

# Compare Results

Old File:

**MA V2 Draft.pdf**

**68 pages (660 KB)**

7/31/2024 4:32:44 PM

versus

New File:

**MA V2 Final.pdf**

**87 pages (659 KB)**

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## Total Changes

**598**

Text only comparison

## Content

**296** Replacements

**154** Insertions

**148** Deletions

## Styling and Annotations

**0** Styling

**0** Annotations

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## 2. Introduction for Volume II

MBI is pleased to present our Initial Proposal Volume II submission in response to the NTIA BEAD Program. As part of our submission, we have addressed and fulfilled the following sixteen requirements, as detailed in the BEAD NOFO:

1. **Objectives (Requirement 1)** Outlined the long-term objectives for deploying broadband and closing the digital divide.
2. **Local, Tribal, and Regional Broadband Planning Coordination (Requirement 2):** Identified and outlined steps to support local, Tribal, and regional broadband planning processes or ongoing efforts.
3. **Local Coordination (Requirement 4):** Described the coordination conducted, summarized the impact on the content of the Initial Proposal, and detailed ongoing coordination efforts.
4. **Deployment Subgrantee Selection (Requirement 8):** Provided a detailed plan to competitively award subgrants for deployment projects.
5. **Non-deployment Subgrantee Selection (Requirement 9)** - Described a fair, open, and competitive subgrantee selection process for eligible non-deployment activities.
6. **Eligible Entity Implementation Activities (Requirement 10):** Described any initiatives MBI proposes to implement as the recipient without making a subgrant, and why it proposed that approach.
7. **Labor Standards and Protections (Requirement 11):** Described the specific information that prospective subgrantees will be required to provide in their applications and how that information will be weighed as part of the competitive subgrantee selection process.
8. **Workforce Readiness (Requirement 12)** - Described how MBI and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce.
9. **Minority Business Enterprises (MBEs)/ Women's Business Enterprises (WBEs)/ Labor Surplus Firms Inclusion (Requirement 13):** Described the process, strategy, and the data tracking method(s) to ensure that MBEs, WBEs, and labor surplus area firms are recruited, used, and retained, when possible.
10. **Cost and Barrier Reduction (Requirement 14):** Identified steps that will be taken to reduce costs and barriers to deployment.
11. **Climate Assessment (Requirement 15):** Described the assessment of climate threats and proposed mitigation methods.
12. **Low-Cost Broadband Service Option (Requirement 16):** Described the low-cost broadband service option(s) that must be offered by subgrantees.
13. **Middle Class Affordability (Requirement 20):** Described a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.
14. **Use of 20 Percent of Funding (Requirement 17):** MBI requested 100 percent of funding allocation during the Initial Proposal round and detailed the amount of funding requested for use upon approval of the Initial Proposal.
15. **Eligible Entity Regulatory Approach (Requirement 18)** - Disclosed whether MBI will waive all laws concerning broadband, utility services, or similar subjects.
16. **Certification of Compliance with BEAD Requirements (Requirement 19)** - Certified MBI's intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

## 3. Objectives (Requirement 1)

2.1.1 Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five-Year Action Plans.

### Example:

An Eligible Entity that has already completed its Five-Year Action Plan may directly copy Objectives from its Five-Year Action Plan into the Initial Proposal to satisfy this requirement. An Eligible Entity that is still drafting its Five-Year Action Plan should ensure that its responses to this requirement in its Initial Proposal and its Five-Year Action Plan are substantively the same.

### Massachusetts is at a pivotal moment with a unique opportunity to drive transformative change in digital equity.

The Executive Office of Economic Development (EOED) is the Eligible Entity on behalf of the Commonwealth of Massachusetts. As the Commonwealth's Secretariat devoted to economic opportunity, EOED promotes vibrant communities, growing businesses, and a strong middle class. To work toward this vision, EOED prioritizes economic opportunity for residents, collaborative leadership in communities, and an environment that supports job creation and business growth. EOED oversees and works in close partnership with quasi-public agencies such as the Massachusetts Technology Collaborative, which serve as key implementation vehicles for the Commonwealth's economic development initiatives. Quasi-public agencies operate independently from the state in many ways and can therefore move more nimbly and creatively on certain programs. However, they are still predominantly funded by the state and subject to stringent oversight. EOED provides that oversight in the form of regular reporting, financial monitoring, and performance audits. When receiving federal financial assistance through EOED, quasi-public agencies act as subrecipients with EOED providing programmatic direction and performing subrecipient monitoring.

The Massachusetts Broadband Institute (MBI) is the central broadband office for the Commonwealth of Massachusetts. MBI is one of five primary divisions of the Massachusetts Technology Collaborative. MBI has made significant investments to expand internet access across the State. MBI has funded last mile projects, established a middle mile network, and facilitated public-private partnerships to extend high-speed internet access to underserved and remote areas. These efforts have included grants, technical assistance, and collaborations between public entities and private service providers, all aimed at bridging the digital divide and ensuring better connectivity. With these investments, Massachusetts has achieved an availability rate that exceeds 98%, measured by the number of locations with high-speed internet infrastructure. This leaves a limited number of locations lacking high speed connections. Through a once-in-a generation federal funding investment, Massachusetts has an unprecedented opportunity to achieve its strategic goals and unlock meaningful economic potential for all residents.



Acknowledging that broadband and digital equity challenges have been amplified by COVID-19, MBI is pursuing a proactive approach in ensuring broadband access and opportunities for those who need them the most. In Massachusetts, over 98% of BSLs have broadband available, ranking the Commonwealth as the 5th highest state in the U.S. Given this high availability rate, MBI intends to translate its strategic pillars of availability, adoption, and quality of service into direct impact on all facets of civil life by focusing on five specific outcome areas, including economic and workforce development, education, healthcare, housing, and infrastructure.

MBI led a robust stakeholder engagement process to hear directly from communities and coordinate closely with the Commonwealth of Massachusetts’ administration, state legislature, municipalities, Internet Service Providers (ISPs), community-based organizations, residents and other key stakeholders to understand needs and address any remaining gaps. From this process, MBI has identified the strategic outcome areas stemming from the three strategic pillars that it will be focusing on through the implementation of the BEAD program. Massachusetts vision for broadband and digital equity focuses on three areas:

Figure 1: Massachusetts vision for broadband and digital equity

Availability	Adoption	Quality of Service
Every location has high-speed internet <b>available</b> .	Every resident can <b>utilize and afford</b> the internet.	Every location has <b>reliable</b> service.

Within the above-described framework, Massachusetts is committed to addressing long-term objectives tied to affordability, equity and adoption, and economic growth and job creation as follows.

**Affordability**

Cost is the most commonly cited reason for not having home internet service. Statewide, one in two survey respondents found it difficult to pay their internet bill. MBI has included Internet Affordability as a strategic pillar in its Investment Roadmap, and plans to expand its Apartment Wi-Fi and Residential Retrofit programs which focus on affordable internet solutions within Affordable Housing.

Key Performance Indicators for Affordability as outlined in the Statewide Digital Equity Plan include:

- Increase the percentage residents who state they can afford the internet plan they need, prioritizing low-income residents.
- Increase the percentage of residents enrolled in ACP or similar program, prioritizing low-income residents.
- MBI’s long-term affordability objectives are:
  - 100% of residents across the state have access to affordable, future-proof, high-speed internet with consistent quality of service.
  - 100% of affordable housing residents across the state have access to free or low-cost, future-proof, high speed internet with consistent quality of service.

**Equity and Adoption**

To achieve its adoption goals, MBI understands that affordability, digital literacy and device access are essential. Long-term measurable objectives related to digital literacy and devices include:

- Investing in programs to ensure every resident has consistent access to low-cost, high-quality, updated, accessible devices.
- 100% of residents are comfortable navigating digital spaces to meet their needs.

**Economic Growth and Job Creation**

Digital equity is a necessary element of economic and workforce development. Digital access and skills are essential to provide residents with information on available jobs, access to online training and education programs, the possibility of working remotely, receiving communications from workforce training providers and other organizations, and more. Achieving economic and workforce goals supports all BEAD Underrepresented Populations.

The 2020-2024 Workforce Innovation and Opportunity Act Massachusetts Combined State Plan identifies that the state's challenge is matching economic opportunity with economic prosperity for its individuals and families. In order to address this challenge, the Commonwealth has set the following goals:

- **Adult Employment:** Expand employment opportunities for adults facing challenges such as low incomes, limited English proficiency, and disabilities.
- **Youth Career Paths:** Improve career paths and job placement for youth aged 16 to 24.
- **Business Growth:** Help businesses grow by providing them with a diverse and skilled talent pool.
- **System Modernization:** Modernize the workforce system by leveraging technology for more efficient and effective services.

Statewide economic and workforce goals are supported by the following digital equity solutions produced in partnership with the Economic & Workforce Development Subgroup of the Working Group:

- Provide digital training and affordable access to technology to help adults facing employment challenges acquire essential skills needed in today's job market.
- Improving equitable access to the internet, internet-enabled devices, and digital training to equip youth with digital skills that are almost universally required in modern career paths.
- Making digital training and technology accessible and inclusive so that businesses benefit from a talent pool with a wider set of digital skills.
- Increased access to tech-enabled workforce systems such as virtual services (e.g., job searching, job fairs) improves accessibility and employment opportunities for populations lacking access.
- Upgrade assistive technology equipment and review end user feedback on supportive devices to empower individuals with disabilities in the workforce.

## 4. Local, Tribal, and Regional Broadband Planning Coordination (Requirement 2)

2.2.1 Identify and outline steps that the Eligible Entity will take to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide. In the description, include how the Eligible Entity will coordinate its own planning efforts with the broadband planning processes of local and Tribal Governments, and other local, Tribal, and regional entities. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

### Example:

The Eligible Entity must describe existing local and regional planning or deployment efforts, including those in Tribal areas. The Eligible Entity must describe how it has coordinated with local and, if applicable, Tribal Governments in developing statewide strategies, and how the Eligible Entity will continue this engagement moving forward. The Eligible Entity may provide an inventory of existing broadband planning efforts across the Eligible Entity or describe how it is conducting and/or plans to conduct outreach activities to facilitate coordination with local and Tribal Governments, and other local, Tribal, and regional entities.

An Eligible Entity that has already completed its Five-Year Action Plan may directly copy its Stakeholder Engagement Process (Requirement 7 in the Five-Year Action Plan) into the Initial Proposal to satisfy this requirement. An Eligible Entity that is still drafting its Five-Year Action Plan must ensure that the response to this requirement in its Initial Proposal and its Five-Year Action Plans are substantively the same.

MBI has taken a comprehensive and inclusive approach to engage with federally recognized Tribal Nations in the state with regards to the design of the BEAD program. Leveraging guidance from the NTIA Tribal Coordinator, MBI followed a strategic path to establish meaningful connections and gather insights into the broadband landscape within Tribal communities. The initial steps involved deliberate outreach strategies tailored for Tribal engagement. MBI initiated the process by sending out formal letters to the chairs of the Tribal Councils of the Mashpee Wampanoag Tribe (MWT) and the Wampanoag Tribe of Gay Head (Aquinnah), laying the groundwork for collaboration.

These proactive efforts led to a constructive virtual pre-meeting with the Mashpee Wampanoag Tribe, followed by an in-person meeting. In this meeting, MBI provided an overview of the federal funding programs dedicated for broadband and the related state subprograms that MBI is planning to launch, including the BEAD program. This meeting was also an opportunity for MWT to provide an overview of the Tribe, their existing and future broadband projects (including the status of broadband infrastructure that will be funded through a Tribal Broadband Connectivity Program Grant awarded by the NTIA), and their connectivity and digital needs. There was extensive discussion about the trust responsibilities to federally recognized Tribes, appropriate methods of engagement that respect Tribal heritage and culture, and opportunities for ongoing collaboration and dialogue. While MBI's outreach efforts have not yet resulted in a consultative meeting with the Wampanoag Tribe of Gay Head (Aquinnah), MBI will continue to reach out to the Tribe with the hopes of opening a dialogue.

MBI's community-based outreach aligned with the Tribal Nations' engagement, fostering mutual understanding and collaboration. MBI worked with the MWT to distribute the Statewide Digital Equity Survey to its members and to conduct two focus groups. Additionally, MBI collaborated on outreach and engagement activities that were facilitated by the federally recognized MWT, which served as a lead for additional outreach with Indigenous communities across the state. Sister tribes, including the cultural group Herring Pond Tribe of the Wampanoag Nation, and the North American Indian Center of Boston (formerly, the Boston Indian Council) were engaged by

MWT for surveys and focus groups. MWT hosted survey-taking sessions at its housing, veteran, and elder-serving Tribal agencies, resulting in 120 responses, which represents 4% of its members. MBI and MWT developed the survey so that MWT could extract and analyze MWT-specific data for their digital equity needs assessment and programmatic planning. MWT hosted two focus groups with a total of 23 participants, resulting in at least 143 MWT members providing input into the plan. Additionally, the Tribal Employment Rights Director spoke at a regional listening session where she shared the specific barriers faced by Tribal members in Massachusetts.

MBI's commitment to continuous engagement with Tribal Nations extends beyond singular events. Sustained communication channels were established to ensure ongoing collaboration and support. This included maintaining open lines of communication with National Tribes and actively participating in the state's digital equity coalition. By fostering these connections, MBI aims to stay informed about Tribal members' challenges and needs regarding broadband access and affordability. Ongoing engagement with the Tribe persists, focusing on supporting infrastructure development on Tribal territories and addressing future workforce issues.

In parallel, MBI strategized a proactive and inclusive communication plan to ensure transparency and inclusivity. Committing to regular updates via newsletters, social media platforms, and Massachusetts Internet for All Plan website, which MBI leverages to disseminate information regarding BEAD plans and progress to all stakeholders, including Tribal Nations.

In summary, MBI's engagement with Tribal Nations reflects a conscientious and inclusive approach, guided by structured outreach, active involvement, sustained communication, and a commitment to integrating Tribal perspectives into the state's broadband planning initiatives. This concerted effort underscores the significance of collaboration and inclusivity in addressing digital disparities across the state of Massachusetts.

As part of the Commonwealth's Broadband investment strategy, MBI will continue to ensure broad stakeholder engagement and public participation, including that of Tribal Nations, through its Internet Access and Digital Equity Programs and Partnerships such as the Municipal Digital Equity Planning Program, Digital Equity Practitioners Group, Lead for American Digital Services Program, and Digital Equity Partnership Program.

These programs and partnerships will continue to be leveraged to carry out a comprehensive stakeholder engagement process that consists of the following activities: Statewide Digital Equity Survey, Broadband and Digital Equity Working Group, Interagency Collaboration, Partnership Inventory, Participatory Planning and Underrepresented Populations Touchpoints, Individual meetings, listening sessions and focus groups, and Tribal Engagement as described in Table 1 below.

**Table 1: MBI Stakeholder Engagement Tactics**

Workstream	Overview	Outcome
Statewide Digital Equity Survey	MBI published a survey that is open to all residents of the Commonwealth.	The survey provides direct resident feedback on barriers to internet availability, affordability, and adoption.
Broadband and Digital Equity Working Group	These touchpoints with industry, underrepresented populations, and members of the digital equity ecosystem, including community group representatives, inform the development of the BEAD and Digital Equity Plans and set long-term pathways for implementation success.	Set a unified vision required by the SDEP and BEAD plans, aligning stakeholder engagement, input, and feedback into the vision.



Workstream	Overview	Outcome
Interagency Collaboration	MBI <b>convenes</b> a group of representatives from each of the executive branch secretariats to support collaboration around broadband and digital equity planning and implementation activities.	Leverage resources and expertise in executive branch secretariats and departments to support planning and implementation of federally funded programs.
Partnership Inventory	The Partnership Inventory is a <b>relational</b> database that tracks engagement activities by organizations involved in the planning process. The inventory includes municipal planning consultants, community-based organizations, regional planning partners, and state agencies.	Track engagement events per underrepresented population, hosts of focus groups, and listening sessions. Ability to analyze and align partner capacity with implementation plan by geography, objective, and underrepresented population.
Listening Sessions and Focus Groups	MBI <b>convened</b> regional listening sessions and smaller, targeted focus groups for underrepresented populations and underrepresented communities.	Collect feedback through these sessions to identify gaps and needs within communities and populations.
Tribal Engagement	MBI is engaging with the two federally recognized tribes within Massachusetts: the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribes.	Identify any Tribal-specific gaps and needs related to broadband that can be addressed through BEAD and Digital Equity <b>programs</b> .

EOED and MBI are responsible for the oversight and integration of all broadband and digital equity initiatives throughout the Commonwealth. To guide and advise these planning efforts, a Broadband and Digital Equity Working Group was formed in March of 2023.

The Working Group is composed of leaders from across Massachusetts to offer specific topic area expertise, such as higher education, organized labor groups, and economic bureaus, and represent underrepresented populations as defined by federal funding guidelines and MBI's programs, such as Women's groups, Tribal Councils, and Senior organizations. MBI will continue to establish and support relationships with Digital Equity Coalitions, Regional Planning Associations, Tribal Nation leaders and organizations, and community-based organizations. These partnerships will facilitate the sharing of information, gathering of diverse ideas and feedback, and the maintenance of a well-coordinated digital equity engagement approach tailored to specific geographic areas across Massachusetts.

MBI's continuing work with digital equity coalitions, regional planning agencies, Tribal leaders and organizations, community-based organizations, residents, and more will underlie its future programs. By elevating the engagement of stakeholders across all of its broadband programs, MBI has the unique opportunity to not just comply with the federal requirements but to use its federal funding to create a comprehensive, integrated approach to stakeholder engagement and local capacity building.

Building upon the principles of extensive and inclusive external engagement, Massachusetts is committed to maintaining strong relationships with a diverse array of stakeholders throughout the Commonwealth. The state recognizes the vital role played by municipalities, Tribes, community organizations, colleges, technical schools,



ISPs, and other providers, each of whom works closely with their respective communities. These stakeholders possess valuable knowledge of the challenges and unique solutions required to achieve internet for all.

# 5. Local Coordination (Requirement 4)

2.3.1 Describe the coordination conducted, summarize the impact such impact has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfil the coordination associated with its Final Proposal.

MBI's approach to stakeholder engagement and outreach focused on both geography and underrepresented populations, and was also centered on the following principles:

1. Lead with a human-centered approach in outreach, communication, and operations.
2. Develop an intentional, comprehensive, and inclusive strategy to maximize reach.
3. Work with trusted partners.
4. Build on existing programs and offerings where possible.
5. Invest across sectors and regions to build capacity in partners serving underrepresented populations.

MBI applied these principles consistently in each of its outreach activities, which were designed to achieve inclusive engagement across all of Massachusetts' regions including underrepresented communities, and other populations of interest. While some activities were primarily geographic (e.g., listening sessions that took place in all corners of the state) and others primarily population specific (e.g., focus groups structured by underrepresented population), all gathered information combined across the dimensions of place, population characteristics, and other factors that influence digital equity outcomes and helped provide a holistic view of the current state of digital equity in Massachusetts.

MBI recognizes the importance of ongoing collaboration and gathering of targeted feedback to ensure that the Initial Proposal and the recommendations in it are effective. In order to achieve this goal, MBI developed a set of activities that are designed to encourage stakeholders who are experiencing the effects of the digital divide to voice their concerns. These activities included listening sessions, focus and working groups, surveys, and ongoing engagement programs and summits. By actively seeking feedback from those who are most impacted by the digital divide, MBI has worked to ensure that the Initial Proposal is well-informed and reflective of the needs and concerns of the community they are serving.

**Listening Sessions:** MBI hosted regional digital equity listening sessions across the state, inviting all residents within a region to take part. These introduced the concept of digital equity, the role of the Plan in bridging the digital divide, presented region-specific digital equity assets and barriers, and invited participants to share their experience of regional digital equity needs, barriers, and their vision for a future Massachusetts with Internet for All.

MBI partnered with local and regional organizations to host listening sessions in each of Massachusetts' 7 workforce regions: Berkshires, Connecticut River Valley, Central Massachusetts, Southeast, Cape and Islands, Greater Boston, and Northeast. MBI also held a listening session specifically for rural residents from all of Massachusetts. During listening sessions, partner organizations shared specific needs and assets within the region and participated in the listening portion of the session. After the presentations concluded, MBI's facilitators split residents into in-person and virtual breakout groups to discuss their experiences and learn about specific barriers to access and adoption and existing organizations and resources within their region.

Participants attended an in-person event at a main venue hosted by a local community anchor institution, or attended a "satellite" location closer to their homes, or joined virtually. Approximately 317 Massachusetts residents took part in the digital equity planning process through these sessions as provided in the table below.

Table 2: Regional Listening Sessions

Region	Number of people reached
Berkshire	38
Central Massachusetts	10
Northeast	25
Cape & Islands	60
Connecticut River Valley	65
Greater Boston	21
Southeast	70
Rural	28
<b>TOTAL</b>	<b>317</b>

MBI followed NTIA’s Local Coordination guidance to ensure meaningful engagement and outreach to diverse stakeholder groups, labor organizations, and community organizations, including to promote the recruitment of women and other historically marginalized populations for workforce development opportunities and jobs related to BEAD-funded eligible activities, while going beyond its baseline recommendations. MBI was mindful of content (materials that were clear and accessible to people with different language or abilities), community (openness and inclusion), and cultural competence (respecting and accommodating differences). For instance, we designed listening session and focus group locations to be reachable and welcoming to as many people as possible; translated materials in multiple languages based on local needs; and provided on-site ACP education and enrollment support to provide additional benefits to participants. Who MBI worked with to conduct engagement activities also mattered to us, and we chose to partner with many trusted community anchor institutions like community-based organizations, healthcare centers, schools, libraries, re-entry service providers, faith-based organizations, shelters, and transitional housing, and more. Our partners facilitated the large engagement across all activities.

With each stakeholder engagement effort, MBI sought opportunities to ensure diverse voices were at the table. In organizing the Broadband & Digital Equity Working Group, MBI invited leaders of organizations actively engaged in work with underrepresented communities. View a complete list of participating organizations in section 02.03.01.01 Local Coordination Tracker Tool.

Specifically related to labor organizations, we engaged with the Massachusetts Electrical Labor Union, International Brotherhood of Electrical Workers (IBEW), and the National Electrical Contractor’s Association (NECA) to understand existing programs to recruit women and historically marginalized populations, and discuss MBI’s priority to ensure diversity and inclusion in BEAD programs. MBI scheduled workforce planning meetings, and invited representatives from IBEW and NECA to participate as panelists at the Broadband & Digital Equity Summit in June 2023. In addition, a leader from NECA participated as an active member of MBI’s Broadband & Digital Equity Working Group, and facilitated planning discussions with her members and colleagues.

Broadband and Digital Equity Working Group: MBI established the Broadband and Digital Equity Working Group to guide and advise the Initial Proposal and Digital Equity Plan efforts. The Working Group consists of leaders from across Massachusetts who offer specific topic area expertise and represent target populations as defined

by federal guidelines and MBI's programs. The Working Group also brought members of organized labor to the table. MBI organized 4 full meetings with the Working Group in the summer and fall of 2023, and continuously consulted (and consults) with members individually and in smaller groups to inform the Initial and Final Plan development. The Working Group has supported MBI through the following activities:

- Work with members' networks to promote survey completion, asset inventory development, and participation in listening sessions and focus groups.
- Review and inform the Plan's existing conditions analysis to set baselines for digital equity in Massachusetts and a draft implementation framework to ensure that proposed investment strategies align with the needs of members' constituencies.
- Inform the unified vision, Measurable Objectives, activities, and other Plan components through a series of workshops involving the entire Working Group and breakout groups. Additionally, members of the Working Group formed 5 Outcome Area Subgroups for Massachusetts' priority outcome areas to develop Measurable Objectives and activities specific to these areas which included housing, healthcare, workforce and economic development (including organized labor), education, and infrastructure.
- Facilitate coordination and engagement between MBI and other organizations in the state, with an emphasis on collaboration with Commonwealth government agencies, community institutions, and private partners. Supported intergovernmental collaboration on digital equity and development of strategies for Plan implementation across agencies, departments, and initiatives.

Statewide Digital Equity Coalition: MBI convenes a group of digital equity practitioners to learn from their work on the ground throughout Massachusetts. The Coalition meets monthly to discuss notes from the field, programmatic updates, and best practices with the goal of learning from each other's experiences and finding solutions to common problems; attendance ranges from 15-45 members per meeting. The Coalition is a flexible association of people and organizations brought together by a common interest in organizing for collective impact in digital equity.

**Survey:** MBI created a statewide Digital Equity Survey to gather information about needs, barriers, and opportunities from as large and representative sample as possible of Massachusetts residents. The survey was available online and on paper in 9 languages (English, Spanish, Portuguese, Chinese, Haitian Creole, Vietnamese, Russian, Arabic, and Khmer). Through the survey cutoff date of October 2, we received 7,865 responses (see table below).

This considerable number of responses, with strong representation throughout the state and underrepresented populations, is a result of the work that MBI and its partners committed to reaching as many Massachusetts residents as possible. MBI developed response rate targets for the survey based on regional and statewide population demographics to ensure that responses and results represented all underrepresented populations and regions in statewide data to the greatest possible extent. Municipal Digital Equity Consultant partners and community-based organizations helped distribute the survey in their communities, using unique outreach strategies to reach residents. These partners also facilitated survey completion for the hardest-to-reach people within their communities.

The survey addressed the five Measurable Objective areas of broadband availability and affordability, device availability and affordability, digital literacy, online privacy and cybersecurity, and online accessibility and inclusivity. MBI used this data to understand the baseline statewide digital equity needs and barriers, such as who has access to the internet, what gaps participants have when it comes to digital skills, and if participants have trouble accessing public resources. MBI also analyzed this data by underrepresented population and region across the state to understand how these needs and barriers show up differently across demographics and geographies. MBI validated this information with listening session and focus group findings.

Table 3: Regional Surveys

Region	Responses	Target
Connecticut River Valley	933	307
Greater Boston	1,182	1,085
Cape Cod & Islands	936	112
Southeast	1,303	608
Northeast	1,181	455
Central Mass	764	378
Berkshire	1,479	55
Unknown	87	-
<b>Total</b>	<b>7,865</b>	<b>3,000</b>

Table 4: Breakdown of Participants in Survey

Underrepresented Population	Responses	Target
Aging Individuals	2,822	695
Veterans	334	119
Racial and Ethnic Minorities	3,032	764
Households with Limited English*	316	71
Individuals with Disabilities	1,069	341
Low-Income Households	1,253	454
Rural Inhabitants	2,257	302
* Corresponds to individuals with a language barrier.		

Underrepresented Population	Responses	Target
<p>Note: Respondents could identify as belonging to one or more groups. The survey did not ask respondents about their experience with the justice system and will not be used to isolate findings for incarcerated individuals.</p>		


**Engagement Programs and summits:** MBI is administering a range of grant programs to support stakeholders across the Commonwealth to advance digital equity. These local plans helped inform the Initial Proposal and the Statewide Digital Equity Plan and will continue to do so on an ongoing basis.

- **Municipal Digital Equity Planning Program:** MBI launched the Municipal Digital Equity Planning Program to enable municipalities and other local government bodies to develop plans for digital equity and bridging the digital divide.
- **Digital Equity Partnership Program:** MBI has committed to support partners implementing a variety of digital equity programs and initiatives in the following areas: Affordable Connectivity Program (ACP) Outreach and Adoption; Connectivity Initiative for Economic Hardship; Digital Literacy Initiative; Device Distribution, Refurbishment Program, Education; Device Distribution, Refurbishment Program, Education; and Wi-Fi Access Initiative.
- **June 13 Summit in Worcester:** On June 13, Massachusetts held a transformative summit in Worcester, bringing together over 250 stakeholders from government, industry and the non-profit sector. This event marked one of the largest gatherings of its kind for broadband in the state, providing a platform for attendees to share their insights, experiences, and challenges related to digital equity and broadband access. The summit served as a rallying point, fostering enthusiasm and commitment among participants to address the digital divide collaboratively.

As part of the Commonwealth's broadband investment strategy, MBI recognizes the importance of broad stakeholder engagement and public participation. MBI will continue to explore collaborating with key stakeholders in the Commonwealth through various strategies, including:

1. Continuing to convene the Broadband and Digital Equity Working Group to support the implementation of the Initial Proposal and Digital Equity Plan and receive feedback on other MBI initiatives.
2. Supporting the Municipal Digital Equity Planning Program by integrating municipal and regional plans into MBI's plans to close the digital divide in the state.
3. Arranging forums for ISPs and other stakeholders as questions and concerns emerge, while also expanding resources and technical support for these specific groups.
4. Establishing and supporting relationships with Digital Equity Coalitions, Labor Organizations, sub-Regional Planning Associations, Tribal Nation leaders and organizations, and community-based organizations.
5. Creating an internal policy for compensating community members for their engagement to ensure representation from members who would be adversely impacted by participation without compensation.
6. Creating content and sharing communication in multiple languages via more common multimedia avenues, so that those in the divide can access information in more easily available and common formats.
7. Convening peer to peer networks to develop relationships among digital equity partners and stakeholders.
8. Identifying and aligning existing regional initiatives for expansion and growth into other regions.

9. Establishing a Community Advisory Board comprised of stakeholder organizations serving underrepresented populations and members from underrepresented populations themselves to ensure lived experiences are a foundational consideration by MBI in design, implementation, and evaluation of programming.


 MBI will also work with statewide partners to ensure that the stakeholder engagement plan and the Digital Equity Plan are living documents that are updated to reflect evolving needs and solutions in Massachusetts. This will lead to transparency in coordination and outreach efforts. Some of the activities that will continue include:

- Documenting and sharing key results and outcomes from local coordination on a consumer-friendly website [Massachusetts Internet for All Plan | MBI \(masstech.org\)](#).
- Building on existing programs such as the scaling the Digital Equity Partnerships Program and the Municipal Digital Equity Planning Program.
- Incorporating municipal digital equity plans into the implementation of BEAD and Digital Equity Plan to provide more specific local strategies.
- Establishing an ongoing survey platform and questionnaire to conduct regular surveys.
- Developing a program evaluation methodology, including data from ongoing surveys and other sources to determine what initiatives are effective and how to modify them to increase effectiveness.
- Developing knowledge sharing platforms/forums in Massachusetts so that partners can discuss what works and what doesn't and adopt successful strategies from other parts of the Commonwealth.

2.3.1.1 As a required attachment, submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations, and other groups.

As required, MBI has provided certification of coordination efforts through the Local Coordination Tracker Tool. This tool documents MBI's collaboration with various groups, including Tribal Governments, local community organizations, unions and work organizations. The file name is: [Local\\_Coordination\\_Documentation\\_Tracker\\_2023-12-22-2023\\_06-05-Commonwealth\\_of\\_Massachusetts-GRN-000084.xlsx](#).

2.3.2 Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note "Not applicable."

MBI initiated the process by sending out formal letters to the chairs of the Mashpee Wampanoag Tribe (MWT) and the Wampanoag Tribe of Gay Head (Aquinnah) to discuss the availability, reliability, and affordability of high-speed internet at both tribal communities. MBI followed up the letters with additional outreach to convey MBI's strong desire to meet at a time and place that was convenient to Tribal representatives and to move forward with meeting logistics and the development of a mutually agreeable meeting agenda.

This effort led to a virtual pre-meeting with the Mashpee Wampanoag Tribe, followed by an in-person meeting. MBI officially met with Mashpee Wampanoag Tribe on December 6, 2023, in Mashpee, Massachusetts. The agenda addressed the following questions and topics:

- i. What general information about the Tribe and its members would you like MBI to be aware of?
- ii. What are the barriers to broadband adoption for Tribal members, such as availability of broadband service, quality of broadband service, access to internet-connected devices, digital literacy and skills?
- iii. What is the awareness and level of participation of Tribal members in the FCC's Affordable Connectivity Program?



- iv. How will the grant from the Tribal Broadband Connectivity Grant Program address any of these barriers. What is the status and timeline for this project?
- v. Would the Tribe be willing to share maps that delineate Tribal Lands and that show areas where Tribal Broadband Connectivity Grant Program (TBCGP) funding will be deployed?
- vi. How does the Tribe view its relationship with Internet Service Providers (ISP)?
- vii. Is the Tribe interested in becoming an ISP?
- viii. Are there any existing digital equity programs that are serving the needs of Tribal members and who is providing services?
- ix. What are the workforce needs of Tribal members? What existing programs are addressing these needs? Are there workforce challenges that could be addressed through broadband and digital equity support?
- x. What is the Tribe's vision for success? How can federally funded programs contribute to achieving this vision?
- xi. What other issues, concerns or topics would the Tribe like to discuss?

This meeting laid the foundation for ongoing communication and collaboration that aligned with MWT's engagement. MBI worked with the Mashpee Wampanoag Tribe, as a lead for additional outreach with indigenous communities, to distribute the Statewide Digital Equity Survey to its members and to conduct two focus groups. Additionally, MBI collaborated on outreach and engagement activities that were facilitated by the federally recognized Mashpee Wampanoag Tribe, which served as a lead for additional outreach with Indigenous communities across the state. Sister tribes, including the cultural group Herring Pond Tribe of the Wampanoag Nation, and the North American Indian Center of Boston (formerly, the Boston Indian Council) were engaged by MWT for surveys and focus groups. MWT hosted survey-taking sessions at its housing, veteran, and elder-serving Tribal agencies, resulting in 120 responses, which represents 4% of its 3,000 members. MBI and MWT developed the survey so that MWT could extract and analyze MWT-specific data for their digital equity needs assessment and programmatic planning. MWT hosted two focus groups with a total of 23 participants, resulting in at least 143 MWT members providing input into the plan.

Additionally, the Tribal Employment Rights Director spoke at a regional listening session where she shared the specific barriers faced by Tribal members in Massachusetts.

2.3.2.1 Optional Attachment: As a required attachment only if the Eligible Entity encompasses federally recognized Tribes, provide evidence that a formal tribal consultation process was conducted, such as meeting agendas and participation lists.

There are two federally recognized tribes within Massachusetts: the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribe. MBI worked with the Mashpee Wampanoag Tribe to distribute the Statewide Digital Equity Survey to its members and to conduct 2 focus groups. MBI continues to engage the Tribe on supporting infrastructure development on Tribal territories and future workforce issues. We have included as attachments the formal outreach letters sent to each of the tribes, meeting agenda, MBI's presentation from the virtual meeting, and notes from MBI's meeting with Mashpee Wampanoag Tribe.

[MA Tribal Consultation Evidence-12-22-2023 06-43-Commonwealth of Massachusetts-GRN-000084.pdf \(masstech.org\)](#).

# 6. Deployment Subgrantee Selection (Requirement 8)

Provide a detailed plan to competitively award subgrants. This is a critical Requirement of the Initial Proposal as subgrantees will be primarily responsible for completing eligible deployment activities.

2.4.1 Describe a detailed plan to competitively award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.

The Commonwealth of Massachusetts is in a unique situation for BEAD deployment projects. The Gap Networks Program, with a total funding of \$145 million, will fund the deployment of broadband infrastructure to areas that currently lack broadband service. The program's objective is to bridge the digital divide by expanding access and connectivity to unserved, underserved, and CAI locations throughout the Commonwealth. The Gap Networks Program was launched on October 25, 2023 and MBI plans to run two funding rounds of the program. Round 2 of the Gap Networks Grant Program will overlap with the BEAD challenge process. While MassTech and MBI staff will assist the EE (EOED) through a sub-grant with the administration and programmatic execution of the BEAD program including the management of contractors and subgrantees, throughout this subgrantee relationship, the EE will retain the oversight of the programs and will make all final decisions and oversee program implementation.

MBI expects that while significant progress will be made in expanding broadband availability through the CPF-funded Gap Networks Program, it is likely that there will still be thousands of unserved or underserved mass market BSLs that will remain by the time the BEAD subgrantee selection process begins. However, there is a possibility that higher-than-expected costs, lower-than-expected participation, and/or coverage gaps identified through the BEAD challenge process, will result in a situation where the BEAD program in Massachusetts has a substantial coverage gap problem to solve. The process laid out here seeks to ensure that Massachusetts will achieve universal broadband access, using reliable broadband technology at speeds of at least 100 Mbps /20 Mbps, by the time both the BEAD and CPF programs are complete. The high-level estimated BEAD Program timeline is as follows:

- Challenge Process (5 months) – June 2024 through October 2024
- Volume II Approval – End of June 2024
- Pre-Qualification (2 months) – September 2024 through October 2024
- Round 1 (3 months) – November 2024 through January 2025
- Round 2 (2 months) – February 2025 through March 2025
- Round 3 (2 months) – April 2025 through May 2025
- Contracting (5 months) – February 2025 through June 2025
- Submission of Final Proposal – June 2025

## Subgrant Program Overview

While it is fortunate that Massachusetts is on track to achieving 100% availability, designing a BEAD program now that is capable of efficiently achieving universal service under various scenarios with respect to the number and distribution of unserved and underserved locations remaining after CPF is a challenge. Upon completion of the CPF grantmaking, when all awards have been announced, and the BEAD challenge process, MBI will make a

determination of whether there are still unserved and underserved BSLs in Massachusetts. If needs remain, a List of BEAD Eligible Locations will be created.

While MassTech and MBI staff will assist the EE (EOED) through a sub-grant with the administration and programmatic execution of the BEAD program including the management of contractors and subgrantees, throughout this subgrantee relationship, the EE will retain the oversight of the programs and will make all final decisions and oversee program implementation.

MBI's proposed approach for BEAD subgrantee selection has some flexibility to accommodate uncertainty of the extent and nature of the coverage gap that will remain at the time of subprogram launch.

With this in mind, MBI envisions up to three possible rounds of BEAD funding for broadband deployment:

### **BEAD Round One: Focus on Municipalities**

This approach will focus on **municipalities** as the geographic units or project service areas.

Based on analysis of the List of BEAD Eligible Locations, MBI will determine whether implementing a Round One of BEAD grantmaking is worthwhile. This determination will depend on the number and distribution of the BEAD eligible locations. Numerically, 300 BSLs will serve as the rough cutoff for launching Round One. MBI has a strong preference towards end-to-end fiber solutions, otherwise known as "Priority Projects" and expects all projects submitted for BEAD funding in Round One to be end-to-end fiber projects.

For both Gap Networks and BEAD Round One, the basic geographic unit is the municipality. MBI will leverage municipalities to pursue a universal solution within the municipality, with local officials well-positioned to advocate for each BSL where BEAD subgrantees make funded deployment commitments and ensure that subgrantees are held accountable. Gap Networks and BEAD Round One subgrantees must commit to serve 100% of eligible BSLs in the municipalities they include in their applications.

Each project application must include only one municipality.

MBI will consider whether BEAD Round One awards should be tentative and contingent on the outcome of the remaining rounds. There is a possibility that BEAD Round One awards may be updated to reflect outreach and discussion triggered by Round Two. MBI will communicate the awards once all rounds are carried out and final negotiations have occurred.

### **BEAD Round Two: Focus on Locations**

In Round Two, MBI will define project service areas based on the distribution of the remaining unserved and underserved locations following Round One tentative awards. Each project application must include only one project service area.

BEAD Round Two will close small coverage gaps remaining after CPF and BEAD Round One. Although the problem to be solved at this stage is likely small in scale, BEAD Round Two will be a competitive broadband grant program with a formal application period. MBI may leverage previous grantmaking and invite bids from CPF and BEAD Round One awardees. For competing proposals, MBI will use its competitive process to select the winning project subject to the selection criteria set forth in the scoring rubric.

To the extent possible, outreach with ISPs and advocacy for specific projects and line extensions by MBI will be channeled through the competitive grant program apparatus. BEAD Round Two will not be considered complete until broadband coverage solutions have been agreed upon for all the unserved and underserved BSLs in Massachusetts that do not have a previous funded deployment commitment. This will include outreach with ISPs following the competitive process to ensure all remaining BSLs have a deployment solution.

### **BEAD Round Three: Focus on CAIs**

This deployment will focus on any remaining community anchor institutions (CAIs) that lack gigabit symmetric service. MBI encourages ISPs to also address CAIs in Round 1 and 2, which is incentivized through scoring.

MBI's strategy for CAIs involves up to three grantmaking rounds since deployment of gigabit symmetric service to CAIs will be an allowable expense for Round One and Round Two projects and will be rewarded with additional

points in the scoring rubric. That is, both Round One and Round Two, though focused on achieving universal 100/20 coverage for BSLs, can also fund gigabit service deployments for CAIs, and are incentivized to do so through the scoring rubric. While deploying to any residual unserved and underserved BSLs, MBI may seek to simultaneously gain momentum towards the next goal, which is to expand gigabit symmetric service for eligible CAIs. But MBI does not expect universal gigabit symmetric service for CAIs during these rounds, in part because many CAIs lacking gigabit symmetric service are located far from BSLs lacking 100/20 service. BEAD Round Three is therefore planned to focus specifically on CAI projects throughout the state, including in areas where 100/20 broadband coverage is already universal. BEAD Round Three is distinct from the BEAD non-deployment activities described below, but may have some overlap in its objectives since public housing MDUs are classified as CAIs.

### Overview

MBI will provide information through webinars, subgrant application guides and application documents, all shared and promoted on the Massachusetts Broadband Institute website. These resources will help prospective applicants to understand the application process, eligibility criteria, and requirements, and provide guidance on how to prepare a competitive application. Additionally, MBI will ensure that notices are made available for at least 30 calendar days to encourage a wide variety of applicants to participate in the subprogram, and allow prospective applicants sufficient time to prepare and submit their projects. Overall, MBI is committed to providing timely access to information and resources, and ensuring clear communication and adequate notice to prospective applicants to ensure a fair and competitive grant application process that maximizes the potential for successful BEAD Program implementation. The subgrantee selection process will consist of up to four stages: Prequalification, Round One, Round Two, and Round Three. Both Round One and Round Two are contingent on the nature and extent of residual coverage gaps, and determinations will be made at the proper time.

### Prequalification

To expedite the review and approval of subgrantee applications given the time constraints of the BEAD program, a preregistration process will take place during the BEAD challenge process period and prior to the launch of the subgrantee selection process to certify subgrantees meet the minimum qualification requirements. Public notice will be made 30 days prior to the launch of the prequalification phase and posted on several communication channels, including the MBI website, MBI's social media accounts, MBI's e-newsletter distribution, and COMMBUYS (the online procurement system for the Commonwealth of Massachusetts). The prequalification phase will leverage CPF applications, where possible, to verify subgrantees' qualifications in areas such as financial capability, technical capability, and organizational capabilities. Applicants will be strongly encouraged but not required to prequalify for BEAD deployment projects. Applicants that elect not to participate in the prequalification process will still be subject to a full review of qualifications during the funding round(s) that they participate in. A list of the information that will be requested as part of preregistration is included below:

- Financial capability: 2.4.11
- Managerial capability: 2.4.12
- Technical capability: 2.4.13
- Compliance with applicable law: 2.4.14
- Operational capability: 2.4.15
- Information on ownership: 2.4.16
- Information on other public funding: 2.4.17
- EHP and BABA compliance: 2.4.5
- Labor standards and protection: 2.7.1
- Cybersecurity Compliance: 2.16.4

- Supply chain risk management compliance: 2.16.4

MBI will seek to review and approve this information pertaining to each organization, or subgrantee in advance of applications for Round One projects. If an applicant chooses not to apply for a BEAD project following submitting material as part of the preregistration, MBI will **safely delete** any information provided as part of the preregistration process.

### **Round One Project Applications**

Following the prequalification phase, MBI will accept applications for Round One, which will be based on project areas that serve a single municipality. This project area definition differs slightly to the project area definition included in the CPF program given the challenges faced with deconflicting overlapping applications. Within each municipality, applicants will commit to serving all unserved and underserved locations. Applicants will be encouraged, but not required, to serve all CAIs located within the municipality. Serving CAIs within the municipality boundaries will constitute an allowable expense for these projects and is incentivized through scoring. But MBI recognizes that in some cases the locations of CAIs and unserved and underserved BSLs within a given municipality will be such that serving them with a single project is not technically efficient, so the decision is left to applicants' discretion. Once all Round One applications are received, an assessment will be completed to determine if a municipality received more than one application. Applicant selection will be based on the score from the assessment rubric, with the higher scoring project being provided with a tentative award for that municipality.

### **Round Two Project Applications**

Round Two will be conducted in a manner similar to Round One, except that MBI will define project service areas. MBI will make this determination based on the number and geography of unserved and underserved BSLs remaining after Round One. Round Two will not be complete until MBI determines that universal 100/20 broadband coverage throughout Massachusetts is achieved, and MBI will reach out and solicit proposals from specific ISPs, alternative technology solutions, and all other means necessary within the framework of the BEAD Program to complete coverage for any locations still lacking broadband access.

### **Round Three Project Applications**

Following Round One and/or Round Two, or a determination that primary Rounds are not needed, MBI may launch a dedicated grant program to deliver gigabit symmetric service to CAIs.

Unlike Round One and Round Two, which may not be necessary because the CPF Gap Networks program is on track, if all goes well, to achieve universal coverage before the BEAD Program begins, the problem addressed by Round Three, namely, lack of gigabit symmetric service in some CAIs, though its scope is less well understood, can be expected to remain sizeable when the attainment of 100/20 broadband coverage triggers the turning of MBI's attention to CAIs. Most of Massachusetts's BSLs lack gigabit symmetric coverage, and while broadband coverage of CAIs is less well-documented than broadband coverage of BSLs, and may be somewhat better both because of CAI locations and because CAIs sometimes get higher quality service offerings than neighboring BSLs, MBI presumes that many CAIs all throughout the state lack gigabit symmetric service.

At the same time, MBI seeks to preserve some flexibility because other priorities, especially broadband deployment to affordable housing complexes, may be regarded as more intimately connected with the BEAD Program's goal of universal broadband access. Residents in multi-dwelling units (MDUs) are sometimes (but we do not yet know how frequently) misrepresented on FCC maps as better served with broadband coverage than they really are, because FCC maps treat a whole MDU as a single BSL, but what matters to MDU residents is the quality of broadband service available in the unit, not the building. MBI's Affordable Housing program, although here classified under Non-Deployment Activities, will seek to address these coverage gaps for residents in affordable housing MDUs. MBI may therefore prioritize this non-deployment program.

The BEAD Round Three CAI gigabit symmetric service grant program is intended to have the following features:

1. CAIs identified through Volume 1 and the Challenge Process for further consideration by MBI may be targeted for gigabit symmetric service and can be a standalone project. Ideally, projects will include multiple CAIs.
2. Projects must be submitted by a qualified ISP and endorsed by all CAIs to which the ISP proposes to deploy gigabit symmetric service, the purpose of these endorsements being to show that the CAI feels a need for better broadband service and expects to subscribe to the new service if it is built. A CAI is encouraged to endorse multiple projects to maximize its odds of getting gigabit symmetric service. To the extent possible, ISPs should be ready to serve each CAI as a viable standalone project.
3. There will be a subsidy cap per CAI, to be set after the completion of the coverage gap solution and in light of funding available, lessons learned, and any further cost analysis that has been performed by that time.
4. Exceptions to the subsidy cap per CAI can be made for applicants who provide a detailed budget justifying the extra costs as well as a persuasive, data-driven narrative showing that the CAI is exceptionally important to providing connectivity and promoting broadband usage among one or more of the underrepresented populations identified in the Digital Equity Act.
5. The allowable expenses for the projects include capital expenditures for network construction and for customer drops, but no operating expenses or customer-owned equipment.
6. Incidental passings are allowable if they are technically necessary and/or contribute to commercial sustainability, but the network infrastructure built for the project should be reasonably direct in serving the CAI and connecting to backhaul.
7. Projects eligible for funding under Round 3 must satisfy the following:
  - i. The organization selected for service is a CAI.
  - ii. Gigabit symmetric service is not currently available.
  - iii. The project will provide gigabit symmetric service.
  - iv. Providers not already prequalified will be required to submit prequalification documents as described in the Prequalification stage.
  - v. The CAI consents to and endorses the project, and plans to subscribe to the resulting service.

More discussion of how MBI will address the connectivity needs of an important subset of CAIs, affordable housing MDUs, is provided in response to Requirement 9 (Non-Deployment Subgrantee Selection).

Deployment projects in affordable housing MDUs will also have opportunities to access funds through the Residential Retro-Fit and Apartment Wi-Fi programs.

### **Specific measures aimed at addressing fairness, openness, and competition:**

While MassTech and MBI staff will assist the EE (EOED) through a sub-grant with the administration and programmatic execution of the BEAD program including the management of contractors and subgrantees, throughout this subgrantee relationship, the EE will retain the oversight of the programs and will make all final decisions and oversee program implementation.

MBI has taken great care to ensure that its subgrantee selection process is fair, open, competitive, and transparent. MBI intends to use its capabilities and structures developed for previous state and federal programs including the Gap Networks Program to inform the BEAD deployment subgrantee selection process.



This approach will ensure the selection process for deployment activities will be conducted in a fair manner, as safeguards will also be in place to prevent collusion, bias, conflicts of interest, and arbitrary decisions. Safeguards that will be put in place include:

- Requiring evaluation committee members to disclose any real or perceived conflicts of interest. MBI reserves the right to remove any evaluation committee members if conflicts of interest are identified.
- Requiring applicants to certify that answers, statements, and information contained in their application are to the best of their knowledge complete, true and correct.
- Prohibiting direct collusion between applicants to coordinate bidding and other anti-competitive behavior. Applicants will be required to self-certify in their application materials that bids were developed independently and without coordination or collusion with other prospective applicants. Evidence of collusion may lead to denial of awards.
- Developing evaluation criteria that are competitively neutral and unbiased to ensure there's no preference for any specific type of applicants. These criteria are described in this document in Sections 02.04.02 and 02.04.02.01 and may be elaborated in more detail in application forms and evaluator training materials.
- Maintaining transparency measures implemented throughout the process design, which includes providing an objective scoring process based on quantitative measures that will be published in publicly available procurement documents, and alignment with state and federal laws and guidance, such as the BEAD NOFO. MBI will document the scoring and evaluation process and the resulting documentation will be retained.
- Ongoing and frequent communications with written materials and live Q&A events to enable maximum information sharing with potential applicants.

#### **Solicitation Process:**

In addition to the above, MBI's process for awarding funds to subgrantees for broadband deployment programs includes the following safeguards to ensure fairness, transparency, due process, and compliance with federal and state requirements:

1. prior to issuing a solicitation for applications for broadband deployment funds, MBI consults with stakeholders to receive input on community needs;
2. based on input received, MBI drafts a proposed targeted solicitation in response to areas of need which is reviewed by the Legal and Finance teams at Mass Tech and then submitted for further review and approval by the Executive Office of Economic Development, and the administering federal agency, if applicable;
3. the approved solicitation will contain objective standards for awarding funds that apply to all applicants (preferences will be detailed clearly within the solicitation);
4. the approved solicitation will include an explanation of the scoring criteria that apply to all applicants;
5. the approved solicitation will include a detailed timeline that applies to all applicants;
6. the approved solicitation will contain requirements for applicants to demonstrate financial capacity to conduct the funded activities;
7. the approved solicitation will contain requirements for applicants to demonstrate managerial and organizational capacity to conduct the funded activities;
8. the approved solicitation will contain requirements for applicants to demonstrate technical capacity to conduct the funded activities;



9. the approved solicitation will include an agreement template that all applicants must sign prior to receiving funds;
10. the agreement template will contain reporting requirements, payment milestones, and detailed obligations arising from federal and state requirements;
11. MBI will post the solicitation on the MBI website and on COMMBUYS (the Commonwealth of MA's procurement website);
12. prior to the application deadline, MBI will conduct a webinar for potential applicants and receive and upon receipt of applications, MBI will conduct a threshold review to include an evaluation that each applicant has not been debarred on the state or federal level;
13. MBI will form an Evaluation Committee comprised of at least MBI/MassTech employees familiar with the solicitation;
14. the Evaluation Committee will review each application for completeness and will reject incomplete applications;
15. the Evaluation Committee will use the evaluation criteria contained within the approved solicitation to evaluate and score each applicant that submits a complaint application;
16. based on the scoring, the Evaluation Committee will recommend that the highest qualified applicant(s) receive funding;
17. the resulting funding agreement will contain detailed reporting and compliance requirements in order for fund disbursement and monitoring by MBI will continue throughout the funding agreement period of performance.

2.4.2 Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.

While MassTech and MBI staff will assist the EE (EOED) through a sub-grant with the administration and programmatic execution of the BEAD program including the management of contractors and subgrantees, throughout this subgrantee relationship, the EE will retain the oversight of the programs and will make all final decisions and oversee program implementation

There will be a possible 200 points for applicants. Primary criteria will account for 75% of the total scoring and secondary criteria will account for 25% of total scoring. MBI will use its competitive process to select the preferred proposal among competing proposals submitted for the same municipality. The project with the highest score will be awarded the project based on the criteria outlined in the scoring rubric.

**Primary Scoring Criteria - 75% (equivalent to 150 points)**

Minimal BEAD Program Outlay - 60 points for Priority Project and 65 points for Other Last Mile Deployment Project.

MBI will prioritize proposals that minimize BEAD funding requirements. The requested funding will be assessed by both the total proposed cost of the project and the subgrantee's proposed match, which must account for at least 25% of the project cost unless waived<sup>1</sup>. As the BEAD costs decrease, there will be an increase in points awarded.

MBI's scoring rubric awards points based on a comparison of project cost to an internal cost estimate with points varying over a range of 25% below to 25% above the internal cost estimate. The internal cost estimates used by MBI for this comparison will be based on NTIA's CostQuest data adjusted using a single statewide multiplier to

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<sup>1</sup> MBI understands that the match requirement cannot be waived without approval from the Assistant Secretary. Also, MBI understands that high-cost areas do not require a match.

reflect updated deployment costs and subsidy requirements. The multiplier will be informed by awards made to the CPF Gap Networks Grant Program. Specifically, MBI will calculate:

1. The total grant cost of all awarded CPF Gap Networks projects as of the time that BEAD subgrantee selection gets underway. Let this quantity be called Y.
2. The total cost to serve all locations covered by the awarded CPF Gap Networks projects, according to CostQuest data, using fiber technology. Let this quantity be called X.
3. The ratio of CPF grant costs to the CostQuest cost estimates for CPF-covered locations, or Y/X. This quantity will become the multiplier.

The purpose of the multiplier is to align the cost basis for comparing projects to market conditions so that the most cost-efficient applications will receive the most points. The internal cost estimates should be set so that proposed project costs statewide will generally fall within the +/- 25% range in the scoring rubric.

**Affordability - 60 points for Priority Project and 65 points for Other Last Mile Deployment Project.**

MBI will prioritize proposals that commit to offer affordable broadband service. Each applicant's plans for implementation should include a specific price point, subject only to increases in line with consumer price inflation, the lower the price point the applicant is willing to commit to, the more points will be awarded.

Affordability of 1 Gbps/1 Gbps service, for Priority Broadband Projects. This category scores Priority Broadband Projects based on the prospective subgrantee's commitment to providing the most affordable total price to the customer for 1 Gbps/1 Gbps service in the project area, for the life of the BEAD funded network, allowing for increases aligned to inflation, as follows.

- A tiered rubric will be used to assess plan prices, whereby points will be allotted based on price analysis. Affordability of 100 Mbps/20 Mbps service, for Non-Priority Broadband Projects. This category scores Non- Priority Broadband Projects based on the prospective subgrantee's commitment to providing the most affordable total price to the customer for 100 Mbps/20 Mbps service in the project area, for the life of the BEAD funded network, allowing for increases aligned to inflation, as follows.
- A tiered rubric may be used to assess plan prices. Points will be allotted based off price analysis.

**Fair Labor Practices - 30 points for Priority Project and 20 points for Other Last Mile Deployment Project.**

Prospective subgrantees will be required to provide details of their past compliance with federal fair labor laws in accordance with the NOFO guidelines. Prospective subgrantees will need to commit to adhering to federal fair labor laws throughout the life of the BEAD funded asset.

Prospective subgrantees will be evaluated on compliance with federal fair labor laws based on their previous record and their future commitments. New entrants without a compliance record may make specific binding commitments to strong labor and employment standards to mitigate this. Maximum points will be awarded to prospective subgrantees with no prior violations and who commit to adhering to federal fair labor laws throughout the life of the BEAD funded asset.

**Secondary Scoring Criteria – 25% (equivalent to 50 points)**

**Speed To Deployment – 10 points for Priority Project and 8 points for Other Last Mile Deployment Project.**

All subgrantees that receive funding from the BEAD Program must complete the planned broadband network and begin providing services to customers within four years of receiving the subgrant from MBI. MBI recognizes the timeframe for project completion will be dependent on acquisitions of permits and make-ready licenses, the timing of which is partially beyond control of the applicant.

Applications will be evaluated on a sliding scale based on the project's committed timeline to completion. No points will be awarded for project scheduled to be completed in 42 months or longer. Maximum points will be awarded if projects can commit to completing the project within two years or less.

MBI strongly encourages applicants to leverage existing public infrastructure assets to reduce project schedule and/or project costs.

Speed of Network and Other Technical Capacities (Applies only to Other Last Mile Deployment Projects) – 10 points for Other Last Mile Deployment Project.

MBI will weigh the speeds, latency, and other technical capabilities of the technologies proposed by prospective subgrantees seeking to deploy projects that are not Priority Broadband Projects (projects that will not provide end-to-end fiber).

Speed of network proposals will be evaluated using a sliding scale. Prospective subgrantees proposing to use technologies featuring lower future investments and longer production lifecycles, with ease of scalability, will receive higher weight during the evaluation process. In contrast, those proposing more costly technologies with shorter production lifecycles and upgrade times will receive comparatively less weight.

Serving CAIs – 10 points for Priority Project and 8 points for Other Last Mile Deployment Project.

Serving CAIs will not be mandatory as part of Round One or Round Two of the BEAD deployment program, however, applicants will receive additional points during evaluation and scoring based on the percentage of CAIs lacking gigabit symmetric service who will be offered gigabit symmetric service within the project area as a result of the project. No points will be awarded if none of the CAIs will be provided with gigabit symmetric service. The maximum points allocation will be awarded if 100% of the CAIs within the project area are proposed to be served. MBI strongly encourages applicants to leverage existing public infrastructure assets to reduce project schedule and/or project costs.

Low-Cost Plans – 20 points for Priority Project and 16 points for Other Last Mile Deployment Project.

Affordable service is a top priority for MBI. In addition to the scoring criteria established for affordability of 1Gbps/1Gbps service and 100Mbps/20Mbps service, MBI will allocate points for committed service pricing of the low-cost plan. While the Affordable Connectivity Program (ACP) currently provides a subsidy that makes service to eligible individuals essentially free, ACP is expected to exhaust its funding in the first half of 2024 if there is no federal action to renew the funding by the end of 2023. With uncertainty on the future of ACP and any successor programs that may follow, MBI has opted to include scoring criteria that awards additional points to applicants who commit to offering a low-cost plan (meeting the requirements defined in Section 15 – Requirements 18) that is below \$30/month. Points for this criteria will begin at zero for offering a low-cost plan at \$30/month and increase over a gradient of price ranges that eventually reach below \$10/month.

Serving MDUs at the Enterprise Level – 10 points for Priority Project and 8 points for Other Last Mile Deployment Project

It is expected that a significant number of MDUs will become eligible for BEAD funding through the Challenge Process. MBI encourages applicants to provide affordable service to MDUs in an efficient and cost-effective manner. MBI will award additional points to applicants that commit to offering Enterprise Level Agreements, which is a single price that provides service to every unit within the MDU at a discounted rate, due to economies of scale. Full point allocations will be provided to those applicants that can commit to this service offering for the life of the BEAD program funded infrastructure.

**Round Three Scoring Criteria**

There will be a possible 200 points for applicants. Primary criteria will account for 75% of the total scoring and secondary criteria will account for 25% of total scoring. Among projects that pass the gating criteria, the following criteria will be used to select at most one project per CAI:

Primary Scoring Criteria (150 pts, 75%):

- a. Cost effectiveness / Minimal BEAD program outlay. Weight: 30%.

- b. Affordability. Weight: 30%
- c. Fair Labor Practices. Weight: 15%

Secondary Scoring Criteria (50 pts, 25%):

- a. Speed to Deployment. Weight: 12.5%
- b. Creativity and innovation. Weight: 12.5%, where full points should be awarded to projects that demonstrate, by means of a strong and persuasive narrative, that if successful, they would create a novel program that contributes to connectivity and digital equity, and that other CAIs might wish to imitate (Wi-Fi access points, etc.).

2.4.2.1 As a required attachment, submit the scoring rubric to be used in the subgrantee selection process for deployment projects. Eligible Entities may use the template provided by NTIA or use their own format for the scoring rubric.

[MBI Scoring Criteria 6.12.2024-06-12-2024\\_10-28-The Commonwealth of Massachusetts-GRN-000084.pdf \(masstech.org\)](https://www.masstech.org/MBI_Scoring_Criteria_6.12.2024-06-12-2024_10-28-The_Commonwealth_of_Massachusetts-GRN-000084.pdf)

Table 5: Rounds One and Two Priority Project Scoring Rubric

Primary Criteria:			
Minimal BEAD Program Outlay	To determine the BEAD funding needed for a project, both projected costs and the subgrantee's proposed match (minimum 25% of project cost) will be accounted for. Points or credits will increase as BEAD costs decrease. MBI shall also consider the cost per location and any factors that may impact the project's scalability or resilience.	30% (60 points)	75% (150 points)
Affordability	The prospective subgrantee's commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps service in the project area.	30% (60 points)	
Fair Labor Practices	MBI shall prioritize projects based on prospective subgrantees' compliance with federal labor and employment laws. New entrants without a compliance record may make specific commitments to strong labor and employment standards to mitigate this. Section IV.C.1.e of the NOFO provides more details about this prioritization requirement.	15% (30 points)	
Secondary Criteria:			
Speed To Deployment	All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from MBI. MBI shall give secondary criterion prioritization weight to the prospective subgrantee's binding commitment to provide service by an earlier date certain, subject to contractual penalties to MBI, with greater benefits awarded to applicants promising an earlier service provision date.	5% (10 points)	25% (50 points)

Serving CAIs	Servicing CAIs as part of Round One projects will not be mandatory but is strongly encouraged and incentive by MBI. This scoring criteria will assess the percentage of CAIs within the project area that will be served as part of the proposed project.	5% (10 points)	
Low-Cost Plans	MBI will allocate points for committed service pricing of the low-cost plan below \$30/month.	10% (20 points)	
Serving MDUs at Enterprise Level	This scoring criteria will award points if applicants plan to offer service at an enterprise level for MDUs. Full points will be awarded if the applicant can commit to offering this service option.	5% (10 points)	

Table 6: Rounds One and Two All Other Last Mile Deployment Project Scoring Rubric

Primary Criteria:			
Minimal BEAD Program Outlay	To determine the BEAD funding needed for a project, both projected costs and the subgrantee's proposed match (minimum 25% of project cost) will be accounted for. Points or credits will increase as BEAD costs decrease. MBI shall also consider the cost per location and any factors that may impact the project's scalability or resilience.	32.5% (65 points)	<b>75% (150 points)</b>
Affordability	Prospective subgrantee's commitment to providing the most affordable 100/20 Mbps service in the proposed area	32.5% (65 points)	
Fair Labor Practices	MBI shall prioritize projects based on prospective subgrantees' compliance with federal labor and employment laws. New entrants without a compliance record may make specific commitments to strong labor and employment standards to mitigate this. Section IV.C.1.e of the NOFO provides more details about this prioritization requirement.	10% (20 points)	
Secondary Criteria:			
Speed of Network and Other Technical Capacities	Applications proposing easily scalable technologies with longer asset cycles and lower future investment should be favored over those with costlier upgrades and shorter asset cycles.	5% (10 points)	<b>25% (50 points)</b>
Speed To Deployment	All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from MBI. MBI shall give secondary criterion prioritization weight to the prospective subgrantee's binding commitment to provide service by an earlier date certain, subject to contractual penalties to MBI, with greater	4% (8 points)	

	benefits awarded to applicants promising an earlier service provision date.		
Serving CAIs	<p>⚠️ Servicing CAIs as part of Round One projects will not be mandatory but is strongly encouraged and incentivized by MBI. This scoring criteria will assess the percentage of CAIs within the project area that</p> <p>⚠️ will be served as part of the proposed project.</p>	4% (8 points)	
Low-Cost Plans	MBI will allocate points for committed service pricing of the low-cost plan below \$30/month ⚠️	8% (16 points)	
Serving MDUs at Enterprise Level	This scoring criteria will award points if applicants plan to server service at an enterprise level for MDUs. Full points will be awarded if the applicant can commit to offering this service option.	4% (8 points)	

2.4.3 Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.

⚠️ Massachusetts is optimistic that it has sufficient funding between the CPF and BEAD programs to deploy service to all unserved and underserved BSLs in the Commonwealth. Nonetheless, the Commonwealth plans to serve all unserved and underserved BSLs as part of the BEAD program MBI plans to encourage deployment to CAIs through the rubric score, as described above. It believes this is in keeping with BEAD priorities since solutions for unserved and underserved locations are achievable and will not be crowded out by the inclusion of CAIs in these projects' service areas. However, MBI understands that if, contrary to expectations, the state does face a shortfall in achieving universal 100/20 coverage, it will need to revisit its provisional awards and make revisions that focus scarce resources on unserved locations before underserved locations.

However, before it turns to a more deliberate pursuit of gigabit symmetric service for CAIs throughout the state, MBI will need to summarize the results of Round One and Round Two grantmaking, as well as other state and federal programs, and make a careful determination that the universal broadband access goal of the BEAD program is on track to being achieved. Only after this determination has been made will it launch the CAI broadband grant program described in 2.4.1.

Beyond CAIs, MBI hopes to have BEAD funding available for non-deployment projects, in alignment with the State Digital Equity Plan, as described in response to Requirement 9. To align with the BEAD program's prescribed prioritization, MBI will summarize the results of the CAI broadband grantmaking effort and confirm that a reasonably exhaustive solution to reported needs for gigabit symmetric service at CAIs is on track to being achieved before any large-scale transfer of BEAD funds to the State Digital Equity Plan workstream is carried out.

2.4.4 If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note "Not applicable."

MBI plans to begin funding priority non-deployment initiatives using BEAD funds immediately upon approval of the Initial Proposal. Its rationale for doing so is with well over \$250 million of CPF and BEAD funding and ~18,000 locations thought to still need broadband service (pending the results of the challenge process), MBI is confident that the remaining coverage gaps for mass market residential and commercial service can be closed. MBI also plans to pursue the deployment of gigabit symmetric service to CAIs throughout the state through sub-grantee deployment projects.



Given this situation, MBI will prioritize non-deployment programs quickly. Building on successful existing Digital Equity programs, MBI will develop its priority non-deployment activities and launch them while deployment subgrantee selection is underway.

Although MBI aims for gigabit symmetric service for CAIs, MBI's evaluation process will determine which CAIs actually advance BEAD NOFO objectives and would benefit from and actually subscribe to gigabit symmetric service. We believe our non-deployment programming meets urgent needs and should not be postponed until universal gigabit service for CAIs has been determined to be achieved.

2.4.5 The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA) requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.

The Commonwealth of Massachusetts is deeply committed to environmental and historic preservation, as well as Build America, Buy America Act (BABA), and will require all potential applicants to comply with related requirements when applying for the BEAD grant program. MBI will require applicants to certify their track record of compliance with these requirements and provide detailed narrative and documentation regarding any challenges or noncompliance. MBI intends to actively monitor subgrantees post-award to ensure continued compliance with environmental and historic preservation and BABA requirements.

MBI will provide general guidance to prospective subgrantees to ensure that they understand and comply with all applicable EHP and BABA requirements. MBI will communicate these requirements through various channels, such as the program's website and application materials. The guidance will identify pertinent resources for EHP and BABA requirements, and MBI will highlight the importance of adhering to these requirements during the application process. Subgrantees will be required to provide a compliance certification stating how they plan to comply with EHP and BABA requirements.

Incorporation of EHP and BABA requirements into the subgrantee selection process will ensure that compliance is a fundamental aspect of the program from the outset. The eligibility criteria for subgrantees will be structured to ensure that only those candidates who comply with these requirements are considered. MBI will monitor subgrantee compliance throughout the project's implementation to ensure that these requirements are adhered to and that the project's integrity and sustainability are preserved. This may include regular audits, site inspections, and/or other interventions aimed at ensuring compliance and maintaining MBI's commitment to best practices in the management of the BEAD program.

2.4.6 Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de-conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.

MBI plans to employ different project area definitions for Round One—municipalities—and Round Two—MBI-defined. MBI will have the flexibility to define the Round Two project service areas to best meet the existing conditions after the Gap Networks and BEAD Round One is run and awarded.

### **Round One—Municipal Project Areas**

The basic geographic unit for project service areas in BEAD Round One is the municipality. All land in Massachusetts is under the jurisdiction of some municipality, so municipalities are in a good position to advocate for and monitor the achievement of universal broadband coverage on behalf of their residents.

For Round One, Massachusetts will require that if a project proposes to serve any unserved or underserved BSLs in a municipality, it must propose to serve all unserved or underserved BSLs in a municipality, and (must have a letter of support from that municipality). All unserved and underserved locations in Massachusetts are within municipal geographic boundaries. MBI plans to maintain the same process it implemented for the Gap Networks



Program (part of the Capital Projects fund) and expects that it will not have an impact on the fairness, openness, and competitiveness of the subgrantee selection process.

Municipal support is a long-standing programmatic element of MBI's state-funded broadband infrastructure grant programs and has not previously impaired the competitiveness of applications submitted under these programs. These requirements for BEAD are only applicable for Round One, with Round Two serving as a mitigation plan in the event that service providers are unable to secure letters of support from the municipalities they intend to serve. In addition, MBI expects municipalities to provide letters of support to multiple providers given that their aim is to help facilitate broadband access to all their residents.

This requirement will maintain a fair, open, and competitive subgrantee selection process by ensuring that all unserved or underserved BSLs in a municipality are given equal access to the benefits of the BEAD program and by ensuring providers engage directly with the communities they seek to serve and thereby provide communities with a voice to address the needs of their residents by having an explicit role in the process.

Round One selection will happen at the municipal level, where like-to-like municipal project service areas are compared and the project with the highest score will be awarded.

If all municipalities get a BEAD project, Round One will set Massachusetts on track to achieve the BEAD program's universal access goal.

While MBI is hopeful that the municipality-centric strategy of Round One will succeed in closing the vast majority, and perhaps all, of Massachusetts' remaining coverage gaps, this cannot be guaranteed, because ISP willingness to deploy on the basis of municipally defined project areas may not be forthcoming. There could be cases, for example, where BSLs in a single municipality are inconveniently distributed and the obligation to serve them as part of a single project interferes with efficient network design. MBI therefore plans Round Two to cover the scenario in which Round One does not close all the gaps.

### **Round Two—MBI-Defined Project Areas**

In BEAD Round Two, if implemented, MBI will welcome all proposals to serve the hopefully very few unserved and underserved BSLs that still lack a deployment solution, based on MBI's defined project service areas. The MBI-defined project areas in Round Two might contain many BSLs or as few as one, within single municipalities or spread across several of them and applicants will be required to serve every location within the selected project service area. MBI believes that requiring applicants to submit a single application per service area provides the best opportunity for competition among applicants, eliminating the possibility of applicants creating contingencies where one or more project service areas are contingent on being awarded a grant for other project service areas. As part of the outreach process, MBI may solicit proposals from ISPs as detailed in section 02.04.07.

### **Round Three—ISP-Defined CAI Lists**

In BEAD Round Three, MBI will welcome proposals to serve CAIs that lack gigabit symmetric service. In Round Three, ISPs will be able to define project areas, in this case consisting of the sets of CAIs that they want to serve, albeit with a need to get the consent of each CAI included. If necessary, MBI will implement a deconfliction process for CAIs that adheres to the following principles:

- Scoring will be completed on the competing project areas. The project with the highest score will be awarded the project based on the criteria outlined in the scoring rubric.
- MBI may reach out to the unawarded applicant to solicit a revised application based on the remaining unawarded CAI locations. All outreach with ISP's will follow the steps outlined in Section 02.04.07.
- Deconfliction is an innovative process being developed simultaneously by many states to support the BEAD Program's goals, which are focused primarily on unserved and underserved locations. It is largely unfamiliar to the broadband industry, yet it requires broadband industry cooperation to succeed. MBI must therefore be proactive in communicating with the broadband industry so that it understands what it needs to do. Communications must be carefully planned, however, to ensure that all prospective

subgrantees get the same opportunities to learn how to engage successfully with the deconfliction process.

By adhering to these principles, MBI can make deconfliction part of a fair, open, and unbiased process that cost-effectively pursues expanded coverage for CAls in the state.

2.4.7 If no proposals to serve a location or group of locations that are unserved, underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.

As discussed elsewhere in this section, e.g., 2.4.1 and 2.4.6, MBI is planning two rounds of competitive grantmaking for unserved and underserved locations to ensure a comprehensive solution, even though the remaining problem is expected to be small.

As needed, MBI will engage in multi-faceted engagement with providers to encourage participation and mobilize proposals for all remaining unserved and underserved BSLs in the state after Round 2. While Rounds One and Two will be structured as a competitive grant program, if necessary MBI may solicit supplemental information from specific providers to achieve universal coverage. MBI will reach out to providers based on the magnitude of their commercial presence in the vicinity of any still-unresolved locations and will attempt to leverage multiple provider options if needed in order to limit grant offers to the Extremely High Cost Per Location Threshold. MBI is not considering inducements for potential subgrantees to serve all unserved and underserved locations at this time as there are currently no identified sources of state funding to support such inducements.

#### Universal Coverage Solution Determination:

In view of the BEAD Program's objective of achieving universal broadband access at 100/20 speeds before any other goals are pursued, MBI views it as indispensable, at the conclusion of Round One and Round Two, to conduct a determination process to establish that the state is on track to achieve universal coverage, before it proceeds to commit BEAD funds to any other objectives such as CAI gigabit service and non-deployment subgrantee selection.

Specifically, MBI's objective at this stage will be to determine if, for every broadband serviceable location (BSL) in the state of Massachusetts, either:

1. The BSL has access to broadband service at speeds of 100/20 or faster, with 100 milliseconds or less of latency, by a technology meeting the definition of Reliable Broadband Service.
2. The BSL is included in a funded project with a binding commitment to deploy internet service at speeds of 100/20 or faster, with 100 milliseconds or less of latency, by a technology meeting the definition of Reliable Broadband Service.
3. The BSL is included in a provisionally awarded BEAD project, such that upon approval of the Final Proposal, MBI will contract with a known ISP to deploy broadband service at speeds of 100/20 or faster, with 100 milliseconds or less of latency.

If, after Rounds One and Two, MBI has not received proposals to serve a location or group of locations that are unserved, underserved, or a combination of both, MBI will engage in individual discussions with the provider(s) operating in the municipality and/or adjacent municipalities as follows to continue the process of achieving universal service:

1. If the provider has not previously been qualified by MBI in Rounds One or Two, MBI will evaluate the provider to determine whether the provider otherwise meets the criteria in the solicitation including managerial, technical and operational capability to serve the location(s) and document the evaluation;
2. once a determination is made as to the provider's satisfaction of the criteria, MBI will engage the provider in discussions regarding the location(s);
3. MBI will document the substance of the discussions which will include the provider's estimated costs to serve the location(s), the technology to be deployed, and the proposed project schedule;

4. if the provider's proposed costs to serve the location(s) exceed the high cost per location threshold, MBI will evaluate whether the cost is justifiable and document the basis for the determination. This determination will be based on the ongoing objective to prioritize fiber to the extent that it is economically reasonable to do so, which will take into consideration factors that include: (i) the technologies already being deployed in the surrounding areas; (ii) the availability of uncommitted funds is still deemed to be sufficient to achieve universal service to all remaining unserved and underserved locations; and (iii) the cost does not exceed the Threshold by more than twenty percent
5. if the cost is justifiable, MBI will request that the provider submit a written proposal for additional review and evaluation;
6. following approval of the proposal, MBI will provide a funding agreement which will contain detailed compliance requirements in order for fund disbursement and monitoring by MBI will continue throughout the funding agreement period of performance.

Eventually, in an anticipated but not certain success scenario, MBI will be able to establish and determine at some point in the BEAD process prior to Round Three, whether immediately after the challenge process or after Round One or Round Two, that a Universal Coverage Solution is in place, such that service or funded commitments to deploy service will be in place for all BSLs upon approval of the BEAD Final Proposal and release of funds to BEAD subgrantees. When that determination is made, MBI will calculate how much in BEAD funding has been committed to deployment projects in pursuit of universal coverage, and how much remains to be dedicated to other priorities. MBI will then proceed to Round Three and to non-deployment subgrantee selection activities using the remainder of BEAD funds that have not been committed to deployment.

2.4.8 Describe how the Eligible Entity intends to submit proof of Tribal Governments' consent to deployment if planned projects include any locations on Tribal Lands.

MBI recognizes that deployment of broadband infrastructure on Tribal Lands requires coordination and collaboration with Tribal Governments. MBI is committed to ensuring that all broadband deployment projects on Tribal Lands are developed in partnership with Tribal Governments and with their informed consent. As such, MBI will require project applicants to obtain formal written consent from the affected Tribal Governments before deploying any broadband infrastructure on Tribal Lands.

MBI plans to reach out to each Tribal Government that may be affected by the proposed broadband deployment to initiate a consultation process. The consultation process will involve discussions with Tribal Governments on the planned broadband deployment, including the specific location(s), the type of infrastructure to be deployed, and any potential impacts of the deployment.

MBI intends to submit proof of Tribal Governments' consent to deployment as part of the BEAD grant application, in compliance with the BEAD NOFO requirement. Proof of consent can take the form of a signed document from each Tribal Government indicating their formal written approval of the proposed broadband deployment on their lands. The MBI will work closely with the affected Tribal Governments to ensure that any necessary review and approval is obtained in a timely and efficient manner, while meeting the needs of Tribal Governments and respecting their sovereignty and decision-making authority.

2.4.9 Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include the operational costs for the lifespan of the network.

MBI recognizes the importance of identifying an Extremely High Cost Per Location Threshold (EHCPLT) that will allow for as many end-to-end fiber projects to be deployed as possible, which is a primary goal of the BEAD program. The EHCPLT will be determined no earlier than after Round One applications have been reviewed, in a manner that emphasizes fiber prioritization to the extent that it is economically reasonable, while confirming that MBI has sufficient funds to achieve universal broadband access and leaving fiscal space for other priorities. The MBI will review the available BEAD allocation to determine if it can rely solely on fiber deployment to serve all unserved and underserved locations. The EHCPLT may allow for the use of alternative technology types where

fiber is cost-prohibitive but will be designed in a way that prioritizes end-to-end fiber projects, to maximize the impact of the BEAD program. To set an appropriate EHCPLT, MBI will develop a cost model by analyzing data available from all awards issued under the Gap Networks Program, CostQuest data, and data from the tentative awards made under Round 1 of the BEAD Program. MBI will utilize the data generated by the cost model to establish the EHCPLT to inform subgrantee selection determinations that maximize the deployment of end-to-end fiber solutions while achieving the dual objectives of (1) ensuring that there is sufficient funding to serve all remaining unserved and underserved locations; and (2) investing BEAD funds on economically reasonable projects.

2.4.10 Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO. The response must describe:

- a. The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.

If (a) all Priority Broadband Projects for a certain municipality have grant costs per location that exceed the EHCPLT, and (b) another application offers a project to serve the same municipality for grant costs less than the EHCPLT, using technology meeting the definition of Reliable Broadband Service, then MBI will contact the Priority Broadband Project applicants, inform them that their grant requests are too costly to be awarded, and invite them to revise their applications so that their grant requests per location are no greater than the EHCPLT. In revising their projects to reduce their grant requests, the Priority Broadband Project applicants may identify a small number of very high-cost locations that it will serve by means of a technology other than end-to-end fiber. The number cannot exceed 20% of locations, and evidence must be provided that their costs to deploy are exceptionally high. Even if they use alternative technology for some locations, applicants must commit to serve the entire project area.

If all applicants are unable to revise their projects so that they can serve the full municipality with a combination of end-to-end fiber and other Reliable Broadband Service technology, then MBI will decline the projects and opt for the other Reliable Broadband Service project instead.

If only one Priority Broadband Project applicant is able to revise its project so as not to exceed the EHCPLT, then that project will be selected.

If multiple applicants are able to revise their projects so that their grant requests do not exceed the EHCPLT, then MBI will select among them, first of all, on the basis of the quantity of coverage by end-to-end fiber technology. For example, if project A can reduce its grant request to a level not exceeding the EHCPLT by reducing the fiber share to 95%, and project B would need to reduce its share to 90%, then project A will be chosen over project B. If all projects have the same share of fiber coverage (e.g., because all projects reduce their grant requests while maintaining an offer of 100% fiber coverage), then the projects will be rescored on the basis of the Priority Broadband Project rubric, and the highest-scoring project will be awarded.

- b. The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy exceeding the Threshold.

The plan for engaging Priority Broadband Project subgrantees to revise their proposals and ensure locations do not require a subsidy that exceeds the EHCPLT, where a Non-Priority Broadband Project is available, has been described in 2.4.10.a. In the unlikely event of a statewide funding shortfall, a similar process will be used to curtail grant requests that exceed the EHCPLT and where there are lower priority alternative technology projects that do not meet that definition of Reliable Broadband Service but which are capable of providing internet service at speeds of 100/20 with latency below or equal to 100 milliseconds.

MBI will first require grant request reductions from Non-Priority Broadband Projects exceeding the EHCLPT that meet the definition of Reliable Broadband Service. If the funding shortfall persists, MBI will then require grant reductions from Priority Broadband Projects exceeding the EHCLPT for which the only alternative technology option does not meet the definition of Reliable Broadband Service.

- c. The process for selecting a proposal that involves a less costly technology and may not meet the definition of **Reliable Broadband**.

MBI will prioritize projects and technologies that meet the criteria for Reliable Broadband Service. However, as indicated in 2.4.10.a, and 2.4.10.b, MBI acknowledges that there may be cases where no Reliable Broadband Service projects are available, or where the subsidy required for the Reliable Broadband Service projects are above the EHCLPT, and the state is unable to negotiate for a reduction of grant requests to an acceptable level. In such instances, MBI will consider alternative technologies that may not meet the exact definition of Reliable Broadband Service. In that case, MBI will still require assurance that the projects fulfill the technical requirements of speed and latency even if network demand exceeds planned network capacity. Alternative technology solutions must be capable of providing internet service upon request, at speeds of 100/20 Mbps with latency below or equal to 100 milliseconds, even if subscription rates are 100% in the proposed project service areas and also high in adjacent areas where internet service is offered by the same providers. MBI will require alternative technology applicants to provide contingency plans to demonstrate that excess capacity will be available and new customers in BEAD areas will not be denied service because the network is fully utilized by existing customers. This determination will mirror MBI's approach in the Initial Proposal Volume I, by which it challenges ISPs using technologies prone to capacity constraint to analyze and confirm the adequacy of their service to support universal coverage. To ensure effective program implementation, MBI will explore technologies like satellite internet access and unlicensed fixed wireless and consider guidance from NTIA, best practices, and successful deployments in other states and jurisdictions.

2.4.11 Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined on pages 72-73 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the Eligible Entity authorizes additional disbursements.

As mentioned above, MBI has included a preregistration phase as part of the subgrantee selection process to certify subgrantees meet the minimum qualification requirements related to their financial, technical, managerial, etc., capabilities. MBI will require subgrantees to provide the following documentation to ensure subgrantees deploying network facilities meet the minimum qualifications for financial capability:

1. Certification that they are qualified to meet the obligations associated with a **Project**.
2. Certification will have funds available for all project costs that exceed the amount of the **grant**.
3. Certification that prospective subgrantees will comply with all BEAD Program requirements, including service **milestones**.
4. Where MBI disburses funding to subgrantees only after completion of the related tasks, each applicant shall certify that it has and will continue to have sufficient financial resources to cover the eligible costs of the project until such time as MBI authorizes further disbursements.



If the applicant is a publicly traded company, the applicant must submit a 10-K for the most recent five fiscal years and the 10-Q for the most recent quarter (if the 10-Q was filed after the most recent 10-K). Supporting documentation from non-publicly traded applicants may include: a letter of credit, letter confirming funds from a bank, board resolution committing funding, or loan documentation. If the grant application has additional financial partners contributing to the funds, the application must also identify the financial partner(s) and documentation of the amount and availability of each partner's financial contribution.

- a. Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF).

#### **Irrevocable Letter of Credit**

The BEAD NOFO requires MBI to create a model letter of credit (LOC) similar to the model LOC established within the Rural Digital Opportunity Fund (RDOF) from an eligible bank (see 47 C.F.R. § 54.804(c)(2)) in which the bank commits to issuing an irrevocable standby LOC to the applicant. The letter must include the dollar amount of the LOC and the issuing bank's agreement to adhere to BEAD's model LOC terms and conditions and amounts to no less than 25% of the subaward amount. Additionally, an opinion letter from legal counsel must be included with the LOC 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 LOC or proceeds of the LOC as property of the winning subgrantee's bankruptcy estate under Section 541 of the Bankruptcy Code.

On November 1, 2023, the NTIA published guidance on Conditional Programmatic Waivers for the BEAD LOC. The LOC Requirement is waived only to the extent to and as described below:

#### **Option to Use Credit Unions**

The LOC requirement to use of a bank that meets the eligibility requirements of 47 C.F.R. § 54.804(c)(2)) is waived if the applicant is instead using any United States Credit Union that is insured by the National Credit Union Administration and has a credit union safety rating issued by Weiss of B- or better.

#### **Option to Use Performance Bonds**

MBI will permit the subgrantee to use performance bonds. The LOC Requirement is waived where:

1. During the application process, prospective subgrantees are required to submit a letter from a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the Department of Treasury Circular 570 committing to issue a performance bond to the prospective subgrantee (Source: <https://www.fiscal.treasury.gov/surety-bonds/list-certified-companies.html>). The letter shall at a minimum provide the dollar amount of the performance bond.
2. Prior to entering into any subgrantee agreement, each prospective subgrantee obtains a performance bond, acceptable in all respects to MBI and in a value of no less than 100 percent of the subaward amount.

Where a subgrantee chooses to exercise the option to obtain a performance bond under this waiver, the requirement that the subgrantee "provide with its LOC 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 LOC or proceeds of the letter of credit as property of the winning subgrantee's bankruptcy estate under Section 541 of the Bankruptcy Code" is waived.

#### **Reduction of LOC/Performance Bonds Upon Completion of Milestones**

Providing a LOC with a value of at least 25% the subaward amount is waived, conditioned on the requirement that the subgrantee obtain a new a LOC in a reduced amount upon achievement of specific deployment milestones that are publicly specified by MBI and applicable to all subgrantees subject to

the LOC Requirement. MBI reserves the right to reduce the amount of the performance bond by a commensurate amount as subgrantees meet the same service milestones.

### Option for Alternative Initial LOC or Performance Bond Percentage

The requirement that the initial LOC be for 25% of the subaward amount, or in the case where a subgrantee chooses to utilize a performance bond consistent with the description above, allow the initial amount of the performance bond to be lower than 100% of the subaward amount, where:

1. MBI issues funding on a reimbursable basis consistent with Section IV.C.1.b of the NOFO;
  2. Reimbursement is for periods of no more than six months; and
  3. The subgrantee commits to maintain a LOC or performance bond in the amount of 10% of the subaward until it has demonstrated to the satisfaction of MBI that it has completed the buildout of 100 percent of locations to be served by the project or until the period of performance of the subaward has ended, whichever occurs first<sup>2</sup>.
- b. Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.

MBI will assess the financial capacity of the Applicant for the proposed project by evaluating the Applicant's revenue growth, profitability, solvency, and liquidity. Applicants shall provide audited financial statements from the prior fiscal year that are audited by an independent certified public accountant. If the potential subgrantee 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 prior fiscal year and certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant by a deadline specified by MBI.

- c. Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project

MBI will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project. This can be provided in the form of pro forma statements or analyses, inclusive of cash flow and balance sheet projections and should include at least three years of operating cost and cash flow projections post targeted completion of project.

2.4.11.1 Optional Attachment: As an optional attachment, submit application materials related to the BEAD subgrantee selection process, such as drafts of the Requests for Proposals for deployment projects, and narrative to crosswalk against requirements in the Deployment Subgrantee Qualifications section.

Not Applicable.

2.4.12 Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 - 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

MBI, in fulfillment of its responsibility for the deployment of network facilities by subgrantees, will ensure that the subgrantees meet the minimum qualifications for managerial capability. This will be achieved by reviewing documentation related to key personnel resumes, organizational policies, experience and qualifications in undertaking similar projects, as well as recent and upcoming organizational changes including mergers and acquisitions. Applicants who fail to meet the minimum requirements may not be eligible to receive funding. MBI

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<sup>2</sup> For the sake of clarity, the option to reduce the amount of the performance bond by a commensurate amount as subgrantees meet the same service milestones described in section 2.3 may not be applied to a letter of credit or performance bond obtained under this section 2.4



will communicate the regulations to all prospective subgrantees before and throughout the selection process through webinars, posting regulations on the website, and including requirements in grant application instructions and grant agreement terms and conditions.

- a. Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.

MBI will require subgrantees to provide a project organizational chart and resumes detailing the education and years of experience of key project personnel. Subgrantees shall also provide a description of key business partners that will help deliver the proposed project and the roles and responsibilities of each entity. Additionally, applicants shall provide up to three (3) similar projects in terms of project **scope, size,** and complexity performed in the past three (3) years highlighting the approach taken and results accomplished.

- b. Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.

Each applicant must also provide a narrative describing the applicant's readiness to manage a broadband services network project. The narrative should describe the experience and qualifications of key management for undertaking this project, its experience undertaking projects of similar size and scope, recent and upcoming organizational changes including mergers and acquisitions, and relevant organizational policies. Regarding previous experience, applicants shall provide up to three (3) similar projects in terms of project **scope, size,** and complexity performed in the past three (3) years highlighting the approach taken and results accomplished.

2.4.13 Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.

MBI will thoroughly evaluate all applicants aiming to deploy network facilities, ensuring that they meet the essential technical qualifications outlined in the BEAD NOFO. Applicants will be required to provide a certification of their technical competence to execute and manage the project efficiently, including the commitment to employ a skilled and credentialed workforce (as detailed in Section IV.C.1.e of the BEAD NOFO). MBI will require prospective subgrantees to submit resumes and project qualifications to certify they are technically qualified to complete and operate the project competently, including the use of an appropriately skilled and credentialed workforce. Refer to section 2.4.12a for documentation requested regarding resumes and project qualifications.

- b. Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project

MBI will require prospective subgrantees to submit a project plan description that clearly outlines the steps involved in the capital investment schedule including but not limited to planning, design, implementation, and operation. This plan should also include high-level network designs and diagrams, project costs, timelines, and evidence of build-out within the timeline identified and required by the BEAD NOFO. Furthermore, the subgrantee will need to provide an attestation that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served

by the Project. This attestation should be certified by a professional engineer. The capital investment schedule should include a complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant.

2.4.14 Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable federal, state, territorial, and local laws.

MBI is committed to ensuring that prospective subgrantees deploying network facilities meet the minimum qualifications for compliance with applicable laws, as outlined in the BEAD NOFO. MBI will require prospective subgrantees to provide officer (CEO/CFO) or senior executive certification that the subgrantee is capable of carrying out funded activities competently and in compliance with all applicable federal, state, territorial, and local laws.

- b. Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request

To ensure that an applicant complies with occupational safety and health requirements, MBI will require applicants to provide a certification stating the applicant will permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.

2.4.15 Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

MBI is dedicated to thoroughly screening applicants who wish to deploy network facilities and ensuring that they meet the minimum qualifications as stated in the BEAD NOFO in terms of operational capability. MBI will mandate that applicants confirm their eligibility to complete and operate the Project by certifying their operational capability. Examples of certification requirements that demonstrate this capability follows.

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.

MBI is committed to ensuring that prospective subgrantees deploying network facilities meet the minimum qualifications for compliance with applicable laws, as outlined in the BEAD NOFO. MBI will require prospective subgrantees to provide officer (CEO/CFO) or senior executive certification that the subgrantee is capable of carrying out funded activities competently and in compliance with all applicable federal, state, territorial, and local laws. Applicants should also provide up to three (3) similar projects in terms of project size and complexity performed in the past three (3) years highlighting the approach taken and results accomplished.

- b. Detail how the Eligible Entity will require prospective subgrantees to submit a certification that have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, attests to and specify the number of years the prospective subgrantee or its parent company has been operating.

An applicant that has provided a voice, broadband, and/or electric transmission or distribution service for at least the two (2) consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, must attest to these facts and specifies the number of years the applicant or its parent company has been operating.

- c. Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.

MBI will require a certificate from prospective subgrantees that have provided a voice and/or broadband service, certifying that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.

- d. Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

If the applicant has operated only an electric transmission or distribution service, a submittal of qualified operating or financial reports that it has filed with the relevant financial institution for the relevant time period is required along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

- e. In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.

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

Applications that fail to meet the minimum qualifications for compliance with applicable laws as outlined on pages 74 - 75 of the BEAD NOFO will not be considered to receive BEAD funding.


2.4.16 Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).

MBI will ensure that prospective 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 and consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).

The Code of Federal Regulations regarding ownership information requires the following:

1. List the real party or parties in interest in the prospective applicants 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 prospective **applicant**.
2. List the name, address, and citizenship of any party holding 10% or more of stock in the prospective applicant, whether voting or nonvoting, common, or preferred, including the specific amount of the interest or percentage **held**.
3. List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the prospective applicant is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and **losses**).

4. List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the **partnership.**
5. List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the prospective applicant is 10 percent or **greater.**
6. List all parties holding indirect ownership interests in the prospective applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the prospective applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent **interest.**
7. List any FCC-regulated entity or prospective applicant for an FCC license, in which the prospective applicant or any of the parties identified in paragraphs:
  - a. (a)(1) through (a)(5) of this section, owns 10 percent 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 prospective applicant (e.g., Company A owns 10 percent of Company B (the prospective applicant) and 10 percent 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 prospective applicant)
  - b. Designated entity status. In addition to the information required under paragraph (a) of this section, each prospective applicant claiming eligibility for small business provisions, or a rural service provider bidding credit shall disclose the following:
  - c. On its application to participate in competitive bidding (i.e., short-form application (see 47 CFR 1.2105)):
    - (a). List the names, addresses and citizenship of all officers, directors, affiliates, and other controlling interests of the prospective applicant, as described in § 1.2110, and, if a consortium of small businesses or consortium of very small businesses, the members of the conglomerate **organization.**
    - (b).  List any FCC-regulated entity or prospective applicant for an FCC license, in which any controlling interest of the prospective applicant owns a 10% or greater interest or a total of 10% or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the prospective **applicant.**
    - (c). List all parties with which the prospective applicant has entered into agreements or arrangements for the use of any of the spectrum capacity of any of the prospective **applicant's spectrum.**
    - (d). List separately and in the aggregate the gross revenues, computed in accordance with §1.2110, for each of the following:
    - (e). The prospective applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests; and if a consortium of small businesses, the members comprising the **consortium.**
    - (f). If claiming eligibility for a rural service provider bidding credit, provide all information to demonstrate that the prospective applicant meets the criteria for such credit as set forth in §1.2110(f)(4)
    - (g). If applying as a consortium of designated entities, provide the information in paragraphs (b)(1)(i) through (v) of this section separately for each member of the **consortium.**
  - d. As an exhibit to its application for a license, authorization, assignment, or transfer of control:

- (a). List the names, addresses, and citizenship of all officers, directors, and other controlling interests of the prospective subgrantee, as described in §1.2110.
- (b). List any FCC-regulated entity or prospective applicant for an FCC license, in which any controlling interest of the prospective applicant owns a 10 percent or greater interest or a total of 10 percent or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the prospective applicant.
- (c). List and summarize all agreements or instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the prospective applicant's eligibility as a small business under the applicable designated entity provisions, including the establishment of de facto or de jure control. Such agreements and instruments include articles of incorporation and by-laws, partnership agreements, shareholder agreements, voting or other trust agreements, management agreements, franchise agreements, spectrum leasing arrangements, spectrum resale (including wholesale) arrangements, and any other relevant agreements (including initial applications), oral or written.
- (d). List and summarize any investor protection agreements, including rights of first refusal, supermajority clauses, options, veto rights and rights to hire and fire employees and to appoint members to boards of directors or management committees.
- (e). List separately and in the aggregate the gross revenues, computed in accordance with §1.2110, for each of the following: the prospective applicant, its affiliates, its controlling interests, and affiliates of its controlling interests; and if a consortium of small businesses, the members comprising the consortium.
- (f). List and summarize, if seeking the exemption for rural telephone cooperatives pursuant to §1.2110, all documentation to establish eligibility pursuant to the factors listed under §1.2110(b)(4)(iii)(A).
- (g). List and summarize any agreements in which the prospective applicant has entered into arrangements for the use of any of the spectrum capacity of the license that is the subject of the application.
- (h). If claiming eligibility for a rural service provider bidding credit, provide all information to demonstrate that the prospective subgrantee meets the criteria for such credit as set forth in §1.2110(f)(4)

2.4.17 Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.

MBI is committed to ensuring that applicants who are seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for providing information on other public funding as outlined in the BEAD NOFO.

MBI will require each applicant to disclose, for itself and for its affiliates any application the applicant or its affiliates have submitted or plan to submit, and every broadband deployment project that the applicant or

its affiliates are undertaking or have committed to undertake at the time of the application using public funds, including but not limited to funds provided under:

- Families First Coronavirus Response Act (Public Law 116- 127; 134 Stat. 178)
  - CARES Act (Public Law 116-136; 134 Stat. 281)
  - Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182)
  - American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4)
  - Federal Universal Service Fund high-cost program (e.g., RDOF, CAF)
  - Any MBI or local universal service or broadband deployment funding program
- b. At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) 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), (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.

In grant applications, prospective subgrantees will be required to provide the details listed below for each broadband deployment project:

- The speed and typical latency of the broadband service to be provided (as measured and/or reported under the applicable rules)
- The geographic area to be covered
- 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)
- The amount of public funding to be used
- The cost of service to the consumer
- The matching commitment, if any, provided by the applicants or its affiliates

# 7. Non-deployment Subgrantee Selection (Requirement 9)

2.5.1 Describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.

**The vision for broadband and digital equity for the Healey-Driscoll Administration in the coming years is that:**

1. Every location has high-speed internet **available** (Availability)
2. Every resident can **utilize** and **afford** the internet. (Adoption)
3. Every location has **reliable** service. (Quality of Service)

While MassTech and MBI staff will assist the EE (EOED) through a sub-grant with the administration and programmatic execution of the BEAD program including the management of contractors and subgrantees, throughout this subgrantee relationship, the EE will retain the oversight of the programs and will make all final decisions and oversee program implementation

Through the CPF funded Gap Networks Program and additional BEAD deployment subgrants as needed, the Commonwealth will soon achieve the longstanding goal of universal broadband availability. Therefore, MBI has begun focusing on additional BEAD planning for non-deployment uses of BEAD funds building its State Digital Equity Plan (SDEP) around fulfilling the following Unified Vision:

*Every resident in Massachusetts has high-speed, high-quality internet availability and can confidently adopt and use the internet regardless of who they are or where they live. This universal connectivity will ensure that everyone has the support they need to enjoy full personal, civic, and economic digital participation throughout their lives with safety and security.*

Given MBI's rich history of supporting broadband access and digital equity initiatives for every Massachusetts resident, MBI intends to use non-deployment BEAD funds to support deeper investment into already existing digital equity programs while also developing new, complementary programs as a part of its digital equity plan. This approach will make the most efficient use of federal funds while advancing progress toward the Commonwealth realizing MBI's Unified Vision.

**For each of the Healey-Driscoll Administration's three broadband pillars—availability, adoption, and quality of service—MBI will deploy one or more of three implementation strategies. The goal across all categories is for activities to be scalable across the state if they are proven to be effective.**

1. Build on Existing Programs: MBI will build on its existing programs by extending their duration and increasing their funding to make them reach a larger scale. This effort builds on MBI and its partners' track record of addressing digital equity barriers in the state.
2. Develop New Programs: MBI will develop and implement new strategies—in collaboration with organizations and communities throughout the state—that focus on Underrepresented Communities, regions, or Measurable Objectives that have received less support to date or that face the largest barriers



to digital equity. MBI will develop new partnerships, programs, and funding streams to address these gaps.

3. Create Foundations for Success: MBI will establish initiatives that build the foundations for success in Massachusetts' digital equity ecosystem. The approach here will have 2 components: ensuring that there is a robust ecosystem of digital equity partners with capacity to collaborate in MBI activities, and establishing policies, data systems, and other resources to support SDEP's activities in the long term.

The **three** categories of action are designed to be flexible in how Massachusetts will support digital equity throughout the state ecosystem.

In particular, MBI plans to channel any BEAD funding over and above what is needed for broadband **availability** into **adoption** and **quality of service** priorities. Programs aimed at promoting adoption include the Digital Equity Plan itself and the established Digital Equity Partnerships Program and Municipal Digital Equity Planning and Implementation Program, and MBI expects to consider the ongoing work of these programs's potential high-value use of BEAD funding not needed for availability. However, two Quality of Service programs, the Residential Internet Retrofit Program, currently being supported through the U.S. Treasury Department's Capital Projects Fund (see here: <https://home.treasury.gov/system/files/136/MA-CPF-Award-Fact-Sheet-2.pdf>), and the Front Door Program, are also expected to absorb a portion of BEAD non-deployment spending.

In order to maximize resources MBI will work with the Executive Office of Economic Development to ensure that all non-deployment spending is expended through programs with a detailed program design that meets all BEAD specific non-deployment program requirements. In particular, MBI will ensure that:

- The process for awarding funds to subgrantees includes the following activities to safeguard against collusion, bias, conflicts of interest, and arbitrary decisions:
  1. Requiring evaluation committee members to disclose any real or perceived conflicts of interest. MBI reserves the right to remove any evaluation committee members if conflicts of interest are identified.
  2. Requiring applicants to certify that answers, statements, and information contained in their application are to the best of their knowledge complete, true and correct.
  3. Prohibiting direct collusion between applicants to coordinate bidding, and other anti-competitive behavior. Applicants will be required to self-certify in their application materials that bids were developed independently and without coordination or collusion with other prospective applicants. Evidence of collusion may lead to denial of awards.
  4. Developing evaluation criteria that are competitively neutral and unbiased to ensure there's no preference for any specific type of applicants. These criteria are described in this document in Sections 02.04.02 and 02.04.02.01 and may be elaborated in more detail in application forms and evaluator training materials.
  5. Maintaining transparency measures implemented throughout the process design, which includes providing an objective scoring process based on quantitative measures that will be published in publicly available procurement documents, and alignment with state and federal laws and guidance, such as the BEAD NOFO. MBI will document the scoring and evaluation process and the resulting documentation will be retained.
  6. Ongoing and frequent communications with written materials and live Q&A events to enable maximum information sharing with potential applicants.



- The subgrants are awarded through a process that is open, including provision of adequate notice of 30 calendar days to potential subgrantees to enable participation by a wide variety of applicants. Public notice posted on several communication channels, including the MBI website, MBI's social media accounts, MBI's e-newsletter distribution, and COMMBUYS (the online procurement system for the Commonwealth of Massachusetts).
- The subgrants are awarded through a process that is competitive, with allowances for certain preferences expressed neutrally and in advance.
- There are objective means for selecting subgrantees.
- The selection process includes steps to ensure that prospective subgrantees can carry out activities funded by the subgrant in a competent manner in compliance with all applicable federal, state, and local laws.
- The select process includes steps to ensure that prospective subgrantees have the financial, managerial, technical and operational capacity to meet the commitments of the subgrantee under the subgrant and provide the services promised under the subgrant.

MBI's process for awarding funds to subgrantees for non-deployment programs includes the following safeguards to ensure fairness, transparency, due process, and compliance with federal and state requirements:

1. prior to issuing a solicitation for applications for non-deployment funds, MBI consults with stakeholders to receive input on community needs;
2. based on input received, MBI drafts a proposed targeted solicitation in response to areas of need which is reviewed by the Legal and Finance teams at Mass Tech and then submitted for further review and approval by the Executive Office of Economic Development, and the administering federal agency, if applicable;
3. the approved solicitation will contain detailed objective standards for awarding funds that apply to all applicants (preferences will be detailed clearly within the solicitation);
4. the approved solicitation will include an explanation of the scoring criteria that apply to all applicants;
5. the approved solicitation will include a detailed timeline that applies to all applicants;
6. the approved solicitation will contain requirements for applicants to demonstrate financial capacity to conduct the funded activities;
7. the approved solicitation will contain requirements for applicants to demonstrate managerial and organizational capacity to conduct the funded activities;
8. the approved solicitation will contain requirements for applicants to demonstrate technical capacity to conduct the funded activities;
9. the approved solicitation will include an agreement template that all applicants must sign prior to receiving funds;
10. the agreement template will contain reporting requirements, payment milestones, and detailed obligations arising from federal and state requirements;
11. MBI will post the solicitation on the MBI website and on COMMBUYS (the Commonwealth of MA's procurement website);

12. prior to the application deadline, MBI will conduct a webinar for potential applicants and receive and respond to questions from potential applicants;
13. upon receipt of applications, MBI will conduct a threshold review to include an evaluation that each applicant has not been debarred on the state or federal level;
14. MBI will form an Evaluation Committee comprised of at least MBI/MassTech employees familiar with the solicitation;
15. The Evaluation Committee will review each application for completeness and will reject incomplete applications;
16. the Evaluation Committee will use the evaluation criteria contained within the approved solicitation to evaluate and score each applicant that submits a complaint application;
17. based on the scoring, the Evaluation Committee will recommend that the highest qualified applicant(s) receive funding;
18. the resulting funding agreement will contain detailed reporting and compliance requirements in order for fund disbursement and monitoring by MBI will continue throughout the funding agreement period of performance.

MBI will engage in the monitoring of subgrantee activities to ensure subawards are used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward. MBI intends to employ a robust subgrantee monitoring program that will consist of risk assessments, quarterly subgrantee reporting, random sampling of subgrantee files, corrective action policies and post-contracting support to ensure subgrantees can meet all required BEAD compliance reporting and activities.

MBI will implement a pre-registration phase prior to the subgrantee selection process that will certify subgrantees possess the financial capacity to meet the commitment of the subgrant as outlined in the BEAD NOFO. The certification process will include an attestation signed and submitted by the subgrantee certifying funds are available for all project costs that exceed the amount of the grant, and that the subgrantee has sufficient financial resources to cover the eligible costs of the project until such time as MBI authorizes disbursements based on milestone achievements. Further, MBI intends to review SEC 10-K filings of the subgrantees most recent five fiscal years and the 10-Q for the most recent quarter (if the 10-Q was filed after the most recent 10-K). Supporting documentation from non-publicly traded applicants may include: a letter of credit, letter confirming funds from a bank, board resolution committing funding, or loan documentation. If the grant application has additional financial partners contributing to the funds, the subgrantee must also identify the financial partner(s) and documentation of the amount and availability of each partner's financial contribution. MBI intends to rely on the certified attestations from the subgrantees and a thorough review of the subgrantees audited financials which will include but is not limited to an evaluation of the subgrantees revenue growth, profitability, solvency, and liquidity ratios, to evaluate its financial capacity to meet the commitment of the subgrant as outlined in the BEAD NOFO.

MBI will assess subgrantees managerial, operational, and technical capacity to meet the commitments of the subgrant as outlined in the BEAD NOFO, by requiring subgrantees to provide an organizational chart and resumes detailing the education, relevant technical certifications, and years of experience of key project personnel. Subgrantees will also be required to provide a description of key business partners that will help deliver the proposed project and the roles and responsibilities of each entity. Additionally, potential subgrantees shall provide up to three (3) similar projects in terms of project scope, size, and complexity performed in the past three (3) years highlighting the approach taken and results accomplished. MBI will utilize both a quantifiable and

qualitative scoring criteria to review and evaluate a subgrantees organizational chart, resumes of key personnel and key business partners in order to assess its managerial capacity to successfully administer activities under the BEAD program.

The objectives to be pursued in these programs relate to broadband access in affordable housing units and also technical support for internet use, as described below.

### **Affordable Housing Broadband Programs**

Massachusetts has over 160,000 affordable housing units, in which much of Massachusetts' income-constrained and economically disadvantaged population is concentrated. The vast majority of these structures have reported access to broadband at 100 Mbps/20 Mbps speeds. However, several problems affecting internet access in affordable housing units have been detailed in the course of MBI's engagement with the broadband industry and civil society, which warrant making the improvement of broadband access in affordable housing a major policy priority for the BEAD Program in Massachusetts. Two programs, an Affordable Housing Retrofit Program and an Apartment Wi-Fi Program, are currently being developed in connection with the US Treasury's Capital Projects Fund program. Lessons learned from that work is expected to shed light on needs and opportunities and can productively inform a continuation of the work with BEAD Program funds.

In general, FCC maps treat each multi-dwelling unit (MDU) as a single broadband serviceable location (BSL), and report the providers, speeds and technologies available to the building, while apartment dwellers care about what is available to the unit. MBI believes that broadband is usually available to the units, but the FCC's methodology of treating MDUs as BSLs provides a very inadequate basis for confidence. MDUs also pose special problems for wireless technologies, which penetrate some building materials better than others but often become effectively unavailable where structures block line of sight to towers. In any case, broadband service upgrades in affordable housing MDUs promise to be a highly cost-effective and impactful broadband investment, given the large number of passings per mile that can be achieved by such deployments, and the disproportionate concentration of need.

Inadequate connectivity in affordable housing MDUs may be addressed to some extent through BEAD Round One and Round Two, since MDUs are BSLs, but the special problems of ownership of inside wiring call for a dedicated program. The **Residential Retrofit Program** will be able to fund both installation of fiber-optic cable and building modifications needed in connection with such installations, including removal of lead and asbestos as needed, with the objective of achieving **Fiber to the Unit** broadband solutions in a manner consistent with the appearance, safety, maintainability and other usability characteristics of the structures affected. Building owners will be invited to express interest, MBI will confirm that they qualify, and then MBI will market the proposed buildings as potential Residential Retrofit Projects to the broadband provider community. More details will be forthcoming, but MBI anticipates that this program will prove to be a highly appropriate, productive, and impactful use of a substantial portion of the Massachusetts BEAD Program budget.

In addition, an **Apartment Wi-Fi Program** is planned, which will be able to fund the installation of Wi-Fi broadband solutions that make high-speed internet available for free to affordable housing residents. Building owners will have an interest in maintaining these services because they are valuable to tenants. Both of these programs are planned as subgrant programs, with awards made to qualified applicants, typically an ISP in conjunction with a building owner, for a project that would achieve the objective of high-speed internet access throughout a specific affordable housing MDU, using either fiber-to-the-unit or Wi-Fi technology. No MDU would qualify for both programs, though it might apply for both and leave the selection decision to MBI. Further details will be released to cover any interactions between these affordable housing broadband projects and BEAD Rounds One to Three deployment projects.

The **Front Door program** will target a different infrastructure-adjacent problem, namely, that even when broadband infrastructure is built, it may be effectively unavailable to residents because of poor quality customer service and/or technical support. The program is still in a conceptual stage but may be implemented as a subgrant program leveraging nonprofits and community organizations to provide digital navigator services in conjunction with a public-facing website where people can escalate quality of service issues. The Affordable Housing and Front Door programs will enable MBI to achieve universal broadband access in a more robust way than would be achieved by merely building infrastructure to all BSLs.

In addition to these non-deployment programs, MBI will continue to explore programs and partnership that can make service more affordable residents, particularly for residents of affordable housing MDUs.

Subgrantee application and selection will be managed through a fair, equitable, and transparent process as outlined in the State's Digital Equity Plan.

#### 2.5.2 Describe the Eligible Entity's plan for the following:

- a. How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program funds;

MBI's strategies and non-deployment initiatives align with constituent feedback gleaned through statewide listening sessions, surveys, and citizen feedback from the Commonwealth's Internet for All planning process. These engagement outcomes have been captured in the State's Digital Equity Plan which establishes preferences and priorities for non-deployment BEAD investments and informed its focus on affordable housing and quality of service as non-deployment activity areas. Further details about how MBI will choose among specific non-deployment subgrant projects are under development.

- b. How the non-deployment initiatives will address the needs of residents within the jurisdiction;

In the course of stakeholder outreach and subsequent research prepared for the State Digital Equity Plan, MBI gained many insights about the factors that prevent some Massachusetts residents from thriving online. These include affordability of internet service, lack of device access in the home, and lack of digital skills.

Most residents have home internet connections (93%), have sufficient devices (85%), and use the internet for online activities regularly (90%), but the flip sides of these percentages comprise substantially digitally disadvantaged populations. Further, demographic review consistently reveals more digital disadvantage among low-income, racial minority, and other historically under-represented populations. The affordable housing broadband programs will improve connectivity in places where these populations are concentrated, while also addressing technical deficiencies in the FCC maps, and the Front Door program should address technical impediments to adoption.

The State Digital Equity Plan confronts these historical barriers head-on and organizes the state's plan around the 3 pillars of the state broadband vision: availability, adoption, and quality of service. Non-deployment activities as proposed in the State Digital Equity Plan, especially the infrastructure-adjacent Affordable Housing and Front Door programs, will be funded in part with non-deployment BEAD dollars to address the needs of the digitally disadvantaged in Massachusetts.

- c. The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities;

During the months of September and October 2023, MBI conducted a series of 8 regional listening sessions and 27 focus groups designed to solicit public feedback in establishing the Commonwealth's priorities for the best use of unprecedented federal broadband investments. Through this Internet for All outreach initiative, open dialogue with the general public and special focus groups targeting underrepresented communities provided a forum to share experiences, ideas, and vision for a connected Massachusetts and how to best ensure the full participation by everyone in our digital society.

These insights have been used to inform non-deployment subgrant funding priorities as outlined in the State Digital Equity Plan. Table 7 illustrates the 21 statewide listening tour events hosted by MBI in 2023.

Table 7: Statewide Listening Tour Events

Date	Event
Jun.13	Broadband & Digital Equity Summit
Sept. 7	Southeast Listening Session <ul style="list-style-type: none"> <li>• Southeast</li> <li>• Southeast Satellite Session (Plymouth)</li> <li>• Southeast Satellite Session (Dartmouth)</li> </ul>
Sept. 13	The Berkshires Region Listening Session <ul style="list-style-type: none"> <li>• Berkshires Satellite Session (North Adams)</li> <li>• The Berkshires</li> <li>• Berkshires Satellite Session (Lennox)</li> </ul>
Sept. 14	The Valley Region Listening Session <ul style="list-style-type: none"> <li>• Pioneer Valley Satellite Session (Northampton)</li> <li>• Pioneer Valley</li> <li>• Pioneer Valley Satellite Session (Monson)</li> </ul>
Sept. 20	The Northeast Region <ul style="list-style-type: none"> <li>• Northeast</li> <li>• Northeast Satellite Session (South Hamilton)</li> <li>• Saugus</li> </ul>
Sept. 26	The Berkshires Virtual Listening Session
Sept. 28	Cape Cod & Islands Region Listening Session <ul style="list-style-type: none"> <li>• Cape &amp; Islands Satellite Session (Bourne)</li> <li>• Cape Cod &amp; Islands (Hyannis)</li> <li>• Cape &amp; Islands Satellite Session (Martha's Vineyard)</li> </ul>
Sept. 30	Greater Boston Region Listening Session <ul style="list-style-type: none"> <li>• Greater Boston</li> <li>• Canton</li> </ul>
Oct. 3	Rural Communities Listening Session

Date	Event
Oct. 5	Central MA Region Virtual Listening Session

d. How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD Program's equity, access, and deployment goals.

While the BEAD program will be administered by MBI, a core component to the Commonwealth's broadband strategy includes collaborative engagement with diverse stakeholder groups.

As a part of the BEAD planning process, MBI convened a statewide team of leaders who offered specific topic area expertise and represented underrepresented populations as defined by federal funding guidelines and MBI's programs. Known as the State Broadband and Digital Equity Working Group, this team offered invaluable feedback, supported local engagement, and helped inform BEAD planning priorities throughout the stakeholder engagement process. MBI is grateful for the service of these individuals and will continue organizing and supporting working groups like this throughout the BEAD program to provide ongoing perspective and feedback to MBI for the best and most effective uses of federal broadband dollars.

2.5.3 Describe the Eligible Entity's plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.

As described in Section 2.4 Requirement 8 above, years of planning, leadership and prioritizing broadband expansion have placed Massachusetts in the unique position of having relatively few unserved and underserved BSLs. Based on the cost estimation tools provided by the NTIA, the Commonwealth has the opportunity to achieve universal broadband availability through the Gap Networks Program funded by U.S. Treasury's Capital Projects Funds. Subject to the results of the Challenge Process described in Volume 1, the necessity of investment of BEAD dollars may not be required or limited for traditional unserved/underserved network deployment projects. Regardless, **universal access remains MBI's top priority in the BEAD program.** For this reason, MBI anticipates delaying the start of non-deployment subgrant programs until enforceable commitments are in place from CPF. At that time, MBI will assess what, if any, BEAD funds may be necessary to ensure universal coverage and then begin making investments with the remainder of BEAD funds into those funding priorities defined in the State's Digital Equity Plan.

2.5.4 Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the NOFO.

As indicated above, MBI has extensive experience operating various non-deployment grant programs. **MBI will employ similar application, screening, and due diligence as a part of any non-deployment subgrant program created or expanded consistent with the State Digital Equity Plan.** MBI will assess organizational capacity of all applicants as a part of the application review process to assure reasonable financial, managerial, technical, and operational capacity to operate the proposed program as well as missional alignment with the 3 pillars of MBI's broadband strategy. Further, MBI will include certain certifications and covenants of compliance in all subgrant agreements.

MBI will require subgrantees to provide an initial certification attesting to their capability of carrying out funded activities competently and in compliance with all applicable federal, state, territorial, and local laws. Said certification will require subgrantees to attest to no documented issues with its past performance (last 5 years) administering federal funds and compliance with applicable federal, state, and local laws.

For the Affordable Housing broadband programs, subgrantee qualifications will be similar to those for the BEAD deployment subgrants since the principal expectation of subgrantees is to construct and operate broadband networks. For the Front Door program, MBI will leverage its growing experience in digital equity programming to



define applicant qualifications, but they will be quite different since the job isn't to build and operate a broadband network.

# 8. Eligible Entity Implementation Activities (Requirement 10)

2.6.1 Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.

MBI intends to utilize non-deployment funds to support existing state operated non-deployment activities and programmatic support without making a subgrant. The funding allocated to Implementation Activities is dependent on the funds remaining after deployment activities to serve all unserved and underserved areas are finalized.

## 8.1 Funding Existing and New State Digital Equity Programs

MBI plans to allocate a portion of the remaining funding for non-deployment uses to the Front Door Program. The Front Door Program will support Digital Navigators that will provide Massachusetts residents guidance on connectivity, devices, and digital skills at the community and grassroots level to expand digital inclusion efforts across the Commonwealth. Digital Navigators are anticipated to provide MBI with visibility on emerging and recurring service issues and the ability to track trends with providers, locations, and regions. Note that the Front Door Program is also described in Section 8, since MBI is still in the process of determining whether a subgrant or direct implementation process, or a mixture of the two, is the best approach. The purpose of the Front Door Program is to help people get online and escalate quality of service issues.

Any remaining funding for non-deployment activities after the identified programs are funded will go toward implementing initiatives described in the Massachusetts Digital Equity Plan, some of which may be implemented by the Commonwealth without making a subgrant.

## 8.2 Funding MBI Programmatic Support Activities

MBI will also require funding for administrative and programmatic activities related to the BEAD program without making a subgrant. The funds allocated to administrative and programmatic activities will ensure the timeline, requirements, and compliance for the BEAD program are met. Administrative and programmatic activities include, but are not limited to the following items:

- Development of the challenge process portal
- Implementation of the challenge and subgrantee selection process
- Grant management portal
- Technical assistance to subgrantees
- Pre-marketing assistance
- Pre qualifications process

# 9. Labor Standards and Protections (Requirement 11)

2.7.1 Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes. Information from prospective subgrantees must demonstrate the following and must include information about contractors and subcontractors:

MBI is steadfast in our commitment to meeting labor standards and protecting workers. Subgrantees that share our commitment to transparency, quality, and labor compliance, in alignment with our values and objectives, will be scored more favorably during the subgrantee selection process.

a. Prospective subgrantees' record of past compliance with federal labor and employment laws, which:

- i. Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;

MBI will institute a rigorous review process focusing on prospective subgrantees and their contractors and subcontractors' compliance with federal labor and employment laws over the previous three years. By anchoring our evaluation within this recent timeframe, we aim to secure compliant partners with the latest requirements and best practices in the sector.

- ii. Should include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and

MBI will require a certification from a senior Officer/Director-level employee from the prospective subgrantee's organization, as well as a certification from a senior Officer/Director-level employee from all contractors and subcontractors evidencing consistent past compliance with federal labor and employment laws.

- iii. Should include written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.

MBI will require prospective subgrantees to disclose any past violations. Specifically, they will be required to provide written confirmation of any instances in the preceding three years where they, or their affiliated contractors or subcontractors, violated regulations covered under the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws.

b. Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:

MBI will require prospective subgrantees and their contractors and subcontractors to submit a plan on how they intend to monitor and ensure compliance with labor and employment laws.

- i. How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:

- 1. Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and

We will require the prospective subgrantees and their contractors and subcontractors to provide information on their labor and employment practices related to wages and overtime payments for each class of employees expected to be involved directly in the physical construction of the broadband network.

2. How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

MBI prioritizes ongoing workplace safety and will require subgrantees to develop workplace safety plans, including establishing safety committees to voice concerns and cultivate a culture where safety is a top priority for all workers. Potential subgrantees that already have workplace safety plans will submit them to MBI during the subgrantee selection process. MBI will require applicants to provide a certification stating the applicant will permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.

2.7.2 Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes:

MBI's application process will identify subgrantees who are following federal labor and employment laws and will be in alignment with the BEAD NOFO guidelines. To guarantee that subgrantees uphold robust labor standards and safeguards for project workers, MBI will require the submission of compliance details by each applicant. MBI will incentivize applicants to adopt broader labor and employment standards by allocating extra points in the scoring system tied to the items outlined below (sections a through i).

- a. Using a directly employed workforce, as opposed to a subcontracted workforce;

MBI stresses the significance of utilizing a directly employed workforce to ensure that the advantages of BEAD projects support local communities in Massachusetts. We are incentivizing subgrantees to adopt this approach through scoring, as it will engage local talent and reduce reliance on out-of-state subcontractors and workers. With this strategy, MBI aims to bolster local economic growth and ensure project benefits are felt deeply within the local community across every phase of work.

- b. Paying prevailing wages and benefits to workers, including compliance with Davis Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;

MBI will incentivize potential subgrantees through scoring to submit a plan outlining their approach to maintaining compliance within and adherence to applicable laws governing employee wages and benefits, including Davis-Bacon and Service Contract Act requirements. The plan shall also address collecting and compiling the necessary certified payrolls, when applicable.

- c. Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);

MBI will incentivize prospective subgrantees through scoring to submit a plan detailing their commitment to employing project labor agreements. Subgrantees should submit comprehensive and transparent plans, emphasizing their commitment to upholding the terms of the PLA (if one is in place).

- d. Use of local hire provisions;

MBI will incentivize the use of local hiring provisions in the procurement section process. We will request that prospective applicants integrate these criteria into their applications, following the guidelines set by the BEAD NOFO.

- e. Commitments to union neutrality;

MBI is committed to promoting a balanced ecosystem for subgrantees, workers, and unions alike. MBI will incentivize subgrantees through scoring to educate their workers about their rights and obligations

related to union neutrality. MBI believes in a transparent and fair work environment where everyone is aware of and can exercise their rights without fear.

f. Use of labor peace agreements;

MBI recognizes the role a labor peace agreement can play in maintaining continuous project momentum, safeguarding a project's timely completion, and ensuring quality. MBI will incentivize the use of labor peace agreements through scoring to ensure BEAD deployment project schedules remain on-track.

g. Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);

MBI will incentivize the use of an appropriately skilled workforce through scoring. Potential applicants should describe their approach to ensuring the employment of a skilled workforce, including those efforts that target groups that have been historically underrepresented.

h. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and

MBI will incentivize the use of an appropriately credentialed workforce through scoring. Potential subgrantees should describe their approach to ensuring that their workforce has the appropriate credentials and certifications, as applicable, to technical duties and responsibilities. Applicants should outline their plans for verifying educational and professional credentials, ensuring that the BEAD workforce possesses the necessary skills.

i. Taking steps to prevent the misclassification of workers.

MBI will incentivize taking steps to prevent the misclassification of workers through scoring. Potential subgrantees should describe their approach to prevent workers' misclassification as outlined by the BEAD NOFO.

MBI acknowledges the labor standards and worker protections standards in the BEAD NOFO and encourages potential subgrantees to commit to as many requirements as possible through their applications. These standards will serve as scoring criteria during the evaluation process, with clear instructions provided on how to address each item and how they factor into the scoring and evaluation process.

Through these measures, MBI's aim is to ensure that all potential subgrantees are well-informed and adequately equipped to align with the desired standards, while promoting a skilled workforce.

# 10. Workforce Readiness (Requirement 12)

2.8.1 Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response should clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:

- a. A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective;

In alignment with the requirements set by the NOFO, MBI is committed to maintaining the highest standards in labor practices and will be committed to extending this requirement to its subgrantees and their contractors. This will entail strict adherence to federal labor and employment laws, particularly those associated with equal employment opportunities, wage guidelines, and occupational safety.

MBI has assessed our current workforce's strengths and areas for improvement. We will leverage data from trusted sources, such as O\*NET, to analyze technical skills across various occupations required during each phase of broadband deployment. The data will provide insights into the technical competencies vital for the effective rollout of BEAD. The information in Table 8 is extracted from O\*NET and details the occupational traits and worker prerequisites essential for broadband deployment across the four phases.

Table 8: Occupational Traits and Worker Prerequisites Essential for Broadband Deployment

Job Title	Category	Education	Work Experience	On-The-Job Training
Architectural and engineering managers	Development	Bachelor's degree	5 years or more	None
Computer and information systems managers	Administration	Bachelor's degree	5 years or more	None
Computer network architects	Development	Bachelor's degree	5 years or more	None
Construction and building inspectors	Construction	High school diploma or equivalent	5 years or more	Moderate-term on-the-job training
Administrative services managers	Administration	Bachelor's degree	Less than 5 years	None
First-line supervisors of mechanics, installers, and repairers	Installation	High school diploma or equivalent	Less than 5 years	None



Job Title	Category	Education	Work Experience	On-The-Job Training
Personal service managers, all other	Administration	High school diploma or equivalent	Less than 5 years	None
Audiovisual equipment installers and repairers	Installation	Postsecondary nondegree award	None	Short-term on-the-job training
Business operations specialists, all other	Administration	Bachelor's degree	None	None
Civil engineering technologists and technicians	Development	Associate's degree	None	None
Civil engineers	Development	Bachelor's degree	None	None
Commercial and industrial designers	Development	Bachelor's degree	None	None
Computer and information research scientists	Development	Master's degree	None	None
Computer hardware engineers	Development	Bachelor's degree	None	None
Computer network support specialists	Administration	Associate's degree	None	Moderate-term on-the-job training
Computer programmers	Development	Bachelor's degree	None	None
Computer systems analysts	Administration	Bachelor's degree	None	None
Construction laborers	Construction	No formal educational credential	None	Short-term on-the-job training
Construction managers	Construction	Bachelor's degree	None	Moderate-term on-the-job training
Customer service representatives	Administration	High school diploma or equivalent	None	Short-term on-the-job training
Drafters, all other	Development	Associate's degree	None	None

Job Title	Category	Education	Work Experience	On-The-Job Training
Electrical and electronic engineering technologists and technicians	Development	Associate's degree	None	None
Electrical and electronics repairers, commercial and industrial equipment	Installation	Postsecondary nondegree award	None	Long-term on-the-job training
Electrical engineers	Development	Bachelor's degree	None	None
Electrical power-line installers and repairers	Installation	High school diploma or equivalent	None	Long-term on-the-job training
Electrical, electronic, and electromechanical assemblers, except coil winders, tapers, and finishers	Installation	High school diploma or equivalent	None	Moderate-term on-the-job training
Electricians	Installation	High school diploma or equivalent	None	Apprenticeship
Electro-mechanical and mechatronics technologists and technicians	Development	Associate's degree	None	None
Engineering technologists and technicians, except drafters, all other	Development	Associate's degree	None	None
Health and safety engineers, except mining safety engineers and inspectors	Administration	Bachelor's degree	None	None
Heavy and tractor-trailer truck drivers	Construction	Postsecondary nondegree award	None	Short-term on-the-job training
Industrial truck and tractor operators	Construction	No formal educational credential	None	Short-term on-the-job training
Laborers and freight, stock, and material movers, hand	Construction	No formal educational credential	None	Short-term on-the-job training

Job Title	Category	Education	Work Experience	On-The-Job Training
Light truck drivers	Construction	High school diploma or equivalent	None	Short-term on-the-job training
Mechanical drafters	Development	Associate's degree	None	None
Miscellaneous assemblers and fabricators	Construction	High school diploma or equivalent	None	Moderate-term on-the-job training
Network and computer systems administrators	Administration	Bachelor's degree	None	None
Operating engineers and other construction equipment operators	Construction	High school diploma or equivalent	None	Moderate-term on-the-job training
Project management specialists	Administration	Bachelor's degree	None	None
Radio, cellular, and tower equipment installers and repairers	Installation	Associate's degree	None	Moderate-term on-the-job training
Sales representatives of services, except advertising, insurance, financial services, and travel	Administration	High school diploma or equivalent	None	Moderate-term on-the-job training
Software developers	Development	Bachelor's degree	None	None
Surveyors	Development	Bachelor's degree	None	Internship/residency
Telecommunications equipment installers and repairers, except line installers	Installation	Postsecondary nondegree award	None	Moderate-term on-the-job training
Telecommunications line installers and repairers	Installation	High school diploma or equivalent	None	Long-term on-the-job training

Table 11 provides valuable data for MBI to consider when crafting workforce development strategies.

The education requirements for workforce roles in broadband deployment vary widely, ranging from no formal education for some construction-related jobs to master's degrees for specific technical roles. The work experience requirements differ significantly, from less than five years for some administrative roles to 5 years or more for management and technical positions. The on-the-job training varies from short-

term to long-term and includes apprenticeships and internships. Many technical roles, such as computer and information systems managers, computer network architects, and software developers, fall under the "Development" category. These roles generally require at least a bachelor's degree, emphasizing the need for a highly skilled technical workforce for broadband development. The "Construction" and "Installation" categories include positions like construction managers, electrical power-line installers and repairers, and telecommunications equipment installers and repairers. These roles often require hands-on training and on-the-job experience, making them vital for the physical deployment of broadband infrastructure.

Administrative and managerial roles, including administrative services managers and project management specialists, typically require bachelor's degrees but less extensive work experience.

Through these focused efforts, MBI and its subgrantees are committed to not only meeting the technical and operational demands of broadband deployment but also doing so in a manner that advances the use of a highly skilled workforce capable of carrying out work in a safe manner, fosters inclusivity, and ensures that job quality is at the heart of workforce development.

- b. A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (e.g., child care, transportation, mentorship), to attract, train, retain, or transition to meet local workforce needs and increase high-quality job opportunities;

The Commonwealth of Massachusetts has a robust workforce system in the state that is comprised of many parties to support both the job seeker and the employer seeking talent. Leading this robust system is the Massachusetts Workforce Skills Cabinet which aligns the Executive Offices of Education, Labor and Workforce Development, and Economic Development toward a comprehensive economic growth agenda. The Cabinet is charged with creating and implementing a strategy to ensure that individuals can develop and continuously improve their skills and knowledge to meet the varying hiring needs of employers across the Commonwealth. The recently launched MassTalent streamlines these resources to help residents find job training and employers find the skilled talent they need. To power these pipelines of talent, the administration has proposed historic investments in early education and care, early college, innovation and career pathways, community college, apprenticeships and other workforce development initiatives. Partners include Upskill Navigators, for those looking for a good job, especially one that requires new skills, can be daunting. Fortunately, MassHire Upskilling Navigators will help workforce navigate all of the resources and opportunities available. There are also Market Makers that connect employers to training partners with access to training funds to build a steady employee pipeline.

In our conversations with ISPs in the state they have a distinct focus for On-The-Job Training. We will use the successful approach to public-private partnerships described above to leverage the industry-focus and expertise in combination with the robust report system offered by the state's workforce development infrastructure.

Given that the Commonwealth's commitments to the US Department of Labor align well with the NOFO's priorities, the Commonwealth intends to leverage the programs and policies outlined in the Workforce Innovation Opportunity Act (WIOA) State Combined Plan to ensure broadband jobs have access to the same supports as every other Commonwealth worker. The State Combined Plan served as an opportunity for the Commonwealth of Massachusetts to identify effective strategies and enhance collaborations to create a workforce development roadmap for the next four years. As outlined below, Massachusetts has developed a set of key strategies to reduce barriers to both employment and hiring to increase labor market participation and foster a more equitable workforce to drive talent attraction and retention for both jobseekers and employers across the Commonwealth.

- Strengthen work supports: Launch a stipend initiative for low-income participants in sector pathway models to incentivize enrollment, completion, and employment and reduce barriers to training and employment (such as costs for caregiving, transportation, digital access and equipment, and more).
  - Increase access to transportation to work: Connect jobseekers and workers via MassHire career centers to local transportation or provide limited WIOA subsidies for transportation to and from work.
  - Incorporate a whole-of-government approach to caregiving: Work collaboratively across government, including the Executive Offices of Education, Economic Development, and Labor and Workforce Development among other agencies to take a “whole-of-government” approach to ensuring affordable, high-quality childcare in Massachusetts as outlined in an Executive Order signed by Governor Healey on January 16, 2024. Additionally, the Executive Office of Labor and Workforce Development will partner with the Massachusetts Caregivers Coalition with a renewed focus on increasing awareness of childcare, senior care, and other caregiving resources in the workplace.
- c. A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process;

MBI is acutely aware of the importance of establishing equitable on-ramps to open opportunities to pathways into broadband-related careers. MBI does not seek to duplicate functions that already exist within the Commonwealth’s workforce system and will, as a first preference, seek to funnel interested parties in to existing workforce initiatives and the relevant administering agencies or entities.

In its submittal to the US Department of Labor’s 2024-2028 Workforce Innovation Opportunity Act State Combined Plan, the Commonwealth of Massachusetts outlined several key strategies, including the following, which directly support job quality and efforts to ensure job opportunities are available to a diverse pool of workers.

- Promote ESOL for work: Leverage Workforce Training Fund grants for employers to increase use for ESOL training among incumbent workers and as a hiring and retention strategy.
- Increase worker retention: Promote the Workforce Training Fund for eligible employers to reskill or upskill incumbent workers and as a hiring and retention strategy. For employers who may not be eligible to access grants from the Workforce Training Fund, explore other grant programs through the Workforce Competitiveness Trust Fund to support reskilling or upskilling incumbent workers.
- Reduce the cliff effect: Implement a statewide project to address cliff effects, initiating first with a pilot to reform benefit disincentives and provide economic mobility for participants.

Lastly, to further strengthen workforce capabilities and foster a diverse pool of workers, MBI will actively leverage its industry position to address any identified gaps in workforce availability. More specifically, where practicable, MBI will connect subgrantees with industry resources, training providers, unions and worker organizations which can further enable job quality and provide an additional mechanism to increase the overall pool of workers.

- d. A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers.

MBI’s strategy is dedicated to supporting diversity within the broadband industry, with a particular focus on addressing the historical underrepresentation of certain groups in the workforce, including communities traditionally marginalized in the broadband and IT sectors, including women, people of color, and other underrepresented groups.

MBI recognizes the importance of prioritizing diversity and facilitating the inclusion of underrepresented populations in the workforce. In pursuit of these goals, MBI will require all subgrantees to identify their approach to hiring and recruiting those from historically underrepresented backgrounds. To further reinforce the importance of making job opportunities available to a diverse pool of workers, MBI proposes that this topic will be directly contemplated within the Fair Labor Practices portion of the Primary Scoring Criteria.

2.8.2 Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce. These plans should include the following:

- a. The ways in which the prospective subgrantee 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;
- b. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
- c. Whether the workforce is unionized;
- d. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- e. The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

If the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, the subgrantee must also provide with respect to the non-union workforce:

- a. The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;
- b. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
  - i. Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
  - ii. Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

The effectiveness of broadband deployment relies heavily on the abilities and expertise of the workforce involved. With this understanding, MBI will put in place requirements that must be met by all potential subgrantees, confirming that each project is backed by a workforce equipped with the necessary skills and qualifications. These requirements will be robust, enhancing the dependability, productivity, and safety of all undertakings funded through BEAD.

#### **Skill & Credential Assurance:**

##### **a. Ensuring an Appropriately Skilled Workforce:**

**Registered Apprenticeships:** MBI will encourage subgrantees to participate in Registered Apprenticeships. Subgrantees may leverage Registered Apprenticeships in partnership with community colleges, labor unions, and industry stakeholders to provide hands-on training for key roles. MBI will identify and promote apprenticeship resources and opportunities, such as the apprenticeship opportunities posted by the Massachusetts Office of Apprenticeship Standards.



**Joint Labor-Management Training Programs:** MBI will be supportive of a joint program but will not require these programs.

**b. Ensuring Appropriate Credentials:**

**Document Verification:** Subgrantees will be required to submit documentation verifying the credentials of their workforce.

**c. Unionization Status:** Subgrantees will be required to disclose the union status of their workforce during the application phase. This information will contribute to an understanding of the potential for collective bargaining and other labor dynamics within the project.

**d. Employment Nature:** Subgrantees will be required to declare if the workforce will be directly employed or subcontracted or a combination of both approaches.

**e. Contractual Transparency:** It is paramount for MBI to understand all players involved in a project. Hence, subgrantees will be expected to provide detailed information about all entities they plan to contract or subcontract with during the proposed work.

**Non-Union Workforce Specifications:**

**a. Job Titles & Workforce Size:**

Subgrantees must provide a clear breakdown of job roles and the full-time equivalent (FTE) positions required for the project. This also includes roles within any contractor or subcontractor they employ. For example, if a subgrantee intends to hire ten broadband technicians and five network engineers, each role and the corresponding FTE must be specified.

**b. Job Specifics:**

**i. Safety Training & Certification:**

Safety and job quality are paramount for MBI throughout the BEAD deployment lifecycle. Subgrantees, alongside their affiliated contractors and subcontractors, will be required to provide details during the application process on their safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work) and how they plan to be engaged in a culture that prioritizes workforce safety and effectiveness. If any subgrantee's workforce is not unionized, the subgrantee must provide with respect to the non-union workforce a project workforce continuity plan and the steps taken and to be taken to ensure a safe and healthy workplace.

Subgrantees will also be asked to specify if they have a robust in-house training program. If so, they must provide details on how the program is linked to specific certifications and job titles.

**ii. Professional Certifications & In-House Training:**

Subgrantees must list the professional certifications held within their workforce and describe any internal training initiatives that augment quality standards and expertise in broadband deployment.

Details of in-house training programs designed to enhance quality and deployment standards should also be provided. This could include specific courses on emerging broadband technologies or quality assurance processes.

MBI remains committed to the excellence of each project, ensuring that a qualified, certified workforce operates within a secure and effective work environment. Through these requirements for subgrantees, MBI champions superior project delivery and occupational safety in the broadband arena.

# 11. Minority Business Enterprises (MBEs)/ Women's Business Enterprises (WBEs)/ Labor Surplus Firms Inclusion (Requirement 13)

2.9.1 Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible.

MBI acknowledges the vital need in developing opportunities for Minority Business Enterprises (MBEs), Women's Business Enterprises (WBEs), and Labor Surplus Firms to participate in the BEAD program deployment and non-deployment projects. Incorporating perspectives from MWBEs is crucial for diversity but also for gaining unique insights and broadening the program's economic impact. To ensure that MBEs, WBEs, and Labor Surplus Firms are recruited, utilized, and retained as much as possible, MBI will implement the strategies, processes, and data tracking methods outlined below while implementing the BEAD program.

Below, we outline the steps MBI staff will take to understand the skills necessary for the various phases of broadband deployment while supporting MWBE suppliers. MBI will leverage existing resources, such as the Massachusetts Supplier Diversity Office and the Greater New England Minority Supplier Development Council, It emphasizes the importance of proactive engagement, data collection and analysis, program development, and ongoing evaluation to ensure the alignment of workforce initiatives with the evolving needs of the broadband industry.

## Phase 1: Research and Assessment

- 1 **Identify Target MWBE Employers:** Identify key industries and sectors where MWBE suppliers play a significant role in Massachusetts' broadband deployment. This involves analyzing existing data, reports, and initial surveys.
- 2 **Engage MWBE Stakeholders:** Collaborate closely with MWBE business associations, chambers of commerce, and advocacy groups to understand their unique skill requirements and challenges.
- 3 **Procurement Assessment:** Review procurement practices to understand the challenges MBEs and WBEs face in different phases of broadband deployment.

## Phase 2: Outreach and Partnerships

- 1 **Promotion of Procurement Opportunities:** Identify opportunities to promote the availability of contract bidding opportunities to increase awareness of among certified diverse businesses, thereby creating mutually beneficial business relationships with minorities, women, disabled veterans, and others with disabilities.

## Phase 3: Reporting and Documentation

- 1 **Documentation:** Maintain comprehensive records of program implementation, outcomes, and lessons learned.

By systematically following this action plan, MBI will be well-prepared to understand the skills required by businesses in Massachusetts at different phases of broadband deployment. This understanding will promote economic growth and inclusivity within the Commonwealth and ensure that workforce initiatives are finely tuned to support MWBE suppliers throughout the broadband deployment lifecycle.

MBI intends to leverage connections to existing programs, initiatives, and organizations within Massachusetts to increase awareness of opportunities provided through the BEAD program. Some of which include:

- **Supplier Diversity Office (SDO):** This office promotes diversity, equity, and inclusion in state contracting for businesses owned by minorities, women, veterans, service-disabled veterans, those with a disability, and LGBT individuals, as well as small Massachusetts businesses. The SDO's goals are to increase opportunities for certified businesses and Small Business Purchasing Program (SBPP) participants through annual state agency spending benchmarks and include bid evaluation criteria within the state goods and services bid process.
- **Supplier Diversity Program (SDP):** This program encourages the award of state contracts in a way that strengthens and increases business opportunities for Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), Service-Disabled Veteran Business Enterprises (SDVOBEs), Veteran Business Enterprises (VBEs), Lesbian, Gay, Bisexual, and Transgender Business Enterprises (LGBTBEs); and Disability-Owned Business Enterprises (DOBEs).
- **Center for Woman and Enterprise:** This organization provides opportunities for women entrepreneurs and women in business to increase professional success, personal growth, and financial Independence.
- **Small Business Strong:** A non-profit organization empowered to help women and minority owned small businesses by providing expedited, pro-bono resources ranging from access to capital to consulting, business restructuring, business growth, digital marketing and customer engagement plans.
- **Building for Growth (BFG):** A national, online, tuition-free executive education program that primarily helps BIPOC- and Women-Owned construction contractors build capacity and develop sustainable growth strategies that position their businesses to increase revenues and profits. The BFG program launched its inaugural cohort in 2022, which served 54 construction businesses from 19 states. 91% of the businesses were BIPOC-owned and 53% were woman-owned.
- **Disadvantaged Business Enterprise Program and Utilization of MBE and WBE Firms:** The Massachusetts Department of Environmental Protection (MassDEP) aims to inform municipalities, regional authorities, consultants, contractors, and sub-contractors about the Disadvantaged Business Enterprise (DBE) Program and the utilization of Minority-Owned Business Enterprises (MBE) and Women-Owned Business Enterprises (WBE) on Federally Assisted Projects, especially those financed through the State Revolving Fund (SRF) loan programs.

By following this action plan, MBI will be well-prepared to understand the skills required by businesses in Massachusetts at different phases of broadband deployment.

2.9.2 Certify that the Eligible Entity will take all necessary affirmative steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:

- a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- f. Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors

MBI, as described in the detailed action plan above, MBI certifies that it will take all necessary affirmative steps provided in the BEAD NOFO and as described in 2 CRF 200 Part 321 to ensure MBE, WBE, and labor surplus firms are used when possible. Below we describe the affirmative steps and how they will be addressed as part of the MBI action plan.

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors

# 12. Cost and Barrier Reduction (Requirement 14)

2.10.1 Identify steps that the Eligible Entity will take to reduce costs and barriers to deployment. Responses may include but not be limited to the following:

- a. Promoting the use of existing infrastructure;
- b. Promoting and adopting dig-once policies;
- c. Streamlining permitting processes;
- d. Streamlining cost-effective access to poles, conduits, easements; and
- e. Streamlining rights of way, including the imposition of reasonable access requirements.

Massachusetts expects to achieve the BEAD program's primary goal of providing universal broadband access at 100/20 speeds without major obstacles. The Commonwealth already has excellent broadband coverage across most areas, and there is ample funding available from multiple programs such as CPF, BEAD, RDOF, and CAF II to support the goal of universal broadband availability. However, while Massachusetts has made great strides in achieving universal broadband access, there are still challenges that must be addressed to ensure that everyone in the Commonwealth has access to high-quality broadband services. The remaining locations that are unserved and underserved will be the most difficult to reach and present the greatest challenge in terms of closing the broadband availability gap.

MBI will continue discussions with stakeholders and explore various pathways and measures to address barriers that impact the cost-effective and timely expansion of broadband infrastructure in the state. These efforts would aim to reduce the costs and obstacles associated with broadband deployment and support Massachusetts's efforts to achieve universal broadband access.

## 12.1 Promoting the use of existing infrastructure

MBI is exploring the opportunity to support the development of asset maps for infrastructure, similar to the map that has been developed for digital equity assets. The aim of this map would be to identify and provide the location of hard assets that would facilitate the ability of BEAD-funded projects to leverage existing infrastructure and bring high-speed internet to communities in the most efficient, cost-effective manner. Additionally, MBI encourages applicants to use existing infrastructure to lower to the overall cost and requested funding of deployment projects. The scoring criteria for Minimal BEAD Program Outlay incentivizes the reduced the cost of deployment, which among other factors, can be achieved by leveraging existing infrastructure where possible.

## 12.2 Promoting policies that facilitate access to critical enabling infrastructure

MBI recognizes the importance of appropriate access to utility poles, conduits, easements and public rights of way and encourages efforts that facilitate timely, cost-effective and orderly access while maintaining safety and other relevant considerations. MBI also recognizes that improved coordination and communication can help to reduce disruptions and avoid duplicating efforts. For example, if a public entity is planning road construction work in an area with insufficient broadband access, broadband providers could coordinate with the public entity to install telecommunications infrastructure alongside the road construction work.

## 12.3 Promoting an efficient make-ready process

MBI, in coordination with the Executive Office of Economic Development (EOED) and the Department of Telecommunications and Cable (DTC), previously convened a Make-Ready Working Group during the Last Mile broadband infrastructure grant programs launched in 2016 with state bond funds. These state investments expanded broadband access in rural communities in western and central Massachusetts. Utility pole owners and internet service providers participated in Working Group meetings. Utility pole owners provided estimated completion dates (ECDs) for each phase of the make-ready process. These ECDs were tracked by MBI in an integrated schedule for all grant-funded projects. This approach resulted in greater transparency and accountability during the make-ready process and provided valuable information to internet service providers as to when pole licenses would be issued, and crews could be deployed for aerial deployments. The Working Group also provide a forum to discuss and implement collaborative solutions to accelerate make-ready work, such as joint ride outs. MBI will work with EOED and DTC to restart the Working Group approach on a statewide basis while BEAD-funded projects are being implemented.

# 13. Climate Assessment (Requirement 15)

2.11.1 Describe the Eligible Entity's assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure. At a minimum, this response must clearly do each of the following, as outlined on pages 62 – 63 the BEAD NOFO:

Massachusetts occupies a geographical area of 10,555 square miles with a dense population, particularly in the eastern regions. The Commonwealth is heavily wooded with forestlands covering a little over 60 percent of the land area with another 25 percent composed of water bodies, including several large reservoirs and smaller lakes. The Commonwealth has more than 1,500 miles of coastline and generally the Massachusetts climate is characterized by relatively warm summers, but cold, snowy winters. For a state like Massachusetts having such a relatively large amount of coastal areas and islands, combined with the potential for powerful, high impact weather events ranging from freezing ice nor'easters to tropical storms and hurricanes, broadband network resiliency planning is critical.

The Commonwealth's leaders have recognized the additional, disproportionate risks posed by climate change on the state and commissioned the 2023 ResilientMass Massachusetts State Hazard Mitigation and Climate Adaptation Plan (MA SHMCAP)<sup>1</sup> to understand and aid in planning and climate risk mitigation. The ResilientMass Plan was developed through a process that involved numerous state agencies, a large cross-section of stakeholders, members of the public, working groups, and a consulting team. Led by the Massachusetts Emergency Management Agency (MEMA) in close coordination with the Executive Office of Energy and Environmental Affairs (EEA), the 2023 MA SHMCAP leverages the 2022 Massachusetts Climate Change Assessment<sup>2</sup> to detail how Massachusetts' people, environments, and infrastructure (electric transmission and distribution, water, and wired communications and information technology systems) could be affected by climate change and its related hazards through the end of the century.

The Commonwealth is already experiencing the impacts of climate change, including changes to temperature, precipitation, and sea level rise. The NOAA State Climate Summary for Massachusetts<sup>3</sup> states temperatures in Massachusetts have risen almost 3.5°F since the beginning of the 20th century and annual average temperatures are projected to exceed historical record levels most likely by the middle of this century.

MBI-funded BEAD deployments of fiber broadband infrastructure must consider the impact of climate change on network performance. Primary aspects of risk-aware deployment include developing efficient practices for hardening fiber cables, conduits, and other infrastructure to be more resistant to severe weather challenges and having an emergency response plan in place. This could be costly in rural, low-density areas where current ISPs already face numerous challenges deploying financially viable networks. Yet, the deployment of fiber networks to rural areas will provide crucial communications infrastructure as a safeguard during these very same emergencies.

These decisions require on-going "best practices" discussions with prospective subgrantees, and the broader broadband community throughout the application, selection, and award contracting processes. MBI has engaged the provider community through state-wide working groups, community meetings, webinars, and surveys. MBI and the provider community are working together to achieve MBI's first BEAD funding priority – bring reliable, highspeed internet to all unserved and underserved locations in the Commonwealth.

- a. Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings;



The Commonwealth of Massachusetts features numerous topographically distinctive regions as shown in the graphic below. Beginning on the east side of the Commonwealth, the North and South Shores, Boston Harbor, and the Cape, Inlands and South Coast all consist of a large coastal plain of the Atlantic Ocean. These regions also contain most of the Commonwealth's population. To the west lies the hilly, rural regions of the Eastern Inland and Central Massachusetts. Further to the west is the low-lying Connecticut River Valley watershed, which bisects the Commonwealth north to south and is a productive agricultural region. Along the western border of Western Massachusetts lies the highest elevated part of the Commonwealth, the Berkshires, holding the scenic Berkshire and Taconic Mountain ranges (whose highest peak, Mount Greylock, measures 3,491 feet in elevation).

Massachusetts has conducted several climate assessments across the following regions: Berkshires and Hilltowns; Greater Connecticut River Valley; Central Massachusetts; Eastern Inland; Boston Harbor; North and South Shores; Capes, Islands, and South Coast (Source: [Vol II - 2022 MA Climate Assessment - Statewide Report](#)). Though any extreme weather event can directly impact broadband networks, those that are most concerning in Massachusetts include flooding and heavy snow/freezing ice storms. Each of these events can cause wide-spread, material damage to networks regardless of aerial or underground construction.

For broadband network deployments, the primary areas of concern are the coastal regions because of flooding due to predicted sea level rise as well as from the direct effects of extreme climate events such as tropical storms and hurricanes. Inland locations also are prone to flooding and other climate change impact events as further noted in the 2023 Resilient Mass Report.

MBI will require applicants to submit climate resiliency plans for proposed networks, specifically those along the coastal areas. Applicants shall address technology platforms, specific design features, retrofitting considerations, and restorative processes.

- b. Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons;

Flooding and severe snow & ice storms all contribute to the need for resilient network topologies and regional/state-wide mitigation approaches that work to operationally sustain broadband networks and the life-saving communications services they provide. As MBI reviews potential project area networks to be deployed with BEAD funding, the following climate hazards pose the most relevant and critical threat to broadband networks.

- **Flooding** - Flooding of major rivers and tributaries may happen during any season, but they occur with the greatest frequency during spring and autumn months associated with the greatest rainfall. The Massachusetts Silver Jackets Team4 launched in 2016 with the goal of reducing the risk of flooding and other natural disasters by bringing together multiple federal and state agencies. The interagency team facilitates a collaborative process of strategic and integrated mitigation actions to reduce the threat, vulnerability, and consequences of flooding in the Commonwealth of Massachusetts. Through the process of sharing and combining resources, funding, programs, and technical expertise, the team works toward the goal of proactively reducing flood risk.

For the past few years, Massachusetts has received above average rainfall as reflected on the map below for 2021. With the widespread heavy rains, flooding has been common as riverbeds, typically dry for months, have been overrun with fast-running water. In addition to damage to broadband networks, flooding can also cut off access to utilities, emergency services, and transportation near affected areas.

- **Snow and Ice** - The Commonwealth is susceptible to frequent ice storms which result from rain falling through an atmospheric level of cold air turning the rain into ice as it reaches cold, exposed surfaces. The substantial weight of ice buildup on trees and utility lines can easily result in destroyed infrastructure. Also, ice buildup on roadways are a common cause of accidents that damage infrastructure, though on a smaller scale.

- c. Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment;

MBI has leveraged existing plans and analysis to identify the weather and climate risks to new infrastructure deployments using BEAD program funds for the 20 years following deployment. As described above, statewide physical climate risks that threaten broadband infrastructure include the following climate events:

- **Coastal and Inland Flooding** - Sea levels along Massachusetts's coast rose about 9 inches during the 20th century. By 2070, some projections estimate a rise in sea level of 2.3 to 4.2 feet over 2000 levels. Substantial flooding can eventually degrade fiber optic lines negatively impacting broadband signals. Rushing floodwaters can erode infrastructure from foundations thereby severing broadband networks.
- **Winter Storms** - Severe winter storms such as ice storms, nor'easters, heavy snow, blowing snow, and other extreme forms of winter precipitation, occur regularly during the winter months in Massachusetts. Rural populations are more at risk for service and access issues because heavy snow conditions can block roads and often result in downed power and communication lines. Also, icy roads create traffic hazards that result in vehicle crashes into utility poles and roadside network cabinets.

In each of the instances above the effect is not only on the broadband network, but also the electrical grid's capacity to support aerial infrastructure and, importantly, remain in service.

Lastly, of significant concern is the ability to replace and restore network functionality after a severe climate-related event. Material and labor resources are typically in acute shortage and high demand, plus access to affected network infrastructure can be challenging by standing water, downed electric lines, and diminished transportation infrastructure.

- d. Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified; and

For the identified extreme climate-related risks described above, MBI will screen resiliency plans of potential subgrantees to ensure applicants incorporate climate resilient features into network architecture design that may include some of the following considerations.

- Technology platform, facilities siting (aerial vs underground), and emergency restoration plans.
- Uninterruptible Power Supplies (UPS) devices should be a critical component to ensure essential backup power during weather-related disruptions.
- Develop a minimum emergency inventory of critical components to guarantee timely restoration.
- Emergency response plans and communication strategies to ensure timely and effective response to extreme weather events. Such planning will require coordination with power utilities, transportation authorities, public safety agencies, and affected community leaders.

- e. Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.

The MBI will develop and periodically repeat a screening process over the life of the BEAD program to ensure that evolving risks from climate-related hazards are understood and communicated to subgrantees. The MBI will continue to communicate with relevant state and federal agencies to provide confidence that the on-going plan remains useful in addressing potential climate threats.

The following resources were used in evaluating and composing the Climate Resiliency narrative:

- NOAA National Centers for Environmental Information, State Climate Summaries, Massachusetts, <https://statesummaries.ncics.org/chapter/ma/>

- ResilientMass Plan, Massachusetts State Hazard Mitigation and Climate Adaptation Plan, September 2023, <https://www.mass.gov/doc/resilientmass-plan-2023/download>
- Massachusetts Climate Change Assessment, Volume II, Statewide Report, December 2022, <https://www.mass.gov/doc/2022-massachusetts-climate-change-assessment-december-2022-volume-ii-statewide-report/download>
- Massachusetts Climate Change Assessment, Volume III, Regional Reports, December 2022, <https://www.mass.gov/doc/2022-massachusetts-climate-change-assessment-december-2022-volume-iii-regional-reports/download>

Additionally, projects will be captured and evaluated using the ResilientMass Action Team (RMAT) tool. The ResilientMass Action Team (RMAT) led development of the Climate Resilience Design Standards Tool, advancing prioritized global (or cross-agency) actions from the 2018 State Hazard Mitigation and Climate Adaptation Plan (SHMCAP). This effort has developed climate resilience design standards and guidance for State agencies in order to incorporate climate resilience into the State's capital planning process and grant-making for local capital projects. The Climate Resilience Design Standards Tool (Version 1.2) provides:

- a preliminary climate change exposure and risk rating;
- recommended climate resilience design standards for projects with physical assets; and,
- guidance with best practices to support implementation.

The Tool outputs are grounded in scientific methodology using available climate science data for Massachusetts, and will be enhanced over time to incorporate new science, additional or changing climate hazards, and ongoing stakeholder feedback.

2.11.1.1 Optional Attachment: As an optional attachment, submit any relevant reports conducted within the past five years that may be relevant for this requirement and will be referenced in the text narrative above.

- 2023 ResilientMass Plan\_10.10.23 508-12-22-2023 07-20-Commonwealth of Massachusetts-GRN- 000084.pdf
- 2022-ma-climate-change-assessment-report-vol--12-22-2023 07-19-Commonwealth of Massachusetts-GRN- 000084.pdf
- 2022-ma-climate-change-assessment-report-vol--12-22-2023 07-19-Commonwealth of Massachusetts-GRN- 000084.pdf

# 14. Low-Cost Broadband Service Option (Requirement 16)

2.12.1 Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity's jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO:

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

As described in the BEAD NOFO Section IV.C.2.c.i, all BEAD-eligible subgrantees in Massachusetts will be required to offer a low-cost broadband service option. MBI will adopt a similar low-cost broadband service option definition as outlined in the BEAD NOFO to fulfill this requirement.

- a. Post-Affordable Connectivity Plan (ACP), a total cost of \$30 per month or less must be offered to eligible end users, including in Tribal areas. The total cost must be inclusive of all taxes, fees, and charges with no additional non-recurring costs or fees to the consumer;
- b. Allows the end user to apply the subsidy from an ACP successor program;
- c. Provides the greater of (a) typical download speeds of at least 100 Mbps and typical upload speeds of at least 20 Mbps, or the fastest speeds the infrastructure is capable of if less than 100 Mbps/20 Mbps or (b) the performance benchmark for fixed terrestrial broadband service established by the Federal Communications Commission pursuant to Section 706(b) of the Communications Act of 1934, as amended;
- d. Provides typical latency measurements of no more than 100 milliseconds; and
- e. Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere;
- f. In the event, the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits eligible subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost.

To qualify for this low-cost service option, households must either be enrolled in an ACP successor program if developed, the FCC Lifeline program, or meet one of several other criteria as defined in the BEAD NOFO. Specifically, the BEAD NOFO defines "eligible subscribers" for the BEAD low-cost option.

As defined in Section I.C.j of the BEAD NOFO, the term "Eligible Subscriber" means any household seeking to subscribe to broadband internet access service that (1) qualifies for any ACP successor program or (2) is a member of a household that meets any of the following criteria:

- a. Household income for the most recently completed calendar year was at or below 200 percent of the Federal Poverty Guidelines;

- b. Any member of the household receives benefits under the Supplemental Nutrition Assistance Program, Medicaid, Federal Public Housing Assistance, Supplemental Security Income, Veterans and Survivors Pension benefit, or Special Supplemental Nutrition Program for Women, Infants, and Children;
- c. Any member of the household participates in Tribal specific assistance programs, such as Bureau of Indian Affairs General Assistance, Tribal TANF, Tribal Head Start, or Food Distribution Program on Indian Reservations;
- d. Any member of the household has applied for and been approved to receive benefits under the National School Lunch Program or the School Breakfast Program, or at least one member of the household is enrolled in a school or school district that participates in the USDA Community Eligibility Provision;
- e. Any member of the household received a Federal Pell Grant during the current award year; [or]
- f. The household meets the eligibility criteria for a participating provider's existing low-income internet program.

In response to the concern and to encourage low-cost broadband subscription plans from subgrantees, MBI will incorporate bonus points in the rubric for any subgrantee offering a low-cost service plan costing less than the monthly fees of \$30/month. Points for the low-cost broadband subscription plan will begin at zero for offering a low-cost plan at \$30/month and increase over a gradient of price ranges that eventually reach \$0/month. Additionally, MBI will continue exploring ways to leverage its prior investment in middle-mile network infrastructure to reduce recurring costs by broadband providers and ultimately the price of broadband to consumers.

2.12.2 Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

Yes, all subgrantees will be required to participate in any ACP successor program.

# 15. Middle Class Affordability (Requirement 20)

2.13.1 Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.

The BEAD NOFO urges eligible entities to look beyond infrastructure investment and the required low-cost service option and identify a plan to ensure that all consumers can access affordable high-speed internet by adopting diverse strategies.

MBI understands the importance of adopting a strong affordability strategy that can impact as many Massachusetts residents as possible. To affect as many residents as possible, MBI will take a multi-pronged approach to Massachusetts's current needs and opportunities.

## **Middle-Class Affordability Planning Components**

### Monitoring of BEAD Recipients and Pricing Transparency

As noted in the Massachusetts BEAD Five-Year Action Plan, MBI will require recipients to report to MBI on the progress of its BEAD deployment. MBI's monitoring plan will include tracking the progress of the BEAD Program, ensuring that it is meeting its goals, and continually improving the process based on collected data, stakeholder feedback, and evolving industry trends. In the reporting requirements for BEAD subgrantees, MBI will include broadband pricing (full price without discounts, including fees and other charges).

In addition to asking BEAD subgrantees to report their broadband pricing packages (full price without discounts, including fees and any other charges), MBI will explore the viability of potential data collection options to procure pricing data for broadband providers beyond BEAD subgrantees, as a way of bringing transparency to broadband pricing across the Commonwealth of Massachusetts.

The recommended data would be consistent with the data likely collected through the FCC's new broadband consumer labels, called "nutrition labels" (Source: <https://www.fcc.gov/broadbandlabels>) Though not yet available at the time of this writing, the new labels promise to be a valuable resource in helping consumers make informed decisions and protect themselves against hidden charges.

### **Incentivizing Affordability Through Scoring**

In the proposed scoring rubric for deployment projects, MBI will award points based on affordability and open access criteria. The affordability scoring is aimed at incentivizing applicants to offer their most affordable services on BEAD funded networks for those households that do not qualify for the low-cost service option. This means that proposals emphasizing lower prices are rewarded with higher scores.

Programs described in Section 7, Non-deployment Subgrantee Selection (Requirement 9), will be able to support broadband affordability. Those efforts include the Front Door Program that will facilitate the escalation of quality-of-service issues to drive better performance and customer service by broadband providers. These programs and others may be able to impact middle-class affordability across Massachusetts positively. MBI will utilize the Massachusetts Digital Equity Plan to implement other strategies as described below.

### **Digital Equity Implementation**

Understanding that broadband pricing doesn't happen in a vacuum, MBI has established parallel workstreams that are underway that will have a positive impact.

MBI will utilize the Massachusetts Digital Equity Plan, and its successful Digital Equity Partnerships Program is designating qualified organizations as Partners to implement digital equity projects that meet the goals outlined in the Commonwealth's ARPA COVID recovery legislation (codified as Chapter 102 of the Acts of 2021), that created a \$50 million fund to bridge the digital divide. Partners will work with local and regional organizations to implement digital equity projects in six program areas:

1. Digital Literacy
2. Connectivity for Economic Hardship
3. Public Space Internet Modernization
4. Education, Outreach, and Engagement
5. Device Refurbishment and Distribution
6. Apartment Wi-Fi



# 16. Use of 20 Percent of Funding (Requirement 17)

2.14.1 Describe the Eligible Entity's planned use of any funds being requested, which must address the following:

- a. If the Eligible Entity does not wish to request funds during the Initial Proposal round, it must indicate no funding requested and provide the rationale for not requesting funds.
- b. If the Eligible Entity is requesting less than or equal to 20 percent of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, and how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations.
- c. If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations, and provide rationale for requesting funds greater than 20 percent of the funding allocation.

EOED requests that the Assistant Secretary obligate the total allocation of funds at the Initial Proposal stage of the BEAD Program to promote a robust, fair, and competitive Subgrantee Selection Process by giving industry confidence in the full allocation and availability of funds. However, EOED and MBI suggest that the utilization of these funds will be subject to the Final Proposal's approval. The funds will cover eligible last-mile broadband deployment projects identified in the BEAD NOFO, Section IV.B.7.a.ii, eligible non-deployment uses identified in the BEAD NOFO, Section IV.B.7.a.iii, and the remaining funds available for the administration of the grant. While EOED's Initial Proposal Funding Request obligates the entirety of project costs, the funds associated with last mile deployment uses and non-deployment uses will not be expended prior to the approval of the Final Proposal.

EOED will be requesting IPFR funds for salary, fringe, and indirect costs to carry out the administrative responsibilities associated with monitoring the Challenge Process and Subgrantee Selection Process over the next 12-18 months prior to the approval of the Commonwealth's Final Proposal. EOED staff will be responsible for reviewing and processing contracts, payments, and federal reimbursement requests associated with its subaward with MassTech. EOED staff will also be monitoring the progress of work being completed by MassTech, meeting regularly with NTIA staff to provide regular communication and updates and will be responsible for submitting all required federal programmatic and financial reports.

Through a subaward from EOED, MassTech will require approximately funds over the next 12-18 months to carry out the Challenge Process and Subgrantee Selection Process. MBI is anticipating that the initial planning funds will not be sufficient to carry out these key activities ahead of accessing the total allocation funds. As outlined in Massachusetts' approved BEAD 5-year Planning submission, EOED passed through BEAD Planning funds as a subaward to MassTech.

The following functions will be carried out by MassTech and MBI under the subaward with EOED over the next 12-18 months:

**Program Support:** To support the Subgrantee Selection Process, MBI will engage a number of contractors yet to be determined to assist in the implementation of the BEAD program. Areas of support include programmatic support with the implementation of the BEAD program such as development of the BEAD application process and tools with financial analysis required to develop cost benchmarks, including Extremely High-Cost Per developing guidance documents, public communications, operating procedures, and other compliance support. Additional support will be required for the development of the BEAD application process and with the financial analysis required to develop cost benchmarks including Extremely High-Cost Per Location threshold and other

regional scoring criteria for deployment projects. The contractors will also support all phases of the deployment subgrantee program development and implementation, the development of non-deployment competitive grants programs and support the development of the Final Proposal, to be submitted 365 days after NTIA's approval of Initial Proposal Volume II.

**Monitoring and Compliance:** In order to support the Subgrantee Selection Process, MBI will engage several contractors yet to be determined to support subgrantee risk assessments, monitoring plans and reports, compliance policies and procedures and corrective action plans, and overall monitoring and compliance support for BEAD subgrantees. Ensuring subgrantee compliance with state and federal BEAD-relevant regulations is critical to the success of the program and ensuring BEAD-funded projects adhere to program guidelines and regulations. Knowing the monitoring and compliance requirements before the end of the subgrantee selection process will ensure potential subgrantees are aware of and can account for these requirements in their applications. The work is expected to begin as soon as Volume 1 is approved and Volume 2 is submitted. Implementation of the subgrantee monitoring and compliance plan is expected to be implemented and continue for the entirety of the BEAD period of performance.

**Technical Assistance:** In order to support MBI in the implementation of the BEAD program, MBI will engage a number of contractors yet to be determined that will provide technical expertise to supplement MBI's capacity in areas may include, but not be limited to, support in implementing a technical assistance program to facilitate broadband deployment across the state for entities who require assistance in planning, applying for, or participating in BEAD deployment and non-deployment activities; assistance with the technical aspects of subgrantee monitoring and evaluation, including field verification of milestone completion by subgrantees; assistance in evaluating challenge submissions and provider rebuttals submitted to MBI through the BEAD Challenge Process; and other BEAD-related tasks that require specialized technical expertise.

**Audit Services:** In order to support the Subgrantee Selection Process, MBI will engage a contractor yet to be determined to conduct a single audit of the BEAD program each year.

**Legal Services:** MBI will engage an external legal firm yet to be determined to develop the needed legal documentation required to support BEAD program implementation, including the development of grant agreements, and assistance addressing legal issues associated with operating a challenge process as described in Section IV.B.6 of the NOFO.

**Travel:** Travel associated with Subrecipient Monitoring Site Visits on progressing projects. These are expected to be held twice at each of the project locations. The purpose of this travel is to evaluate the current status and progression of in-progress projects.

**Events:** Event costs are attributed to traveling to the various regions of Massachusetts and holding meetings with community stakeholders. The objective of these events is to continue engaging with and involving the public. These events provide opportunities for MBI to update the public on program progress, highlight key initiatives, and learn from the community's experiences and feedback.

**GIS Web Hosting:** In order to support BEAD program implementation, including the Subgrantee Selection Process, MBI will engage a contractor yet to be determined to support the continued operation, updates and availability to the public of MBI's evolving online state broadband map that indicates service levels statewide and digital access/equity indicators.

2.14.2 Enter the amount of the Initial Proposal Funding Request. If not requesting initial funds, enter '\$0.00.'

\$14,242,246,7.4

2.14.3 Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Funding Request, note "Not applicable."

MBI certifies that it adheres with all BEAD Program requirements related to the usage of Initial Proposal funds.

Yes

No

# 17. Eligible Entity Regulatory Approach (Requirement 18)

## 2.15.1

- a. Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.
- b. If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.

2.15.1.1 Optional Attachment: As a required attachment only if the Eligible Entity will not waive laws for BEAD Program project selection purposes, provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the Eligible Entity Regulatory Approach template provided.

Based on our analysis and our experience leading broadband initiatives in the Commonwealth, MBI is not aware of any Massachusetts laws impacting broadband, utility services, or similar subjects that may limit public sector participation in a grant program. Massachusetts fosters an inclusive broadband ecosystem for local governments, ISPs and other entities, which is evidenced in the Commonwealth's commitment to promoting accessibility and inclusion in the broadband infrastructure industry. MBI is committed to closely considering NTIA's guidance and will work diligently towards identifying a practical and actionable solution should any regulatory barrier arise to ensure that our subgrant program remains accessible to all public sector entities who wish to participate.

# 18. Certification of Compliance with BEAD Requirements (Requirement 19)

2.16.1 Check Box: Certify the Eligible Entity's intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

MBI certifies it intends to comply with all applicable requirements of the BEAD program, including the reporting requirements.

2.16.2 Text Box: Describe subgrantee accountability procedures, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO:

- a. Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize);

The Commonwealth of Massachusetts, through EOED, will enter into a subrecipient agreement with MBI. Funds will be disbursed to MBI from EOED for administrative costs using a modified reimbursement model. For each reimbursement request, MBI shall submit to EOED an invoice detailing the requested reimbursement amount, the balance of any funds remaining, and all required documentation sufficiently documenting costs incurred according to state and federal documentation standards.

EOED shall review all reimbursement requests for accuracy and make requests to MBI for additional documentation or clarification as needed to ensure that all costs claimed for reimbursement are eligible. In accordance with Commonwealth fiscal policy, all reimbursement payments shall be made to MBI within 45 calendar days.

Upon establishment of a contractual subgrantee relationship with MBI, the BEAD subgrantees will receive funding on a reimbursable basis based on pre-determined and agreed invoice submission and payment schedule quarterly. Subgrantees are required to have an accounting system that accurately tracks the receipt and distribution of funds received from subgrant awards, as well as adequate employee time tracking systems. Subgrantees will be required to submit invoices at established timelines. MBI will review subgrantee submissions for compliance with the terms of the subgrantee agreement and documentation of applicable milestones. MBI will submit reviewed and approved subgrantee invoices to EOED for final approval. Upon EOED's final approval, EOED will release funding to MBI and subgrantees will receive reimbursements.

MBI will engage in the monitoring of subgrantee activities to ensure subawards are used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward. Subgrantee monitoring will also help ensure subaward performance goals are achieved. EOED will conduct quarterly desk reviews of MBI's monitoring by sampling MBI's monitoring files. EOED will issue findings and performance improvement recommendations as necessary. In cases where non-compliance, fraud, waste, or abuse are identified, EOED will work with MBI to identify appropriate next steps, up to and including recoupment, reallocation, or referral for legal action.

- b. The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;

The Commonwealth's agreement with MBI will include remedies for non-compliance including the ability to impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or

take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of Section 60102 of the Infrastructure Act regarding the use of funds, previous payments shall be subject to recoupment.

In the event that MBI or EOED's subgrantee monitoring determines that MBI or its subgrantee has not met the requirements outlined by BEAD, the subgrantee agreement, or applicable federal regulations, MBI shall have the right to request repayment of funds disbursed for BEAD deployment and non-deployment activities. Subgrantee shall return funds within 30 days of receipt of request by MBI.

Additionally, as encouraged by the BEAD NOFO, MBI will include the following enforcement actions in agreement with subgrantees, to be utilized at MBI's discretion and EOED's direction as necessary and appropriate:

- A subgrantee that fails to comply with any requirement under Section 60102 of the Infrastructure Act or the BEAD NOFO shall be required to return up to the entire amount of the subgrant to MBI, at the discretion of MBI or EOED.
  - If a subgrantee fails to comply with the low-cost broadband service option requirement set out in Section 60102(h)(4)(B) of the Infrastructure Act, MBI and/or EOED may take corrective action, including recoupment of funds from the subgrantee.
  - EOED and MBI may also enforce applicable rules and laws by imposing penalties for nonperformance, failure to meet statutory obligations, or wasteful, fraudulent, or abusive expenditure of grant funds. Such penalties include, but are not limited to, imposition of additional award conditions, payment suspension, award suspension, grant termination, de-obligation/clawback of funds, and debarment of organizations and/or personnel.
- c. Timely subgrantee reporting mandates; and

Following the determination of a subgrantee relationship with MBI during the early stages of the procurement process, MBI will conduct a risk assessment to evaluate the risk of non-compliance and monitoring required. Subgrantees will be evaluated on:

- Experience with the same or similar awards
- Results of previous audits, including whether the subgrantee has previously received single audit and the extent to which the subaward has been audited as major
- Whether subgrantee has new personnel or substantially changed systems
- Extent and results of Federal awarding agency monitoring, if the subgrantee has also received Federal awards directly from a Federal awarding agency.

Subgrantees will be mandated to submit reports on the project status and performance on a quarterly basis. Additionally, subgrantees are required to engage in a financial review alongside MBI on either a 3-month, 6-month basis or annual basis, with the cadence determined based on the results of the risk assessment. MBI reserves the right to increase the frequency of the reporting and financial review and conduct an on-site review if any issues or concerns are identified.

Subgrantees will also be required to comply with the reporting requirements as outlined in the BEAD NOFO. These regular reports must be submitted at least on a semiannual basis for the duration of the subgrant. At a minimum, the report must include:

- Include a list of addresses or location identifications (including the Broadband Serviceable Location Fabric established under 47 U.S.C. 642(b)(1)(B)) that constitute the service locations that will be served by the broadband infrastructure to be constructed and the status of each project;
- Identify new locations served within each project area at the relevant reporting intervals, and service taken (if applicable);

- Identify whether each address or location is residential, commercial, or a community anchor institution;
- Describe the types of facilities that have been constructed and installed;
- Describe the peak and off-peak actual speeds of the broadband service being offered;
- Describe the maximum advertised speed of the broadband service being offered;
- Describe the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered;
- List all interconnection agreements that were requested, and their current status;
- Report the number and amount of contracts and subcontracts awarded by the subgrantee disaggregated by recipients of each such contract or subcontracts that are MBEs or WBEs;
- Include any other data that would be required to comply with the data and mapping collection standards of the Commission under Section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects;
- Include an SF-425, Federal Financial Report and meet the requirements described in the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020), Section A.01 for Financial Reports;
- For projects over \$5,000,000 (based on expected total cost):
  - A subgrantee may provide a certification that, for the relevant Project, all laborers and mechanics employed by contractors and subcontractors in the performance of such Project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as "baby Davis-Bacon Acts"). If such certification is not provided, a Recipient must provide a project employment and local impact report detailing:
    - The number of contractors and sub-contractors working on the Project;
    - The number of workers on the Project hired directly and hired through a third party;
    - The wages and benefits of workers on the Project by classification; and
    - Whether those wages are at rates less than those prevailing.
  - If a subgrantee has not provided a certification that a Project either will use a unionized project workforce or includes a project labor agreement, meaning a prehire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)), then the subgrantee must provide a project workforce continuity plan, detailing:
    - Steps taken and to be taken to ensure the Project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure construction is completed in a competent manner throughout the life of the Project (as required in Section IV.C.1.e), including a description of any required professional certifications and/or in-house training, Registered Apprenticeships or labor-




management partnership training programs, and partnerships with entities like unions, community colleges, or community based groups;


- Steps taken and to be taken to minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the Project;
- Steps taken and to be taken to ensure a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training required of workers employed by contractors), including issues raised by workplace safety committees and their resolution;
- The name of any subcontracted entity performing work on the Project, and the total number of workers employed by each such entity, disaggregated by job title; and
- Steps taken and to be taken to ensure that workers on the Project receive wages and benefits sufficient to secure an appropriately skilled workforce in the context of the local or regional labor market.
- Comply with any other reasonable reporting requirements determined by MBI or EOED to meet the reporting requirements established by NTIA; and certify that the information in the report is accurate.

Prior to finalizing the subrecipient agreement with MBI, EOED will update its risk assessment of MBI. As the subrecipient of other federal grants from the Commonwealth, MBI has already been assessed for risk by the Commonwealth. Notwithstanding MBI's expertise and audit record, MBI is and will continually be treated as a high risk subrecipient by EOED due to the novel nature of the federal grant programs it administers. Given this determination, EOED will require quarterly reporting from MBI that mirrors the reporting requirements for MBI's subgrantees. EOED will review and consolidate these reports for publication on a reporting dashboard and submission to NTIA.

d.  Robust subgrantee monitoring practices

As indicated in the BEAD NOFO, sufficient accountability procedures to ensure subgrantee compliance through subgrantee monitoring and management are required.

 EOED will conduct quarterly desk reviews of MBI's monitoring by sampling MBI's monitoring files. EOED will meet quarterly with MBI to discuss findings and identify recommended areas for improvement prior to issuing a written report to MBI. Subsequent quarterly reviews will include checks on compliance with resolution of prior findings and implementation of prior recommendations. In situations where findings rise to the level of requiring recoupment, EOED will work with MBI as discussed earlier to identify the appropriate next steps and track progress towards resolution. As part of its subrecipient oversight of MBI for other federal grant programs, EOED has regular meetings with MBI for both financial and programmatic oversight. EOED has developed training and educational materials on compliance with 2 CFR 200 and continues to implement these trainings. EOED will supplement these materials with information specific to BEAD and the Commonwealth's approved proposal. EOED receives MBI's annual Single Audit in compliance with Subpart F of 2 CFR 200 and monitors MBI for implementation of ant areas of material weakness or significant deficiency for both federal and state awards.

 MBI intends to engage in the following monitoring activities for subgrantees activities including, but not limited to:

- Coordination with subgrantees through individual discussions, group or team meetings, events or trainings

- Reviewing financial and programmatic reports including invoices and progress and outcome reports in alignment with contractual obligations
- Conducting an annual Subgrantee Assessment, verifying that every subgrantee is audited as required by 2 CFR Part 200, Subpart F.
- Conducting follow-up to ensure that the subgrantee takes timely and appropriate action on all deficiencies pertaining to the federal award through audits, on-site reviews, and other means
- Issuing management decisions for audit findings pertaining to the federal award that have not been sufficiently addressed in a timely or acceptable manner and consider imposing specific subaward conditions upon a subgrantee, if appropriate, based on risk failure to comply as described in 2 CFR 200 Parts 339 to 343.

Other potential monitoring tools per 2 CFR 200 Part 331(e) that MBI may utilize include:

- Providing training and technical assistance
- Performing on-site reviews of program operations
- Developing Remediation and Improvement Plans on the basis of internal, federal, and state audits

Additionally, based upon the on-going monitoring that will be conducted, MBI will perform subaward reviews which at a minimum include a discussion with the Program Manager regarding subgrantee performance, status, and inquiry on whether the subgrantee has met the thresholds requiring an audit under the current 2 CFR Part 200, Subpart F.

If an audit is required, MBI will ensure the subgrantee submits the report, report package or the documents required by federal regulations and/or recipient's requirements and follow up on any findings or issues identified in the audit to ensure they have been satisfactorily addressed.

If any additional findings are identified by the MBI review, we will implement appropriate requirements to ensure the contractual obligations and all requirements are met. To the extent any issues persist, escalation to the legal and program teams may be necessary.

2.16.3 Check Box: Certify that the Eligible Entity will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

MBI certifies it will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

2.16.4 Check Box: Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest that:

Cybersecurity

- 1) The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
- 2) The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days.

### Supply Chain Risk Management (SCRM)

1) The prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;

2) The plan is 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;

3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and

4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.

MBI intends to ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements as indicated in the BEAD NOFO. MBI will ensure the subgrantee complies with the following cybersecurity requirements:

- The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
- The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;
- The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- The plan will be submitted to MBI prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to MBI within 30 days.

MBI will ensure the subgrantee also complies with the following supply chain risk management (SCRM) requirements:

- The prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;
- The plan is 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 plan will be reevaluated and updated on a periodic basis and as events warrant; and
- The plan will be submitted to MBI prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to MBI within 30 days. MBI will be required to provide a subgrantee's plan to NTIA upon NTIA's request.

# 19. Volume II Public Comments

## Volume II Waivers

Upload an attachment(s) detailing the waiver request(s) for the requirements related to Volume II. Please draft the waiver request(s) using the Waiver Request Form template.

2.17.1 Text Box: Describe the public comment period and provide a high-level summary of the comments received during the Volume II public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

c. The public comment period was no less than 30 days; and

d. Outreach and engagement activities were conducted to encourage feedback during the public comment period.

Under the Broadband Equity Access and Deployment (BEAD) program as outlined in Division F, Title I, Section 60102, Public Law 117-58, 135 Stat. 429 of the Infrastructure Investment and Jobs Act, MBI released the draft Initial Proposal for public comment on its website. Both Volumes I and II of the Initial Proposal were intentionally published at the same time alongside the Statewide Digital Equity Plan to gather comprehensive public feedback on MBI's plans to achieve universal broadband access and close the digital divide. MBI highlighted the public comment opportunity during its listening sessions and focus groups, and encouraged the public to participate in the process.

Description of the comments received during Volume II: The public comment period spanned over 33 calendar days, from November 13 to December 15, 2023. MBI received feedback from 106 participants split between 56 individuals and 50 organizations on the BEAD Initial Proposal. The type of organizations included non-profits, local governments, and ISPs. The majority of comments revolved around the themes of Affordability and Competition. Affordability comments mainly highlighted challenges in ACP subscription processes and limited affordable service options. Meanwhile, competition-related comments emphasized the lack of competition in certain areas, the need for ISP accountability on price and service, and overall high pricing.

The following list summarizes the public comments received by main theme:

- Affordability
- Competition
- Access and accessibility
- Existing Conditions & Representation of Target Pops
- Challenge Process
- Digital Literacy
- Cost and Barrier Reduction
- Reliability
- Supply Chain Risk and Cybersecurity
- Other

MBI appreciates the effort of each commenter who reviewed the Initial Proposal and contributed a public comment. All feedback has been carefully considered in the finalization of this document, with revisions made where necessary. For example, MBI has updated the low-cost option section to address public comment concerns about offering specific plans at specified rates and updated the scoring rubric to reflect broadband applications

with proven experience. MBI remains dedicated to ensuring that the Commonwealth's BEAD program aligns with the collective goals of providing affordable, reliable high-speed internet to every home, business, individual, and community in the state, empowering residents to enhance their lives through technology.

2.17.2 Optional Attachment: As an optional attachment, submit supplemental materials to the Volume II submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.