



# Washington State Broadband Office

## BEAD Grant

**Notice of Funding Opportunity (NOFO) – WSBO 25-003**

**BEAD Application Guidelines**

**11/12/2024 Version 1**

**Guidelines subject to change based on the release of additional guidance for the use of NTIA Broadband Equity Access and Deployment (BEAD) Program**

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## WSBO BROADBAND INFRASTRUCTURE GRANT PROGRAM

Project area maps are based on v4 12/2023 Broadband Data Collection (BDC) published on September 9, 2024.

The Washington State Broadband Office (WSBO) is authorized by state statute ([RCW 43.330.534](#)) to fund broadband infrastructure that creates greater broadband access to unserved and underserved areas of the state.

BEAD funds focus on the approved NTIA approved BEAD Initial Proposal Volume II, which presents the subgrantee selection process, in addition to fulfilling other requirements prescribed by the National Telecommunications and Information Administration (NTIA). The subgrantee selection process details how applicants will be selected to be awarded funds from the nearly \$1.2 billion allocated to Washington to expand broadband services. Washington has ambitious goals as part of the “Internet for All in Washington” initiative that include:

- Universal broadband access for every business and household by 2028
- Equitable economic development through expanded broadband access and adoption across all underserved populations
- Scalable and sustainable “future proof” broadband infrastructure that meets access and equity goals.

### BEAD Definitions

- **Priority Broadband Projects** construct end-to end fiber optic facilities to all Broadband Service Locations (BSLs) in a project funding area.
- **Other Last Mile Broadband Projects** construct hybrid fiber and other reliable broadband technology facilities to all BSLs in a project funding area.
- **Open Access Networks** refer to a single network that is open to utilization by multiple service providers (at least 2 or more)
- **Speed of Network** measures the data transfer rate from a source system to a destination system. This impacts the speed at which an internet user can access the service. WSBO has outlined three non-fiber broadband technologies:
  - First: The most preferred technology is hybrid fiber coaxial using a DOCSIS 3.1 standard or higher
  - Second: Technology is fixed wireless using licensed spectrum,
  - Third: Low Earth Orbit (LEO) satellite, is only allowed for extremely high-cost locations.
- **Affordable Service Option** offers middle-class households affordable, high-quality broadband service.

- **Low-Cost Service Option** costs \$30 per month or less, including all taxes, fees, and charges billed to the subscriber. The WSBO may adjust the low-cost service option price as needed to match inflation.
- **Underserved Locations** are broadband-serviceable locations that are (a) not an unserved location, and (b) shown on the Broadband DATA Maps as lacking access to Reliable Broadband Service offered with - (i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.
- **Unserved Locations** are broadband-serviceable locations that the Broadband DATA Maps show as (a) having no access to broadband service, or (b) lacking access to Reliable Broadband Service offered with - (i) a speed of not less than 25 Mbps for downloads; and (ii) a speed of not less than 3 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.
- **Note:** BEAD requires complete coverage of unserved locations before underserved locations and eligible Community Anchor Institutions.

### Eligible Applicants

- Units of local government, including but not limited to ports and public utility districts
- Federally recognized tribes
- Nonprofit organizations
- Nonprofit cooperative organizations
- Public private partnership
- Private companies
- Public or private utilities

### Eligible Projects

“Broadband Infrastructure Projects” are eligible for funding under BEAD if the infrastructure is designed to deliver, upon project completion, end user connections that meet or exceed 100 Mbps download, 20 Mbps upload and latency less than or equal to 100 milliseconds.

Applicants are also encouraged to prioritize investments in fiber-optic infrastructure where feasible, as such advanced technology better supports high cost areas.

BEAD awards are to assist in the acquisition, installation and construction of last mile infrastructure that supports broadband services, and to assist in strategic planning for deploying broadband service in **unserved** and/or **underserved** areas.

In selecting an area to be served by a project, applicants are required to avoid investing in business and residential locations that have existing service or a verifiable agreement to build reliable wireline service with minimum speeds of 100 Mbps download and 20 Mbps upload, or anchor institutions receiving service of at least 1 Gbps symmetrical.

## BEAD Project Area Maps

Bead Project Area Maps have been posted on the WSBO website since 10/11/24 and can be directly accessed here: [BEAD Project Area Maps](#).

Please note the 29 Federally Recognized Tribal reservations are identified as individual project areas. If an entity other than the tribe is applying on a reservation, the entity must have approval by Council via an executed Resolution attached in their ZoomGrants application.

It is required to submit one application per project area, and the application must provide end point connection to every eligible location.

## Broadband Construction Funding

There are approximately \$1.2 billion available in federal BEAD funding to connect 215,755 eligible locations across the state (154,061 unserved and 61,694 underserved).<sup>1</sup> Awards are determined through a competitive process.

The application cycle is open from November 12, 2024 to January 31, 2025. (open for 81 days to include holidays). Applications are due by midnight January 31, 2025. WSBO is required to meet with NTIA to review the deployment subgrantee selection outcomes after the completion of the deployment Subgrantee Selection Process and no later than 14 calendar days prior to notification to any provisionally awards selected subgrantees (and prior to posting the draft Final Proposal for public comment). In addition, WSBO is not allowed to publicly announce provisional selected subgrantees between rounds of the application cycle. WSBO's Final BEAD proposal due to NTIA on May 2, 2025. We are anticipating it will take at least 60 days to review and approve the Final Proposal. Once approved WSBO will be able to issue award letters and start the contract process.

***Please note: Since we are unable to establish the extremely high cost threshold until after the round 1 application cycle is completed per our approved BEAD Initial Proposal Volume II, we are designing the application to be able to submit two budgets and engineering designs. This allows applicants to submit the required 100% fiber project and a hybrid project using alternate technology deemed reliable by the NTIA in the same application. This is intended to avoid an applicant having to submit two applications or having them to resubmit in a future round. See NTIA's proposed BEAD Alternative Broadband Technology [Policy Notice](#) for a list of reliable alternate technology.***

## BEAD Match - 25%

An applicant is required to provide 25% cost sharing/match that is cash or in-kind, with exception of NTIA defined high-cost areas. The project area maps have identified the total match required in these areas, see [Bead Project Area Match](#) list.

In-kind matching categories are the same as the BEAD eligible expenses. In-kind contributions, which may include third-party in-kind contributions, are non-cash donations of property, goods

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<sup>1</sup> Eligible location counts are as of 10/30/2024. BSL counts may change based on further NTIA Challenge Process curing or the award of additional federal/state broadband grants.

or services, which benefit the BEAD project. This may include employee or volunteer services, equipment, and supplies, etc. In addition waiver of fees associated with access to rights of way, pole attachments, conduits, easements, or access to other types of infrastructure.

### Local Government - Tribes State Match Available

The Washington State Broadband Office has authority to provide approximately \$300,000,000 to match the required NTIA- 25% of BEAD award for:

- Units of local government, including but not limited to ports and public utility districts
- Federally recognized tribes

### Application Cycle Timeline

#### First Round (81 days):

- Application Cycle Opens 11/12/24
- Application Cycle Closes 01/31/2025
- Applications Review February 10, 2025 to approximately March 10, 2025
- Awards made after NTIA's approval of the final plan around July 2024

*Second Round possible if funding is available from the \$1.2B. Dates yet to be determined. Projected opening in February 2025, for 60 days to open a new NOFO.*

*Third Round is for the WSBO Director to directly negotiate for project areas remaining unclaimed after Round 2. These project areas will be required to submit a complete application to WSBO.*

### Resources for Locating Existing Network Service Providers

[UTC Registered Telecommunications Companies](#)

[ILEC Exchange Boundaries](#)

[Federal Communications Commission Fixed Broadband Deployment](#)

### Resources for Wireline Attachments

[Avista](#)

[PacifiCorp](#)

[Puget Sound Energy](#)

### Washington State Department of Transportation (WSDOT)

[WSDOT Accommodation](#)

[WSDOT Projects](#)

[Dig Once-Broadband Utilities](#)

[WSDOT-Roadway Data Access Control](#)

[Utilities, railroad & agreements](#)

## Period of Performance

Costs may be incurred from BEAD eligible activities prior to executing a sub-grantee award in 2025. BEAD contracts will be issued on a rolling bases. Awardees, by NTIA rule, have six months to execute the contract and four years to complete construction based on the contract execution date with WSBO. NTIA reporting will be for five years during the period of performance.

## Eligible Project Uses of Funding in Connection with the Last-mile Broadband Deployment

According to the [BEAD NOFO](#), all costs must be reasonable, necessary, allocable, and allowable for the proposed project or other eligible activity and conform to generally accepted accounting principles.

In addition, costs must be directly related to the scope of work of the project being financed by the PROGRAM. Eligible project activities and costs include:

- Construction, improvement, and/or acquisition of facilities and telecommunications equipment required to provide qualifying broadband service, including infrastructure for backhaul, middle- and last-mile networks, and multi-tenant buildings
- Line of Credit and Performance Bond fees
- Long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including infeasible right-of-use (IRU) agreements and archeological/historical & cultural review
- Deployment of internet and Wi-Fi infrastructure within an eligible multi-family residential building.
- Acquire wireless license, to qualify:
  - Applicant will need to directly relate the expenses in the BEAD project.
  - The status of an applicant's license, and whether the applicant can pass the technical evaluation to provide licensed fixed wireless without a license.
- Engineering design, permitting, and work related to environmental, historical and cultural reviews.
- Personnel costs, including salaries and fringe benefits for staff and consultants providing services directly connected to the implementation of the BEAD Program (such as project managers, program directors, and subject matter experts).
- Equipment rental/lease as allowed under [2 CFR § 200.465, except covered communications equipment or services](#) as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608).
  - [If equipment rental/lease cost exceeds the cost to purchase, contact your WSBO project manager for approval to purchase the equipment as allowed under 2 CFR § 200.439.](#)
- Indirect Rate: federal approved indirect rate or 15 percent of the modified total direct costs. New De Minimis rate increase per [2 CFR 200.414](#).



- Capitalized equipment
- Applicants may include a contingency line item in their budget as part of the funding request. This contingency funding, once an applicant is awarded, may be accessed, but is subject to the approval of WSBO prior to incurring such an expense.
- Real property when purchased specifically for the project, and associated costs. \*\*

**\*\*Costs directly associated with property acquisition** include: appraisal fees, title opinions, surveying fees, real estate fees, title transfer taxes, easements of record, and legal expenses. Note: [2 CFR 200.316](#) any real property, equipment, or intangible property acquired or improved with a federal award must be held in trust by the Eligible Entity (WSBO) or subgrantee as trustee for the beneficiaries of the project, other eligible activity, or program under which the property was acquired or improved. This trust relationship exists throughout the duration of the property's estimated useful life, as determined by NTIA. NTIA retains an undivided, equitable reversionary interest in the property (Federal Interest). In this connection, NTIA may require the non-federal entity to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. Awards issued pursuant to this NOFO may contain specific award conditions pertaining to the use and disposition of grant-acquired property and to a requirement that the recipient or subgrantee file certain public notices (e.g., UCC-1, Covenant of Purpose, Use and Ownership, etc.) with respect to grant-acquired property. NTIA will provide information regarding the useful life schedules associated with assets acquired with grant funds.

### Ineligible Costs

The following costs are not eligible for reimbursement:

- Operating expenses, other than grant administration costs
- Fundraising activities
- Rolling stock (such as vehicles and generators)
- Lease payments facilities
- Mortgages and property leases (including long-term)
- Ineligible costs include those costs that are unallowable under the applicable federal cost principles. Please note that costs ineligible for the BEAD Program may not be paid for with matching funds committed to an award.
- Prohibition on Profit and Fees: A profit, fee, or other incremental charge above actual cost incurred by an Eligible Entity or subgrantee is not an allowable cost under this Program.

### Online Application Instructions

All applications for the PROGRAM, are submitted electronically through ZoomGrants. Paper copies are not accepted.

Click [Apply for WSBO BEAD Broadband Construction ZoomGrants](#) to reach the ZoomGrants website. If you have a ZoomGrants account, log in and follow the instructions. If you are a new user, complete the required information for a new ZoomGrants account to create a profile.

Please do not use "The" as the first word in the agency name.

Once the agency profile has been created, select WSBO BEAD Grants, check the "apply" button, and start your proposal. Answers are automatically saved.

Applications must be submitted to the WSBO no later than midnight on Friday, January 31, 2025. In order to successfully submit an application, all questions must be completed and all required documents must be attached.

### Federal Requirements - Uniform Guidance (2 CFR Part 200)

The following are some of the federal requirements and BEAD guidelines:

- Cost Principles and Single Audit Act. Applicant's local governments and commercial (ie. Internet service providers) that expend \$1M or more in Federal award funds, in aggregate across all subgrants during the fiscal year, are subject to audit requirements in [Subpart F](#).
- State prevailing wage law requires the payment of not less than the prevailing rate of wage to all "laborers, workers, or mechanics, upon all public works." ([RCW 39.12.020](#).) Public work is defined as "all work, construction, alteration, repair, or improvement... **executed at the cost of the state or of any municipality...**"([RCW 39.04.010\(4\)](#).)
- Prepare financial statements, including the Schedule of Expenditures of federal Awards
- Quarterly and possible annual reporting requirements, through the five years of period of performance.
- BEAD Projects will be required to submit semi-annual reporting. Such as: location ids, residential, commercial or anchor institution, peak and off-peak actual speeds; advertised speed, etc...
- Applicants applying for BEAD funding must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA) ([42 U.S.C §4321 et seq.](#)) and the National Historic Preservation Act (NHPA) ([54 U.S.C. §300101 et seq.](#)) All Grantees and WSBO must complete the NEPA process before ground disturbance in a project area. The grantee must perform the proper due diligence to ensure their project complies with all applicable laws. Additionally, recipients must retain records, permits, and documentation necessary to evidence compliance with all environmental requirements.
- All funds made available through the BEAD Program for broadband infrastructure must comply with the [Build America, Buy America Act](#).
- Professional services or contractors are verified as not being [suspended, debarred, or otherwise excluded](#) from receiving federal funds prior to awarding a contract
- Professional services, including engineering, require competitive proposals
- Methods of procurement – Sealed Bids for construction
- For all future awardees over \$5M, the WSBO contract requires certification that all workers are paid at or above prevailing wage rates under federal law though the Davis-

Bacon Act or under State law (commonly known as “baby Davis-Bacon” - state prevailing wage) as applicable. If a future awardee prefers not to sign the certification, they must provide a project employment and local impact report.

- Program Income: Applicants may retain program income without restriction. As a result, subrecipients may retain program income, such as income derived from the servicing and use of supported networks and connections (e.g., wholesale revenues, end-user subscription revenues, etc.), for profit. NTIA reiterates, however, that this additional flexibility for the use of program income does not change the BEAD Program’s prohibition on Eligible Entities or subrecipients claiming profit and fees as allowable costs.<sup>2</sup> Proposed subrecipient budgets thus may not include profit, fees, or similar charges.

## THRESHOLD REQUIREMENTS AND MANDATORY ATTACHMENTS

The following are threshold (gating criteria) requirements and mandatory attachments necessary to qualify for PROGRAM funding (if applicable to the applicant).

### Administrative

#### Applicants required to obtain and maintain Unique Identifier Number (UEI)

All applicants must have an active registration with the [System for Award Management](#) (SAM) and maintain it through the period of the contract, as required by [2 CFR Part 25](#). An application can’t be accepted without the UEI Number. Please upload proof of your active registration via screenshot or PDF with your application (upload into ZoomGrants).

#### Statewide Vendor Number

In order to execute a WSBO contract, Applicants must establish a statewide vendor (SWV) number through the WA State Office of Financial Management (OFM). The statewide registration forms can be found at OFM’s website at: <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>

#### Provide Documentation of Your State Business Registration

If your business is not registered with the state, you must complete and upload the documentation required to conduct business in Washington State. To obtain a business registration, file online with [Department of Revenue](#) and Secretary of State [Corporations & Charities | WA Secretary of State](#) prior to submitting your application (upload into ZoomGrants). Attached your current Secretary of State filing report (if applicable).

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<sup>2</sup> See BEAD NOFO at § V.H.2.b. (“A profit, fee, or other incremental charge above the actual cost incurred by an Eligible Entity or subgrantee is not an allowable cost under this Program.”).

## **FCC Registration Number (FRN)**

A 10-digit FCC Registration Number of the subgrantee, if the subgrantee has a committed Internet Service or Network Service provider(s) they may provide their FRN, with leading zeroes - for deployment/last-mile projects only. To register for an FRN number, visit the [FCC's FRN registration page](#).

## **Indirect Rates**

Attach the Federal approved indirect rate letter from the approving agency or the "Certification of Indirect Costs" rate. If you don't have a current negotiated federal approval letter, you may charge 15% de Minimis rate per [2 CRF §200.414](#).

## **Suspension & Debarment**

WSBO Staff will verify the applicant and committed internet service provider(s) are not suspended, debarred or otherwise excluded from receiving federal funding during application review.

## **Lifeline - If You Plan On Offering**

To offer Lifeline, you must be designated as an Eligible Telecommunications Carrier (ETC). If you would like to offer Lifeline, you must be designated as an Eligible Telecommunications Carriers (ETC) by Washington Utilities (UTC), link to [Federal Universal Service Funds](#).

## **Financial Capability**

### **Audited Financial Statements**

Applicants are required to submit financial statements from the most recent two years that are audited by an independent certified public accountant. Financial statements must include income statements, balance sheets, cash flow statements, auditor's opinions, management letters and any other statements, schedules, disclosures or representations.

If the applicant has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the most recent two years, with a certification that the applicant will provide audited financial statements from the most recent two years as soon as they are made available to the applicant.

- If applying as a consortium, upload audited financial statements that have been certified by an independent certified public accountant for the last 2 years for each participant in the consortium.
- Per the NTIA BEAD NOFO, a multi-entity group can meet the requirement based on one member's qualifications. If there is a single set of audited financial statements, the parent company applying should be sufficient; however, just be sure, clearly state all involved entities (i.e., parent, sub, etc.) when applying.

Local governments applying for BEAD funding do not have to submit prior audits if the Office of the Washington State Auditor conducted the audits. The WSBO will instead utilize the

Washington State Auditor's Financial Intelligence Tool to evaluate a local government applicant's financial status fully. However, during the financial review, WSBO may request additional information. If audits conducted within the past two years include significant findings, the WSBO may include special conditions in the applicant's contract, if awarded.

## Risk Assessment

### Cybersecurity and Supply Chain Risk Management Plans

Applicants are required to submit a Cybersecurity risk management plan that is:

- Operational if the prospective subgrantee is providing service prior to the award of the grant.
- Ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award.

Cybersecurity risk management plans must:

- Be in compliance with the latest version of the [National Institute of Standards and Technology \(NIST\) Framework for Improving Critical Infrastructure Cybersecurity \(currently Version 1.1\)](#),
- Be in compliance with the standards and controls set forth in [Executive Order 14028](#), and
- Specify the security and privacy controls being implemented.

For further information on [plans outline criteria](#).

Applicants are required to submit a Supply Chain Risk Management (SCRM) Plan based upon the key practices discussed in the NIST publication [NISTIR 8276](#), Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including [NIST 800-161](#), Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented. The SCRM must demonstrate adherence to Build America, Buy America Act (BABA) requirements, see [limited waiver](#).

### Sustainability / Pro Forma Analyses of Proposed Project

Applicants are required to submit business plans and related analyses demonstrating each proposed project's sustainability. These can be provided as [pro forma statements](#) or analyses that include current cash flow and balance sheet projections, and at least three years of operating costs and cash flow projections after the project's targeted completion. The business plan and related analyses must include, but are not limited to, the following elements:

- A marketing plan to stimulate and retain subscriptions, including the implications of the Affordable Connectivity "like" Program, Middle Class Affordability, and Low-Cost Service Option. Describe planned marketing and outreach strategies to encourage/expand adoption of planned service to all populations.
- Pricing plans that commit to not raising rates that exceed the Consumer Price Index for All Urban Consumers (CPI-U), as discussed in [BEAD Initial Proposal Volume II, Chapter 13](#)

– [Middle-Class Affordability](#), for at least five years from the date of infrastructure deployment.

- A customer service plan ensuring qualified broadband service installation within 10 days of any request.
- A customer service plan ensuring the repair of qualified broadband service within 48 hours (except during inclement weather when service crews are unable to travel).
- A customer complaint process ensuring response within five days and resolution within 30 days unless a more extended period is mutually agreed upon with the subscriber.
- Network monitoring and outage reporting procedures, including public transparency.
- Staffing of personnel to support network and customer operational sustainability after construction.
- Location(s) of field personnel involved in installation and repair of the proposed project network and estimated “windshield” time – the time technicians spend traveling to and from sites – for response (to demonstrate adequate operational support).
- A business continuity and disaster recovery plan for the project area.
- Redundancy, diversity and fault points of the proposed project network.
- Use of shared infrastructure owned or controlled by a third party.
- The network technology to be deployed and its long-term stability indicated by possible capital investments required within five years – if required, the engineering plan, procurement process and evidence of funding must be included.
- Consumer support plans for sustainable digital equity, training and technical support.
- Network standards employed to determine augments or expansion of middle mile, lateral or backhaul facilities for network congestion and the ability to expand.

Subgrantees must complete a post-construction business operations budget for the five years following the end of construction. The business operations budget must include revenues based on subscription and pricing, including subsidies to all locations in the project area, direct cost of operations, and administrative and selling costs in a financial statement pro forma, including depreciation of the subgrantee match. The budget submitted will be measured against semiannual reporting post-completion of the project.

### Letter of Credit

Applicants must submit a letter of intent from a bank or eligible credit union that commits to issuing an irrevocable standby letter of credit (LOC)<sup>3</sup>, or a company holding a certificate of authority as acceptable surety on federal bonds for a performance bond<sup>4</sup>. The letter must, at a minimum, provide the dollar amount of the LOC or performance bond and issuer’s agreement to follow the terms and conditions of the WSBO BEAD NOFO.

- The dollar amount for a LOC is 25% of the BEAD funding request, as listed in the

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<sup>3</sup> For a letter of credit, eligible banks must meet eligibility requirements consistent with those set forth in [47 CFR § 54.804\(c\)\(2\)](#) and credit unions must be insured by the National Credit Union Administration and possess a credit union safety rating issued by Weiss of B- or better

<sup>4</sup> A company holding a certificate of authority as acceptable surety on federal bonds must be identified in the [Department of Treasury Circular 570](#)

applicant's budget.

- The dollar amount for a performance bond is based on the BEAD funding request, as listed in the applicant's budget, but the percentage varies, depending on the type of bond the applicant has selected.

Before entering into any subgrantee agreement, each applicant utilizing a LOC shall submit the [irrevocable standby LOC](#) (similar to the one established by the FCC in connection with the Rural Digital Opportunity Fund), which shall be acceptable in all respects to the WSBO and in a value of no less than 25% of the BEAD sub-award amount. The beneficiary will be issued to WSBO.

Please note original "paper" of this LOC to be presented along with the reimbursement request. IF THIS LOC GETS SIGNED VIA DOCUSIGN, WSBO SHOULD CONFIRM WITH THE BANK WHAT THEY NEED TO CONSIDER THE LOC THE "ORIGINAL", AND KEEP ALL DOCUSIGN CERTIFICATIONS OF SIGNATURE.

In October 2023, the NTIA issued a conditional programmatic waiver that includes four acceptable alternatives to the LOC requirements described above. Specifically, the NTIA will allow applicants to:

- Obtain a LOC from a credit union insured by the National Credit Union Administration and with a credit union safety rating issued by Weiss of B- or better.
- Obtain a performance bond with a value of at least 100% of the awarded amount in lieu of a LOC.
  - At the time of application submittal the applicant are required to submit a letter from a company holding a certificate of authority as acceptable surety on federal bonds as identified in the Department of Treasury Circular 570 committing to issue a performance bond to the applicant. The letter shall at a minimum provide the dollar amount of the performance bond (the amount the applicant is requesting funding from BEAD).
  - Prior to entering into a subgrantee agreement, the subgrantee obtains a performance bond, acceptable in all respects to the WSBO and in a value of no less than 100% of the BEAD award amount.
- Reduce the LOC, or performance bond, amount upon achievement of specific deployment milestones. The WSBO has established the parameters associated with any reductions, which applies to all subgrantees.
  - The grantee has demonstrated build out of 40% locations (providing location ids) to be served by the project, the grantee must obtain a new LOC, renew existing LOC or performance bond that is valued at no less than 20% of the BEAD award.
  - Grantee has completed the buildout of 60% of locations to be served by the project, a grantee must obtain a new LOC, renew its existing LOC, or Performance Bond that its valued at no less than 15% of the BEAD award.
  - Grantee has completed the buildout of 80% of locations to be served by the project, a grantee must obtain a new LOC, renew its existing LOC, or Performance Bond that its valued at no less than 10% of the BEAD award.

- Grantee has completed the buildout of 100% of locations to be served by the project, a grantee terminate its LOC or Performance Bond under the terms set in the agreement.
- Obtain a LOC or performance bond in the amount of 10% if funding is reimbursable for a performance period of six months or less; and
  - The grantee commits to maintain a LOC or performance bond in the amount of the 10% of the BEAD award until it has demonstrated to the satisfaction of WSBO that that it has completed the buildout of 100% of locations to be served by the project or until the period of performance of the BEAD agreement has ended, whichever occurs first.

The applicant shall provide with its letter of credit (but not performance bonds) an opinion letter from legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under [Title 11 of the United States Code](#), 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning subgrantee’s bankruptcy estate under Section 541 of the Bankruptcy Code.

All documents related to LOC or an approved NTIA alternative to satisfy this requirement will be treated confidentially by the WBSO and its contractors.

WSBO is accepting dual or co-obligee bonds. This is a type of bond in which two entities could be named on the bond. Such as, a local government and internet service provider/network provider.

## Managerial Capability

Applicants must submit the following:

- Resumes (one page) for all key management personnel and any necessary project organizational chart(s) and corporate relationships detailing all parents, subsidiaries and affiliates (if applicable).
- Applicants will submit resumes, organizational chart(s) and corporate relationships through a [Risk Assessment Form](#).
- If a key management personnel position is currently vacant, the applicant must include a staffing plan and projected date of hire. Any key management position staffed by a contractor/ subcontractor individual or firm must be identified as such, and disclosure of the duration and renewal clauses is required.

Each applicant must also provide a narrative describing the applicant’s readiness to manage a broadband service network. This narrative should describe the experience and qualifications of key management for undertaking this project, their experience undertaking projects of similar size and scope, recent and upcoming organizational changes (including mergers and acquisitions), and relevant organizational policies. Please fill out the [Managerial Capability: Organizational Experience](#) table.



The narrative should include relevant organizational policies, including, but not limited to:

- Equal Opportunity Employment
- Labor Standards and Protection
- Workforce Development of a skilled and credentialed workforce
- Compliance with employment law and union contracts.

Applicants must provide timely updates if any changes are made to the organizational structure, key personnel, or any of required documents listed above. Please state how many, people, and in what roles, has the applicant hired for this project? The WSBO will not approve any grant for deploying or upgrading network facilities unless the submitted documents demonstrate the applicant's managerial capability for the proposed project.

### **Managerial Summary**

The [2 CFR 200](#) outlines various administrative, cost principle, and audit requirements for recipients and subrecipients of federal awards. As BEAD applicants will be considered subrecipients for purposes of federal grant management, applicants are required to provide certain documentation to WSBO to satisfy these [2 CFR 200](#) requirements.

Please provide copies of the following documents, as PDF, demonstrating managerial organizational grant capabilities. If the organization doesn't have a policy or believes a policy is not applicable, upload a document with an explanation. (Upload)

- Negotiated Federal Indirect Cost (IDC) Rate Agreement, [2 CFR 200.414](#)
- Policy & Procedure: Financial Management, Description of organization's financial tracking system that meets [2 CFR 200.302](#)
- Policy & Procedure: Records Retention and Access, [2 CFR 200.334](#),
- Policy & Procedure: Property Standards, [2 CFR 200.310-316](#)

Evidence of training provided to subrecipient staff on relevant policies, procedures and compliance requirements.

### **Committed Internet Service Provider or Network Provider**

To apply for constructions funds, an applicant must have a committed Internet Service Provider (ISP) or Existing Network Provider.

In order to show that a network provider will partner with the applicant, but will do so only if WSBO funding is made available to the applicant, the WSBO requires a signed Contingency Agreement(s) or a commitment letter between the applicant and each ISP/network provider named in the application.

### **Technical Capability**

Applicants must submit certification (is included in the certification form to be signed and submitted in ZoomGrants portal). Contractor is technically qualified to complete and operate their proposed project(s) and capable of carrying out the funded activities competently. This

includes using an appropriately skilled and credentialed workforce (see Section IV.C.1.e of the BEAD NOFO).

The BEAD Volume II revision: ~~All documentation submitted by the applicant must be certified by a professional engineer licensed by the State of Washington Board of Registration for Professional Engineers & Land Surveyors with active status. The engineer must have demonstrated experience in broadband and/or telecommunications engineering on projects of similar scope to the applicant's project.~~ Using the [WSBO Engineer's Certification](#) template, a professional engineer licensed in any of the 56 US states or territories<sup>5</sup> must certify the following:

- a network design,
- 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 applicant would be under a contract. The 4-year build timeline maybe be less based on the timeline committed to in the application submittal.

Any applicants utilizing fixed wireless technology to serve locations with qualified broadband service must provide the information listed above, plus details of network design (to include towers in place to be used or those to be built), backhaul availability (owned or leased), and timelines for backhaul construction, if needed. Applicants utilizing fixed wireless technology must also specify the spectrum that they will use and provide documentation of the applicant's license for the project area considered in an application.

The WSBO will not approve any grant for deploying or upgrading network facilities unless it determines that the materials submitted demonstrate the applicant's technical capability concerning the proposed project. The WSBO may, at its discretion, request additional information from applicants that have not fully fulfilled contractual obligations as co-applicants of other WSBO, Washington State Community Economic Revitalization Board, Washington State Public Works Board, or other Washington state agency-funded projects to demonstrate additional components of technical capabilities. The WSBO, in its sole discretion, may decline a proposal following such analysis if another priority application exists within the same application area.

WSBO will require applicants to submit final network designs and diagrams detailed above within four years of the awarded subgrant.

## Compliance Capability

Each applicant must demonstrate that it can conduct funded activities competently in

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<sup>5</sup> WSBO is in process with NTIA to modify Washington's Initial Proposal Volume 2 to align with this updated guidance regarding licensing requirements for professional engineers.

compliance with all applicable federal, state, territorial, and local laws. Applicants must submit a narrative demonstrating this capability for the WSBO to place on record.

The subgrantee must be able to document compliance with all state and federal (if applicable) laws and regulations. Good record-keeping and reporting systems are essential to document compliance. These records must be accessible to Commerce, the Office of the Washington State Auditor, the NTIA and the Government Accountability Office.

Recipients of BEAD program funds must have a contract management system to ensure contractors follow contract terms, conditions, specifications and applicable state and federal requirements. This system must:

- Ensure prevailing wage requirements are included in bid documents and contracts.
- Verify the selected contractor and subcontractor are not excluded from receiving federal funds.
- Review contractor and subcontractor compliance with prevailing wage laws, on-site inspections, review of change order requests, project closeout, release of retainage and record keeping.

Please see [BEAD Initial Proposal Volume II Section 16.2 – Subgrantee Accountability](#) for more information about what reporting requirements subgrantees must adhere to so that the WSBO can continuously monitor subgrantees for compliance with applicable federal, state, local and territorial laws.

Additionally, to ensure that an applicant complies with occupational safety and health requirements, applicants must permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.

## Operational Capability

The WSBO is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for operational capability as outlined in the BEAD NOFO. The WSBO will require applicants to certify that they possess the operational capability to qualify to complete and operate the project. Examples of the required certification are provided below. All applicants must provide a narrative describing the applicant's operation and maintenance plans and identifying the party's responsibilities. This will also include a review of the workforce plans submitted as part of the application, components of which are described in [BEAD Initial Proposal Volume II Section 8.1 – Equitable Workforce Development Plans](#).

The workforce plan must include the following elements:

- How 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 they will take to ensure that all project workforce members 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 a subcontracted workforce will perform work.
- The entities that the applicant plans to contract and subcontract with in carrying out the proposed work.

An applicant that has provided a voice, broadband and/or electric transmission or distribution service for at least two consecutive years before the date of its application submission or that is a wholly owned subsidiary of such an entity must submit a certification that attests to these facts and specifies the number of years the applicant or its parent company has been operating.

If an applicant has provided a voice and/or broadband service, it must certify that it has filed the FCC's Form 477s and the Broadband DATA Act submission, if applicable, in a timely manner as required during this period, and otherwise has complied with the FCC's rules and regulations. The certification must be signed by an officer of the applicant (e.g., President or CEO) to be provided to the WSBO.

Alternatively, an applicant must disclose any Form 477 issues, corrections or other actions requested by the FCC to the applicant, including data irregularities, missed filings and any other inquiries. An applicant must disclose 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 FCC rules or regulations.

If an applicant has operated only an electric transmission or distribution service, it must submit qualified operating or financial reports that it has filed with the relevant financial institution for the relevant 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.

New entrants to the broadband market must provide sufficient evidence to demonstrate that the newly formed entity has obtained sufficient operational capabilities through internal or external resources. Such evidence may include resumes from key personnel, project descriptions and narratives from contractors, subcontractors, or other partners with relevant operational experience or comparable evidence.

In addition, apply applicable components of WSBO [BEAD Initial Proposal volume II Section 9.1 – MINORITY BUSINESS ENTERPRISES \(MBES\), WOMEN'S BUSINESS ENTERPRISES \(WBES\), AND LABOR SURPLUS AREA FIRMS INCLUSION STRATEGY](#).

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

Washington state is committed to supporting the recruitment, use, and retainment of minority business enterprises (MBEs), women's business enterprises (WBEs), and labor surplus area firms.<sup>6</sup> In compliance with federal funding subgrantee requirements, the Washington State Broadband Office (WSBO) will adhere to [2 CFR 200.321](#) to promote contracting with MBEs, WBEs, and labor

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<sup>6</sup> According to the U.S. Department of Labor, a labor surplus area is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20% or more above the average annual civilian unemployment rate for all states during the same 24-month reference period. U.S. Department of Labor (n.d.), Frequently Asked Questions. Accessed at: [Frequently Asked Questions | U.S. Department of Labor \(dol.gov\)](#)

surplus area firms where possible.

- 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
- Enforcing a tracking and reporting plan for prime vendors on MBE, WBE, and labor surplus area firm subcontracting.
- Deploying a contractor compliance plan for prime vendors, including how many DBEs were subcontracted as an evaluation factor for future contract awards.

### Ownership - Attachment

WSBO 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. Each applicant must provide ownership information consistent with the requirements set forth in [47 CFR § 1.2112\(a\)\(1\)-\(7\)](#). The Code of Federal Regulations regarding ownership information requires the following:

- List the real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant.
- List the name, address, and citizenship of any party holding 10% or more of stock in the applicant, whether voting or nonvoting, common, or preferred, including the specific amount of the interest or percentage held.
- List, in the case of a limited partnership, the name, address, and citizenship of each limited partner whose interest in the applicant is 10% or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses).
- List, in the case of a general partnership, each partner's name, address, and citizenship, and the share or interest participation in the partnership.
- List, in the case of a limited liability company, the name, address, and citizenship of each member whose interest in the applicant is 10% or greater.
- List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain that equals 10% or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50% or represents actual control, it shall be treated and reported as if it were a 100% interest.
- List any FCC-regulated entity or applicant for an FCC license in which the applicant or any of the parties identified in paragraphs (a)(1) through (a)(5) of the applicable CFR section owns 10% or more of stock, whether voting or nonvoting, common, or preferred. This list must include a description of each such entity's principal business and a

description of each such entity's relationship to the applicant (e.g., Company A owns 10% of Company B (the applicant) and 10% of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant).

In addition, the Corporate Transparency Act is now in effect required beneficial ownership of certain business entities. [eCFR: 31 CFR 1010.380 -- Reports of beneficial ownership information](#). Attached if applicable.

### Public Funding - Attachment

The WSBO is committed to ensuring that any applicant deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined in the BEAD NOFO. Therefore, each applicant must disclose, for itself and its affiliates, any application for public funding the applicant or its affiliates have submitted or plan to submit. Applicants ([please fill out the WSBO BEAD Other Funding Table](#)) must also disclose 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 Families First Coronavirus Response Act (Public Law 116- 127; 134 Stat. 178)
- The Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136; 134 Stat. 281)
- The Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182)
- The American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4)
- Any federal Universal Service Fund high-cost program (e.g., RDOF, Connect America Fund Phase II)
- Any Washington state or local universal service or broadband deployment funding program

Applicants must disclose, for each broadband deployment project:

1. The speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules).
2. The geographic area to be covered.
3. The number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage).
4. The amount of public funding to be used.
5. The cost of service to the consumer.
6. The matching commitment, if any, provided by the applicant or its affiliates.

### Other Requirements for the Application Narrative Submittals:

#### Application Attachment – Local and Tribal Coordination

Local, regional and tribal collaboration and coordination are required to foster adequate engagement between applicants and communities to determine their local, regional and tribal needs. To support local and tribal coordination, applications demonstrating engagement with

local, tribal, and regional entities can receive up to eight points during scoring.

- Applications that include letters of support from county commissioners, city councils, tribal governments, or community members will receive four points.
- Applications that provide records of local or tribal government consultations will receive an additional four points.

The WSBO is committed to implementing a selection process that honors and respects the sovereignty, autonomy and authority of the 29 federally recognized tribes throughout Washington state.

- Therefore, applicants with plans to build within any tribal lands will be required to provide a Resolution of Consent or other formal demonstration of consent from each tribal government's tribal council or other governing body upon whose tribal lands the infrastructure will be deployed.
- If the applicant is the tribe or an internet service provider owned by the tribe, consent to deployment is presumed.

A Resolution of Consent, or any substitute document used at the request of the tribal government, must be submitted by the applicant at the time of application, along with other relevant documents demonstrating that holistic local coordination occurred.

#### **Application Attachment – Project Shape File (for use in feasibility review)**

Provide an ESRI shape file or Google kmz file illustrating proposed project details such as planned routes, interconnection points, electronics, transmission hardware, aggregation points, vaults, etc. as well as location of last mile serviceable connections.

#### **Application Attachment – Consortium Agreements**

If the applicant is a Consortium, attached the contingency or executed Consortium Agreement to application submittal.

#### **Application Attachment – Fair Labor Practices**

Applicants that are already operating as ISPs must provide a narrative and evidence of plans to comply with federal labor and employment laws (3 points), disclosure of applicant violations (3 points), disclosure of contractor and/or subcontractor violations (3 points), wage information (3 points), and the provision of workplace safety committees (3 points). A total of 15 points available.

#### **Or**

For new market entrants, the WSBO recognizes that they will not have a record of past compliance. Applicants that are new market entrants will be scored using the weighting described below, according to the strength of commitments to fair labor practices identified in the BEAD NOFO Section IV.C.1.e. They must submit a narrative and evidence of forward-looking commitments that include the following plans for future compliance:

- How they plan to comply with federal labor and employment laws (5 points)

- How they plan to apply 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 (5 points)
- How they plan to implement workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects (5 points)
- A total of 15 points available.

Fair labor practices are crucial to successful BEAD implementation. Therefore, applicants must provide all required information and certify that they will comply with existing labor requirements outlined in the BEAD NOFO.

### **Application Attachment - Adoption and Digital Navigation**

Adoption and digital navigation refers to the provision of subsidized end-user devices and a description of how the applicant will provide digital navigation services. Digital Navigator services reduce barriers through education and device distribution, providing a path forward in equitable digital inclusion, as defined by the Washington State Department of Commerce. Service delivery includes real-time assistance with an option to leverage the use of digital learning platforms to teach the digital curriculum through in-person, webinar-based and at-your-own-pace modalities. The WSBO will award five points to applicants that can demonstrate how they will provide subsidized end-user digital devices to residents in their project area. The WSBO will award an additional three points to applicants that can demonstrate how they will offer digital navigation services to residents in their project area (e.g., digital literacy services). Describe other adoption assistance activities that would be associated with the proposed project. Including, but not limited to: technical support, digital literacy, and tools.

**Rationale:** Supporting adoption of broadband service and providing digital navigation is essential to the success of the BEAD program. The provision of subsidized end-user digital devices will support the use of newly constructed broadband infrastructure in populations who may not otherwise be able to purchase internet-capable devices. Additionally, offering digital navigation services will support Washingtonians who may not have previous experience accessing the internet, allowing them to take advantage of broadband service.

### **Application Attachment-Project Locations Where Broadband Service Location (BSL) Service Connection Completed after June 30, 2024**

Further guidance regarding public or private investment to connect locations after the challenge process deadline of June 30, 2024 will be provided.

### **Application Attachment-Non-Broadband Serviceable Locations: will be updated with forthcoming NTIA guidance**

WSBO notes that, in many cases, locations that are not broadband serviceable appear on the Federal Communications Commission's (FCC) Broadband Serviceable Location (BSL) Fabric and are thereby eligible for BEAD if they are unserved or underserved. Some of these locations may include non-residential locations like, hay bales, stack wood, uninhabitable structures, and/or



BSL does not need service. NTIA identified as “Mischaracterized Unserved and Underserved Locations or No Demand for Service. The applicants will be required to identify on an individual basis why the location is not broadband serviceable. These submitted lists are subject to the approval of WSBO. The list of proposed Non-BSLs must be submitted in the ZoomGrants portal during the application process. Template. Project Area Name Id, location ID number in Fabric v4 12/2023 BDC published on September 9, 2024 and individual justification as to why the location isn’t a BSL. In addition the documentation may include:

- Declarations by local or tribal governments within whose jurisdiction the location is situated,
- Photographic evidence geocoded to identify that a specific location ID should not be a BSL,
- Other evidence filed with the FCC to challenge the status of a location as a BSL.

For locations that has No Demand for Service, Eligible Entities can certify coverage if they document acceptable evidence indicating no demand for broadband service at the location. This may include:

- Certifications from service providers about access refusal,
- Declarations from property owners, or government entities prohibiting construction of communication facilities.

## Section 106 Compliance

### Archaeological & Cultural Resources

NTIA is federal funding, will be subject to Section 106 of the National Historic Preservation Act. WSBO will be soliciting a Request for Proposal to hire a consultant to lead the NEPA process and working with the subgrantees. To follow [NTIA NEPA Compliance](#): Guidance on NEPA process requirements, roles and responsibilities, and Appendices containing the full list of categorical exclusions and extraordinary circumstances applicable to NTIA programs effective April 2024.

## CSV Reports to be submitted with the Application

### Applicant (Subgrantees) CSV File

The purpose of the Subgrantees.CSV file is to capture information related to the provisionally selected subgrantees. Complete and attach in the ZoomGrants portal the [Subgrantees.CSV file](#). Please do not modify the form. This document is required for each project application submittal.

Please fill out the following:

Column Name	Data Type	Example	Description
<b>uei</b>	string {12}	F4N1QNPB9 5M4	<b>Unique Entity Identifier (UEI):</b> <a href="#">SAM.gov</a> assigned legal identifier of subgrantee
<b>uei_name</b>	string	BEAD Telecom LLC	<b>UEI Name:</b> Registered name associated with the UEI record in <a href="#">SAM.gov</a>

<b>frn</b>	string {10}	0019570779	<b>FRN:</b> 10-digit FCC Registration Number (FRN) of the subgrantee, with leading zeros										
<b>non_traditional_broadband_provider</b>	string {1} {Y, N}	Y	<b>Non-Traditional Broadband Provider:</b> Indicate whether the subgrantee is a traditional broadband provider (Y) or is not a traditional broadband provider (N)										
<b>provider_type</b>	string {1} {I, N, C, M, T}	M	<b>Type of Service Provider:</b> Select a category that best describes the service provider type: <table border="1" style="margin-left: 20px;"> <tr> <td><b>I</b></td> <td>ILEC</td> </tr> <tr> <td><b>N</b></td> <td>Non-ILEC Service Provider</td> </tr> <tr> <td><b>C</b></td> <td>Cooperative</td> </tr> <tr> <td><b>M</b></td> <td>Municipality (local government)</td> </tr> <tr> <td><b>T</b></td> <td>Tribal</td> </tr> </table>	<b>I</b>	ILEC	<b>N</b>	Non-ILEC Service Provider	<b>C</b>	Cooperative	<b>M</b>	Municipality (local government)	<b>T</b>	Tribal
<b>I</b>	ILEC												
<b>N</b>	Non-ILEC Service Provider												
<b>C</b>	Cooperative												
<b>M</b>	Municipality (local government)												
<b>T</b>	Tribal												
<b>wbe</b>	string {1} {Y, N}	Y	<b>Woman-Owned Business Enterprise (WBE):</b> Indicate whether the subgrantee is a woman-owned business (Y) or is not a woman-owned business (N)										
<b>mbe</b>	string {1} {Y, N}	N	<b>Minority Business Enterprise (MBE):</b> Indicate whether the subgrantee is a minority-owned business (Y) or is not a minority-owned business (N)										
<b>sb</b>	string {1} {Y, N}	Y	<b>Small Business:</b> Indicate whether a subgrantee qualifies as a small business (Y) or does not qualify as a small business (N)										
<b>webpage</b>	string	<a href="https://example.com">https://example.com</a>	<b>Webpage:</b> Address of the website (i.e., URL) for the subgrantee										

## Locations CSV File

The purpose of the Locations.CSV is to capture data related to the anticipated service level to be created through the provisionally selected subgrantee’s project. Complete and attach in the ZoomGrants portal the [Locations.CSV file](#). Please do not modify the form. This form is required for each project application submittal and must contain data for each Location ID in the project area. Please fill out the following:

Column Name	Data Type	Example	Description								
<b>location_id</b>	string {13}	1081756084	<b>Location ID:</b> Unique location identifier, as used in the Broadband Serviceable Location Fabric								
<b>project_id</b>	string	Adams_County-1	<b>Project ID:</b> Eligible Entity assigned unique identifier assigned to the project area								
<b>classification</b>	Enumerated {0, 1, 2}	0	<b>Location Classification:</b> Indicate the category classifying the location as unserved (0), underserved (1) or served (2)								
<b>technology</b>	integer {2}	50	<b>Technology Code:</b> Indicate the type of technology to be deployed for service to the location, using the FCC Broadband Data Collection technology codes. If location will not be served, enter ‘1’ and explain in the “reason_no_project” column <table border="1" style="margin-left: 20px;"> <tr> <td>0</td> <td>Other technology</td> </tr> <tr> <td>1</td> <td>Will not serve</td> </tr> <tr> <td>10</td> <td>Copper Wire</td> </tr> <tr> <td>40</td> <td>Coaxial Cable / HFC</td> </tr> </table>	0	Other technology	1	Will not serve	10	Copper Wire	40	Coaxial Cable / HFC
0	Other technology										
1	Will not serve										
10	Copper Wire										
40	Coaxial Cable / HFC										

			<table border="1"> <tr><td>50</td><td>Optical Carrier / Fiber to the Premises</td></tr> <tr><td>60</td><td>Geostationary Satellite</td></tr> <tr><td>61</td><td>Non-Geostationary Satellite</td></tr> <tr><td>70</td><td>Unlicensed Terrestrial Fixed Wireless</td></tr> <tr><td>71</td><td>Licensed Terrestrial Fixed Wireless</td></tr> <tr><td>72</td><td>Licensed by-Rule Terrestrial Fixed Wireless</td></tr> </table>	50	Optical Carrier / Fiber to the Premises	60	Geostationary Satellite	61	Non-Geostationary Satellite	70	Unlicensed Terrestrial Fixed Wireless	71	Licensed Terrestrial Fixed Wireless	72	Licensed by-Rule Terrestrial Fixed Wireless
50	Optical Carrier / Fiber to the Premises														
60	Geostationary Satellite														
61	Non-Geostationary Satellite														
70	Unlicensed Terrestrial Fixed Wireless														
71	Licensed Terrestrial Fixed Wireless														
72	Licensed by-Rule Terrestrial Fixed Wireless														
<b>upload_speed_anticipated</b>	integer	1000	<b>Upload Speed Anticipated:</b> Planned maximum upload speed in Mbps. <i>Leave empty where technology code = 1</i>												
<b>download_speed_anticipated</b>	integer	1000	<b>Download Speed Anticipated:</b> Planned maximum download speed in Mbps. <i>Leave empty where technology code = 1</i>												
<b>low_latency</b>	enumerated {0, 1}	1	<b>Low Latency:</b> Indicate whether the committed service meets the definition of low latency (1) or does not meet the definition of low latency (0) Note: Low latency is defined as having a round-trip latency of less than or equal to 100 ms based on the 95th percentile of measurements. <i>Leave empty where technology code = 1</i>												
<b>reason_no_project</b>	string {250}	Hay bale (on-site survey by county)	<b>Reason for No Project:</b> Explanation for why the Eligible Entity does not propose to cover a location through a BEAD-funded project (i.e., Technology Code 1, Will Not Serve). Max 250 characters The string should identify a short reason category and include location-specific details; the reason codes will be provided in subsequent guidance.												
<b>extremely_high_cost_threshold</b>	string {1} {Y, N}	N	<b>Extremely High-Cost Threshold:</b> Indicate whether the location exceeds the defined extremely high-cost per location threshold (Y) or does not exceed the extremely high-cost per location threshold (N). If the extremely high-cost per location threshold has not been set, enter (U).												
<b>funding_source</b>	string {1000}	USDA Reconnect Program	<b>Funding Source:</b> Non-BEAD funding source(s), <i>if applicable</i> . If the location is served by another program all together, list Technology Code as 1 and list the program here												

### Community Anchor Institution (CAI) CSV File

The purpose of the CAI.CSV file is to capture information related to the provisionally selected subgrantees. Complete and attached in ZoomGrants portal the [CAI.CSV file](#). Please do not modify the form. This form is required for each project application submittal and must contain data for each CAI in the project area. Please fill out the following:

Column Name	Data Type	Example	Description						
<b>type</b>	string {1}	S	<b>Type:</b> Indicate the CAI location type: <table border="1"> <tr> <td>S</td> <td>K-12 school, junior college, community college, university, or other educational institution</td> </tr> <tr> <td>L</td> <td>library</td> </tr> <tr> <td>G</td> <td>local, state, federal or Tribal government building</td> </tr> </table>	S	K-12 school, junior college, community college, university, or other educational institution	L	library	G	local, state, federal or Tribal government building
S	K-12 school, junior college, community college, university, or other educational institution								
L	library								
G	local, state, federal or Tribal government building								

			<table border="1"> <tr> <td>H</td> <td>health clinic, health center, hospital, or other medical provider</td> </tr> <tr> <td>F</td> <td>public safety entity such as a fire house, emergency medical service station, police station, or public safety answering point (PSAP)</td> </tr> <tr> <td>P</td> <td>public housing organization</td> </tr> <tr> <td>C</td> <td>community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals</td> </tr> </table>	H	health clinic, health center, hospital, or other medical provider	F	public safety entity such as a fire house, emergency medical service station, police station, or public safety answering point (PSAP)	P	public housing organization	C	community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals
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<b>entity_name</b>	string	King County Sheriff	<b>Entity Name:</b> Official name of the CAI								
<b>location_id</b>	string {13}	1081756084	<b>Location ID:</b> Unique identifier of the CAI from the Broadband Serviceable Location (BSL) Fabric if the location has a corresponding Location ID. <i>This may not be applicable for all locations</i>								
<b>entity_number</b>	string	7688	<b>Entity Number:</b> USAC assigned unique identifier for schools or libraries that participate in the E-Rate program. <i>Leave empty for other types of CAIs</i>								
<b>cms_number</b>	string	310045	<b>CMS Number:</b> The CMS certification number, only applicable to CAIs where type = H. <i>Leave empty for other types of CAIs</i>								
<b>frn</b>	string {10}	001543380 8	<b>FRN:</b> 10-digit FCC Registration Number (FRN) of the subgrantee, with leading zeros.								
<b>project_id</b>	string	Adams_County-1	<b>Project ID:</b> Eligible Entity assigned unique identifier assigned to the project area								
<b>address_primary</b>	string	10 Main St	<b>Street Address:</b> Street number, street name, and any applicable prefix or suffix of the first address line (primary address) of the CAI. Denote the physical address of the CAI, not the administrative location								
<b>city</b>	string	Sandisfield	<b>City:</b> Full name of the city, town, municipality, or census designated place associated with address								
<b>state</b>	string {2}	WA	<b>State or Territory:</b> Two-letter USPS abbreviation identifying the state or territory associated with the Eligible Entity								
<b>zip_code</b>	string	01255	<b>Zip Code:</b> Five-digit USPS ZIP code associated with address, including any leading zeros								
<b>latitude</b>	float {-14.6 to 71.4}	42.06490	<b>Latitude:</b> Unprojected (WGS-84) geographic coordinate latitude in decimal degrees for the CAI, with a minimal precision of 5 decimal digits								
<b>longitude</b>	float {179.2 to 179.8}	-73.13086	<b>Longitude:</b> Unprojected (WGS-84) geographic coordinate longitude in decimal degrees for the CAI, with a minimal precision of 5 decimal digits								
<b>classification</b>	Enumerated {0, 1, 2}	1	<b>Location Classification:</b> Indicate the category classifying the location as unserved (0), underserved (1) or served (2)								
<b>technology</b>	Enumerated {2}	50	<b>Technology Code:</b> Code for the technology to be deployed for service to the location, using the FCC Broadband Data Collection technology codes: <table border="1"> <tr> <td>0</td> <td>Other technology</td> </tr> <tr> <td>1</td> <td>Will not serve</td> </tr> </table>	0	Other technology	1	Will not serve				
0	Other technology										
1	Will not serve										

			<table border="1"> <tr><td>10</td><td>Copper Wire</td></tr> <tr><td>40</td><td>Coaxial Cable / HFC</td></tr> <tr><td>50</td><td>Optical Carrier / Fiber to the Premises</td></tr> <tr><td>60</td><td>Geostationary Satellite</td></tr> <tr><td>61</td><td>Non-Geostationary Satellite</td></tr> <tr><td>70</td><td>Unlicensed Terrestrial Fixed Wireless</td></tr> <tr><td>71</td><td>Licensed Terrestrial Fixed Wireless</td></tr> <tr><td>72</td><td>Licensed by-Rule Terrestrial Fixed Wireless</td></tr> </table>	10	Copper Wire	40	Coaxial Cable / HFC	50	Optical Carrier / Fiber to the Premises	60	Geostationary Satellite	61	Non-Geostationary Satellite	70	Unlicensed Terrestrial Fixed Wireless	71	Licensed Terrestrial Fixed Wireless	72	Licensed by-Rule Terrestrial Fixed Wireless
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61	Non-Geostationary Satellite																		
70	Unlicensed Terrestrial Fixed Wireless																		
71	Licensed Terrestrial Fixed Wireless																		
72	Licensed by-Rule Terrestrial Fixed Wireless																		
<b>upload_speed_anticipated</b>	integer	1000	<b>Upload Speed Anticipated:</b> Planned maximum upload speed in Mbps <i>Leave empty where technology code = 1</i>																
<b>download_speed_anticipated</b>	integer	1000	<b>Download Speed Anticipated:</b> Planned maximum download speed in Mbps <i>Leave empty where technology code = 1</i>																
<b>low_latency</b>	enumerated {0, 1}	1	<b>Low Latency:</b> Indicate whether the committed service meets the definition of low latency (1) or does not meet the definition of low latency (0) Note: Low latency is defined as having a round-trip latency of less than or equal to 100 ms based on the 95th percentile of measurements. Leave empty where technology code = 1																

## SCORING AND TECHNICAL ASSISTANCE?

### Priority Broadband Project Scoring

Applications that propose constructing end-to-end fiber optic facilities to all BSLs in a Project Funding Area are defined as a Priority Broadband Project and scored according to the criteria below.

	Criterion	Weight	Description	Maximum Points	
Primary Criteria	<b>Minimal BEAD Program Outlay*</b>	<b>40</b>	Amount of funding requested to provide service to a project area.	40	
	<b>Affordability (middle-class)*</b> <i>(Nonpromotional rates)</i>	<b>20</b>	<b>Broadband service rate for 1 gigabit per second (Gbps):</b> 1/1 Gbps service for less than \$75 per month	20	
			1/1 Gbps service between \$75 – \$84.99 per month	10	
			1/1 Gbps service for more than \$85 per month	0	
	<b>Fair Labor Practices*</b>	<b>15</b>	<b>Pre-existing ISPs</b>		
			Compliance with federal labor and employment laws	3	
Disclosure of applicant violations			3		
		Disclosure of contractor and/or subcontractor violations	3		
		Wage information	3		
		Workplace safety committees	3		
		<b>New Entrants</b>			
		Plan for compliance with federal labor and employment laws	5		
		Plan for wages	5		
		Plan to establish workplace safety committees	5		
Secondary Criteria	<b>Speed to Deployment*</b>	<b>1</b>	Construction completion date in under 3 years	1	
			Construction completion date between 3 and <4 years	0.5	
	<b>Open Access</b>	<b>8</b>	<b>Number of committed internet service providers (ISPs):</b> 2 or more committed ISPs above and beyond the applicant with signed agreements (contracts)	4	
			<b>Wholesale cost:</b> 1/1 Gbps wholesale cost less than \$40 per connection	4	
			1/1 Gbps wholesale cost for \$40 – \$50 per connection	2	
	<b>Local and Tribal Coordination</b>	<b>8</b>	Letters of support from county commissioners, city councils, or tribal governments	4	
			Records of local or tribal government consultations	4	
<b>Adoption and Digital Navigation</b>	<b>8</b>	Provision of subsidized end-user digital devices	5		
		Other digital navigation services (e.g., digital literacy services, educational resources for digital resources)	3		

\* - The BEAD NOFO requires this scoring category for all Priority Broadband Projects.

## Other Last-Mile Broadband Deployment Project Scoring

Applications that do not propose constructing end-to-end fiber optic facilities to all BSLs in a Project Funding Area are defined as an Other Last-Mile Broadband Project and scored according to the criteria below.

	Criterion	Weight	Description	Maximum Points	
Primary Criteria	<b>Minimal BEAD Program Outlay*</b>	<b>40</b>	Amount of funding requested to provide service to a project area.	40	
	<b>Affordability*</b> <i>(Nonpromotional rates)</i>	<b>20</b>	<b>Broadband service rate for 100/20 Mbps:</b> 100/20 Mbps service for less than \$40 per month 100/20 Mbps service for \$40 – \$49.99 per month 100/20 Mbps service for more than \$50 per month	20 10 0	
	<b>Fair Labor Practices*</b>	<b>15</b>	<b>Pre-existing ISPs</b>		
			Compliance with federal labor and employment laws	3	
			Disclosure of applicant violations	3	
			Disclosure of contractor and/or subcontractor violations	3	
Wage information			3		
Workplace safety committees	3				
<b>New Entrants</b>					
Plan for compliance with federal labor and employment laws	5				
Plan for wages	5				
Plan to establish workplace safety committees	5				
Secondary Criteria	<b>Speed to Deployment*</b>	<b>1</b>	Construction completion date in under 3 years	1	
			Construction completion date between 3 and <4 years	0.5	
	<b>Open Access</b>	<b>7</b>	<b>Number of committed providers:</b> 2 or more committed ISPs above and beyond the applicant with signed agreements (contracts)	3	
			<b>Wholesale cost of 1 Gbps symmetrical:</b> 1/1 Gbps wholesale cost \$39.99 per connection or less	2	
			<b>Wholesale cost of 100/20 Mbps:</b> 100/20 Mbps wholesale cost \$30 per connection or less	2	
	<b>Local and Tribal Coordination</b>	<b>7</b>	Letters of support from county commissioners, city councils, tribal governments, or community members	3	
			Record of local or tribal government consultations	4	
	<b>Adoption and Digital Navigation</b>	<b>7</b>	Provision of subsidized end-user digital devices	5	
			Other digital navigation services (e.g., digital literacy services, educational resources for digital resources)	2	
	<b>Speed of Network*</b>	<b>3</b>	Hybrid fiber coaxial DOCSIS 3.1 or higher	3	
Wireless using licensed spectrum			2		
Low Earth Orbit (LEO) satellite (extreme high-cost areas only)			1		

\* - The BEAD NOFO requires this scoring category for all Other Last-Mile Broadband Deployment Projects.

## Who Should I Contact If I Have Questions?

### WSBO Questions

To support openness, fairness, and competition in its BEAD grant application efforts, WSBO will provide open and frequent communications and support for applicants throughout the subgrantee selection process. WSBO is using ZoomGrants portal, when changes have been made to the NOFO Application Guidelines, an email will be sent from the portal to applicant's contact.

WSBO will update its website regularly with program developments and will update its FAQ document regularly with the questions and answers generated by the email inquiries.

The NOFO Coordinator is the sole point of contact in COMMERCE for this NOFO. All communication between the Proposer and COMMERCE upon release of this NOFO shall be with the NOFO Coordinator, as follows:

Name	Crystal Schoelkopf
E-Mail Address	<a href="mailto:crystal.schoelkopf@commerce.wa.gov">crystal.schoelkopf@commerce.wa.gov</a>

Any other communication will be considered unofficial and non-binding on COMMERCE. Proposers are to rely only on written statements issued by the NOFO Coordinator.

**Communication directed to parties other than the NOFO Coordinator may result in disqualification of the Proposer.**

### ZoomGrants Technical Questions

Contact ZoomGrants Tech Support Desk: [Questions@ZoomGrants.com](mailto:Questions@ZoomGrants.com) or (866) 323-5404 ext. 2.



## WSBO: BEAD Policies

### BEAD Contract Execution Deadline Date Policy *approved 11//06/24*

NTIA requires that all BEAD subrecipients contracts need to be executed within six months of the WSBO BEAD Final Proposal approval date.

Recipients awarded BEAD funding must return a Scope of Work approval within one month of receipt of a draft from the WSBO. Recipients must return an executed contract within five months of receipt. Failure to do so shall result in withdrawal of the award.

#### Procedures

To issue a contract:

- Award letter issued after the BEAD Final Proposal is approved, within one week of notification.
- Staff drafts the Scope of Work for the recipient's approval. This draft is sent to the recipient for review and approval no more than a week after the award letter is sent.
- Once the Scope of Work is approved by the recipient, the Project Manager issues a contract through DocuSign within a week for management review/approval.

### BEAD Extreme High Cost Threshold (EHCT) Policy *approved 11//06/24*

In order for a BEAD project application to incorporate non-fiber technology options, the project must exceed the EHCT.

To determine if a project exceeds the EHCT, first divide the total project cost by the number of BSLs in the project area to get a per location cost. For end to end fiber projects that reach a per location cost exceeding the EHCT, the applicant may opt to utilize alternative reliable broadband technology (coaxial DOCSIS 3.1 or higher, licensed fixed wireless) for the most costly to reach BSLs or necessary middle mile stretches that do not have service drops. Alternative technology may be used to reduce costs until the per location cost is under the EHCT, with the remaining locations connected via fiber.

### BEAD Application Prioritization Policy *approved 11//06/24*

Once applications are reviewed to assure their completeness and adherence to BEAD requirements, awarding comes down to prioritization and scoring. The following are the standards for review and award:

- **A project area receives multiple applications for priority broadband project builds -** The published priority broadband project scoring matrix is used to objectively rate the applications. The highest scoring application becomes the apparent successful applicant. The WSBO Director may select a different apparent successful applicant if there are significant concerns about the highest rated applicant's managerial, financial, operational or technical capability.

- **A project area receives a priority broadband project application that doesn't exceed the EHCT and an application for another last-mile broadband deployment project** – The priority broadband project becomes the apparent successful applicant, as the BEAD priority is end-to-end fiber service. The WSBO Director may select a different apparent successful applicant if the priority broadband project applicant has a significantly higher Minimal BEAD Program Outlay or there are significant concerns about the highest rated applicant's managerial, financial, operational or technical capability.
- **A project area receives a priority broadband project application that exceeds the EHCT and an application for another last-mile broadband deployment project** – The applications are scored using their respective published scoring matrices. The highest score becomes the apparent successful applicant. The WSBO Director may select a different apparent successful applicant if the highest scoring applicant has a higher Minimal BEAD Program Outlay or there are significant concerns about the highest rated applicant's managerial, financial, operational or technical capability.
- **A project area receives no priority broadband project applications and multiple applications for another last-mile broadband deployment project** – The published other last-mile broadband deployment project scoring matrix is used to objectively rate the applications. The highest scoring application with the highest percentage of fiber connections becomes the apparent successful applicant. In situations where the highest scoring application does not have the highest percentage of fiber connections, selection of the apparent successful applicant is at the discretion of the WSBO Director. Additionally, the WSBO Director may select a different apparent successful applicant if there are significant concerns about the highest rated applicant's managerial, financial, operational or technical capability.

### **BEAD Low-Cost Broadband Policy *approved 11//07/24***

To bridge the digital divide in Washington and strive to meet Objective 1.4 set out in the state's [Five-Year Action Plan](#) and in [Chapter 1 – Objectives](#), the Washington State Broadband Office (WSBO) recognizes the intrinsic link between affordability and accessibility. Objective 1.4 states that every business and household in Washington State should have affordable access to the broadband they need for work, school, healthcare, and more. This includes reducing barriers to access through policy and programs, such as:

- Increasing awareness of benefits and enrollment of eligible households in Lifeline, the Affordable Connectivity Program (ACP), or any successor program.
- Expanding the availability of non-federally funded subsidies and grant programs to increase the affordability of broadband.

WSBO developed the following low-cost broadband service option:

- The subgrantee offers a service option that meets, at a minimum, the following criteria:

- The low-cost service option costs \$30 per month or less, including all taxes, fees, and charges billed to the subscriber. The WSBO may adjust the low-cost service option price as needed to match inflation.
- The subgrantee must allow the end user to apply ACP or any successor program benefit subsidies to the service price.
- If the subgrantee participates in Lifeline, the subgrantee must allow the end user to apply Lifeline program benefit subsidies to the service price.
- The subgrantee must work to inform prospective customers of the ACP or any successor program. They must also work to inform prospective customers of Lifeline, if the subgrantee is a participant. The subgrantee must also take the necessary steps to enroll and apply the benefit to the low-cost service option.
- Subgrantees will be held to performance requirements established by the BEAD program. They must consistently and reliably provide download speeds of at least 100 megabits per second (Mbps) and typical upload speeds of at least 20 Mbps.
- The low-cost service option must provide no more than 100 milliseconds of typical latency measurements.
- The subgrantee must not subject low-cost service option subscribers to data caps, surcharges, or usage-based throttling. Low-cost service option subscribers must only be subject 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.
- If the subgrantee later offers a low-cost plan with higher speeds downstream and/or upstream, the subgrantee must permit eligible subscribers subscribed to a low-cost service option to upgrade at little to no extra cost. The subgrantee must also inform subscribers of alternative plan options if they wish to change to another tier of service.
- The subgrantee is required to participate in the ACP and encouraged to ensure that prospective customers are aware of their participation in the ACP and/or Lifeline. The subgrantee is required to participate in any successor broadband subsidy programs should funding for the ACP be depleted and the program not renewed.
- To offer Lifeline, you must be designated as an Eligible Telecommunications Carrier (ETC). If you would like to offer Lifeline, you must be designated as an Eligible Telecommunications Carriers (ETC) by Washington Utilities (UTC), link to [Federal Universal Service Funds](#).
- Subgrantees may only increase the price of the low-cost service option after 12 months have passed, and at a rate that does not exceed the Consumer Price Index for All Urban Consumers (CPI-U) 12-month percentage point change for the “All Items” category, published by the U.S. Bureau of Labor Statistics.<sup>7</sup> Existing customers must be informed

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<sup>7</sup> U.S. Bureau of Labor Statistics (n.d.), CPI-U: U.S. city average by detailed expenditure category. Accessed at: <https://www.bls.gov/news.release/cpi.t02.htm>

via mail, billing announcement, or email, no later than 30 days before an annual price increase.

Subgrantees must offer a \$30 or less low-cost service option to eligible customers within the awarded project areas under the BEAD program. According to the U.S. Department of Health and Human Services' Poverty Guidelines, an individual earning \$15,060 or less annually is at the federal poverty line. Based on a 2016 benchmark from the Federal Communications Commission, broadband service should not cost more than 2% of monthly income.<sup>8</sup> Using the 2% threshold, an affordable monthly broadband price would equal \$25. Using the Lifeline subsidy of \$9.25 per month, the total price for the low-cost service option would equal \$21, which is less than the \$25 threshold.<sup>9</sup>

A customer is eligible for the low-cost service option if the household income is at or below 200% of the Federal Poverty Guidelines, or if a member of the household meets at least one of the criteria below:

- Participates in certain assistance programs, such as SNAP, Medicaid, Housing Choice Voucher (HCV) Program (Section 8 Vouchers), Project-Based Rental Assistance (PBRA)/202/811, Public Housing, SSI, WIC, or Lifeline;
- Participates in the Free and Reduced-Price School Lunch Program or School Breakfast Program, including at U.S. Department of Agriculture (USDA) Community Eligibility Provision schools.
- Received a Federal Pell Grant during the current award year;
- Participates in tribal specific programs, such as Bureau of Indian Affairs General Assistance, Tribal TANF, Affordable Housing Programs for American Indians, Alaska Natives or Native Hawaiians, or Food Distribution Program on Indian Reservations; or
- Meets the eligibility criteria for a participating provider's existing low-income internet program.

The WSBO strongly encourages the low-cost broadband service option to be available to all eligible prospective customers across the subgrantee's service territory; however, this service option must be available to locations within the awarded project areas under the BEAD program.

With this affordability guidance in place, the WSBO anticipates increased awareness of and participation in affordability programs, reducing cost barriers of connectivity for the most vulnerable communities and households across Washington state.

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<sup>8</sup> Federal Communications Commission (2016), FCC 16-38. Accessed at: [Microsoft Word - 157907 \(fcc.gov\)](#)

<sup>9</sup> Federal Communications Commission (n.d.), Lifeline Program for Low-Income Consumers. Accessed at: [Lifeline Program for Low-Income Consumers | Federal Communications Commission \(fcc.gov\)](#)

## BEAD Negotiation Process Policy *approved 11/10/24*

Once the first and second round of BEAD applications have been received, the WSBO Director, per NTIA rule, may engage in direct negotiations. The following are the guidelines for WSBO negotiation.

### **Informal Negotiation**

For project areas that received applications during either funding round that are too expensive, WSBO staff will initiate direct communication with the applicant to discuss:

- Areas where costs can be reduced by the use of alternate reliable technology.
- Areas where costs can be reduced by the use of alternate unreliable technology.
- Areas that may be better served through an adjacent project.
  - This would require discussions with both apparent successful applicants.

Applicants will have to submit an updated project budget using the appropriate alternative(s) above for the application to be accurately scored.

For project areas that had Non-Broadband Serviceable Locations or BSL Does Not Need Service locations rejected by WSBO during review, WSBO staff will initiate direct communication with the applicant to inform them they need to return the BSL to the project area and submit an updated budget for the project for accurate scoring of the application.

Staff compiles notes from these direct communications to discuss with the WSBO Director. The WSBO Director makes a final offer to the applicant(s) during the Direct Negotiation phase.

- If all parties agree, the proposed award and project scope is adjusted. Applicant(s) must submit updated design.
- If the project is still over-budget, final determination on award depends on availability of funds.

For tribal project areas that are too expensive:

- WSBO staff notifies the WSBO Director.
- WSBO Director notifies the NTIA.

### **Formal Negotiation**

Upon completion of the second round of BEAD applications, WSBO identifies project areas that did not receive bids. For these areas, WSBO sends a general notice of the project areas that were not applied for, and calls for eligible entities to contact WSBO to show interest in direct negotiation. Receptive eligible entities receive an email confirmation and meeting invite to discuss the possibility of taking the project area with the WSBO Director.

For non-tribal project areas that received no applications, the WSBO Director will initiate direct communications with eligible entities participating in areas near the project area to discuss taking the project area.

For tribal project areas that received no applications, WSBO will determine eligible entities who

are participating in areas near the project area. The WSBO Director will directly contact the tribe to discuss the possibility of the tribe or one of the nearby eligible entities building the project.

### **BEAD Ownership Policy *approved 11/07/24***

The Washington State Broadband Office allows local government and Federally recognized tribes awarded Broadband Equity, Access and Deployment (BEAD) funding (AWARDEE) to transfer ownership of project property to an Internet Service Provider or Network Service Provider (ISP), provided the AWARDEE and ISP have an existing Indefeasible Rights of Use agreement for the property to be transferred.

Transfer may only occur after the AWARDEE:

- Secures the agreement of the ISP to comply with the requirements of [2 CFR 200.313](#)
- Receives acknowledgement by the ISP of the Federal Interest in the property and the Federal Interest Period.
- Receives consent for the transfer from the National Telecommunications and Information Administration (NTIA).

During the Federal Interest Period, the AWARDEE shall remain responsible for:

- Compliance with all applicable state, federal and local laws.
- Compliance to all BEAD program guidelines and contractual terms and conditions.
- Submission of all required monitoring documents.
- Submission of any project invoicing/reimbursement requests.

During the Federal Interest Period, the ISP receiving the property shall comply with:

- All applicable state, federal and local laws.
- All BEAD program guidelines and contractual terms and conditions originally placed on the AWARDEE.

Additionally, both parties must ensure operations of the property created with BEAD funding in compliance with BEAD rules and regulations for the duration of the Federal Interest Period (10 years from project completion).

### **BEAD Non-Broadband Serviceable Locations or BSL Does Not Need Service Policy *approved 11/10/24***

WSBO notes that, in many cases, locations that are not broadband serviceable appear on the Federal Communications Commissions (FCC) Broadband Serviceable Location (BSL) Fabric and are thereby eligible for BEAD if they are unserved or underserved. Some of these locations may include non-residential locations like hay bales, stack wood, uninhabitable structures, and/or is a BSL that does not need service. Applicants, when creating their project design and budget, may choose to remove these locations from the project area. The applicants are required to identify, on an individual basis, why the location is not broadband serviceable or does not need service and provide evidence for WSBO evaluation. These submitted lists are subject to the approval of WSBO.

To be considered for removal, the BSL must meet one of the following criteria:

1. Location is identified in the FCC fabric as a BSL, but is not a residence, business qualifying for mass market internet, or a Community Anchor Institution.
2. The BSL is already served by qualifying broadband service constructed prior to the BEAD application process.
3. The BSL is defined as a residence, but is not a principal place of residence as defined in [26 CFR §301.6362-6\(b\)\(2\)](#).
4. The BSL is on tribal land and the tribe has enacted a resolution or provides a certified letter from the tribal chairperson prohibiting BEAD-funded connection to the location. The tribe may also certify the location already has qualifying broadband service.

The list of proposed Non-BSLs or BSLs Does Not Need Service locations must be submitted in the ZoomGrants portal during the application process utilizing [the WSBO BEAD Non-BSL or, BSL Does Not Need Service Policy template](#). The template requires the applicant to report the Project Area Name Id, BSL location ID number from Fabric v4 12/2023 BDC published on September 9, 2024 and individual justification as to why the location isn't a BSL.

In addition, evidence must be uploaded to a secure file sharing platform like Dropbox or Box for each location to be removed from the project area for WSBO to evaluate. The link to the secure file sharing location and any required password must be included in the WSBO BEAD Non-BSL or BSL Does Not Need Service template. The documentation may include:

- Declarations by local or tribal governments within whose jurisdiction the location is situated,
- Photographic evidence geocoded to identify that a specific location ID should not be a BSL,
- Other evidence filed with the FCC to challenge the status of a location as a BSL.

Applicants are to provide in their application design(s) and budget(s) reflecting the removal of these BSLs.

During application review, WSBO will determine the validity of Non-BSLs or BSLs Does Not Need Service location identifications. WSBO staff will follow the BEAD Negotiation Process Policy to discuss with the applicant the budget impact of returning BSLs deemed eligible back into projects that removed them. This information will be passed to the WSBO Director to utilize in Direct Negotiations consistent with the BEAD Negotiation Process Policy.

This policy may be amended, if NTIA provides additional guidance during the application cycle.

## Obligations for Subgrantees Deploying Network Projects

*The below guide is for informational purposes only and is intended solely to assist potential applicants in better understanding the NTIA BEAD Program and the application requirements set forth in the NOFO for this program. This guide does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, the terms and conditions of a BEAD award, or the specific application requirements set forth in the NOFO.*

Note certain sections are highlighted below to get a better understanding to navigating the requirements of BEAD, [click link](#) for the full guidance issued NTIA Internet For All.

BEAD programmatic requirements for subgrantees to include the following:

- **Network Capabilities:** This section delves into the technical requirements, including performance measurement (speed & latency) and resilience against networks outages.
- **Deployment Requirements:** This section outlines the procedural and operational standards for broadband deployment.
- **Service Obligations:** This section addresses the subgrantees' commitments to affordability, consumer protection, and service accessibility.

*The Best Practices outlined in this document are example strategies of some of the ways a subgrantee can ensure compliance with BEAD requirements but are not a comprehensive list or set of additional requirements.*

### Network Capabilities

#### Speed and Latency

##### Requirement

The BEAD NOFO requires Funded Networks to deliver speeds of not less than 100 Mbps for downloads and 20 Mbps for uploads for broadband serviceable locations; speeds of not less than 1 Gigabit symmetrical for CAIs; and 95 percent of latency measurements during testing windows to fall at or below 100 milliseconds round trip time. These standards are critical for supporting modern applications and services that require high-speed and low-latency connections.

##### Guidance

Subgrantees should deploy robust network infrastructure and schedule regular performance testing to ensure that the network can consistently meet or exceed the performance standards. NTIA will provide additional guidance regarding the required performance testing for last-mile broadband infrastructure.

#### Network Outages

##### Requirement

Subgrantees must have protocols in place to ensure each Funded Network's outages do not exceed, on average, 48 hours over any 365-day period except in the case of natural disasters or other force majeure occurrence.

##### Guidance

Subgrantees should develop a comprehensive outage management plan that includes



preventive maintenance schedules, quick response teams for outage resolution, and clear communication channels for informing customers about outages and expected restoration times.

### Best Practices

- **Preventive Maintenance:** A Subgrantee schedules regular maintenance during off-peak hours to check and replace aging components, aiming to prevent unplanned outages. They use predictive analytics to identify parts of the network that are at risk of failing and address them proactively.
- **Rapid Response Protocol:** The ability to quickly recover from service disruptions is important for maintaining broadband service reliability. In the event of an outage, a Subgrantee activates an emergency response team that is trained to quickly diagnose and fix network issues. They also have a customer service protocol to inform affected users via SMS and social media, providing updates every 30 minutes until the issue is resolved.

## Deployment Deadlines and Benchmarks

### Requirement

Subgrantees must deploy Funded Networks and start service to each customer that desires it no later than four years after receiving the subgrant, meeting interim buildout milestones established by the WSBO to ensure progress. WSBO must set clear interim milestones and enforce them as conditions of the subgrant.

### Guidance

Subgrantees are required to adhere to specific deployment schedules, ensuring the network is operational within the stipulated time. Subgrantees should regularly report progress to their respective State or Territory in alignment with the monitoring requirements detailed by the WSBO in their subgrantee agreements.

### Best Practices

- **Fiber Deployment:** Establish clear benchmarks that are easily measurable, such as miles of fiber deployed per unit of time. Project timelines should factor in time-consuming gating items such as local permitting, and underground utility locating.
- **Fixed Wireless Rollout:** For a fixed wireless network covering remote areas, a Subgrantee might have a set deadline with annual milestones defined by the respective Eligible Entity to activate new towers periodically.

## Conduit Access Points

### Requirement

Underground network deployments must include excess conduit capacity and regular conduit access points for interconnection by others.

### Guidance

Prospective subgrantees should propose a plan for the placement and interval of conduit access points in their applications, ensuring enough capacity for future expansion and access.

### Best Practices

- **Citywide Broadband Expansion:** In deploying broadband across a large city, a Subgrantee integrates conduit access points every 300 meters to facilitate easy access for municipal services and future Subgrantees.
- **Highway Fiber Installation:** Installing fiber along a state highway, the Subgrantee sets up conduit access points at regular intervals and at locations where there is high probability to provide future service, such as at rest areas to allow for potential public Wi-Fi services and state traffic management connectivity.

## Affordability and Low-Cost Plans

### Requirement

Prospective subgrantees are required to offer at least one low-cost broadband service option, as defined by the relevant WSBO. The low-cost broadband service option must be made available to eligible subscribers for the useful life of the network asset (*i.e.*, the federal interest period, which is 10 years after the year in which the subgrant for a project has been closed out).

### Guidance

Prospective subgrantees should develop a pricing strategy that complies with at least one of the relevant WSBO's low-cost broadband service options. The WSBO's definition of a low-cost service option will detail:

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

### Best Practices

- **Targeted Plan Offerings - Speed:** A Subgrantee offers a plan that meets or exceeds the Eligible Entity's required service speeds for the low-cost broadband service option.
- **Targeted Plan Offerings - Price:** A Subgrantee offers a pricing plan at or below the Eligible Entity's required pricing for the low-cost broadband service option that is made available to eligible subscribers.
- **Community Outreach:** The Subgrantee partners with local community centers and social service organizations to hold monthly sign-up drives, ensuring that information about the low-cost broadband service option reaches eligible households.

## Consumer Protection

### Requirement

Prospective subgrantees are prohibited from imposing data usage caps on any BEAD-funded networks or imposing unjust or unreasonable network management practices.

### Guidance

Prospective subgrantees should implement clear and transparent billing practices and customer

agreements. They should establish a responsive customer service department to provide effective complaint resolution. Additionally, prospective subgrantees should comply with relevant data protection laws and regulations and implement security measures to protect consumer data from unauthorized access or breaches.

### Best Practices

- **Transparent Billing:** A Subgrantee provides detailed monthly bills that clearly itemize service charges, equipment rentals, and any promotional discounts, with a dedicated hotline for billing inquiries. Invoices should include glossaries that explain what line items mean in plain language that customers can understand.
- **Customer Service Protocols:** A Subgrantee has a standardized procedure for handling customer complaints and problem reporting, ensuring that all issues are addressed as soon as practicable and customers are provided with regular progress updates, an escalation path and informed when the problem is resolved.

### Access to Service

#### Requirement

Subgrantees are required to provide consumers of BEAD-funded networks with reasonable and non-discriminatory terms and conditions.

#### Guidance

Subgrantees should establish reasonable, feasible timelines and procedures for customer installations, ensuring that these processes are not overly complicated, unnecessarily delayed, or discriminatory. Subgrantees must provide equitable access to all individuals regardless of economic or demographic factors.

#### Best Practices:

- **Accessibility Features:** A Subgrantee includes features such as voice-activated controls and screen reader compatibility for services offered to households with visually impaired members.
- **Multilingual Support:** Customer service is available in multiple languages common to the service area, and the Subgrantee's website offers translation options for all informational and billing content.
- **Standard Installation:** Subgrantees should initiate service for its standard installation fee within 10 business days of a request from any consumer in the BEAD-funded network's service.

### Public Notice

#### Requirement

Subgrantees are required to conduct public awareness campaigns aimed at increasing broadband adoption. Campaigns must include details on the low-cost service option, federal subsidies for low-income households, and be conducted in an equitable and non-discriminatory manner.

WSBO shall require each prospective subgrantee seeking to deploy or upgrade network facilities to explain in its application how it intends to notify relevant populations of the new or newly upgraded offerings available in each area. Such proposals shall be designed in a manner that reflects any unique needs of the specific demographics of the area at issue.

## Guidance

Subgrantees should use a variety of communications channels to reach as broad an audience as possible. This includes traditional media like local television and radio, as well as digital platforms such as social media and email newsletters.

Public notices should be transparent and clearly outline what the service entails, the terms and conditions, and any eligibility criteria for promotions or special pricing.

### Best Practices:

- **New Service Launch:** When launching a new fiber service in a neighborhood, the Subgrantee conducts a direct mail campaign and hosts a community Q&A session to inform residents about the service features, costs, and installation process.
- **Promotional Campaigns:** Seasonal promotions are advertised through local radio stations and social media, targeting specific demographics with tailored messaging about the benefits of upgrading or switching to the Subgrantee's services.
- **Service Upgrade:** A Subgrantee planning to upgrade network infrastructure in a community uses local and social media to inform residents of the upcoming changes, expected benefits and any potential disruptions during the upgrade process.

## Interconnection Requirements and Wholesale Access

### Requirement

Subgrantees must ensure that their Middle Mile Infrastructure networks funded by BEAD are designed to allow interconnection with other service providers at just, reasonable, and nondiscriminatory rates.

### Guidance

Contracts should specify interconnection points and terms to ensure fairness and promote competition. Subgrantees must adhere to any local, state or federal regulations governing interconnection. Additionally, it is important to align with industry standards for pricing and technical specifications. All requests for interconnection agreements should be treated fairly and the terms and conditions must not favor one party over another.

### Best Practices:

- **Urban Network Expansion:** A city-funded broadband service sets up multiple interconnection points at major network hubs across the city. It offers standardized rates and technical support for new Subgrantees looking to connect their services.
- **Rural ISP Collaboration:** A rural broadband provider funded by BEAD establishes a reciprocal interconnection agreement with a national carrier. This agreement includes defined technical parameters and support services to facilitate seamless data exchange and enhance service reliability for rural users.

## WSBO: BROADBAND DEFINITIONS AND NOTES

**Broadband:** The term broadband commonly refers to high-speed Internet access that is always on and faster than traditional dial-up access. For the Federal Communications Commission (FCC), broadband capability requires consumers to have access to actual download speeds of at least 25 megabits per second (Mbps) and actual upload speeds of at least 3 Mbps.<sup>10</sup>

**Broadband Access:** The availability of high-speed, reliable internet and related equipment, including having internet connections and technology at home or in community institutions, such as free public Wi-Fi or public computer centers.<sup>11</sup>

**Broadband Affordability:** Affordability refers to the ability to afford the costs associated with accessing the internet, including for service, devices, and fees.

**Broadband Adoption:** Daily access to the Internet: (1) At speeds, quality, and capacity necessary to accomplish common tasks, (2) With the digital skills necessary to fully participate online, and (3) On a personal device and secure convenient network.<sup>12</sup>

**Broadband Backbone:** High-speed transmission lines that strategically link smaller high-speed internet networks across the globe.

**Broadband Deployment:** The development of broadband networks or infrastructure through which broadband services can be delivered.

**Broadband Serviceable Location (BSL):** As defined by the FCC, a BSL is a business or residential location in the United States at which mass-market fixed broadband Internet access service is, or can be, installed. Residential BSLs include all residential structures, including structures that are (or contain) housing units or group quarters (as those terms are defined by the United States Census Bureau). Business BSLs include all non-residential (business, government, non-profit, etc.) structures that are on property without residential locations and that would be expected to demand mass-market, non-enterprise-grade Internet access service.

**Broadband Serviceable Location Fabric (Fabric):** The Fabric is a dataset of all locations in the United States and its Territories where fixed broadband internet access service is or could be installed. The Fabric allows broadband availability data filers, the FCC, and other stakeholders to work from a single, standardized list of locations for the Broadband Data Collection.<sup>13</sup>

**Community Anchor Institutions:** An entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

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<sup>10</sup> NTIA (2016), Broadband Glossary. Accessed at: [BroadbandUSA: Connecting America's Communities \(doc.gov\)](#)

<sup>11</sup> NTIA (n.d.), "What does Digital Inclusion mean?". Accessed at: [What does Digital Inclusion mean? | BroadbandUSA \(doc.gov\)](#)

<sup>12</sup> Digital Equity Act of 2021 (2021). Accessed at: [47 USC Ch. 16: BROADBAND ACCESS \(house.gov\)](#)

<sup>13</sup> NTIA (2023), "What is the Location Fabric?". Accessed at: [Broadband Data Collection Help Center](#)

Additionally, the National Telecommunications and Information Administration (NTIA) allows the state to propose additional types of institutions that should qualify as community anchor institutions. The state of Washington is currently finalizing a list of institutions to submit to the NTIA as part of its Initial Proposal. (NOFO Section I.C.f)<sup>14</sup>

**Community Engagement:** Seek to better engage the community to achieve long-term and sustainable outcomes, processes, relationships, discourse, decision-making, or implementation. To be successful, it must encompass strategies and processes that are sensitive to the community-context in which it occurs.

**Contingency Agreement:** Is any contract that depends on one or more events that may or may not take place. If the specified events occur, the parties may have a binding contract or the contract will be invalidated depending on the nature of the contingency.

**Covered Population/Underrepresented Communities:** "Covered Population" describes the 10 population groups the NTIA identified as underrepresented communities: low-income households; aging individuals; incarcerated individuals; veterans; individuals with disabilities; individuals with a language barrier, including individuals who are English learners or have low levels of literacy; individuals who are members of a racial or ethnic minority group, and individuals who primarily reside in a rural area. Additionally, we also included two population groups—children and youth in foster care and individuals experiencing housing instability—identified in Washington state law's definition of 'covered populations', when applicable. (NOFO Section I.C.aa)<sup>15</sup>

**Digital Equity:** The condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.<sup>16</sup>

**Digital Literacy:** The skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.<sup>17</sup>

**Dig Once:** Policies and/or practices that minimize the number and scale of excavations along highway rights-of-way when installing telecommunications infrastructure.<sup>18</sup>

**Digital Skills:** Any skills related to operating digital devices or taking advantage of digital resources

**Extremely High-Cost Per Location Threshold (EHCT):** A BEAD subsidy cost per location to be utilized during the subgrantee selection process above which an Eligible Entity may decline to select a proposal if use of an alternative technology meeting the BEAD Programs technical

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<sup>14</sup> NTIA (2022), BEAD NOFO. Accessed at: [BEAD NOFO.pdf \(doc.gov\)](#).

<sup>15</sup> Ibid.

<sup>16</sup> Cornell Law School (2021). 47 U.S. Code § 1721 – Definitions Accessed at: <https://www.law.cornell.edu/uscode/text/47/1721>

<sup>17</sup> Ibid.

<sup>18</sup> Fiber Optic Sensing Association (n.d.). Why Dig Once? Accessed at: [Why Dig Once? \(regulations.gov\)](#).

requirements would be less expensive. (NOFO Section I.C.k)<sup>19</sup>

**Existing Service Provider:** a broadband service provider that currently serves or has begun construction to serve end users with reliable wireline high speed broadband service with minimum speeds of 100 Mbps download and 20 Mbps upload, scalable to 150 Mbps symmetrical by 2028. Anchor institutions need to receive at least 1 Gbps symmetrical broadband service by 2026.

**Federal Interest Period:** For all real property or equipment acquired or improved as part of a subgrant for which the major purpose is a broadband infrastructure project **will continue for 10 years** after the year in which the subgrant for a project has been closed out in accordance with 2 CFR 200.344.

**Funded Network:** The term “Funded Network” means any broadband network deployed and/or upgraded with BEAD Program Funds.

**Gigabit per Second (Gbps):** Units of measurement for network bandwidth and throughput. They are used to show how fast a network or internet connection is. A gigabit is 1,000 megabits.

**High-Cost Area:** The term “high-cost area” means an unserved area in which the cost of building out broadband service is higher, as compared with the average cost of building out broadband service in unserved areas in the United States (as determined by the Assistant Secretary, in consultation with the Commission), incorporating factors that include— (I) the remote location of the area; (II) the lack of population density of the area; (III) the unique topography of the area; (IV) a high rate of poverty in the area; or (V) any other factor identified by the Assistant Secretary, in consultation with the Commission, that contributes to the higher cost of deploying broadband service in the area. For purposes of defining “high-cost area,” the term “unserved area” means an area in which not less than 80 percent of broadband-serviceable locations are unserved locations.

**Incumbent Local Exchange Carrier (ILEC):** Company that provides basic telephone services, among other telecommunications services, to the residents of the Local Government

**Internet Service Provider (ISP):** An ISP is an organization that provides services for accessing, using, managing, or participating on the Internet. ISPs can be organized in various forms, such as commercial, community-owned, non-profit, or otherwise privately owned.

**Last Mile:** The technology and process of connecting the end customer’s home or business to the local network provider.<sup>20</sup>

**Megabits per Second (Mbps):** Units of measurement for network bandwidth and throughput. They are used to show how fast a network or internet connection is. Each Mbps represents the capacity to transfer 1 billion bits each second.

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<sup>19</sup> NTIA (2022), BEAD NOFO. Accessed at: [BEAD NOFO.pdf \(doc.gov\)](#)

<sup>20</sup> NTIA (2016), Broadband Glossary. Accessed at: [BroadbandUSA: Connecting America's Communities \(doc.gov\)](#)

**Middle Mile Infrastructure:** The term “middle mile infrastructure” (A) means any broadband infrastructure that does not connect directly to an end-user location, including a community anchor institution; and (B) includes—(i) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and (ii) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links.

**Non-Traditional Broadband Provider:** The term “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.

**Open Access:** An arrangement in which a network owner offers nondiscriminatory access to and use of its network on a wholesale basis to other providers seeking to provide broadband service to end-user locations, at just and reasonable wholesale rates for the useful life of the subsidized network assets. (*NOFO Section I.C.q*)<sup>21</sup> For this purpose “just and reasonable wholesale rates” means rates that include a discount from the provider’s retail rates reflecting the costs that the subgrantee avoids by virtue of not providing retail service to the end user location (including, for example marketing, billing, and collection related costs).

**Other Last-Mile Broadband Deployment Projects:** Applications that do not propose constructing end-to-end fiber optic facilities to all Broadband Serviceable Locations (BSLs) in a Project Funding Area. Broadband technologies could include hybrid fiber coaxial DOCSIS 3.1 or higher, wireless using licensed spectrum, or LEO satellite. LEO satellite is only allowed for projects proposed in extremely high-cost areas.

**Middle Mile:** The hard assets need to support the connection between a local network, also called a “last mile” connection, and the backbone internet connection.<sup>22</sup>

**Partnership Agreement(s) and/or Infeasible Rights of Use (IRU):** Submit executed Partnership Agreement(s) and/or Infeasible Rights of Use (IRU), no later than thirty (30) days prior to the anticipated construction completion date or contract end date.

**Priority Broadband Projects:** Applications that propose constructing end-to-end fiber optic facilities to all BSLs in a Project Funding Area. (*NOFO Section I.C.r*)<sup>23</sup>

**Project:** The term “project” means an undertaking by a subgrantee to construct and deploy infrastructure for the provision of broadband service.

**Public-Private Partnership:** a partnership among one or more government entities and one or more non-government entities for the purpose of expanding broadband access where public

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<sup>21</sup> NTIA (2022), BEAD NOFO. Accessed at: [BEAD NOFO.pdf \(doc.gov\)](#).

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.



entities are the lead applicant and will be the entity with whom WSBO establishes a contract.

**Reliable Broadband Service:** The term “Reliable Broadband Service” means broadband service that the Broadband DATA Maps show is accessible to a location via: <sup>10</sup> (i) fiber-optic technology; <sup>11</sup> (ii) Cable Modem/ Hybrid fiber-coaxial technology; <sup>12</sup> (iii) digital subscriber line (DSL) technology; <sup>13</sup> or (iv) terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.<sup>14</sup>

**Recipient:** Applicant whose proposal has been accepted by WSBO and is awarded a fully executed, written grant contract.

**Regional Partners:** Any combination of local governments, tribal nations, nonprofits, nonprofits cooperatives, or multi-party entities consisting of public entities, or public entities and private entities. Each entity has a distinct role in the project: funding, right of way, permitting, staffing, etc.

**Rights-of-Way:** Rights-of-way are legal rights to pass through property owned by another. They are frequently used to secure access to land for digging trenches, deploying fiber, constructing towers, and deploying equipment on existing towers and utility poles.<sup>24</sup>

**Scalable:** Technology must have the capability to easily expand or upgrade to speeds required.

**Serviceable Connection/Passing:** Serviceable connections are completed internet connections between a network and end-user capable of delivering high-speed broadband service that meets or exceeds program required speeds. Passings are potential connections based on broadband infrastructure passing a residence or business, but not establishing the end-user connection.

**Subgrantee:** The recipient of BEAD funding to carry out eligible activities. *(NOFO Section I.C.w)*<sup>25</sup>

**Symmetrical Speeds:** Internet connections capable of the same upload and download speeds, typically delivered by fiber technology.

**Underserved Location:** An underserved location is defined as a broadband-serviceable location that is (a) not an unserved location, and (b) that the Broadband DATA Maps show as lacking access to Reliable Broadband Service offered with - (i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds. *(NOFO Section I.C.bb)*<sup>26</sup>

**Unserved Location:** An unserved location is defined as a broadband-serviceable location that the Broadband DATA Maps show as (a) having no access to broadband service, or (b) lacking access to Reliable Broadband Service offered with - (i) a speed of not less than 25 Mbps for downloads; and (ii) a speed of not less than 3 Mbps for uploads; and (iii) latency less than or

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<sup>24</sup> NTIA (2016), Broadband Glossary. Accessed at: [BroadbandUSA: Connecting America's Communities \(doc.gov\)](#)

<sup>25</sup> NTIA (2022), BEAD NOFO. Accessed at: [BEAD NOFO.pdf \(doc.gov\)](#)

<sup>26</sup> Ibid.

equal to 100 milliseconds. (NOFO Section I.C.dd)<sup>27</sup>

**Washington State BEAD NOFO:** This is the NOFO that will be published by the WSBO to allow applicants to apply for the BEAD funding the state has been allocated by the NTIA. The Washington State BEAD NOFO is different from the BEAD NOFO. The NTIA issued the BEAD NOFO to describe the requirements under which it will award grants for the BEAD Program.

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<sup>27</sup> Ibid.

## Notes

### **Applicants And Internet Service Providers Consult With Their Tax Professionals:**

The [Tax Cuts and Jobs Act of 2017, Public Law 115-97\(2017\)](#) has material relating to the manner by which funds awarded from this NOFO are viewed for tax purposes. The WSBO recommends that all Applicants and Internet Service Providers consult with their tax professionals to ensure full understanding of the tax implications in the event that their proposed projects are selected for funding.

### **Proprietary Information and Public Disclosure**

Applications submitted in response to this competitive procurement shall become the property of the WSBO. All applications received shall remain confidential until the Apparent Successful Grantees are announced; thereafter, the Applications shall be deemed public records as defined in [RCW 42.56](#).

Any information in the proposal that the Applicant desires to claim as proprietary and exempt from disclosure under the provisions of RCW 42.56, or other state or federal law that provides for the nondisclosure of your document, must be clearly designated. The information must be clearly identified and the particular exemption from disclosure upon which the Applicant is making the claim must be cited. Each question containing the information claimed to be exempt from disclosure must be clearly identified in a narrative (one narrative for all the exemption requests) submitted in the documents tab. Marking the entire application exempt from disclosure or as Proprietary Information will not be honored.

If a public records request is made for the information that the Applicant has marked as "Proprietary Information", the WSBO will notify the Applicant of the request and of the date that the records will be released to the requester unless the Applicant obtains a court order enjoining that disclosure. If the Applicant fails to obtain the court order enjoining disclosure, the WSBO will release the requested information on the date specified. If an Applicant obtains a court order from a court of competent jurisdiction enjoining disclosure pursuant to RCW 42.56 or other state or federal law that provides for nondisclosure, the WSBO shall maintain the confidentiality of the Applicant's information per the court order.

A charge will be made for copying and shipping, as outlined in RCW 42.56. No fee shall be charged for inspection of contract files, but twenty-four (24) hours' notice to the NOFO Coordinator is required. All requests for information should be directed to the NOFO Coordinator.