or other investments required to deliver last-mile service to eligible locations across of the Commonwealth. Applicants must submit this letter of intent to be eligible to apply in the BEAD subgrantee selection process for broadband deployment project funding. Submitted letters of intent will be publicly posted within 10 calendar days after this deadline on [Virginia's BEAD webpage](#).

90 calendar days following the letter of intent submission deadline, applicants must submit full applications. The Office of Broadband will receive applications through the Centralized Application Management System (CAMS) as well as a separate application portal for scored information per ZCTA application area. **NOTE: Broadband Providers, if the organization does not already, will need to register for an account in CAMS, which can be done at [this link](#).**

### Summary of Changes

This section outlines a summary of changes to Version 1.1 of this document, which was published on July 25, 2024. Version 1.2 of this document is being published on November 1, 2024.

- Appendix 1 under Quantitative Information Required by ZCTA and General Questions, has been updated to reflect additional requirements outlined by NTIA in their Final Proposal Guidance. These requirements have been added to ensure that the Va OoB is collecting all information needed from applicants to submit the Final Proposal and required attachments to NTIA.
- Appendix 1 under Technical Capacity has been updated to reflect NTIA's partial waiver of a Professional Engineer Certification on the "capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant".
- Appendix 2 has been updated to add a confidentiality certification of a provisionally selected sub awardees in compliance with recently issued [NTIA guidance](#) issued in July 2024.
- The "*Non-Broadband Serviceable Locations*" section has been updated to include details regarding the consideration of these locations in the application process. Additional information is also provided in the Va OoB's BEAD Policy Notice on Identification and De-Obligation of Non-BSLs, which is available at [dhcd.virginia.gov/bead](https://dhcd.virginia.gov/bead).
- The "*Other Mandatory Application Requirements*" section has been updated include the following language "to promote a fair, open, and transparent subgrantee selection process."
- The "*Other Mandatory Application Requirements*" section has been updated to include a list of five (5) BEAD Policy Notices, which are considered supplemental guidance documents to the BEAD Program Application Guidance.

## Letter of Intent Requirements

This letter of intent must include high level information about the applicant and a general statement of qualification for expanding broadband infrastructure to unserved and underserved locations, as well as unserved community anchor institutions under the BEAD Program. This letter of intent is mandatory for providers submit to apply for BEAD funding and shall not exceed two pages in length. The letter should be submitted to the Office of Broadband via email at [broadband@dhcd.virginia.gov](mailto:broadband@dhcd.virginia.gov). The Office of Broadband will notify stakeholders of the opening of this letter of intent period through communication via existing email networks and databases and post this opportunity publicly on the Office of Broadband's website. If stakeholders do not currently receive communications from the Department of Housing and Community Development's Office of Broadband regarding funding programs and guidelines, stakeholders should contact [broadband@dhcd.virginia.gov](mailto:broadband@dhcd.virginia.gov) to be added to this database.

As an attachment to this letter of intent, applicants must include a list of counties and cities that the applicant may apply to serve with broadband access in under the BEAD program. As with any information required to be submitted by applicants under BEAD, applicants may request<sup>1</sup> this list of counties and cities be exempt from the Freedom of Information Act. Eligible applicants will not be required to submit an application in all counties and cities listed in this letter of intent process; however, applications may not be submitted in counties or cities not listed on a provider's letter of intent.<sup>2</sup>

## Full Application

Within ninety calendar days following the letter of intent submission deadline, applicants must submit full applications. The Office of Broadband will receive applications through the Centralized Application Management System (CAMS) as well as a separate application portal for scored information per ZCTA application area. Prior to and throughout this application period, the Office of Broadband may issue clarifying guidance based on information outlined in the Initial Proposal to streamline project development and clarify requirements for applicants.

The Office of Broadband strives to streamline the application process for applicants under the BEAD program. Each applicant applying under BEAD will be required to complete an application narrative to satisfy the requirements outlined in Virginia's BEAD Initial Proposal Volume 2 and supplementary guidance as well as NTIA's BEAD Notice of Funding Opportunity. These narrative-heavy components of applications will suffice for all ZCTA application areas across the Commonwealth, unless the applicant wishes to change their narrative responses for different regions of Virginia. This process avoids requiring applicants to complete application narratives for each unit of geography in their application. Along with this narrative component of the application, applicants must submit items specific to each ZCTA application area, including cost estimates, network designs and diagrams, build-out timelines, and local coordination outcomes. A list of these narrative and project-specific application requirements is listed in Appendix Sections 1 and 2 of this document.

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<sup>1</sup> See Appendix 4 for the FOIA Exemption Policy

<sup>2</sup> Applicants that identify they may serve all Virginia Counties and Cities will be required to submit additional detail in this process.

## Graph 1: Letter of Intent & Full Application Requirements

### Letter of Intent (LOI)

- 60 Day Submission Window, Starting on Announcement by VA Office of Broadband
- Must include high level information about the applicant and a general statement of qualification
- Must include attachment listing all cities and counties the applicant is interested in proposing to serve

### Full Application

- 90 Day Submission Window, Starting after LOI Window Closes
- Includes all narrative-heavy and numerical components for all application areas
- See later sections of this document for details on these application requirements

### Timeline

**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**

**60 Days Later – Letter of Intent Submission Window Closes; Application Window Opens**

**TBD – NTIA Approves Challenge Process Results**

**90 Days After Letter of Intent Submission Window Closes or Challenge Results Approved,  
whichever is later – Application Window Closes**

**TBA – Office of Broadband Notifies Provisionally Selected Applicants<sup>3</sup>**

**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**

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<sup>3</sup> See the *BEAD Policy Notice on Notification of Provisionally Selected Awardees* for more information.

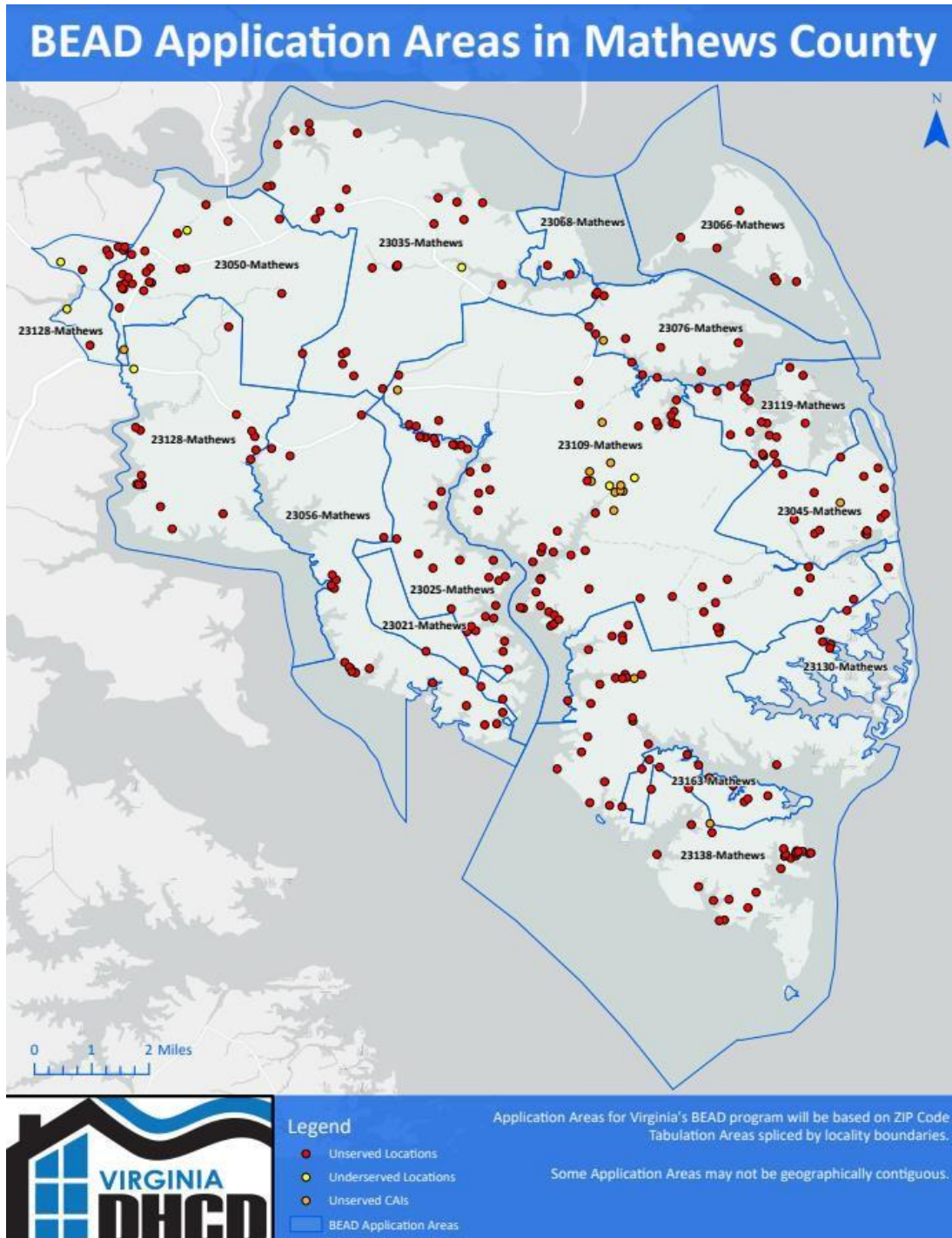
## Application Areas

Application areas will be defined as Zip Code Tabulation Areas (ZCTA). In the event a ZCTA spans multiple Counties or Cities, the ZCTA will be divided into multiple application areas by County and City boundaries. These application borders and associated ZCTA application area numbers have been published on the [Virginia Open Data Portal](#), along with the publication of a finalized list of unserved and underserved locations, and community anchor institutions. This pre-defined geography allows the Office of Broadband to compare ‘apples-to-apples,’ with each applicant required to consider the same geographic area in the application process.

Applicants must propose to serve at least 95% of unserved and underserved locations, as well as unserved community anchor institutions in each ZCTA application area. Please see the scoring criteria outlined in this document for incentivizing 100% of such locations be included in applications. Figures at or above 94.5% will not be rounded up to 95%.

The map below provides an illustration of ZCTA application areas, including the unserved, underserved, and unserved community anchor institutions that fall within them.

Map 1: Depiction of ZCTA Borders and BEAD Eligible Locations in a County



This map is solely provided as a sample.



## Bundled Applications and Single Applications

Applicants may submit both bundled and reserve applications for ZCTAs. Applicants may elect to bundle ZCTAs and provide application information assuming that all the ZCTAs in the bundle would be awarded to the applicant. This bundled approach allows applicants to submit their best application across multiple ZCTAs by allowing applicants to consider required costs across multiple ZCTA's. For example, the 'fixed costs' of middle mile infrastructure required to reach a ZCTA can be factored in across multiple ZCTAs, rather than factoring in the middle mile cost to each ZCTA if bid on individually. Bundled ZCTAs may not include more than one county or city. Only one bundled application can be submitted within a city or county.

If a bundled application is submitted, application information required for scoring must still be provided for each individual ZCTA. If the bundled application is the high scorer in every ZCTA in the bundle, then the applicant will be awarded all ZCTAs in the bundle. The Office of Broadband will not accept or consider awarding half ZCTAs in a bundle to an applicant. This bundled model is either 'all or nothing'.

In addition to submitting a bundled application for a collection of ZCTAs, applicants may submit reserve application information for scoring if their bundled application is not the high scorer in every ZCTA in the bundled application. The Office of Broadband encourages applicants to submit a bundled application, with reserve applications reflective of individual applications in each ZCTA.

Graph 2: Bundled and Single ZCTA Applications

### Option 1

#### Submit a Bundled Application with 2 or more ZCTAs

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- An application that includes multiple ZCTAs, as all-or-nothing proposal
- Information must still be provided at the individual ZCTA level
- If applicant is not the high scorer in all ZCTAs in the bundle, then the bundle is not awarded
- Only one bundle can be submitted a city or county. Bundles cannot include more than 1 city or county

### Option 2

#### Submit an Application for an Individual ZCTA

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- Applicants may submit applications for Individual ZCTAs as standalone bids
- Must be submitted if applicant wants a 'backup' if a bundled application is not awarded

### Option 3

#### Submit Both Option 1 and Option 2

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- Applicants can submit both a bundled bid in a county or city and also submit individual applications on up to all ZCTAs in a city or county

## Non-Broadband Serviceable Locations

The Office of Broadband notes that, in many cases, locations that are not broadband serviceable appear on the Federal Communications Commission’s Broadband Serviceable Location (BSL) Fabric and are thereby eligible for BEAD if they are unserved or underserved. Some of these locations may include square-shaped rocks and haybales and uninhabitable structures. In the CAMS, applicants will be provided the opportunity to identify Non-BSLs. In these instances, applicants will be required to identify on an individual basis why the location is not broadband serviceable. These submitted lists are subject to approval by the Office of Broadband. Please see the Va OoB’s BEAD Policy Notice on Identification and De-Obligation of Non-BSLs, which is available at [dhcd.virginia.gov/bead](http://dhcd.virginia.gov/bead) for more information.

## Scoring Criteria

The Office of Broadband adopts the scoring criteria and weight of each respective criteria below for the purposes of evaluating application of Priority Broadband Projects under the BEAD program. A Priority Broadband Project is a project that will provision service via end-to-end fiber-optic facilities to each end-user premises. The scoring criteria abide by the guidelines set forth for project scoring in the BEAD Notice of Funding Opportunity. Evaluation criteria are outlined below each scoring category.

<b>Priority Application Scoring Criteria</b>	
Minimal BEAD Program Outlay (Cost-Efficiency)	45%
Affordability	20%
Fair Labor Practices	10.2%
Speed to Deployment	5%
Universality of Applications	9.9%
Local and Tribal Coordination – Letter of Support	9.9%
<b>Total</b>	<b>100%</b>

In the event an ZCTA application area was not proposed to be served through an application with a Priority Broadband Project, the Office of Broadband adopts the scoring criteria and weight of each respective criteria below for the purposes of evaluating applications of Non-Priority Last-Mile Broadband Deployment Projects under the BEAD program. These criteria abide by the guidelines set forth for project scoring in the BEAD Notice of Funding Opportunity. Evaluation criteria are outlined below each scoring category.

<b>Non-Priority Application Scoring Criteria</b>	
Minimal BEAD Program Outlay (Cost-Efficiency)	45%
Affordability	20%
Fair Labor Practices	10.2%

Speed to Deployment	2.5%
Speed of Network & Other Technical Capabilities	2.5%
Universality of Applications	9.9%
Local and Tribal Coordination – Letter of Support	9.9%
<b>Total</b>	<b>100%</b>

Additional details and explanation of these scoring criteria, including how the individual categories are scores are provided in Appendix 4.

## Other Mandatory Application Requirements

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

### **BEAD Policy Notices**

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:

- Declining High-Scoring Awards, in Whole or In-Part based on Technical Capability
- Handling of Missing, Incomplete, or Non-Compliant Application Information
- Identification and De-Obligation of Non-BSLs
- Notification of Provisionally Selected Awardees
- Technical Assistance, Stakeholder Engagement, and Communications

### **Contingency Funding**

The Office of Broadband requires applicants to include a 10% contingency in all application budgets. The contingency must be included under the funding requested. This contingency funding, once an applicant is awarded, may be accessed but is subject to approval by the Office of Broadband prior to incurring such expense.

### **Tribal Government Consent**

Applicants must obtain a Resolution of Consent from each Tribal Government on whose Tribal Lands the infrastructure will be deployed.<sup>4</sup>

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<sup>4</sup> As identified through the [federal Bureau of Indian Affairs map of Indian Lands](#), the Pamunkey Indian Tribe is the only tribe with Indian Lands in the Commonwealth, which are located in King William County on the border with New Kent County.

## Low-Cost Service Option

Applicants for BEAD funds must offer a service option that meets, at a minimum, the following criteria:

- The service option is set at a price that is affordable to the eligible population, defined as those eligible for the Affordable Connectivity Program or its successor or within the range of \$30.00<sup>5</sup> to \$75.00. This range is based on an Office of Broadband survey conducted of a collection of state-funded Virginia internet service providers regarding the lowest cost plan pricing option that they offer in state funded broadband expansion award areas. The offerings for lowest cost plans during that time period ranged between \$30.00 and \$75.00.
  - The applicant shall submit justification on why such option is affordable to the eligible population.
  - The price identified, as well as the provisions identified below, for this service option will be a contractual requirement of awardees for the useful life of the network assets, which is defined as 10 years for the purpose of this section. This price shall be indexed to Consumer Price Index, as outlined by the U.S. Bureau of Labor Statistics, but shall not exceed an increase 4% annually.
- Allows the end user to apply the Affordable Connectivity Program benefit subsidy, or the subsidy of its successor program, to the service price and makes a demonstrable effort to inform prospective customers of these programs and the steps necessary to enroll and apply the benefit to the service plan.
- Consistently and reliably provides download speeds of at least 100 Mbps and typical upload speeds of at least 20 Mbps.
- Provides typical latency measurements of no more than 100 milliseconds.
- Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere.
- In the event the applicant later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low cost offering at little to no cost.

The applicant is required to participate in the Affordable Connectivity Program or its successor, and encouraged to ensure that prospective customers are aware of their participation in the ACP. The applicant is encouraged to participate in any successor broadband subsidy programs should funding for the Affordable Connectivity Program be depleted and the Program not renewed.

The low-cost broadband service option must be made available to those who qualify for the FCC's Affordable Connectivity Program. Eligibility criteria for the Affordable Connectivity Program are located at <https://www.affordableconnectivity.gov/do-i-qualify/>. Subgrantees may not impose additional eligibility restrictions beyond those applicable to the Affordable

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<sup>5</sup> The applicant may also elect to establish a low-cost service option below \$30/month.

Connectivity Program. In the event that funding for the Affordable Connectivity Program is not replenished and the National Verifier is no longer available, the Office of Broadband will defer to NTIA clarification on how low-cost service option eligibility verification should occur.

### **Middle Class Affordability Provisions**

For a subset of Virginians, broadband connections are not attainable because their home exceeds an internet service provider's standard connection drop length from a roadway or easement containing telecommunications infrastructure. The cost incurred by homeowners to extend broadband infrastructure to these locations, referred to as special construction costs, range from a few hundred to a few thousand dollars, depending on the distance and cost to connect the location. To account for this affordability barrier to connect to broadband networks, awardees will be prohibited from charging special construction charges for a minimum of twelve months after broadband service is made available to a BEAD-funded location. Awardees will not be permitted to charge any fees to subscribers for these line extensions, except for the regular connection fees associated with any connection made on the network. All applicants must factor in this requirement in their applications and funding requests under BEAD.

### **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, as well as in Virginia's BEAD Initial Proposal Volume 2 and supplementary guidance. A full list of these narrative requirements is outlined in the Technical Capability BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](http://dhcd.virginia.gov/bead).

### **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, as well as in Virginia's BEAD Initial Proposal Volume 2 and supplementary guidance. 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. A full list of these narrative requirements is outlined in the Operational Capability BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](http://dhcd.virginia.gov/bead).

### **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, as well as in Virginia's BEAD Initial Proposal Volume 2 and supplementary guidance. A full list of these narrative requirements are outlined in the Managerial Capability BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this

presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](http://dhcd.virginia.gov/bead).

### **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, as well as in Virginia's BEAD Initial Proposal Volume 2 and supplementary guidance. A full list of these narrative requirements is outlined in the Financial Capability BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](http://dhcd.virginia.gov/bead).

### **Environmental and Historical Preservation (EHP)**

The Office of Broadband is committed to ensuring that applicants are aware of and in full compliance with all National Historic Preservation Act and National Environmental Policy Act regulations related to BEAD. The BEAD NOFO and supplemental guidance published by the NTIA provide the framework for the requirements that the Office of Broadband adopted in their Initial Proposal Volume 2. A full list of these narrative requirements and processes is outlined in the EHP BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](http://dhcd.virginia.gov/bead).

### **Build America, Buy America (BABA)**

The Office of Broadband is committed to ensuring that applicants are aware of and in full compliance with all Build America, Buy America Act regulations related to BEAD. The BEAD NOFO, supplemental guidance, and waivers published by the NTIA provide the framework for the requirements that the Office of Broadband adopted in their Initial Proposal Volume 2. A full list of these narrative requirements is outlined in the BABA BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](http://dhcd.virginia.gov/bead).

### **MBEs, WBEs, and LSAs**

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, as well as in Virginia's BEAD Initial Proposal Volume 2 and supplementary guidance. A full list of these requirements is outlined in the MBEs, WBEs, and LSAs BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](http://dhcd.virginia.gov/bead).

### **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 providing information on ownership as outlined in the BEAD NOFO, as well as in Virginia's BEAD Initial Proposal Volume 2 and supplementary guidance. A full list of these requirements is outlined in the

Ownership BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](https://dhcd.virginia.gov/bead).

### **Other Public Funding**

The Office of Broadband is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for providing information on other public funding as outlined in the BEAD NOFO, as well as in Virginia's BEAD Initial Proposal Volume 2 and supplementary guidance. A full list of these requirements is outlined in the Other Public Funding BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](https://dhcd.virginia.gov/bead).

### **Advancing Workforce Development**

The Office of Broadband is committed to ensuring that subgrantees have a history of utilizing a skilled, diverse workforce and have robust plans to continue leveraging such workforce for BEAD activities, as outlined in the BEAD NOFO, as well as in Virginia's BEAD Initial Proposal Volume 2 and supplementary guidance. A full list of these requirements is outlined in the Advancing Workforce Development BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](https://dhcd.virginia.gov/bead).

### **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. A full list of these requirements is outlined in the Skilled and Credentialed Workforce BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](https://dhcd.virginia.gov/bead).

### **Labor and Employment Laws**

The Office of Broadband is committed to ensuring that applicants demonstrate past and future compliance with labor and employment laws. A full list of these requirements is outlined in the Labor and Employment Laws Breakdown BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](https://dhcd.virginia.gov/bead).

### **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. A full list of these requirements is outlined in the Compliance with Laws BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. A recording of this presentation, as well as a PDF of the presentation is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](https://dhcd.virginia.gov/bead).

## **Cybersecurity**

The Office of Broadband is committed to ensuring that subgrantees receiving funds through the Virginia BEAD program have a history of strong cybersecurity and develop plans for maintaining and operationalizing robust cybersecurity measures throughout the duration of the project. To provide proof, applicants must submit a cybersecurity risk management plan for evaluation by the Office of Broadband. A full list of the requirements is outlined in the Cyber and Supply Chain BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. The Office of Broadband has developed a template that applicants can utilize to build their plans as well as a recording of the presentation, which is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](http://dhcd.virginia.gov/bead).

## **Supply Chain Risk Management**

The Office of Broadband is committed to ensuring that subgrantees receiving funds through the Virginia BEAD program have a strong history of cyber supply chain risk management and develop plans for maintaining and operationalizing robust supply chain cybersecurity measures throughout the duration of the project. The applicant must submit a cyber supply chain risk management plan for evaluation by the Office of Broadband. A full list of the requirements is outlined in the Cyber and Supply Chain BEAD Application Requirements Overview presentation, as well as in Appendix 1 of this document. The Office of Broadband has developed a template that applicants can utilize to build their plans as well as a recording of the presentation, which is available on Virginia's BEAD website at [dhcd.virginia.gov/bead](http://dhcd.virginia.gov/bead).

## State and Federal Broadband Award Announcement during Application Window

If qualifying state or federal broadband deployment awards are announced prior to the Commonwealth of Virginia recommending deployment awards to NTIA under the BEAD program, applicants will be notified by the Office of Broadband and will have at least 14 calendar days to resubmit their applications with these award areas removed.

## Unawarded Locations, No Priority Application Areas

The Office of Broadband will be aware if no application (Priority or Non-Priority) to serve a Zip Code Tabulation Area (ZCTAs) was received at the close of the application period. Upon finalization of recommended awards after priority and non-priority proposals are considered, the Office of Broadband will also be aware of locations not included in project areas in each ZCTA (i.e., the up to 5% of locations not elected to be served by the awarded applicant). After these no-bid areas and locations are determined, these locations will be published. The Office of Broadband will publish these locations solicit applications from broadband providers. After a 30-day application window, under which providers describe their capability to provide broadband access to a location or subset of specific locations and requested funding necessary to reach these locations. Priority applications will first be considered and may first request a waiver from the 25% matching funds requirement to provide broadband access to the location. The priority applicant may also request a waiver to the then-set Extremely High-Cost Threshold<sup>6</sup> to extend service to the location. If a priority application is not identified under this methodology, the

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<sup>6</sup> This Extremely High Cost Threshold will be established after priority and non-priority applications are received.



Office of Broadband will consider non-fiber applications received, with the same inducements of waiving the 25% matching fund requirement, and the Extremely High-Cost Threshold.

## Appendices:

### Appendix 1: List of Application Questions, Narratives for ZCTA Portal and Application Checklist

#### **BEAD Project Application Checklist: Quantitative Information Required by ZCTA**

All applicants requesting BEAD funds through the Virginia Office of Broadband will be required to submit specific information for each ZCTA they propose to serve through a BEAD application. The list below represents a comprehensive list of all mandatory inputs into this portal. This list also identifies materials which will be required at the ZCTA level but are required to be submitted in CAMS. This list is subject to change as portal design is finalized. This ZCTA Portal will be made available in the first seven days of the 90-day application window for providers which have submitted a letter of intent.

Mandatory Information, to be uploaded into a required template provided in the submission portal

- Broadband Provider Name
- Federal Communications Commission ID Number
- Broadband Provider Contact Email
- ZCTA ID Number/Name
- Bundled or Individual Application
- Classification as a Priority (End to End Fiber) Project or Non-Priority Project (Non-End to End Fiber)
- Estimated miles of aerial fiber deployed
- Estimated miles of underground fiber deployed
- Estimated number of jobs
- [Technology Code](#)
- Maximum Download Speed
- Maximum Upload Speed
- Low Latency (Yes/No) (Low latency is defined as having a round-trip latency of less than or equal to 100ms based on the 95<sup>th</sup> percentile of measurements)
- Funding Request to serve each ZCTA
  - Note: Funding Sources Table & Derivation of Costs Forms must be submitted in CAMS
    - These forms can be provided in CAMS for all ZCTA's in a County/City that an applicant proposes to serve. If awarded, the Office of Broadband may require additional information at the ZCTA level.
- Matching Funds proposed for each ZCTA
  - Including Funding Sources Table & Derivation of Costs, see note referenced above.
- Number of locations proposed to be served in each ZCTA
  - Including list of locations IDs proposed to be served in each ZCTA, with BSL Location ID provided
- Proposed Construction Completion Timeline for each ZCTA upon Contract Execution (In Number of Months)

- Note: Project Timelines must be submitted in CAMS
  - This timeline can be provided in CAMS for all ZCTA's in a County/City that an applicant proposes to serve. If awarded, the Office of Broadband may require additional information at the ZCTA level.
- Price of 1G Symmetrical Service Package (for Priority Projects)
- Price of 100Mbps/20Mbps (for Non-Priority Projects)
- Letter of Support Confirmation (Yes/No Response)
  - Note: Letters of Support Received from Local/Tribal Governments will be uploaded in CAMS

#### Optional Information

- Identification and Application of Non-Broadband Serviceable Locations, which must be submitted in CAMS
  - .CSV upload of locations proposed to be excluded from service obligations (i.e. rocks, barns, square shaped mapping anomalies)
  - These locations, once proposed, will be reviewed by the Office of Broadband in the review of applications.

#### **BEAD Project Application Checklist: Narratives, Certifications, and Documentation**

All applicants requesting BEAD funding through the Virginia Office of Broadband should use this checklist to develop a complete project application and develop expectations for the pre-contract phase. The framework for this checklist is based on the National Telecommunications and Information Administration's (NTIA) [BEAD Notice of Funding Opportunity](#) and Virginia Office of Broadband's [Initial Proposal Volume 2](#), which details the specific project application requirements.

The application has four components: quantitative components of applications, narratives to be provided, documentation to be submitted, and certifications to attest to. This document highlights the latter three of these components that applicants must complete per the BEAD NOFO and the Office of Broadband. This order of information below reflects the order of guidance issued by NTIA and has no significance.

*Note: Some of these requirements listed are post-award, pre-contract requirements. These requirements are specifically noted in each bullet and underlined. These are not required in the application phase but are being provided to set expectations for material requirements during the post-award, pre-contract phase.*

#### **General Questions**

- What is your entity's Unique Entity Identifier (UEI)? This is a sam.gov assigned legal identifier.
- What is your UEI name? This is the registered name associated with the UEI record in sam.gov
- What is your FRN Number? This is a 10-digit FCC Registration Number.
- Indicate whether the applicant is a traditional broadband provider or is a non-traditional broadband provider. A non-traditional broadband provider means an electric cooperative, nonprofit organization, public-private partnership, public or private utility, public utility district, Tribal entity, or local government (including any unit, subdivision, authority, or consortium of local governments) that provides or will provide broadband services.

- What service provider type best describes your organization? (Options below) ILEC, Non-ILEC Service Provider, Cooperative, Municipality, or Tribal
- Is your organization a woman-owned business? (Yes or No)
- Is your organization a minority-owned business? (Yes or No)
- Is your organization a small business? (Yes or No)
- Provide the website address of your organization.

**Section 2.4.5: National Environmental Policy Act and National Historic Preservation Act**

Complete and submit an Environmental Review Record (ERR) pursuant to the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) during the Pre-Contract Phase after a contract negotiation record meeting.

Submit all required permits related to construction or ground-disturbing activities to the Virginia Office of Broadband per the BEAD NOFO or submit required documentation demonstrating efforts to secure all necessary permits and completed all required consultations to the Office of Broadband during the pre-contract phase.

Certify that the applicant has completed, or has plans to complete, all of the required permits, reviews, or consultations related to construction or ground-disturbing activities pursuant to the National Environmental Preservation Act (NEPA) and the National Historical Preservation Act (NHPA) during the pre-contract phase.

Certify that the applicant will comply with all of the NEPA and NHPA requirements which are required by the BEAD NOFO and/or have been adopted by the Office of Broadband.

NTIA’s most recent guidance can be found [here](#).

**Section 2.4.5: Build America, Buy America Act (BABA)**

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 applicable BABA regulations.

Certify that the applicant has included all of the information related to BABA requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.

NTIA’s most recent BABA guidance can be found [here](#). BABA FAQs have been answered by the NTIA [here](#).

**Section 2.4.11: Financial Capability**

Select the applicant’s preferred method of demonstrating financial capability in accordance with the most recent NTIA guidance issued on October 23, 2023 and provide the required information.

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 of the information related to financial capability requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.

Provide 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, inclusive of cash flow and balance sheet projections, and should include at least three years of operating cost and cash flow projections post-project completion.

Provide a letter from an eligible bank or credit union committing to issue an irrevocable standby letter of credit or a certified surety on federal bonds committing to issue the prospective subgrantee a performance bond

Provide financial statements from the prior fiscal year that are audited by an independent certified public accountant.

#### **Section 2.4.12: Managerial Capability**

Submit resumes for all key management personnel and any necessary project organizational chart(s) and corporate relationships detailing all parents, subsidiaries, and affiliates.

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 included all of the information related to managerial capability requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.

Certify that the applicant has the managerial capability to successfully deploy network facilities as outlined in the BEAD NOFO.

Certify compliance with and provide a narrative of any potential conflict of interest to in accordance with [applicable Federal awarding agency policy](#) regarding procurement standards.

### Section 2.4.13: Technical Capability

Submit the following, all of which must be certified by a professional engineer, with the stamp of certification:

- 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. Please note the build timeline begins with the contract is executed with the Office of Broadband for each subaward. Note: This capital investment schedule is not subject to the certification stamp of a professional engineer per [NTIA guidance issued on March 7, 2024](#).

Provide a narrative detailing the following:

- 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 's existing network to verify an 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

Certify that the applicant has the technical capability to complete and operate the Project and that the applicant is capable of carrying out the funded activities in a competent manner, including that it will use an appropriately skilled and credentialed workforce.

Certify that the applicant has included all of the information related to technical capability requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.

#### **Section 2.4.14: Compliance with Laws**

Demonstrate that the applicant can carry out funded activities in a competent manner in compliance with all applicable Federal, State, and local laws by submitting a narrative that highlights this objective for the Office of Broadband to place on record.

Certify that the applicant will carry out funded activities in a competent manner in compliance with all applicable Federal, Commonwealth of Virginia, Territorial, and local laws.

Certify that the applicant will comply with all occupational safety and health requirements.

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

#### **Section 2.4.15: Operational Capability**

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

**If an applicant 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**, submit a certification that attests to these facts and specifies the number of years the applicant or its parent company has been operating.

**If the applicant has provided a voice and/or broadband service**, certify that it has timely filed 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 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.

*NOTE: It is possible that an applicant falls into more than one of the above categories. Please ensure to complete all applicable section requirements.*

Provide a narrative detailing the following:

- If applicable, describe any unique partnerships involved in the proposed project. Examples include electric utilities, universities, federal/state recognized tribal governments, and federal/state agencies.
- 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 communicating the project status to stakeholders, including but not limited to County leadership, project areas residents, and state and federal elected officials, etc.

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 of the information related to operational capability requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.

#### **Section 2.4.16: Ownership Information**

Provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).

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).

#### **Section 2.4.17: Other Public Funding Sources**

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 the following initiatives. These awards must be disclosed if received in the last 7 years.

- 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)
- Any federal Universal Service Fund high-cost program (e.g., RDOF, CAF)
- Any Virginia Telecommunication Initiative (VATI), Appalachian Regional Commission (ARC), Tobacco Region Revitalization Commission, local universal service or other federal broadband deployment funding

Disclose, for each broadband deployment project covered by the funding sources above, 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 disclosed all necessary public funding sources and is compliant with the disclosure requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.

### **Section 2.7.1: Federal Labor and Employment Laws**

*NOTE: the requirements of this section are directly tied to the Application Scoring Rubric in Appendix 3. Applicants which provide the information outlined below and certify they will comply with the existing labor requirements outlined in the BEAD Notice of Funding Opportunity will receive full credit in this section. Applications which only certify they will comply with the existing labor requirements outlined in the BEAD Notice of Funding Opportunity, and do not provide the information outlined above, will receive half credit in this section. Applications that provide no response will receive no credit in this section. Applicants that provide no response to this section may be excluded from the application process.*

- 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.

Provide 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, including a copy of these labor and employment practices.
- 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 and is committed to future compliance.

Certify that the applicant has included all of the information related to compliance with Federal Labor and Employment Laws which is mandated by the BEAD NOFO and/or has been adopted by the Office of Broadband.

### **Section 2.8.1: Workforce Development**

Submit credentials such as all certifications, licenses, and any other relevant credentials for the members outlined within the staffing plan during the application phase.

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 skilled, diverse workforce for this project.

Certify that the applicant has included all of the information related to advancing workforce development which is mandated by the BEAD NOFO and/or has been adopted by the Office of Broadband.

### **Section 2.8.2: Skilled and Credential Workforce**

Provide the following information during the application phase:

- 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, provide the following information during the pre-contract phase

- 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 this project.

Certify that the applicant has included all of the information related to utilizing a skilled, credentialed workforce which is mandated by the BEAD NOFO and/or has been adopted by the Office of Broadband.

**Section 2.9.1: Women’s Business Enterprises, Minority Business Enterprises, and Labor Surplus Area Firms**

If utilizing contractors/subcontractors, describe plans for including historically underrepresented businesses in compliance with this section’s requirements.

If utilizing subcontractors, certify that the applicant 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.

**Section 2.12.1 Low-Cost Broadband Service Option**

Identify the price at which the Low-Cost Broadband Service Option is set at in accordance with the requirements of the Other Mandatory Application Requirements section of this document.

**Section 2.16.4 Cybersecurity and Supply Chain Risk Management**

Each applicant must maintain, operationalize, and submit to the Eligible Entity the following plans: (1) a cybersecurity risk management plan and (2) a cyber supply chain risk management (C-SCRM) plan. Additional requirements are outlined on page 70 and 71 of the BEAD NOFO.

## Appendix 2: Certification Statement Document

### BEAD Application: Certifications Checklist

The Virginia Office of Broadband has developed the following document to aid in the application process for entities seeking to deploy network facilities by utilizing funding through the BEAD program.

The application has four components: quantitative components of applications, narratives to be provided, documentation to be submitted, and certifications to attest to. This document encompasses all the required certifications that applicants must complete per the BEAD NOFO and the Office of Broadband's requirements.

As a duly authorized representative of (insert applicant name), I certify that the applicant:

1. Has completed, or has plans to complete, all of the required permits, reviews, or consultations related to construction or ground-disturbing activities pursuant to the National Environmental Preservation Act (NEPA) and the National Historical Preservation Act (NHPA).
2. Has included all of the information related to NEPA and NHPA requirements which are required by the BEAD NOFO and/or have been adopted by the Office of Broadband.
3. Understands and will comply with all applicable Build America, Buy America Act (BABA) regulations.
4. Has included all of the information related to BABA requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.
5. Has the financial capability to successfully deploy network facilities as outlined in the BEAD NOFO.
6. Has included all of the information related to financial capability requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.
7. Has the managerial capability to successfully deploy network facilities as outlined in the BEAD NOFO.
8. Has included all of the information related to managerial capability requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.
9. Has the technical capability to complete and operate the Project and that the applicant is capable of carrying out the funded activities in a competent manner, including that it will use an appropriately skilled and credentialed workforce.
10. Has included all of the information related to technical capability requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.
11. Will carry out funded activities in a competent manner in compliance with all applicable Federal, Commonwealth of Virginia, Territorial, and local laws.
12. Will comply with all occupational safety and health requirements.

13. Will permit workers to create worker-led health and safety committees that management will meet upon reasonable request.
14. Has the operational capability to successfully deploy network facilities as outlined in the BEAD NOFO.
15. Has included all of the information related to operational capability requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.
16. If applicable, that the applicant 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 and has specified the number of years in operation in the application's narrative component.
17. If applicable, has timely filed Commission Form 477s and the Broadband DATA Act submission as required during this time period, and otherwise has complied with the Commission's rules and regulations.
18. 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).
19. Has disclosed all necessary public funding sources and is compliant with the disclosure requirements which are outlined by the BEAD NOFO and/or have been adopted by the Office of Broadband.
20. Has complied with all applicable Federal Labor and Employment Laws in the past and is committed to future compliance.
21. Has included all of the information related to compliance with Federal Labor and Employment Laws which is mandated by the BEAD NOFO and/or has been adopted by the Office of Broadband.
22. Is committed to utilizing a skilled, diverse workforce for this project.
23. Has included all of the information related to advancing workforce development which is mandated by the BEAD NOFO and/or has been adopted by the Office of Broadband.
24. Is committed to utilizing a skilled, credentialed workforce for this project.
25. Has included all of the information related to utilizing a skilled, credentialed workforce which is mandated by the BEAD NOFO and/or has been adopted by the Office of Broadband.
26. Will take the affirmative steps to include Women's Business Enterprises, Minority Business Enterprises, and Labor Surplus Area Firms, as laid out in 2 C.F.R. § 200.321, if utilizing a subcontractor.
27. Will not charge special construction charges for a minimum of twelve months after broadband service is made available to a BEAD-funded location. Awardees will not be permitted to charge any fees to subscribers for these line extensions, except for the regular connection fees associated with any connection made on the network.
28. Has read and understands the guidance and requirements for each application section and will comply with the requirements in their application.

- 29. Will comply with future guidance and requirements from NTIA that the Office of Broadband is required to administer.
- 30. Will build out a broadband network to eligible locations that are awarded within the application area if the application is awarded.
- 31. Has included a 10% contingency in all application budgets, under the funding request. This contingency funding may be accessed during project implementation but is subject to approval by the Office of Broadband before utilized.
- 32. Will comply with [federal conflict of interest policies regarding procurement standards](#).
- 33. Will not disclose selection as a provisionally selected sub awardee if notified by the Virginia Office of Broadband until Virginia’s Draft BEAD Final Proposal is published for Public Comment, or the Commonwealth of Virginia announces provisional awards via press release, whichever is sooner. See BEAD Policy Notice on Notification or Provisionally Selected Sub awardees at [dhcd.virginia.gov/bead](http://dhcd.virginia.gov/bead) for more information.

Signature of Authorized Certifying Individual: _____	Title of Authorized Certifying Individual: _____
Applicant Entity Name: _____	Date Submitted: _____

I do certify that \_\_\_\_\_ (Name of Authorized Certifying Individual) , personally appeared before me and made oath that he/she is \_\_\_\_\_ (Title) of \_\_\_\_\_ (Company Name) and that he/she is duly authorized to execute the foregoing document.

My commission expires: \_\_\_\_\_.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Registration Number

## Appendix 3: How Scored Components are Evaluated

### For Priority Applications:

#### Minimal BEAD Program Outlay – 45%

- Description: The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the applicant's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost).
- Scoring: The most cost-efficient application, evaluated based on the total funding requested to provide broadband access to a defined ZCTA application area divided by the number of locations proposed to be served in that ZCTA application area (BEAD funding requested per location), will receive full credit under this section. Less cost-efficient applications will receive a percentage of points available, reflective to the most efficient application received for that ZCTA application area. See below more information on this scoring methodology.

If there are three priority applications in one ZCTA, and the BEAD funding requested per location for each application are \$3,500, \$3,900, and \$5,500. The \$3,500 application will receive the maximum credit under this section of 45 points. The \$3,900 application, because it is 11.4% less cost efficient than the most efficient application, will receive 40.38 points. ( $45 / (\$3,900 / \$3,500)$ ). The \$5,500 application, because it is 57.1% less efficient than the most efficient application, will receive 28.6 points. ( $45 / (\$5,500 / \$3,500)$ ). If this process results in a negative score in this category, the application will receive a score of zero.

#### Affordability – 20%

- Description: The applicant's commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps (Gigabit symmetrical) service in the project area
- Scoring: The Office of Broadband will adopt the rate for the highest speed threshold plan listed by the FCC in the Commission's Urban Rate Survey. If the service package cost of gigabit symmetrical service is at or below the Urban Rate Survey value<sup>7</sup>, inclusive of all taxes, fees, and charges billed to the customer, the applicant will receive full credit under this section. More expensive packages receive a percentage of points reflective of their percent distance from the value of the Urban Rate Survey per month, inclusive of all taxes, fees, and charges billed to the customer.
- The service option that the applicant submits to the Office of Broadband for scoring purposes must remain available for the useful life of the network assets. See below more information on this scoring methodology.

For example, if the Urban Rate Survey value for a 1,000/500 Mbps Package for an Unlimited Data Plan is \$140, then all applicants offering a gigabit symmetrical plan at or below this amount will receive 20 points under this section. If an applicant proposes a \$150 priced package for gigabit symmetrical services, because that is 7.1% more expensive than the Urban Rate Survey value of \$140, the applicant will receive 18.7 points ( $20 / (\$150 / \$140)$ ).

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<sup>7</sup> The Urban Rate Survey's maximum speed offering listed is 1,000 Mbps Download and 500 Mbps Upload, the rate of which will be used as the rate for this analysis.



- The price identified, as well as the speed offerings, for this service option will be a contractual requirement of awardees for the useful life of the network assets, which is defined by the US Department of Commerce, National Telecommunications and Information Administration, Policy Notice issued December 26, 2023, as 8 years for the purpose of this section. This price shall be indexed to Consumer Price Index, as outlined by the U.S. Bureau of Labor Statistics.

#### Fair Labor Practices – 10.2%

- Description: Applicants must narratively demonstrate a record of and plans to comply with Federal labor and employment laws. Applicants without a record of labor and employment law compliance are permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.
- Scoring: The Office of Broadband will evaluate and score narrative responses under this category. Applicants which provide the information outlined above and certify they will comply with the existing labor requirements outlined in the BEAD Notice of Funding Opportunity will receive full credit in this section. Applications which only certify they will comply with the existing labor requirements outlined in the BEAD Notice of Funding Opportunity, and do not provide the information outlined above, will receive half credit in this section. Applications that provide no response will receive no credit in this section.

#### Speed to Deployment – 5%

- Description: All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date of contract execution with DHCD.
- Scoring: The Office of Broadband will provide full credit under this section if an applicant demonstrates broadband access will be provided to all locations in the project area within 3 years of award announcement. As justification, applicants must submit additional information and justification of this 3-year timeline, including efforts to mitigate delays, shortages, and constraints in supply chains, workforce development, federal requirements imposed by the BEAD program, and permitting associated with broadband network construction.

#### Universality of Applications– 9.9%

- Description: This Initial Proposal outlines project areas as boundaries of Zip Code Tabulation Areas (ZCTA), which are then further divided by County and City Boundaries if a ZCTA spans multiple Counties and Cities. This document also outlines that, for an application to be considered, at least 95% of locations in each ZCTA application area must be included in an application. This scoring criteria is included to incentivize applicants to include 100% of unserved and underserved locations, as well as unserved Community Anchor Institutions in an ZCTA application area.
- Scoring: The Office of Broadband has established the rubric described below to score

applications under these criteria. The following scores will be assigned by percentage of locations proposed to be served. (95% to 96% - 0 points, 96% to 97% - 2 points, 97% to 98% - 4 points, 98% to 99% - 6 points, 99% to 99.5% - 8 points, 99.5% to 100% - 9.9 points)

**Local and Tribal Coordination – Letter of Support – 9.9%**

- **Description:** Broadband deployment programs in the Commonwealth of Virginia have long placed authority at the local government level to determine the preferred broadband provider partner of the locality to fill gaps in broadband access. While the BEAD program requires the Office of Broadband to invite applications directly from broadband providers, this scoring criteria is designed to provide an opportunity for counties and cities to weigh in on the preferred partner of the locality to address the remaining gaps without broadband access in their locality. Also see section 2.4.8 for coordination requirements with Tribal Governments.
- **Scoring:** Applicants which have received a letter of support from County Boards of Supervisors or City Councils and Tribal Nations (if applicable) will receive full credit under this section. Local and tribal governments may support one or multiple applicants.

Sample Scoring Table, For Example Purposes Only:

<b>Score. Cat</b>	<b>App 1 Resp</b>	<b>App 1 Score</b>	<b>App 2 Resp</b>	<b>App 2 Score</b>	<b>App 3 Resp</b>	<b>App 3 Score</b>
Minimal BEAD Program Outlay (Cost-Efficiency)	\$3,500	45	\$3,900	40.38	\$5,500	28.6
Affordability	\$189.99	14.14	\$89.99	20	\$129.99	20
Fair Labor Practices	Full Resp.	10.2	Full Resp.	10.2	Full Resp.	10.2
Speed to Deployment	<3 Years, No Documentation	0	4 Years	0	<3 Years	5
Universality of Applications	97.5%	4	95%	0	100%	9.9
Local and Tribal Coordination – Letter of Support	No	0	Yes	9.9	Yes	9.9
<b>TOTAL SCORE</b>		<b>73.3</b>		<b>80.5</b>	<b>High Scorer&gt;&gt;</b>	<b>83.6</b>

#### For Non-Priority Applications:

##### Minimal BEAD Program Outlay – 45%

- Description: The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the applicant's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost).
- Scoring: The most cost-efficient application, evaluated based on the total funding requested to provide broadband access to a defined ZCTA application area divided by the number of locations proposed to be served in that ZCTA application area (BEAD funding requested per location), will receive full credit under this section. Less cost-efficient applications will receive a percentage of points available, reflective to the most efficient application received for that ZCTA application area. See below more information on this scoring methodology.

If there are three non-priority applications in one ZCTA, and the BEAD funding requested per location for each application are \$3,500, \$3,900, and \$5,500. The \$3,500 application will receive the maximum credit under this section of 45 points. The \$3,900 application, because it is 11.4% less cost efficient than the most efficient application, will receive 40.38 points. ( $45 / (\$3,900 / \$3,500)$ ). The \$5,500 application, because it is 57.1% less efficient than the most efficient application, will receive 28.6 points. ( $45 / (\$5,500 / \$3,500)$ ). If this process results in a negative score in this category, the application will receive a score of zero.

##### Affordability – 20%

- Description: The applicant's commitment to provide the most affordable total price to the customer for a 100 Megabit per second download and 20 Megabit per second upload service (100/20) in the project area.
- Scoring: The Office of Broadband will adopt the rate for the highest speed threshold plan listed by the FCC in the Commission's Urban Rate Survey. If the service package cost of 100/20 service is at or below the Urban Rate Survey value, inclusive of all taxes, fees, and charges billed to the customer, the applicant will receive full credit under this section. More expensive packages receive a percentage of points reflective of their percent distance from the value of the Urban Rate Survey per month, inclusive of all taxes, fees, and charges billed to the customer. The service option that the applicant submits to the Office of Broadband for scoring purposes must remain available for the useful life of the network assets. See below more information on this scoring methodology.

For example, if the Urban Rate Survey value for a 100/20 Mbps Package for an Unlimited Data Plan is \$140, then all applicants offering a 100/20 plan at or below this amount will receive 20 points under this section. If an applicant proposes a \$150 priced package for 100/20 services, because that is 7.1% more expensive than the Urban Rate Survey value of \$140, the applicant will receive 18.7 points ( $20 / (\$150 / \$140)$ ).

- The price identified, as well as the speed offerings, for this service option will be a contractual requirement of awardees for the useful life of the network assets, which is defined by the Commonwealth of Virginia as 8 years for the purpose of this section. This price shall be indexed to Consumer Price Index, as outlined by the U.S. Bureau of Labor Statistics.

#### Fair Labor Practices – 10.2%

- Description: Applicants must narratively demonstrate a record of and plans to be in compliance with Federal labor and employment laws. Applicants without a record of labor and employment law compliance are permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.
- Scoring: The Office of Broadband will evaluate and score narrative responses under this category. Applicants which provide the information outlined above and certify they will comply with the existing labor requirements outlined in the BEAD Notice of Funding Opportunity will receive full credit in this section. Applications which only certify they will comply with the existing labor requirements outlined in the BEAD Notice of Funding Opportunity, and do not provide the information outlined above, will receive half credit in this section. Applications that provide no response will receive no credit in this section.

#### Speed to Deployment – 2.5%

- Description: All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date of contract execution.
- Scoring: The Office of Broadband will provide full credit under this section if an applicant demonstrates broadband access will be provided to all locations in the project area within 3 years of award announcement. As justification, applicants must submit additional information and justification of this 3-year timeline, including efforts to mitigate delays, shortages, and constraints in supply chains, workforce development, federal requirements imposed by the BEAD program, and permitting associated with broadband network construction.

#### Speed of Network and Other Technical Capabilities – 2.5%

- Description: The Office of Broadband will weigh the speeds, latency, and other technical capabilities of the technologies proposed by applicants seeking to deploy projects that are not Priority Broadband Projects. Applications proposing to use technologies that exhibit greater ease of scalability with lower future investment and whose capital assets have longer useable lives will be afforded additional weight over those proposing technologies with higher costs to upgrade and shorter capital asset cycles.
- Scoring: The Office of Broadband will evaluate and score narrative responses under this category based on the rubric outlined herein. Maximum latency may not exceed 100 milliseconds. (300 Mbps Download/150 Mbps Upload = 1 point, 400 Mbps Download/200 Mbps Upload = 2 points, 1000 Mbps Download/500 Mbps Upload = 2.5 points). Applicants must demonstrate that the proposed network design has the ability deliver the above performance levels to all eligible locations within an application, including reasonable assessment of how the proposed network can add incremental capacity in a cost-effective manner as new customers are added.

#### Universality of Applications– 9.9%

- Description: This Initial Proposal outlines project areas as boundaries of Zip Code Tabulation Areas (ZCTA), which are then further divided by County and City Boundaries if a ZCTA spans multiple Counties and Cities. This document also outlines that, for an application to be considered, at least 95% of locations in each ZCTA application area must be included in an application. This scoring criteria is included to incentivize applicants to include 100% of unserved and underserved locations, as well as unserved Community Anchor Institutions in an ZCTA application area.
- Scoring: The Office of Broadband has established the rubric described below to score applications under these criteria. The following scores will be assigned by percentage of locations proposed to be served. (95% to 96% - 0 points, 96% to 97% - 2 points, 97% to 98% - 4 points, 98% to 99% - 6 points, 99% to 99.5% - 8 points, 99.5% to 100% - 9.9 points)

#### Local and Tribal Coordination – Letter of Support – 9.9%

- Description: Broadband deployment programs in the Commonwealth of Virginia have long placed authority at the local government level to determine the preferred broadband provider partner of the locality to fill gaps in broadband access. While the BEAD program requires the Office of Broadband to invite applications directly from broadband providers, this scoring criteria is designed to provide an opportunity for counties and cities to weigh in on the preferred partner of the locality to address the remaining gaps without broadband access. Also see section 2.4.8 for coordination requirements with Tribal Governments.
- Scoring: Applicants which have received a letter of support from County Boards of Supervisors or City Councils and Tribal Nations (if applicable) will receive full credit under this section. Local and tribal governments may support one or multiple applicants.

## Appendix 4: Freedom of Information Act Exemption

For private business entities submitting proprietary information to the BEAD program may request protection from Freedom of Information Act (FOIA) requests pursuant to § 2.2-3705.6(3). Such entities shall submit the request for DHCD to apply the FOIA exemption in § 2.2-3705.6(3) in writing to [vati@dhcd.virginia.gov](mailto:vati@dhcd.virginia.gov).

Only materials submitted to DHCD directly are subject to consideration for this FOIA exemption. Written requests must explain which materials to be submitted will contain the proprietary information in question and the nature of the proprietary information.

For such written requests, DHCD will apply § 2.2-3705.6(3) if the disclosure of such information would adversely affect the financial interests of DHCD as permitted by law and may apply other exemptions from FOIA or protections as may be applicable. DHCD may review the request and determine that DHCD will promise confidentiality pursuant to § 2.2-3705.6(3). DHCD may also refuse to promise confidentiality and not apply the exemption in § 2.2-3705.6(3). Upon receipt of the written determination from DHCD documents must be submitted to [vati@dhcd.virginia.gov](mailto:vati@dhcd.virginia.gov). All exempted information will be securely maintained and accessed by Office of Broadband staff only.

### Grant Applications

**Consistent with Virginia’s BEAD Initial Proposal Volume 2, DHCD will make available online submitted BEAD applications. DHCD respects the right of the public to access to public information about the BEAD program and encourages applicants to only request a FOIA-exemption when absolutely necessary. Applications submitted through CAMS must only include information that is open to the public.** Applicants may request to submit supplementary information to the application that includes a FOIA-exemption, pursuant to “§ 2.2-3705.6” for information related to a grant application that may make the application more competitive. FOIA-exemption requests must be sent directly to [broadband@dchd.virginia.gov](mailto:broadband@dchd.virginia.gov), and the applicant must indicate for which BEAD application the information corresponds. Applicants wishing to submit multiple FOIA exemption requests for multiple BEAD applications must do so individually in separate requests.

*In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:*

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary.*

*The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.*

### **Grant Monitoring**

Projects awarded funds managed and awarded through the BEAD grant making process currently work with DHCD to monitor the completion and success of those projects. Entities wishing to request FOIA exemption on information relevant to evaluating the success of awarded projects, including take rate, must submit any requested information directly to: [broadband@dhcd.virginia.gov](mailto:broadband@dhcd.virginia.gov)

*In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:*

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary*

*The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.*