



## **BEAD Final Proposal**

**Nevada Governor's Office of Science,  
Innovation and Technology (OSIT)**

DRAFT for Public Comment

December 16, 2024

# Contents

- A Message from the Nevada’s Governor’s Office of Science, Innovation & Technology** ..... 1
- 0 Final Proposal Data Submission**..... 4
  - 0.1 Attachment (Required):** Complete and submit the Subgrantees CSV file (named “fp\_subgrantees.csv”) using the NTIA template provided..... 4
  - 0.2 Attachment (Required):** Complete and submit the Deployment Projects CSV file (named “fp\_deployment\_projects.csv”) using the NTIA template provided ..... 4
  - 0.3 Attachment (Required):** Complete and submit the Locations CSV file (named “fp\_locations.csv”) using the NTIA template provided. This list must match the approved final list from the Eligible Entity’s Challenge Process results..... 4
  - 0.4 Question (Y/N):** Does the Eligible Entity certify that it will ensure coverage of broadband service to all unserved and underserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process, but one or more of these locations will not be served through a BEAD project?4
  - 0.5 Attachment (Required – Conditional on a ‘Yes’ Response to Intake Question 0.4):** Complete and submit the No BEAD Locations CSV file (named “fp\_no\_BEAD\_locations.csv”) using the NTIA template provided. The Location IDs in this list must match the approved final list from the Eligible Entity’s Challenge Process results (i.e., the fabric version selected). ..... 4
  - 0.6 Question (Y/N):** If the Eligible Entity intends to use BEAD funds to serve CAIs, does the Eligible Entity certify that it ensures coverage of broadband service to all unserved and underserved locations, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2)? ..... 4
  - 0.7 Attachment (Required – Conditional on a ‘Yes’ Response to Intake Question 0.6):** Complete and submit the CAIs CSV file (named “fp\_cai.csv”) using the NTIA template provided. Although CAIs are not included under (f)(1) deployment projects, to confirm the Eligible Entity’s compliance with the BEAD prioritization framework and identify BEAD-funded CAIs, the NTIA template is required. This list must match the approved final list from the Eligible Entity’s Challenge Process results ..... 5
  - 0.8 Question (Y/N):** Is the Eligible Entity conducting non-deployment projects? ..... 5
  - 0.9 Attachment (Required – Conditional on a ‘Yes’ Response to Intake Question 0.8):** If ‘Yes’ [to Intake Question 0.8], the Eligible Entity is conducting non-deployment projects, complete and submit the Non-Deployment Projects CSV file (named “fp\_non\_deployment\_projects.csv”) using the NTIA template provided. .... 5
- 1 Subgrantee Selection Process Outcomes (Requirement 1)**..... 6
  - 1.1 Text Box:** Describe how the Eligible Entity’s deployment Subgrantee Selection Process undertaken is consistent with that approved by NTIA in Volume II of the Initial Proposal ..... 6
  - 1.2 Text Box:** Describe the steps that the Eligible Entity took to ensure a fair, open, and competitive process, including processes in place to ensure training, qualifications, and objectiveness of reviewers..... 9

1.3 **Text Box:** Affirm that, when no application was initially received, the Eligible Entity followed a procedure consistent with the process approved in the Initial Proposal. If there was a divergence, explain how the process that was conducted diverged from the approved process. .... 12

1.4 **Text Box:** Provide the Extremely High Cost Per Location Threshold(s) the Eligible Entity used during the Subgrantee Selection Process ..... 12

1.5 **Question (Y/N):** Certify that the Eligible Entity will retain all subgrantee records in accordance with 2 C.F.R. § 200.334 at all times, including retaining subgrantee records for a period of at least 3 years from the date of submission of the subgrant’s final expenditure report. This should include all subgrantee network designs, diagrams, project costs, build-out timelines and milestones for project implementation, and capital investment schedules submitted as a part of the application process .... 12

2 Intentionally Omitted..... 13

3 Timeline for Implementation (Requirement 3) ..... 14

3.1 **Text Box:** If the Eligible Entity anticipates eligible non-deployment activities and has not already selected those projects, describe the estimated timeline for completion of subgrantee selection, if applicable. If non-deployment is not anticipated under this program, indicate ‘N/A’ ..... 14

3.2 **Text Box:** Describe the measures that the Eligible Entity will take to: (a) ensure that each subgrantees will begin providing services to each customer that desires broadband service within the project area not later than four years after the date on which the subgrantee receives the subgrant; (b) ensure that all BEAD subgrant activities are completed at least 120 days prior to the end of the period of performance, in accordance with 2 C.F.R. 200.344; and (c) ensure that all programmatic BEAD grant activities undertaken by the Eligible Entity are completed by the end of the period of performance, in accordance with 2 C.F.R. 200.344 ..... 14

4 Oversight and Accountability Processes (Requirement 4) ..... 16

4.1 **Question (Y/N):** Does the Eligible Entity have a public waste, fraud, and abuse hotline? ..... 17

4.2 **Attachments (Required):** Upload the following two required documents:..... 17

4.2(1) BEAD Program Monitoring Plan..... 17

4.2(2) Agency policy documentation which includes the following practices: 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) or on a basis determined by the terms and conditions of a fixed amount subaward agreement; and b. Timely subgrantee (to Eligible Entity) reporting mandates ..... 17

4.3 **Question (Y/N):** Certify that the subgrant agreements will include, at a minimum, the following conditions: a. Compliance with Section VII.E of the BEAD NOFO, including timely subgrantee reporting mandates, including at least semiannual reporting, for the duration of the subgrant to track the effectiveness of the use of funds provided; b. Compliance with obligations set forth in 2 C.F.R. Part 200 and the Department of Commerce Financial Assistance Standard Terms and Conditions; c. Compliance with all relevant obligations in the Eligible Entity’s approved Initial and Final Proposals, including the BEAD General Terms and Conditions and the Specific Award Conditions incorporated into the Eligible Entity’s BEAD award; d. Subgrantee accountability practices that include distribution of

funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis; e. Subgrantee accountability practices that include the use of clawback provisions between the Eligible Entity and any subgrantee (i.e., provisions allowing recoupment of funds previously disbursed); f. Mandate for subgrantees to publicize telephone numbers and email addresses for the Eligible Entity’s Office of Inspector General (or comparable entity) and/or subgrantees’ internal ethics office (or comparable entity) for the purpose of reporting waste, fraud or abuse in the Program. This includes an acknowledge of the responsibility to produce copies of materials used for such purposes upon request of the Federal Program Officer; and g. Mechanisms to provide effective oversight, such as subgrantee accountability procedures and practices in use during subgrantee performance, financial management, compliance, and program performance at regular intervals to ensure that subgrantee performance is consistently assessed and tracked over time..... 17

5 Local Coordination (Requirement 5)..... 19

5.1 **Text Box:** Provide a description of the local coordination conducted since the submission of the Eligible Entity’s approved Initial Proposal only, and a summary of the impact such coordination had on the content of the Final Proposal, consistent with the requirements set forth in Section IV.C.1.c of the BEAD NOFO. The response must describe how local coordination efforts undertaken reasonably ensure: a. Full geographic coverage of the Eligible Entity; b. 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; c. Utilization of multiple awareness and participation mechanisms and different methods to convey information and outreach; d. Transparency of processes, to include the documentation and publication of results and outcomes of such coordination and outreach efforts, including additions or changes to the Eligible Entity’s Final Proposal; and e. Outreach to and direct engagement of unserved and underserved communities to include historically underrepresented and marginalized groups and/or communities..... 20

5.2 **Attachment (Required):** Submit a Local Coordination Tracker Tool with only the Eligible Entity’s new or ongoing coordination since the submission of the Initial Proposal..... 24

6 Challenge Process Results (Requirement 6)..... 25

6.1 **Question (Y/N):** Certify that the Eligible Entity has successfully completed the BEAD Challenge Process and received approval of the results from NTIA..... 25

6.2 **Text Box:** Provide a link to the website where the Eligible Entity has publicly posted the final location classifications (unserved/underserved/CAIs) and note the date that it was publicly posted .. 25

7 Unserved and Underserved Locations (Requirement 7)..... 26

Unserved locations ..... 26

7.1 **Question (Y/N):** Certify whether the Eligible Entity will ensure coverage of broadband service to all unserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2)..... 26

7.2 **Question (Y/N):** Indicate whether the Eligible Entity will ensure coverage of broadband service to all unserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2), through a BEAD project..... 26

7.3 **Text Box (Optional – Conditional on a ‘No’ Response to Intake Question 7.1):** If the Eligible Entity does not provide the certification, explain and include a strong showing that the Eligible Entity is financially incapable of ensuring universal coverage of all unserved locations..... 26

7.4 **Attachment (Optional – Conditional on a ‘No’ Response to Intake Question 7.1):** If the Eligible Entity does not provide the certification, explain and include a strong showing that the Eligible Entity is financially incapable of ensuring universal coverage of all unserved locations..... 26

Underserved locations..... 26

7.5 **Question (Y/N):** Certify whether the Eligible Entity will ensure coverage of broadband service to all underserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2) ..... 26

7.6 **Question (Y/N):** Indicate whether the Eligible Entity will ensure coverage of broadband service to all underserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2), through a BEAD project ..... 27

7.7 **Text Box (Optional – Conditional on a ‘No’ Response to Intake Question 7.5):** If the Eligible Entity does not provide the certification, explain and include a strong showing that the Eligible Entity is financially incapable of ensuring universal coverage of all underserved locations ..... 27

7.8 **Attachment (Optional – Conditional on a ‘No’ Response to Intake Question 7.5):** If the Eligible Entity does not provide the certification, explain and include a strong showing that the Eligible Entity is financially incapable of ensuring universal coverage of all underserved locations..... 27

7.9 **Question (Y/N):** Certify that the Eligible Entity will maintain documentation, following the guidelines provided by NTIA, to justify its determination if there is a reason to not serve any unserved or underserved location on the NTIA-approved Challenge Process list through a BEAD project. The documentation for each location must be relevant for the specific reason indicated by the Eligible Entity in the *fp\_no\_BEAD\_locations.csv* file. The Eligible Entity shall provide the documentation for any such location for NTIA review, as requested during Final Proposal review or after the Final Proposal has been approved. .... 27

7.10 **Question (Y/N):** Certify that the Eligible Entity has accounted for all enforceable commitments after the submission of its challenge results, including state enforceable commitments and federal enforceable commitments that the Eligible Entity was notified of and did not object to, and/or federally-funded awards for which the Eligible Entity has discretion over where they are spent (e.g., regional commission funding or Capital Projects Fund/State and Local Fiscal Recovery Funds), in its list of proposed projects..... 27

8 Non-Deployment Uses (Requirement 8) & Non-Deployment Subgrantee Selection (Requirement 9) 28

8.1 **Question (Y/N):** Indicate whether the Eligible Entity has selected or will pursue projects using BEAD funding that are not (f)(1) last-mile broadband deployment projects..... 29

8.2 **Question (Y/N - Conditional on a ‘Yes’ response to Intake Question 8.1):** Confirm whether the Eligible Entity has certified plans to serve ALL (f)(1) last-mile deployment unserved and underserved locations before pursuing projects using BEAD funding that are not (f)(1) last-mile

broadband deployment projects, or received approval in its Initial Proposal to pursue projects using BEAD funds that are not (f)(1) last-mile broadband deployment projects prior to the certification ..... 29

8.3 **Text Box (Optional):** If the Eligible Entity has or intends to pursue non-deployment projects itself without making a subgrant, describe the activities ..... 30

8.4 **Question (Y/N):** Has the Eligible Entity completed the competitive non-deployment Subgrantee Selection Process?..... 30

8.5 **Text Box (Required – Conditional on a ‘Yes’ Response to Intake Question 8.4):** If ‘Yes’ [ to Intake Question 8.4], non-deployment subgrantee selection has been completed, describe how the process undertaken was consistent with that approved by NTIA in Volume II of the Initial Proposal ... 30

8.6 **Text Box (Required – Conditional on a ‘Yes’ Response to Intake Question 8.4):** If ‘Yes’ [to Intake Question 8.4], non-deployment subgrantee selection has been completed, describe the steps that the Eligible Entity took to ensure a fair, open, and competitive process, including processes in place to ensure training, qualifications, and objectiveness of reviewers ..... 30

8.7 **Text Box (Required – Conditional on a ‘No’ Response to Intake Question 8.4):** If ‘No’ [to Intake Question 8.4], non-deployment subgrantee selection has not been completed, describe the following: a. A detailed description of all planned uses of BEAD funding that are not (f)(1) last-mile broadband deployment projects, including the nature of each funded project and how those uses are consistent with the eligible uses in Section IV.B.7.a.iii of the BEAD NOFO; b. How the Eligible Entity expects the non-deployment projects to address the needs of the Eligible Entity’s residents and how the non-deployment projects are effective in achieving the BEAD Program’s equity, access, and deployment goals; c. The ways in which engagement with stakeholders informed the selection of eligible non-deployment projects; and d. Any efforts the Eligible Entity undertook to determine whether other uses of the funds might have been more effective in achieving the BEAD Program’s equity, access, and deployment goals ..... 31

8.8 **Text Box (Required – Conditional on a ‘No’ Response to Intake Question 8.4):** Subgrantee Selection Process: If ‘No’ [to Intake Question 8.4], describe how and whether the scoring process to select non-deployment projects was or will be conducted in a competitive manner consistent with (1) the BEAD NOFO requirements and (2) the description within the approved Initial Proposal ..... 31

9 Intentionally Omitted..... 32

10 Participation of Non-Traditional Broadband Providers (Requirement 10) ..... 33

10.1 **Text Box:** Describe efforts taken to ensure participation of non-traditional broadband providers such as municipalities or political subdivisions, cooperatives, non-profits, Tribal Governments, and utilities..... 33

10.2 **Question (Y/N):** In every instance in which the Eligible Entity received one or more competing proposals from non-traditional providers competing with traditional providers to serve the same location(s) consistent with the requirements of Section IV.C.1.a., was the highest-scoring applicant selected as the subgrantee?..... 34

10.3 **Text Box (Required – Conditional on a ‘No’ Response to Intake Question 10.3):** If the highest-scoring applicant was not selected as the subgrantee in every instance in which the Eligible Entity



received applications from traditional and non-traditional providers for the same location(s), explain why 34

11 Implementation Status of Plans for Cost and Barrier Reduction, Labor and Workforce Activities, Utilization of Minority Businesses, Women-owned Business, and Labor Surplus Area Firms, Low-Cost Plans, and Climate Change and Resilience (Requirement 11) & Middle-Class Affordability Plans (Requirement 17) ..... 35

11.1 **Text Box:** Provide the implementation status (Complete, In Progress, or Not Started) of plans described in the approved Initial Proposal Requirement 14 related to reducing costs and barriers to deployment..... 36

11.2 **Text Box:** Provide the Eligible Entity’s implementation status (Complete, In Progress, or Not Started) of plans described in the approved Initial Proposal Requirement 11 related to labor activities. Affirm that the Eligible Entity applied the labor-related criterion in its Subgrantee Selection Process and will ensure subgrantees comply with federal labor and employment laws ..... 36

11.3 **Text Box:** Provide the implementation status (Complete, In Progress, or Not Started) of plans described in the approved Initial Proposal Requirement 12 related to workforce development..... 36

11.4 **Text Box:** Affirm that the Eligible Entity has taken or will take all necessary affirmative steps to ensure minority businesses, women’s business enterprises, and labor surplus area firms are used, when possible, as per pages 88 – 89 of the BEAD NOFO..... 36

11.5 **Question (Y/N):** Certify that all subgrantees selected by the Eligible Entity will be required to offer the low-cost broadband service option, as approved by NTIA in the Initial Proposal, for the duration of the 10-year Federal interest period..... 36

11.6 **Text Box:** Provide the implementation status (Complete, In Progress, or Not Started) of plans described in the Eligible Entity’s approved Initial Proposal Requirement 15 related to climate change and resilience ..... 37

11.7 **Text Box:** Provide the implementation status (Complete, In Progress, or Not Started) of plans described in the approved Initial Proposal Requirement 20 related to middle-class affordability..... 37

12 Substantiation of Priority Broadband Projects (Requirement 12) ..... 38

12.1 **Text Box:** Describe how the Eligible Entity maximized deployment of Priority Broadband Projects and deployment of non-priority reliable broadband projects prior to deployment of alternative technologies. In particular, describe steps the Eligible Entity took to pursue service by reliable broadband technology in areas that the Eligible Entity proposes to serve via alternative technology. (Data elements are provided via Deployment Projects and Locations CSV files in Requirement 1)..... 38

13 Subgrantee Selection Certification (Requirement 13) ..... 39

13.1 **Text Box:** For each primary and secondary scoring criteria used in subgrantee selection, provide a summary of the range of commitments, specifically as they relate to workforce development, compliance with Federal labor and compliance laws, and affordability, made by provisionally selected subgrantees to warrant benefits in the approved Subgrantee Selection Process.

Scoring criteria must be applied consistent with the prioritization framework laid out in Section IV.B.7.b of the BEAD NOFO..... 39

**Summary of criteria** ..... 39

        Summary of commitments received from subgrantees..... 59

14 Environmental and Historic Preservation (EHP) Documentation (Requirement 14) ..... 62

    14.1 **Attachment (Required):** Submit a document which includes the following: Description of how the Eligible Entity will comply with applicable environmental and historic preservation (EHP) requirements, including a brief description of the methodology used to evaluate the Eligible Entity’s subgrantee projects and project activities against NTIA’s programmatic and National Environmental Policy Act (NEPA) guidance; Description of the Eligible Entity’s plan to fulfill its obligations as a joint lead agency for NEPA under 42 U.S.C. 4336a, including its obligation to prepare or to supervise the preparation of all required environmental analyses and review documents. • Evaluation of the sufficiency of the environmental analysis for your state or territory that is contained in the relevant FirstNet Regional Programmatic Environmental Impact Statement (PEIS), available at <https://www.firstnet.gov/network/environmental-compliance/projects/regional-programmatic-environmental-impact-statements>. • Evaluation of whether all deployment related activities anticipated for projects within your state or territory are covered by the actions described in the relevant FirstNet Regional PEIS. • If applicable, a draft supplemental environmental assessment (EA), providing any information or analysis missing from the relevant FirstNet Regional PEIS that is necessary for the programmatic review of BEAD projects within your state or territory. • Methodology for the NEPA screening of the Eligible Entity’s subgrantee projects to identify, confirm, and categorize projects qualifying for NTIA Categorical Exclusions and those requiring further environmental review. • Description of the Eligible Entity’s plan for applying specific award conditions or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects await EHP clearances. .... 62

15 Consent from Tribal Entities (Requirement 15) ..... 63

    15.1 **Attachment(s) (Required if any deployment project is on Tribal Lands):** Upload a Resolution of Consent from each Tribal Government (in PDF format) from which consent was obtained to deploy broadband on its Tribal Land. The Resolution(s) of Consent submitted by the Eligible Entity should include appropriate signatories and relevant context on the planned (f)(1) broadband deployment including the timeframe of the agreement. The Eligible Entity must include the name of the Resolution of Consent PDF in the Deployment Projects CSV file..... 63

16 Report of Unsuccessful Applications due to Eligible Entity Regulations (Requirement 16) ..... 64

    16.1 **Question (Y/N):** Did the Eligible Entity have any applications that were unsuccessful due to laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they pre-date or post-date enactment of the Infrastructure Act, that the Eligible Entity did not waive for purposes of the BEAD Program? ..... 64

    16.2 **Attachment (Required – Conditional on a ‘Yes’ response to Intake Question 16.1):** As a required attachment only if there were unsuccessful applications due to laws of the Eligible Entity, submit a completed “Regulatory Barriers for Applicants” template ..... 64



17      Waivers and Public Comment..... 65

17.1    **Text Box:** If any waivers are in process and/or approved as part of the BEAD Initial Proposal or at any point prior to the submission of the Final Proposal, list the applicable requirement(s) addressed by the waiver(s) and date(s) of submission. If not applicable to the Eligible Entity, note 'Not applicable'  
65

17.2    **Attachment (Optional):** If not already submitted to NTIA, and the Eligible Entity needs to request a waiver for a BEAD program requirement, upload a completed Waiver Request Form here. If documentation is already in process or has been approved by NTIA, the Eligible Entity does NOT have to upload waiver documentation again..... 65

17.3    **Text Box:** Describe the public comment period and provide a high-level summary of the comments received by the Eligible Entity during the public comment period and how the Eligible Entity addressed the comments. The response must demonstrate: a. The public comment period was no less than 14 days; and b. Outreach and engagement activities were conducted to promote feedback during the public comment period..... 65

Attachment: Final Proposal Funding Request ..... **Error! Bookmark not defined.**

DRAFT

## A Message from the Nevada's Governor's Office of Science, Innovation & Technology

The Nevada Governor's Office of Science, Innovation & Technology (OSIT) is pleased to publish for public comment its Final Proposal for the Broadband Equity, Access, and Deployment (BEAD) Program, in preparation for submission to the NTIA. This Final Proposal is the culmination of years of planning, stakeholder and community engagement, mapping, data and business case analysis, and program development. The Final Proposal is the last of several documents that are necessary elements of Nevada receiving its BEAD funds from NTIA. The documents were prepared by OSIT over the last three years, pursuant to federal rules and with the goal of maximizing the benefit of BEAD funding for broadband in Nevada. Throughout this process, OSIT's North Star has been to ensure that all Nevadans have access to affordable, reliable, scalable high-speed internet.

**Nevada's Goals for BEAD:** We and many others have chronicled at length the challenges Nevadans faced during the COVID-19 Pandemic, challenges that were exacerbated by the digital divide. Congress acknowledged the challenges to modern life posed by an absence of modern broadband infrastructure when it appropriated \$65 billion, mostly for broadband infrastructure, through multiple pieces of Pandemic-era legislation.

BEAD was enacted as a broadband infrastructure deployment program that seeks to solve the connectivity problems brought to light during the Pandemic. Therefore, from the beginning we've defined the success of the High Speed Nevada Initiative primarily through the lens of deployment success – with a specific goal of ensuring winning applicants have strong capacity to complete deployment projects and that our limited funds are dedicated to making as many lasting, generational, future-proof investments in broadband infrastructure as possible.

Successful deployment will mean new networks will have the capacity to support Nevadans as they access online education, workforce development, healthcare and telemedicine, business and e-commerce, government services, and keep in touch with family and friends.

**Nevada's Unique Challenges:** Nevada is a unique state with unique geographic challenges that shape where Nevadans live and how we will connect them over the next four years to high-speed internet. Among our challenges, we have counties with larger land areas than any of the smallest nine U.S. states but that are home to fewer than 5,000 people. 86 percent of Nevada is owned by the federal government, complicating permitting and limiting development to the few highway rights-of-way and utility pole lines that exist. Nevada is the most mountainous state in the lower 48, with more than 400 distinct mountain ranges and more peaks than any state other than Alaska. Nevada's soil is rocky and our cost per foot for buried fiber is about double the national average. We may lead the nation in "No Gas for 100+ Miles" signs.

Solving these and other Nevada-specific challenges and achieving our universal connectivity goal required a plan and an approach specific to our state. When enacting the bipartisan Infrastructure Investment and Jobs Act that established BEAD, Congress rightly gave states the responsibility and authority to design state-specific programs.

**The Successful Outcome:** We are proud that our approach -- refined through input from thousands of Nevadans that participated in our hundreds of events, surveys, and meetings -- will result in **every single unserved residential location in Nevada being connected to broadband.**

This Final Proposal summarizes the outcome of OSIT's BEAD subgrantee selection process, including the open and fair process used in soliciting and awarding grant applications. OSIT designed the BEAD subgrantee selection process to make project areas as attractive as possible while also awarding the most capable applicants. The result was a process that encouraged widespread participation, including that of small Nevada companies; welcomed stakeholder input; maximized the use of broadband funding; conducted decision-making in a fair and accountable manner; and funded winning applicants so as to ensure successful deployment and long-term sustainability.

**Encouraging Widespread Opportunity:** OSIT sought to create opportunities for the widest range of participants, including small, Nevada-based internet service providers (ISP). Accordingly, OSIT crafted a program that allowed for bids at the "Regional Project Area" (RPA)-level, allowing for applications of both large and small scale. RPAs were designed to promote competitive neutrality and maximize the number of potential applicants, by taking into consideration geography, terrain, proximity to infrastructure, and proximity to other unserved and underserved locations, among other factors. We are proud of the wide breadth of provisional subgrantees and believe that they are demonstrative of the success of such an approach.

**Maximizing the Benefits of Public Funds:** OSIT is cognizant of the fact that the BEAD program presents a once-in-a-century opportunity to invest in broadband infrastructure that will support economic growth and opportunity for generations of Nevadans. As such, Nevada's Final Proposal represents not just a response to immediate needs but an earnest approach to create long-term infrastructure that will serve the people of Nevada for many decades to come. At the heart of our proposal is a commitment to deploying fiber-optic networks wherever feasible, given the capacity of fiber to deliver the greatest capacity, reliability, and scalability of any broadband technology. Fiber infrastructure will ensure that the state's broadband networks are future-proof, providing a robust foundation for Nevada's evolving digital needs. However, where fiber was not economically or geographically viable, OSIT welcomed the participation of providers offering other technologies that could provide reliable, high-speed internet; these included fixed wireless and Low Earth Orbit (LEO) satellite providers.

**Ensuring an Open, Fair Process:** As part of our approach to long-term infrastructure planning, OSIT took steps to ensure that the subgrantee selection process put all potential applicants on equal footing and that clear, transparent scoring criteria was used to ensure the most capable applicant won. Through a combination of open bidding processes, clear project requirements, and transparency, OSIT fostered an environment where public and private sectors collaborated to bring the best solutions to the table. OSIT dedicated the largest part of its discretionary scoring criteria to assessing the financial, managerial, operational, and technical capacity of applicants. All stakeholders, including local governments and future customers, should have the confidence that the most capable applicant possible was awarded. This approach ensured that we cast the widest possible net, gave all potential service providers the chance to contribute to the State's broadband goals, and together, we will serve Nevadans with reliable, high-speed internet.

**Funding for Success and Sustainability:** At the same time, the State did not seek to aggressively force the lowest possible pricing through negotiations, either to free up funding for non-deployment uses or for other deployment. Instead, OSIT trusted that the competitive process would net the most economically viable bids – and that funding applications accordingly would increase the likelihood that subgrantees would have sufficient funds to successfully deploy, operate, and sustain their networks in the long-term, while reducing the risk of defaults during deployment when program funds are exhausted.

As a result of all the efforts and strategies described above, we are pleased to announce that despite Nevada's limited allocation of BEAD funds, **more than 80 percent of Nevada's unserved and underserved locations will be connected with fiber-optic technology and all Nevadans will have access to affordable, reliable high-speed internet.** OSIT is deeply proud of the outcome of its BEAD subgrantee selection process and is appreciative of the full range of Nevada stakeholders and partners who have been part of this effort, including policy makers, Tribal governments, local governments, ISPs, and residents who engaged with the state. However, our work is not done. Upon NTIA approval, OSIT looks forward to working with its subgrantees and federal, state, and local stakeholders to put the BEAD dollars to work and building best-in-class broadband infrastructure for the people of Nevada.

As we have throughout the BEAD planning process, OSIT welcomes input and ideas from the public. We look forward to feedback from the public on this draft Final Proposal. Please submit your comments to [HighSpeedNV@gov.nv.gov](mailto:HighSpeedNV@gov.nv.gov).

*Brian Mitchell*

Brian Mitchell, Director- OSIT

## 0 Final Proposal Data Submission

- 0.1 **Attachment (Required):** Complete and submit the Subgrantees CSV file (named “fp\_subgrantees.csv”) using the NTIA template provided

Attached

- 0.2 **Attachment (Required):** Complete and submit the Deployment Projects CSV file (named “fp\_deployment\_projects.csv”) using the NTIA template provided

Attached

- 0.3 **Attachment (Required):** Complete and submit the Locations CSV file (named “fp\_locations.csv”) using the NTIA template provided. This list must match the approved final list from the Eligible Entity’s Challenge Process results

Attached

- 0.4 **Question (Y/N):** Does the Eligible Entity certify that it will ensure coverage of broadband service to all unserved and underserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process, but one or more of these locations will not be served through a BEAD project?

Yes

- 0.5 **Attachment (Required – Conditional on a ‘Yes’ Response to Intake Question 0.4):** Complete and submit the No BEAD Locations CSV file (named “fp\_no\_BEAD\_locations.csv”) using the NTIA template provided. The Location IDs in this list must match the approved final list from the Eligible Entity’s Challenge Process results (i.e., the fabric version selected).

Attached

- 0.6 **Question (Y/N):** If the Eligible Entity intends to use BEAD funds to serve CAIs, does the Eligible Entity certify that it ensures coverage of broadband service to all unserved and underserved locations, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2)?

N/A

**0.7 Attachment (Required – Conditional on a ‘Yes’ Response to Intake Question 0.6):**

Complete and submit the CAIs CSV file (named “fp\_cai.csv”) using the NTIA template provided. Although CAIs are not included under (f)(1) deployment projects,<sup>1</sup> to confirm the Eligible Entity’s compliance with the BEAD prioritization framework and identify BEAD-funded CAIs, the NTIA template is required. This list must match the approved final list from the Eligible Entity’s Challenge Process results

N/A

**0.8 Question (Y/N):** Is the Eligible Entity conducting non-deployment projects?

No

**0.9 Attachment (Required – Conditional on a ‘Yes’ Response to Intake Question 0.8):** If ‘Yes’ [to Intake Question 0.8], the Eligible Entity is conducting non-deployment projects, complete and submit the Non-Deployment Projects CSV file (named “fp\_non\_deployment\_projects.csv”) using the NTIA template provided.

N/A

---

<sup>1</sup> Per NTIA guidance, “references in this document to “(f)(1) deployment projects” refer to 47 U.S.C. § 1702(f)(1), which states that an Eligible Entity may use BEAD grant funds to competitively award subgrants for unserved service projects and underserved service projects.” “Broadband Equity, Access, and Deployment (BEAD) Program Final Proposal Guidance for Eligible Entities,” NTIA, [https://broadbandusa.ntia.doc.gov/sites/default/files/2024-09/BEAD\\_Final\\_Proposal\\_Guidance.pdf](https://broadbandusa.ntia.doc.gov/sites/default/files/2024-09/BEAD_Final_Proposal_Guidance.pdf), p. 10.



## 1 Subgrantee Selection Process Outcomes (Requirement 1)

### **Relevant Instructions from NOFO Section IV.B.9.b, Page 47:**

*The Final Proposal must include...:*

*1. A detailed plan that specifies the outcome of the Eligible Entity's subgrantee selection process and how the Eligible Entity will:*

*a. allocate grant funds to subgrantees for the deployment of broadband networks to unserved locations, underserved locations, and (if applicable) CAIs in accordance with the prioritization framework described in Section IV.B.7.b of this NOFO; and*

*b. align the grant funds allocated to the Eligible Entity under the BEAD Program, where practicable, with the use of other funds for broadband that the Eligible Entity receives from the federal government, an Eligible Entity, or any other source.*

### 1.1 **Text Box:** Describe how the Eligible Entity's deployment Subgrantee Selection Process undertaken is consistent with that approved by NTIA in Volume II of the Initial Proposal

In Nevada's approved Initial Proposal Volume II, OSIT outlined an eight-step subgrantee selection process that was designed to meet Nevada's vision for broadband equity, access, and deployment: that every Nevadan has access to a high-speed internet connection that is affordable, reliable, and scalable, and that was tailored to the unique needs and challenges in this state. OSIT has understood and widely communicated from the beginning that a subgrantee selection process that is fundamentally fair, open, and competitive is essential to realizing that vision. The eight-step process consisted of the following:

- 1. Request for Applications (RFA) Pre-solicitation Planning and RFA Development:** OSIT designed the RFA to have clear information about the funding source and program; a description of High Speed Nevada Initiative's objectives and the desired results of Phase III (the BEAD subgrantee selection process—see [https://osit.nv.gov/Broadband/HighSpeedNV\\_Initiative/](https://osit.nv.gov/Broadband/HighSpeedNV_Initiative/)); eligibility criteria, amount of funding and allocation requirements (described in greater detail in Nevada's Initial Proposal Volume II and in the BEAD NOFO); the goals (see OSIT's High Speed Nevada Five-Year Action Plan [https://osit.nv.gov/uploadedFiles/ositnvgov/Content/Broadband/BEAD\\_Five%20Year%20Action%20Plan-V5C-9.14.23.pdf](https://osit.nv.gov/uploadedFiles/ositnvgov/Content/Broadband/BEAD_Five%20Year%20Action%20Plan-V5C-9.14.23.pdf)), desired outcomes, and priorities in making the awards; requirements for proposal format and attachments; application submission instructions; clearly defined information on the competitively neutral scoring and evaluation criteria and weight provided in a rubric (see Section 13.1, below); matching fund requirements; federal and State award guidelines; and expected date of awards. OSIT provided realistic timelines for potential applicants to develop and submit competitive proposals. OSIT communicated key deadline dates and events pertinent to the application process within the RFA and in subsequent communication on OSIT's website (<https://osit.nv.gov/Broadband/BEAD/>), in email communications to entities that had subscribed to the listserv, and in a publicly posted Frequently Asked Questions document (<https://osit.nv.gov/uploadedFiles/ositnvgov/Content/Broadband/HSNV%20Phase%20III%20Frequently%20Asked%20Questions%20FAQ%208.0.pdf>).

- 2. Applicant Pre-qualification:** As a part of the application process and to assist OSIT in its review of applications, OSIT launched a pre-qualification process over the specified application window for potential subgrantees as outlined in Nevada's Initial Proposal Volume II. Interested potential applicants were instructed (on OSIT's website, via email, and via technical assistance, among other means of communication) to provide required information in OSIT's application portal. As detailed in the State's Initial Proposal Volume II, OSIT asked potential applicants to provide their contact information; their corporate structure; State and federal licensure and registration information; status as a minority-owned, woman-owned, Tribal, or other disadvantaged business; and to provide various required certifications. OSIT did not require financial reports or other confidential business information during pre-qualification. After review of pre-qualification applications, OSIT notified applicants that were pre-qualified to participate in Phase III. OSIT only accepted applications from applicants that were pre-qualified. OSIT did not cap the number of potential subgrantees. All pre-qualified potential subgrantees were permitted to submit applications.
- 3. Request for Applications (RFA) Public Announcement:** OSIT distributed the RFA as widely as possible to reach the most potential applicants. OSIT posted the RFA publicly on the OSIT website—and distributed it via OSIT's email distribution lists; via press release; on relevant social media; and through other industry, community, and government channels. OSIT published the funding purpose, funding sources, all dates and deadlines for submission, applicant eligibility criteria, and the protocols for asking questions or receiving further information.
- 4. Technical Assistance:** OSIT made every effort to provide technical assistance to interested applicants. OSIT conducted nine technical assistance webinars live and posted recordings of the webinars on the OSIT website and on YouTube for reference and for those that were unable to attend live. The webinars covered all aspects of the solicitation and process, including how to read the Regional Project Area (RPA) map and access GIS data; the pre-qualification process; a demonstration of how to submit a pre-qualification application in the portal; financial, technical and other grant requirements; program design; scoring; and a detailed demonstration of how to navigate and submit an application for funding. OSIT solicited all questions in writing from potential applicants through a single point of contact email address and publicly posted over 130 anonymized questions and the answers to those questions in a written Frequently Asked Questions (FAQs) document on the OSIT website. OSIT also distributed the FAQs via email and posted them on social media. Additionally, OSIT provided written technical assistance to all interested applicants, including submission instructions and submission templates. OSIT also posted a written application guide with detailed instructions for submitting an application. Finally, OSIT hosted weekly virtual office hours so that interested applicants could receive assistance navigating the application submission portal.
- 5. Public Bid Opening:** Following the close of the application window, OSIT published information regarding the applications received, including the number of applications submitted, locations covered, number of fiber miles proposed, and funding requested.

- 6. Evaluation Process:** OSIT conducted an evaluation of all applications from qualified applicants. The evaluation process was conducted according to the three steps described below in Nevada's Initial Proposal Volume II:
- a. Suspension/Debarment:** As a part of the evaluation process, OSIT searched for applicant and organizational suspension or debarment from State, local government, or federal entities. If an applicant had been suspended or debarred, no further action on the application was taken.
  - b. Initial Review:** OSIT conducted an initial review of applications to determine eligibility and an application completeness review to ensure that applicants submitted all the necessary information for their applications to be scored. OSIT contacted applicants to cure any defects in their applications. The initial review focused on the content of the response rather than information already submitted in the pre-qualification stage of the RFA process described in Step 2 above.
  - c. Technical Review:** Next, OSIT conducted a technical review of all applications via a Technical Review Committee made up of subject matter experts (SMEs), including licensed professional engineers, that evaluated whether the technical aspects of the proposed project were feasible and met the minimum standards that were outlined in the RFA. The technical review focused on: The financial capacity of the applicant to construct and operate the proposed network; the operational and managerial capacity of the applicant; the technical capacity of the applicant and the quality of the technical plan to construct the network, including: planned compliance with Environmental and Historic Preservation requirements; compliance with Build America Buy America requirements; the plan and schedule of environmental review; the plan for obtaining permitting; new broadband infrastructure construction; the practicality of construction timelines; the cost of the implementing the technical proposal; the capacity of last mile networking equipment; the capacity of proposed network upstream; the plan for use of an appropriately skilled and credentialed workforce; completeness of required information; compliance with labor standards; compliance with other BEAD program requirements; and other key factors.
  - d. Final Review:** For applications that met the minimum standards in the initial technical review, OSIT evaluators assessed all applications according to the scoring criteria described in the approved Initial Proposal Volume II. Applications that progressed to Final Review received a score and were considered for funding.
  - e. Risk-Assessment:** Prior to finalizing an award decision, OSIT conducted a risk assessment of the potential awardee to assess the subgrantee's ability to comply with Federal and state policies, statutes, regulations, project deliverables, fiscal capacity, responsibility and internal controls, administrative and reporting requirements, and to help define any additional terms. OSIT set the initial level of subgrant monitoring, as well as technical assistance and outreach conducted by OSIT staff to the subgrantee.

7. **Selection and Notice:** After providing notice to NTIA of its preliminary selection of subawards, OSIT published a list of provisionally awarded subgrants on its website as a part of the public comment process for Nevada's Final Proposal; and distributed the list of subawards to OSIT's email listserv.
8. **Appeals Process:** Following the publication of the Final Proposal and provisional subawards, OSIT will follow the process outlined in the RFA to allow public comment and the appeal of award decisions. The appeals process allows applicants to appeal or protest an award decision based on procedural errors in the solicitation process or errors in the evaluation process. Decisions on appeals of awards are final, with no further appeals allowed.

## 1.2 **Text Box:** Describe the steps that the Eligible Entity took to ensure a fair, open, and competitive process, including processes in place to ensure training, qualifications, and objectiveness of reviewers

The State of Nevada believes that a subgrantee selection process that is fundamentally fair, open, and competitive is essential to connecting all Nevadans to affordable, reliable, high-speed internet. As outlined in its Initial Proposal Volume II (Section 2.4.1), OSIT followed several steps to ensure a fair, open, and competitive process.

### **Steps OSIT Took to Ensure a Fair Process**

OSIT conducted a pre-qualification process for potential subgrantees in which applicants submitted information about their organization to become pre-qualified to participate in the subgrantee selection process. OSIT did not cap the number of potential subgrantees; all pre-qualified potential subgrantees were permitted to submit applications.

OSIT's Request for Applications (RFA) contained clearly defined information on the competitively neutral scoring and evaluation criteria and weight, ensuring that all applicants had access to the scoring rubric prior to submitting applications. OSIT also made applicants aware of the scoring criteria through its technical assistance (described below), including holding a BEAD Scoring Rubric Overview webinar on August 28, 2024, and posting the recorded webinar and the detailed presentation slides on its website (see the BEAD Technical Assistance section of OSIT's BEAD web page:

<https://osit.nv.gov/Broadband/BEAD/>).

OSIT did not meet with or communicate individually with applicants regarding the BEAD program during the solicitation process, from the release of the RFA to the close of the application window. No applicant received answers to questions individually. OSIT established a single point of contact email address for all questions and answers and required all questions to be sent to that email address. Answers to each question were posted publicly for any potential applicant to view.

To safeguard against bias, conflicts of interest, and arbitrary decisions—as described in detail below in “Processes in place to ensure training, qualifications, and objectiveness of reviewers”—OSIT's subject matter experts (SME) were required to sign an evaluator agreement that addressed conflicts of interest, confidentiality, and consistent evaluation and scoring.

To safeguard against collusion, OSIT required all prospective subgrantees to certify that the prospective subgrantee did not collude with any entities or persons, either through public statements or private communications, regarding any BEAD program submission.

OSIT provided the same opportunity to all applicants to cure defects in their submission during the Initial Review and Technical Review.

OSIT established an appeals process that allowed applicants to appeal or protest an award decision based on procedural errors in the solicitation process or errors in the evaluation process. This appeals process mirrored established State protest procedure as established in Nevada Revised Statutes (NRS).

### **Steps OSIT Took to Ensure an Open Process**

OSIT ensured an open grant solicitation and selection process that allowed any applicant that was able to meet BEAD requirements to apply for funding. OSIT developed a communications plan, described in greater detail below in Section 5.1, to ensure participation from as many potential applicants as possible and as wide a variety of potential applicants as possible. This plan included months of in-person and virtual meetings and events, written outreach, technical assistance, and communication through intermediaries, such as associations.

OSIT provided adequate public notice to eligible applicants by distributing the RFA as widely as possible to reach the most potential applicants, including public posting on the OSIT website, distribution via OSIT's email distribution lists, via press release, via public posting, and through channels of partners, such as local governments, NTIA, industry associations, and others.

The RFA provided information about the program, including but not limited to the goals and priorities in making the award(s); eligibility criteria; requirements for proposal format and attachments; and the competitively neutral scoring and evaluation criteria and weight.

All applicants had the same amount of time to submit an application. OSIT followed the timeline outlined in its Initial Proposal Volume II. To help ensure the deadline did not place an unreasonable burden on applicants to submit an application, OSIT published the application questions before opening the application portal.

OSIT provided technical assistance to interested applicants via live and recorded webinar, posted on the OSIT website for reference and for those that were unable to attend live. OSIT solicited questions in writing and publicly posted anonymized questions and answers in a written Frequently Asked Questions (FAQs) document on the OSIT website. OSIT also provided written technical assistance including submission instructions and submission templates.

### **Steps OSIT Took to Ensure a Competitive Process**

OSIT developed neutral scoring and evaluation criteria in accordance with the BEAD NOFO and public comments. OSIT provided the criteria in the RFA, in subsequent technical assistance during a webinar, and in subsequently distributed recordings and materials in advance of the application deadline.

Evaluations and scoring were all done on the merits of the submitted information and without regard to any other factors. Scoring criteria were competitively neutral, approved in advance by NTIA, and were

communicated to applicants so that all applicants had the same information and opportunity to design their applications accordingly. All applications were evaluated competitively according to the established criteria. No applicant was favored over another.

While the application window was open, OSIT did not communicate with any potential applicant individually; all communications were through a single point of contact and questions asked were publicly posted and answered. In total, OSIT received and answered over 130 questions in the FAQ posted on the OSIT website and distributed via email and on social media. Following the application round, as outlined in Nevada's Initial Proposal Volume II, Section 2.4.7, OSIT engaged in direct negotiations with providers to solicit applications for Regional Project Areas (RPAs) that did not receive an application during the application round. All applicants were afforded the same opportunity to express interest in serving RPAs that did not receive an application, the same opportunity to meet with OSIT, and the same opportunity to submit an application.

The competitive process in Phase III of the High Speed Nevada Initiative resulted in participation by and selection of winning providers of different sizes (including providers operating in many states as well as providers local to Nevada), publicly and privately owned providers, providers utilizing different technologies, and non-traditional providers.

#### **Processes in Place to Ensure Training, Qualifications, and Objectiveness of Reviewers**

OSIT used its trained consultant team to review and score applications to ensure objectivity and prevent bias. This team served as OSIT's evaluation committee of subject matter experts (SME) to conduct application evaluations. OSIT had in place a process to ensure the training, qualifications, and objectiveness of reviewers.

Evaluation committees were comprised of a diverse group of qualified individuals who were highly trained in grant evaluation; BEAD program rules; the technical particulars of building, operating and maintaining networks; and the financial, managerial, and operational requirements of the BEAD program and long-term sustainability.

Technical review of applications was conducted by SMEs, including licensed Professional Engineers, that were qualified to evaluate the technical aspects of the proposed project. All reviewers certified their objectivity (as described below) and no reviewer had any financial interest in the outcome of the award process. The evaluation committee made subgrant award recommendations to OSIT, which made the final award decisions.

OSIT took steps to ensure that SMEs in the evaluation process were free from bias. OSIT evaluators certified, among other things, the following:

- **Conflicts of Interest:** Evaluators had no financial interest in any proposal; there were no conflicts of interest; evaluators would not engage in any action, communication, or relationship that would compromise their ability to reach a fair and impartial decision; all actions with regard to the solicitation would be conducted with the highest professional ethics and personal integrity; and no action would compromise or give the appearance of compromising their ability to reach a fair and impartial decision regarding the solicitation. OSIT confirmed, in writing, that no conflicts existed.



- **Confidentiality:** All evaluators were required to maintain confidentiality during the selection process; all proposals and evaluations were confidential until a contract was awarded, including from State employees or contractors that were not members of the evaluation committee; any confidential information that might be considered a trade secret or confidential business information reviewed during the evaluation process was required to be kept confidential indefinitely in accordance with the Nevada Public Records Act; and evaluators committed to practice safe document storage practices.
- **Evaluation and Scoring:** All evaluators were instructed to ensure proposals were consistently evaluated only in accordance with evaluation factors disclosed in the solicitation.

1.3 **Text Box:** Affirm that, when no application was initially received, the Eligible Entity followed a procedure consistent with the process approved in the Initial Proposal. If there was a divergence, explain how the process that was conducted diverged from the approved process.

OSIT affirms that, when no application was initially received, OSIT followed a procedure consistent with the process approved in its Initial Proposal.

1.4 **Text Box:** Provide the Extremely High Cost Per Location Threshold(s) the Eligible Entity used during the Subgrantee Selection Process

OSIT followed the methodology outlined in IPv2 and calculated the EHCPLT after the applications were received. The final EHCPLT across the state is \$200,000.

1.5 **Question (Y/N):** Certify that the Eligible Entity will retain all subgrantee records in accordance with 2 C.F.R. § 200.334 at all times, including retaining subgrantee records for a period of at least 3 years from the date of submission of the subgrant's final expenditure report. This should include all subgrantee network designs, diagrams, project costs, build-out timelines and milestones for project implementation, and capital investment schedules submitted as a part of the application process

Yes

## 2 Intentionally Omitted

*This section is intentionally left blank. Section 2 is omitted from NTIA's Final Proposal Guidance and this Proposal as the BEAD program Notice of Funding Opportunity does not include a Requirement 2 for the Final Proposal.<sup>2</sup>*

DRAFT

---

<sup>2</sup> See, BEAD NOFO, §IV.B.9.b.

### 3 Timeline for Implementation (Requirement 3)

**Relevant Instructions from NOFO Section IV.B.9.b, Page 47:**

*The Final Proposal must include...: 3. A timeline for implementation of the detailed plan and completion of each project and other eligible activity to be funded.*

**Relevant Instructions from NOFO Section IV.D.2.c., Page 74:**

*Prospective subgrantees must 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. An Eligible Entity shall not approve any grant for the deployment or upgrading of network facilities unless it determines that the materials submitted to it demonstrate the prospective subgrantee's technical capability with respect to the proposed project.*

**Relevant Instructions from NOFO Section II.B, Page 18:**

*As established in [47 U.S.C. § 1702(h)(4)(C)], 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 service within the project area not later than four years after the date on which the subgrantee receives the subgrant from the Eligible Entity.*

- 3.1 **Text Box:** If the Eligible Entity anticipates eligible non-deployment activities and has not already selected those projects, describe the estimated timeline for completion of subgrantee selection, if applicable. If non-deployment is not anticipated under this program, indicate 'N/A'

N/A

- 3.2 **Text Box:** Describe the measures that the Eligible Entity will take to:
- (a) ensure that each subgrantees will begin providing services to each customer that desires broadband service within the project area not later than four years after the date on which the subgrantee receives the subgrant;
  - (b) ensure that all BEAD subgrant activities are completed at least 120 days prior to the end of the period of performance, in accordance with 2 C.F.R. 200.344; and
  - (c) ensure that all programmatic BEAD grant activities undertaken by the Eligible Entity are completed by the end of the period of performance, in accordance with 2 C.F.R. 200.344

Starting with its Initial Proposal and continuing to its subgrantee selection process design, including the information required of potential subgrantees in the Request for Applications (RFA), the policies and procedures developed in OSIT's oversight and accountability plan, and its BEAD program monitoring plan (described in greater detail below), OSIT affirms and demonstrates that it has taken measures to ensure it is in compliance with its obligations outlined in the relevant sections of the BEAD NOFO. OSIT affirms and demonstrates that it has taken measures related to the requirements that a) 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 service within the project area not later than four years after the date on which the subgrantee receives the subgrant from OSIT, b) BEAD subgrant activities are completed at least 120 days prior to the end of OSIT's period of performance, and c) all programmatic activities undertaken by OSIT are completed by the end of the period of performance for its award, in accordance with 2 CFR 200.334.

DRAFT

#### 4 Oversight and Accountability Processes (Requirement 4)

**Relevant Instructions from NOFO Section IV.B.9.b, Page 47:**

*The Final Proposal must include...: 4. Processes for oversight and accountability to ensure the proper use of the grant funds allocated to the Eligible Entity under the BEAD Program consistent with Section IX.G of this NOFO.*

**Relevant Instructions from NOFO Section IV.C.1.b, Page 51:**

*In addition to demonstrating how it expects to satisfy the subrecipient monitoring and management requirements identified in 2 C.F.R. Part 200 Subpart D, each Eligible Entity must include sufficient accountability procedures within its program to ensure subgrantee compliance with all applicable Program requirements. Each Eligible Entity must, at a minimum, include in any subgrant agreement reasonable provisions allowing for recovery of funds in the event of a subgrantee's noncompliance with the BEAD Program's requirements, including but not limited to failure to deploy network infrastructure in accordance with mandated deadlines. Each Eligible Entity must, at a minimum, employ the following practices: (1) 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); (2) the inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee; (3) timely subgrantee reporting mandates; and (4) robust subgrantee monitoring practices. NTIA will review proposed subgrant processes during the Initial Proposal and Final Proposal review phases and will reject Proposals that fail to provide sufficient recourse against subgrantees that do not fulfill their legal and contractual responsibilities. NTIA likewise will pursue clawback of funds directly from Eligible Entities that fail to ensure subgrantee accountability to the fullest extent of the law.*

**Relevant Instructions from NOFO Section IX.G.1, Pages 95:**

*NTIA, Eligible Entities, and subgrantees each have a critical role to play in ensuring that the BEAD Program is implemented in a manner that ensures transparency, accountability, and oversight sufficient to, among other things:*

- 1. Minimize the opportunity for waste, fraud, and abuse;*
- 2. Ensure that recipients of grants under the Program use grant funds to further the overall purpose of the Program in compliance with the requirements of the Infrastructure Act, this NOFO, 2 C.F.R. Part 200, the terms and conditions of the award, and other applicable law; and*
- 3. Allow the public to understand and monitor grants and subgrants awarded under the Program.*

*To that end, NTIA and Eligible Entities shall:*

- 1. Conduct such audits of grantees and subgrantees as are necessary and appropriate, including audit requirements described in Section VII.G. Eligible Entities shall report the full results of any audits they conduct to the appropriate Federal Program Officer.*
- 2. Develop monitoring plans, subject to the approval of the Assistant Secretary, which may include site visits or desk reviews, technical assistance, and random sampling of compliance requirements.*
- 3. Impose specific conditions on grant awards designed to mitigate the risk of nonperformance where appropriate.*

*Each Eligible Entity and/or subgrantee shall, as appropriate:*

- 1. Comply with the reporting requirements set forth in Section I.E of this NOFO.*

*2. Comply with the obligations set forth in 2 C.F.R. Part 200 and the Department of Commerce Financial Assistance Standard Terms and Conditions.*

*3. Establish and widely publicize telephone numbers and email addresses for the Eligible Entity's Office of Inspector General (or comparable entity) or subgrantees' internal ethics office (or comparable entity) for the purpose of reporting waste, fraud or abuse in the Program. Eligible Entities and subgrantees shall produce copies of materials used for such purpose upon request of the Federal Program Officer.*

**4.1 Question (Y/N):** Does the Eligible Entity have a public waste, fraud, and abuse hotline?

Yes

**4.2 Attachments (Required):** Upload the following two required documents:

**4.2(1) BEAD Program Monitoring Plan**

Attached

**4.2(2) Agency policy documentation which includes the following practices:** 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) or on a basis determined by the terms and conditions of a fixed amount subaward agreement; and b. Timely subgrantee (to Eligible Entity) reporting mandates

Attached

**4.3 Question (Y/N):** Certify that the subgrant agreements will include, at a minimum, the following conditions:

- a. Compliance with Section VII.E of the BEAD NOFO, including timely subgrantee reporting mandates, including at least semiannual reporting, for the duration of the subgrant to track the effectiveness of the use of funds provided;
- b. Compliance with obligations set forth in 2 C.F.R. Part 200 and the Department of Commerce Financial Assistance Standard Terms and Conditions;
- c. Compliance with all relevant obligations in the Eligible Entity's approved Initial and Final Proposals, including the BEAD General Terms and Conditions and the Specific Award Conditions incorporated into the Eligible Entity's BEAD award;
- d. Subgrantee accountability practices that include distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis;
- e. Subgrantee accountability practices that include the use of clawback provisions between the Eligible Entity and any subgrantee (i.e., provisions allowing recoupment of funds previously disbursed);



f. Mandate for subgrantees to publicize telephone numbers and email addresses for the Eligible Entity's Office of Inspector General (or comparable entity) and/or subgrantees' internal ethics office (or comparable entity) for the purpose of reporting waste, fraud or abuse in the Program. This includes an acknowledge of the responsibility to produce copies of materials used for such purposes upon request of the Federal Program Officer; and

g. Mechanisms to provide effective oversight, such as subgrantee accountability procedures and practices in use during subgrantee performance, financial management, compliance, and program performance at regular intervals to ensure that subgrantee performance is consistently assessed and tracked over time

Yes

DRAFT

## 5 Local Coordination (Requirement 5)

**Relevant Instructions from NOFO Section IV.B.9.b, Page 47:**

*The Final Proposal must include...: 5. Certification that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, and unions and worker organizations, consistent with the requirements set forth in Section IV.C.1.c of this NOFO, a description of the coordination conducted, and a summary of the impact such coordination had on the content of the Final Proposal.*

**Relevant Instructions from NOFO Section IV.C.1.c, Page 52:**

*In evaluating whether local coordination and outreach efforts meet the programmatic requirements, the Assistant Secretary will assess whether plans and activities undertaken ensure: (1) full geographic coverage of the Eligible Entity; (2) 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; (3) utilization of multiple awareness and participation mechanisms and different methods to convey information and outreach; (4) transparency of processes, to include the documentation and publication of results and outcomes of such coordination and outreach efforts, including additions or changes to the Eligible Entity's Initial Proposal and/or Final Proposal; and (5) outreach to and direct engagement of unserved and underserved communities to include historically underrepresented and marginalized groups and/or communities. These requirements are designed to allow Eligible Entities to tailor the program for the unique environments within its boundaries. In evaluating the sufficiency of local coordination efforts, the Assistant Secretary will consider quantitative measures as well as the quality of the engagements.*

DRAFT

- 5.1 **Text Box:** Provide a description of the local coordination conducted since the submission of the Eligible Entity's approved Initial Proposal only, and a summary of the impact such coordination had on the content of the Final Proposal, consistent with the requirements set forth in Section IV.C.1.c of the BEAD NOFO. The response must describe how local coordination efforts undertaken reasonably ensure:
- a. Full geographic coverage of the Eligible Entity;
  - b. 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;
  - c. Utilization of multiple awareness and participation mechanisms and different methods to convey information and outreach;
  - d. Transparency of processes, to include the documentation and publication of results and outcomes of such coordination and outreach efforts, including additions or changes to the Eligible Entity's Final Proposal; and
  - e. Outreach to and direct engagement of unserved and underserved communities to include historically underrepresented and marginalized groups and/or communities

Prior to the launch of the Broadband Equity, Access, and Deployment (BEAD) program, the Nevada Governor's Office of Science, Innovation and Technology (OSIT) was already fully committed to community engagement and coordination with broadband stakeholders. Since its creation as the State Broadband Office nearly a decade ago, OSIT has found success in its broadband development efforts through robust and inclusive stakeholder engagement, including of unserved, underserved, and underrepresented communities. The strong relationships that OSIT developed across the state with diverse community partners prior to the inception of the BEAD program paid dividends during the BEAD planning process and will continue to pay dividends during the deployment phase of the BEAD program.

As a part of the process of creating Nevada's BEAD Five-Year Action Plan, BEAD Initial Proposal, and Statewide Digital Equity Plan, OSIT embarked on a comprehensive and statewide community outreach and engagement tour. OSIT conducted local coordination efforts for the Five-Year Action Plan, Initial Proposal, and Digital Equity Plan together as one cohesive effort. The purpose was twofold: First, to listen and learn more about the infrastructure and digital equity needs faced by Nevadans; and second, to offer information about the planning and forthcoming implementation processes. OSIT conducted outreach and held public in-person and virtual meetings with stakeholders and members of the public in communities throughout the state.

Building on the outreach conducted and relationships created during the BEAD planning process, OSIT continued to engage communities following the submission and approval of the State's Initial Proposal and the posting of the Final Proposal for public comment. OSIT conducted outreach and held public in-person and virtual meetings with stakeholders and members of the public in communities throughout the state. Attendees included community-based organizations; non-profits; internet service providers; local governments and political subdivisions; local associations; Tribal governments; unions and worker organizations; leaders from Community Anchor Institutions (CAIs), education, and workforce

organizations; other stakeholders; and the public, including members of historically underrepresented and marginalized groups and communities. Stakeholder outreach during the BEAD Initial Proposal implementation period shifted from discovery and inquiry to participation and coordination and focused on the following themes: 1) the subgrantee selection process; 2) timelines; 3) eligibility and impact; 4) roles and responsibilities; 5) implementation and coordination; 6) opportunity and participation; and 7) continued outreach and engagement.

### **By the Numbers**

During the seven months from Initial Proposal approval to the drafting of this Final Proposal, OSIT's community and stakeholder engagement had the following reach and impact:

- Participated in or hosted 81 stakeholder meetings across the state to varied groups
- Reached a minimum of 109 organizations representing a diverse group of stakeholders
- Made nearly 8,300 contacts with stakeholders through various means
- Received 160,000 visitors to the OSIT website, a 26.5% increase over the previous period
- 799 views of technical assistance webinars
- 138 questions answered in writing in a Frequently Asked Questions document publicly posted on the OSIT website (and distributed via email and social media)

In a state as geographically large as Nevada, it was important for OSIT to ensure that stakeholders in all geographies were engaged and up-to-date on BEAD. Since the approval of Nevada's Initial Proposal, OSIT has conducted local coordination and stakeholder engagement with local and Tribal governments spanning full geographic coverage of Nevada. OSIT met with stakeholders in-person in urban areas of the state in the north and south and has also met with stakeholders in-person across rural Nevada, both in the western and eastern areas of the state. While State, local, and Tribal government stakeholders attended and participated in many outreach events, OSIT conducted 23 meetings and events specifically targeting State, local, and Tribal government stakeholders. OSIT met with municipal and County-level representatives from local governments to ensure common understanding of how future connectivity efforts would impact all levels of government. Discussions included an overview of the High Speed Nevada Initiative (HSNV), the role of the BEAD program in Phase III of HSNV, the number of unserved locations and number of Regional Project Areas (RPA) within the county or city, how unserved locations were identified and the challenge process, subgrantee selection timelines, and future opportunities for coordination especially as it relates to permitting. OSIT afforded opportunities to ask questions and make comments about the process.

Within each geographic area, OSIT also took care to engage with non-governmental organizations and entities representing each of the eight covered populations to provide updates on the BEAD program and how OSIT plans to layer programming from the State Digital Equity Capacity Grant program to help newly connected Nevadans obtain the digital skills and support they need in their communities to fully adopt broadband. Digital equity stakeholders in every community have taken great interest in deployment timelines and stand ready to help internet service providers that win infrastructure grants to disseminate and publicize new opportunities to become connected.

OSIT's outreach to diverse groups has confirmed that, beyond infrastructure, access to an affordable service offering, a connected device, and digital skills support services are necessary to ensure that the

State's goal of universal connectivity is realized. To that end, OSIT has combined its infrastructure-related outreach with outreach about digital equity. ("Digital equity" is the term NTIA uses to describe the support newly connected Nevadans may need to fully adopt broadband.) OSIT has received funding from the Infrastructure Investment and Jobs Act (IIJA)'s State Digital Equity Capacity Grant to support sustainable community-based initiatives to help Nevadans to acquire the digital skills, device, and internet connection they need. Pairing infrastructure-related funding with digital equity grant dollars will help drive higher adoption rates in previously unserved areas as Nevadans on the margins become more comfortable with technology.

OSIT diligently strove to ensure that Nevada's Tribal nations with BEAD-eligible locations were aware of the BEAD subgrantee selection process and the opportunity to engage with potential BEAD applicants to serve unserved or underserved locations within Tribal lands. OSIT conducted direct outreach to Tribes, provided written information, and presented to Tribal leaders at a meeting of the Inter-Tribal Council of Nevada. OSIT also communicated to potential BEAD applicants the requirements for Tribal consent.

Knowing that Nevada's Capacity Grant allocation is insufficient to fully bridge the digital divide, OSIT actively encouraged participation in NTIA's Digital Equity Competitive Grant program and provided resources and support to organizations and coalitions in geographically diverse parts of the state, both urban and rural, north and south. OSIT's assistance included grant awareness outreach, application due date reminder communications, a statewide webinar attended by diverse stakeholders, and letters of support. OSIT's outreach included communications to all local and Tribal governments as well as community and non-profit stakeholders. Outreach related to potential investments by the NTIA Competitive Grant Program was tied to OSIT's BEAD program and described how investments might support upcoming infrastructure deployment.

OSIT conducted significant outreach to potential applicants of its BEAD program, including internet service providers and non-traditional providers, such as internet co-ops and local governments. Prior to the start of the subgrantee selection process, OSIT utilized multiple outreach mechanisms to engage with potential applicants, including: 1) in-person and virtual workshops, 2) written fact sheets, newsletters, and other communications posted publicly on the OSIT website and emailed to OSIT's email distribution list, and 3) outreach to associations, local and national media, and intermediaries that distribute information more broadly.

This outreach included providing general information about BEAD, specific information about Nevada's Initial Proposal Volume II and the forthcoming subgrantee selection process, and opportunities to provide comments on the process, such as the opportunity to provide comment on the design of Regional Project Areas (RPA). OSIT solicited comments on RPA design from the public generally and from same group of entities that were eligible to participate in the challenge process: Internet service providers, local and Tribal governments, and non-profit organizations. Based on the comments received, OSIT adjusted the design of some RPAs.

Following the start of the subgrantee selection process, OSIT strove to ensure that all eligible applicants had every opportunity to participate in the BEAD program. OSIT conducted outreach in a fair, open, and transparent manner, with all outreach conducted publicly and all communications posted on the OSIT

website, distributed virtually via email, and posted on social media. Local and Tribal governments, associations, and media were invited to assist with this outreach.

Broad participation in the BEAD program by eligible applicants was essential to its success. To ensure that the opportunities presented by the program were accessible, available, and understood by the widest possible pool of applicants, OSIT provided an abundance of technical assistance to potential applicants covering all aspects of the BEAD program. This technical assistance included nine live webinars attended by hundreds of interested applicants on topics including GIS, Nevada's BEAD program, pre-qualification, reference pricing, financial requirements, grant requirements, technical requirements, program design, scoring, and the application portal. These webinars were recorded and posted to YouTube and the OSIT website where they have received nearly 800 views.

Beyond webinars, OSIT published a comprehensive Application Guide that provided step-by-step instructions for completing an application in the portal. OSIT also held weekly open office hours specifically related to interfacing with the application portal. To ensure transparency during the application process, OSIT followed strict guidelines regarding communications with potential applicants and only communicated in a public manner, either in public meetings or via written responses to questions posted on a public FAQ and distributed by email. In all, OSIT responded to 138 questions relating to different aspects of the subgrantee selection process.

In addition to communicating in verbal and written formats, OSIT also published maps to visually depict unserved and underserved locations, how those locations would be grouped into RPAs, and how applicants would submit proposals for RPAs. Public, private, and community-serving stakeholders have appreciated seeing information visually, which has led to richer conversations about how unserved communities would be served through the BEAD program.

Knowing that no BEAD-funded infrastructure could be built without a qualified workforce, OSIT prioritized meaningful engagement and outreach to diverse education and workforce stakeholder groups, including higher education, unions and labor organizations, and workforce intermediaries: The State Workforce Boards and State Department of Employment Training and Rehabilitation, community organizations that work with covered populations, and employers, including internet service providers and contractors. OSIT has worked to understand the workforce needs and requirements of industry and then has engaged the Nevada workforce system to meet those needs with Nevadans, including those from diverse backgrounds, such as women and other historically marginalized populations.

Based on conversations with the workforce stakeholders listed above, OSIT developed a whitepaper outlining four strategies to grow Nevada's telecommunications workforce and create a pipeline of highly-skilled workers representative of Nevada's diverse communities ready for employment in well-paid jobs. These strategies are:

1. Strategic Recruitment and Awareness Campaign: Targeted initiatives to enhance visibility and attract diverse talent to the sector.
2. Training and Development Options: Specialized training programs designed to equip candidates with essential industry-specific skills: from basic recruitment to specialized training, including safety, construction, network maintenance, and certifications.



3. Essential Skills Development: Communication, teamwork, and other interpersonal skills critical for career advancement.
4. Wrap-around Services for Comprehensive Support: Collaborative efforts with strategic partners to provide holistic support services, enhancing trainee success and retention.

OSIT presented its findings and strategies to workforce development stakeholders and received strong support. OSIT is continuing to coordinate with stakeholders to implement the plan.

5.2 **Attachment (Required):** Submit a Local Coordination Tracker Tool with only the Eligible Entity's new or ongoing coordination since the submission of the Initial Proposal

Attached

DRAFT

## 6 Challenge Process Results (Requirement 6)

**Relevant Instructions from NOFO Section IV.B.9.b, Page 47:**

*The Final Proposal must include...: 6. Description of the results of the challenge process conducted by the Eligible Entity under Section IV.B.6.*

**6.1 Question (Y/N):** Certify that the Eligible Entity has successfully completed the BEAD Challenge Process and received approval of the results from NTIA

Yes

**6.2 Text Box:** Provide a link to the website where the Eligible Entity has publicly posted the final location classifications (unserved/underserved/CAIs) and note the date that it was publicly posted

OSIT publicly posted the final location classifications resulting from the Challenge Process on its website at the following link: <https://osit.nv.gov/Broadband/BEAD/>. Final classifications were posted on August 15, 2024, fulfilling OSIT's requirement to provide this notice at least 60 days before allocation of grant funds for network deployment.

## 7 Unserved and Underserved Locations (Requirement 7)

**Relevant Instructions from NOFO Section IV.B.9.b, Page 47:**

*The Final Proposal must include...: 7. Certification that the Eligible Entity will provide service to all unserved and underserved locations, if the Eligible Entity is seeking to use BEAD funding for deployment to CAls or for other eligible activities.*

### Unserved locations

7.1 **Question (Y/N):** Certify whether the Eligible Entity will ensure coverage of broadband service to all unserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2).

Yes.

7.2 **Question (Y/N):** Indicate whether the Eligible Entity will ensure coverage of broadband service to all unserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2), through a BEAD project.

No.

7.3 **Text Box (Optional – Conditional on a ‘No’ Response to Intake Question 7.1):** If the Eligible Entity does not provide the certification, explain and include a strong showing that the Eligible Entity is financially incapable of ensuring universal coverage of all unserved locations

N/A

7.4 **Attachment (Optional – Conditional on a ‘No’ Response to Intake Question 7.1):** If the Eligible Entity does not provide the certification, explain and include a strong showing that the Eligible Entity is financially incapable of ensuring universal coverage of all unserved locations

N/A

### Underserved locations

7.5 **Question (Y/N):** Certify whether the Eligible Entity will ensure coverage of broadband service to all underserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2)

Yes.

7.6 **Question (Y/N):** Indicate whether the Eligible Entity will ensure coverage of broadband service to all underserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2), through a BEAD project

Yes

7.7 **Text Box (Optional – Conditional on a ‘No’ Response to Intake Question 7.5):** If the Eligible Entity does not provide the certification, explain and include a strong showing that the Eligible Entity is financially incapable of ensuring universal coverage of all underserved locations

N/A

7.8 **Attachment (Optional – Conditional on a ‘No’ Response to Intake Question 7.5):** If the Eligible Entity does not provide the certification, explain and include a strong showing that the Eligible Entity is financially incapable of ensuring universal coverage of all underserved locations

N/A

7.9 **Question (Y/N):** Certify that the Eligible Entity will maintain documentation, following the guidelines provided by NTIA, to justify its determination if there is a reason to not serve any unserved or underserved location on the NTIA-approved Challenge Process list through a BEAD project. The documentation for each location must be relevant for the specific reason indicated by the Eligible Entity in the *fp\_no\_BEAD\_locations.csv* file. The Eligible Entity shall provide the documentation for any such location for NTIA review, as requested during Final Proposal review or after the Final Proposal has been approved.

Yes

7.10 **Question (Y/N):** Certify that the Eligible Entity has accounted for all enforceable commitments after the submission of its challenge results, including state enforceable commitments and federal enforceable commitments that the Eligible Entity was notified of and did not object to, and/or federally-funded awards for which the Eligible Entity has discretion over where they are spent (e.g., regional commission funding or Capital Projects Fund/State and Local Fiscal Recovery Funds), in its list of proposed projects.

Yes

## 8 Non-Deployment Uses (Requirement 8) & Non-Deployment Subgrantee Selection (Requirement 9)<sup>3</sup>

### **Relevant Instructions from NOFO Section IV.B.9.b, Page 47:**

*The Final Proposal must include...: 8. A detailed description of all planned uses of BEAD funding that are not last-mile broadband deployment projects, including the nature of each funded initiative, how those uses are consistent with Section IV.B.7.a.iii of this NOFO, how the Eligible Entity expects the initiative to address the needs of the Eligible Entity's residents, the ways in which engagement with localities and stakeholders informed the selection of such eligible activities, and any efforts the Eligible Entity undertook to determine whether other uses of the funds might have been more effective in achieving the BEAD Program's equity, access, and deployment goals.*

### **Relevant Instructions from NOFO Section IV.B.7.a.iii, Pages 39 - 40:**

*An Eligible Entity that can demonstrate it has a plan for bringing affordable, high-speed broadband service to all unserved and underserved locations within its jurisdiction may also allocate funding to non-deployment activities. Such eligible non-deployment uses include, but are not limited to, the following:*

- 1. User training with respect to cybersecurity, privacy, and other digital safety matters.*
- 2. Remote learning or telehealth services/facilities.*
- 3. Digital literacy/upskilling (from beginner-level to advanced).*
- 4. Computer science, coding and cybersecurity education programs.*
- 5. Implementation of Eligible Entity digital equity plans (to supplement, but not to duplicate or supplant, Planning Grant funds received by the Eligible Entity in connection with the Digital Equity Act of 2021).*
- 6. Broadband sign-up assistance and programs that provide technology support.*
- 7. Multi-lingual outreach to support adoption and digital literacy.*
- 8. Prisoner education to promote pre-release digital literacy, job skills, online job-acquisition skills, etc.*
- 9. Digital navigators.*
- 10. Direct subsidies for use toward broadband subscription, where the Eligible Entity shows the subsidies will improve affordability for the end user population (and to supplement, but not to duplicate or supplant, the subsidies provided by the Affordable Connectivity Program).*
- 11. Costs associated with stakeholder engagement, including travel, capacity-building, or contract support.*
- 12. Other allowable costs necessary to carrying out programmatic activities of an award, not to include ineligible costs described below in Section V.H.2 of this NOFO.*

*When selecting subgrantees for non-deployment uses of BEAD funds, an Eligible Entity must adhere to the Infrastructure Act's requirement that subgrants be awarded "competitively." NTIA recognizes that the breadth of potential non-deployment eligible activities could necessitate a broad range of subgrantee selection processes, even within a single Eligible Entity, and that such processes might even require the Eligible Entity to compare and choose among very different proposals (e.g., whether to allocate funds to an affordability program, a cybersecurity training program, or a digital literacy drive).*

---

<sup>3</sup> Requirements 8 and 9 are combined per NTIA's Guidance, which specifies that "[d]ue to congruencies in intake design across NOFO FP Requirements 8 and 9, these will be submitted together;" BEAD Final Proposal Guidance, NTIA, p. 42.

Accordingly, NTIA does not prescribe any specific framework. NTIA reminds Eligible Entities that federal grant regulations “flow through” to subrecipients (i.e., subgrantees), and that subrecipients are responsible for adherence to applicable Federal program requirements specified in the Federal award. As with deployment projects, NTIA encourages Eligible Entities to promote participation by minority-owned businesses and other socially or economically disadvantaged individual-owned businesses.

**Relevant Instructions from NOFO Section IV.B.7.b.1, Page 41 - 42:**

The requirement that an Eligible Entity have a plan to ensure deployment to all unserved and underserved locations before contemplating non-deployment uses of funds does not impose any temporal requirement as to the order in which BEAD-funded initiatives are undertaken or completed. NTIA recognizes that broadband deployment projects often take months or years to complete, whereas certain other eligible uses of BEAD funds can be implemented more quickly. Thus, if an Eligible Entity has a plan to deploy service to all unserved and underserved locations within its jurisdiction, it may pursue non-deployment initiatives using BEAD funds before or while deployment projects are underway. For example, while an Eligible Entity is only permitted to pursue a device-subsidy program using BEAD funds if it has a plan to deploy service to all unserved and underserved locations within its jurisdiction, an Eligible Entity proposing such a program is both permitted and encouraged to implement it as soon as is feasible once its Initial Proposal has been approved. Eligible Entity need not wait for its last-mile deployment projects to be completed before it can pursue its approved non-deployment uses. Rather, it is both permitted and encouraged to undertake those non-deployment activities as soon as is feasible.

**Relevant Instructions from NOFO Section IV.B.9.b, Page 48:**

The Final Proposal must include: 9. The means by which subgrantees for non-deployment eligible activities were selected, if the Eligible Entity pursued those initiatives via subgrant, or, alternatively, how the Eligible Entity determined that it should undertake the initiative itself

8.1 **Question (Y/N):** Indicate whether the Eligible Entity has selected or will pursue projects using BEAD funding that are not (f)(1) last-mile broadband deployment projects

No

8.2 **Question (Y/N - Conditional on a ‘Yes’ response to Intake Question 8.1):** Confirm whether the Eligible Entity has certified plans to serve ALL (f)(1) last-mile deployment unserved and underserved locations before pursuing projects using BEAD funding that are not (f)(1) last-mile broadband deployment projects, or received approval in its Initial Proposal to pursue projects using BEAD funds that are not (f)(1) last-mile broadband deployment projects prior to the certification

N/A

8.3 **Text Box (Optional):** If the Eligible Entity has or intends to pursue non-deployment projects itself without making a subgrant, describe the activities

N/A

8.4 **Question (Y/N):** Has the Eligible Entity completed the competitive non-deployment Subgrantee Selection Process?

N/A

8.5 **Text Box (Required – Conditional on a ‘Yes’ Response to Intake Question 8.4):** If ‘Yes’ [to Intake Question 8.4], non-deployment subgrantee selection has been completed, describe how the process undertaken was consistent with that approved by NTIA in Volume II of the Initial Proposal

N/A

8.6 **Text Box (Required – Conditional on a ‘Yes’ Response to Intake Question 8.4):** If ‘Yes’ [to Intake Question 8.4], non-deployment subgrantee selection has been completed, describe the steps that the Eligible Entity took to ensure a fair, open, and competitive process, including processes in place to ensure training, qualifications, and objectiveness of reviewers

N/A



- 8.7 **Text Box (Required – Conditional on a ‘No’ Response to Intake Question 8.4):** If ‘No’ [to Intake Question 8.4], non-deployment subgrantee selection has not been completed, describe the following:
- a. A detailed description of all planned uses of BEAD funding that are not (f)(1) last-mile broadband deployment projects, including the nature of each funded project and how those uses are consistent with the eligible uses in Section IV.B.7.a.iii of the BEAD NOFO;
  - b. How the Eligible Entity expects the non-deployment projects to address the needs of the Eligible Entity’s residents and how the non-deployment projects are effective in achieving the BEAD Program’s equity, access, and deployment goals;
  - c. The ways in which engagement with stakeholders informed the selection of eligible non-deployment projects; and
  - d. Any efforts the Eligible Entity undertook to determine whether other uses of the funds might have been more effective in achieving the BEAD Program’s equity, access, and deployment goals

N/A

- 8.8 **Text Box (Required – Conditional on a ‘No’ Response to Intake Question 8.4):** Subgrantee Selection Process: If ‘No’ [to Intake Question 8.4], describe how and whether the scoring process to select non-deployment projects was or will be conducted in a competitive manner consistent with (1) the BEAD NOFO requirements and (2) the description within the approved Initial Proposal

N/A

## 9 Intentionally Omitted

This section is intentionally left blank. Section 9 is omitted from this Proposal per NTIA's Final Proposal Guidance, which specifies that "due to congruencies in intake design across NOFO FP Requirements 8 and 9, [the content to address these requirements] will be submitted together."<sup>4</sup> Requirement 9 is addressed in Section 0 above.

DRAFT

---

<sup>4</sup> BEAD Final Proposal Guidance, NTIA, p. 42.

## 10 Participation of Non-Traditional Broadband Providers (Requirement 10)

**Relevant Instructions from NOFO Section IV.B.9.b, Page 48:**

*The Final Proposal must include...: 10. A description of efforts undertaken by the Eligible Entity to ensure the participation of non-traditional broadband providers (such as municipalities or political subdivisions, cooperatives, non-profits, Tribal Governments, and utilities), including an explanation for awards to traditional broadband providers when one or more non-traditional providers submitted competing proposals to serve an area consistent with the requirements of Section IV.C.1.a.*

**Relevant Instructions from NOFO Section IV.C.1.a, Page 51:**

*Some laws of Eligible Entities concerning broadband, utility services, or similar subjects that predate the enactment of the Infrastructure Act may either preclude certain public sector providers from participation in the subgrant competition or may 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. NTIA strongly encourages Eligible Entities to waive all such laws for purposes of the Program. If an Eligible Entity does not do so, the Eligible Entity must identify all such laws in its Initial Proposal and describe how the laws will be applied in connection with the competition for subgrants. Such Eligible Entity must, in its Final Proposal, disclose each unsuccessful application affected by such laws and describe how those laws impacted the decision to deny the application.*

### 10.1 **Text Box:** Describe efforts taken to ensure participation of non-traditional broadband providers such as municipalities or political subdivisions, cooperatives, non-profits, Tribal Governments, and utilities

OSIT conducted outreach to eligible non-traditional providers such as municipalities or political subdivisions, cooperatives, non-profits, Tribal Governments, and utilities and ensured they were aware of the opportunity to participate and the timelines. OSIT ensured that non-traditional broadband providers were added to mailing lists, were invited to technical assistance events, and were aware of opportunities to request assistance as needed.

Since its inception in 2015, OSIT has prioritized in-person interactions with communities in all corners of the state. Starting in 2017, OSIT created the Whole Community Connectivity program and created Broadband Action Teams (BATs) in every county of the state.

These BATs included Tribal, county, and municipal governments, CAIs, and other community leaders. BATs met regularly with OSIT staff to identify broadband needs, barriers, assets, and strategies to close the digital divide. OSIT was successful in helping many of these communities leverage the FCC's Universal Service Fund to bring fiber to schools, libraries, and health clinics (Nevada Digital Equity Plan, p.12, [https://osit.nv.gov/uploadedFiles/ositnvgov/Content/Broadband/Nevada%20Statewide%20Digital%20Equity%20Plan\\_FINAL.pdf](https://osit.nv.gov/uploadedFiles/ositnvgov/Content/Broadband/Nevada%20Statewide%20Digital%20Equity%20Plan_FINAL.pdf)).

OSIT also has a long history of outreach and engagement with Nevada's Tribal Nations. Over the past six years, OSIT has worked with Tribes to establish 12 Tribal libraries with high-speed internet connections in rural and remote locations with connectivity. Since the start of the pandemic, OSIT has worked closely with the Inter-Tribal Council of Nevada (ITCN) to help Tribes apply for and draw down federal dollars for

connectivity. OSIT has provided technical assistance to ITCN and 15 of Nevada's Tribes to obtain \$31 million in TBCP Round 1 funds that will be used for affordability, device access, and digital literacy, among other adoption activities (see <https://osit.nv.gov/Broadband/Awards/>).

Building on this history, OSIT expanded its statewide outreach and engagement to ensure that all eligible applicants, including non-traditional providers, were aware of the BEAD programmatic requirements. OSIT's extensive BEAD education and outreach has allowed non-traditional providers sufficient time to create partnerships or seek additional expertise the BEAD NOFO requires for subgrantees.

OSIT provided information about opportunities to apply to Phase III of the High Speed NV Initiative on an equal basis to, and encouraged applications from, all eligible applicants.

Non-traditional providers were included in OSIT's email mailing lists and received program information. OSIT conducted individualized outreach to non-traditional providers up to the subgrantee selection process. Non-traditional providers participated in OSIT's BEAD outreach events and technical assistance meetings. Non-traditional providers submitted questions about the subgrantee selection process to OSIT that were answered in the FAQ and posted to the OSIT website. OSIT's website provided information about the BEAD program and opportunities to participate, including submission of an application.

**10.2 Question (Y/N):** In every instance in which the Eligible Entity received one or more competing proposals from non-traditional providers competing with traditional providers to serve the same location(s) consistent with the requirements of Section IV.C.1.a., was the highest-scoring applicant selected as the subgrantee?

Yes

**10.3 Text Box (Required – Conditional on a 'No' Response to Intake Question 10.3):** If the highest-scoring applicant was not selected as the subgrantee in every instance in which the Eligible Entity received applications from traditional and non-traditional providers for the same location(s), explain why

N/A

## 11 Implementation Status of Plans for Cost and Barrier Reduction, Labor and Workforce Activities, Utilization of Minority Businesses, Women-owned Business, and Labor Surplus Area Firms, Low-Cost Plans, and Climate Change and Resilience (Requirement 11) & Middle-Class Affordability Plans (Requirement 17)<sup>5</sup>

### **Relevant Instructions from NOFO Section IV.B.9.b, Page 48:**

*The Final Proposal must include... : 11. Implementation status of plans described in the Initial Proposal related to:*

- a. Steps that the Eligible Entity has taken or intends to take to promote streamlined permitting processes and cost-effective access to poles, conduits, easements, and rights of way, including the imposition of reasonable access requirements;*
- b. Labor and workforce activities, including how the Eligible Entity implemented and applied the labor-related subgrantee selection criterion required herein;*
- c. Utilization of minority businesses, women-owned business enterprises, and labor surplus area firms;*
- d. Low-cost plan requirements; and*
- e. Climate change and resilience.*

### **Relevant Instructions from NOFO Section IV.C.2.c.i, Page 66:**

*The Infrastructure Act's BEAD provisions are premised on Congress's determination that "[a]ccess to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States," and that "[t]he persistent 'digital divide' in the United States is a barrier to" the nation's "economic competitiveness [and the] equitable distribution of essential public services, including health care and education." Accordingly, Each Eligible Entity must include in its Initial and Final Proposals a middle-class affordability plan to ensure that all consumers have access to affordable high-speed internet. We expect that Eligible Entities will adopt diverse strategies to achieve this objective. For example, some Eligible Entities might require providers receiving BEAD funds to offer low-cost, high-speed plans to all middle-class households using the BEAD-funded network. Others might provide consumer subsidies to defray subscription costs for households not eligible for the Affordable Connectivity Benefit or other federal subsidies. Others may use their regulatory authority to promote structural competition. Some might assign especially high weights to selection criteria relating to affordability and/or open access in selecting BEAD subgrantees. And others might employ a combination of these methods, or other methods not mentioned here. Ultimately, however, each Eligible Entity must submit a plan to ensure that high-quality broadband services are available to all middle-class families in the BEAD-funded network's service area at reasonable prices. Eligible Entities will be required to ensure that services offered over Funded Networks allow subscribers in the service area to utilize the ACP.*

---

<sup>5</sup> See, BEAD Final Proposal Guidance, NTIA, p. 58; "The Middle-Class Affordability Plan is not specifically included in the list of Final Proposal requirements in [the BEAD NOFO] Section IV.B.10. However, it is required as part of Final Proposal submissions by [NOFO] Section IV.C.2.c.i, so it will be included in this document as a separate requirement (Requirement 17). Due to congruencies in intake design across NOFO FP Requirements 11 and 17, these will be submitted together."

11.1 **Text Box:** Provide the implementation status (Complete, In Progress, or Not Started) of plans described in the approved Initial Proposal Requirement 14 related to reducing costs and barriers to deployment

In Progress.

11.2 **Text Box:** Provide the Eligible Entity's implementation status (Complete, In Progress, or Not Started) of plans described in the approved Initial Proposal Requirement 11 related to labor activities. Affirm that the Eligible Entity applied the labor-related criterion in its Subgrantee Selection Process and will ensure subgrantees comply with federal labor and employment laws

In Progress.

OSIT affirms that it applied the labor-related criterion in its Subgrantee Selection Process as described in Nevada's Initial Proposal.

11.3 **Text Box:** Provide the implementation status (Complete, In Progress, or Not Started) of plans described in the approved Initial Proposal Requirement 12 related to workforce development

In Progress.

11.4 **Text Box:** Affirm that the Eligible Entity has taken or will take all necessary affirmative steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used, when possible, as per pages 88 – 89 of the BEAD NOFO

OSIT affirms that it is taking and will take all necessary affirmative steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used, when possible, as per pages 88 – 89 of the BEAD NOFO.

11.5 **Question (Y/N):** Certify that all subgrantees selected by the Eligible Entity will be required to offer the low-cost broadband service option, as approved by NTIA in the Initial Proposal, for the duration of the 10-year Federal interest period<sup>6</sup>

Yes

---

<sup>6</sup> See, BEAD Final Proposal Guidance, NTIA, p. 63; "The federal interest period for BEAD-funded broadband infrastructure projects is ten years after the year in which the relevant subgrant has been closed out in accordance with 2 C.F.R. § 200.344. See General Terms and Conditions for NTIA BEAD Program Funds at 21 (Apr. 2024), [https://broadbandusa.ntia.gov/sites/default/files/2024-05/BEAD\\_IPFR\\_GTC\\_04\\_2024.pdf](https://broadbandusa.ntia.gov/sites/default/files/2024-05/BEAD_IPFR_GTC_04_2024.pdf)."

11.6 **Text Box:** Provide the implementation status (Complete, In Progress, or Not Started) of plans described in the Eligible Entity's approved Initial Proposal Requirement 15 related to climate change and resilience

In Progress.

OSIT stands ready to work with subgrantees following award to ensure that network designs and engineering will avoid and/or mitigate climate risks that have been identified.

11.7 **Text Box:** Provide the implementation status (Complete, In Progress, or Not Started) of plans described in the approved Initial Proposal Requirement 20 related to middle-class affordability

In Progress.

DRAFT



## 12 Substantiation of Priority Broadband Projects (Requirement 12)

**Relevant Instructions from NOFO Section IV.B.9.b, Page 48:**

*The Final Proposal must include...: 12. Information regarding specific commitments made by provisionally selected subgrantees to warrant a project's treatment as a Priority Broadband Project.*

**12.1 Text Box:** Describe how the Eligible Entity maximized deployment of Priority Broadband Projects and deployment of non-priority reliable broadband projects prior to deployment of alternative technologies. In particular, describe steps the Eligible Entity took to pursue service by reliable broadband technology in areas that the Eligible Entity proposes to serve via alternative technology. (Data elements are provided via Deployment Projects and Locations CSV files in Requirement 1)

**Subgrantee Prioritization:** OSIT's procedure for selection of applications, followed Nevada's Initial Proposal Volume II (IPv2), and thereby maximized the selection and deployment of Priority Broadband Projects first and deployment of non-priority reliable broadband projects prior to the selection and deployment of alternative technologies, as was required by NTIA. Projects were prioritized and scored according to the rules set forth in the BEAD NOFO and Nevada's IPv2.

OSIT first assessed which RPAs under consideration received one or more proposals that (1) constituted Priority Broadband Projects and (2) satisfied all other requirements set out in the BEAD NOFO and IPv2 with respect to subgrantees. Where there was just one proposed Priority Broadband Project in a location or set of locations, the application met all gating criteria, the application proposed to serve every location in the RPA, and the application did not exceed OSIT's Extremely High Cost Per Location Threshold (EHCPLT), that application was the default winner.

Where there were multiple proposals in a location or set of locations that (1) constituted Priority Broadband Projects and (2) satisfied all other requirements with respect to subgrantees, OSIT competitively selected a project based on the criteria set by the BEAD NOFO, OSIT's IPv2, and the scoring rubric approved by NTIA. If no applications met the criteria for a Priority Broadband Project, OSIT then considered applications that met the minimum criteria that were non-Priority reliable broadband projects. If only one such proposal was received, it was the default winner. If multiple such applications were received, the highest scoring non-Priority reliable broadband project application was selected.

OSIT made every effort to secure a priority or non-Priority reliable broadband project for each Regional Project Area (RPA) throughout the subgrantee selection process. Following the application period, OSIT announced the procedure for negotiations for RPAs without applications. OSIT posted the procedure online on the OSIT website and distributed it via email to all stakeholders and potential subgrantees on OSIT's email distribution list. Additionally, OSIT contacted all applicants that submitted an application in the application round as well as potential applicants that did not submit an application during the application round. OSIT offered three days for potential applicants to indicate their interest in specific RPAs and request a one-on-one meeting with OSIT. OSIT scheduled one-on-one meetings with all potential applicants that requested one, including non-traditional providers. OSIT engaged in negotiation process to serve the locations in the RPAs. This process served to solicit offers and OSIT made

counteroffers to ensure the best proposal was selected. During these one-on-one meetings, OSIT discussed inducements as appropriate (see HSNV Phase III Procedure for Negotiations for RPAs without Applications at

<https://osit.nv.gov/uploadedFiles/ositnvgov/Content/Broadband/HSNV%20Phase%20III%20Procedure%20for%20Negotiations%20for%20RPAs%20without%20Applications.pdf>). Following the negotiations, OSIT invited interested applicants to submit a full application. Through these efforts, OSIT secured additional priority and non-priority reliable broadband project applications.

For those RPAs where negotiations were not successful or where there were no interested or qualifying providers, OSIT moved forward with selection of Alternative Technology applications in a manner permitted by the BEAD NOFO.

### 13 Subgrantee Selection Certification (Requirement 13)

**Relevant Instructions from NOFO Section IV.B.9.b, Page 48:**

*The Final Proposal must include...: 13. Information regarding specific commitments made by provisionally selected subgrantees to warrant benefits in the Eligible Entity's subgrantee selection process (e.g., the primary and secondary criteria).*

**13.1 Text Box:** For each primary and secondary scoring criteria used in subgrantee selection, provide a summary of the range of commitments, specifically as they relate to workforce development, compliance with Federal labor and compliance laws, and affordability, made by provisionally selected subgrantees to warrant benefits in the approved Subgrantee Selection Process. Scoring criteria must be applied consistent with the prioritization framework laid out in Section IV.B.7.b of the BEAD NOFO

#### Summary of criteria

The Nevada Governor's Office of Science, Innovation and Technology (OSIT) posted its final, NTIA-approved version of the Initial Proposal Volume II (IPv2) at

<https://osit.nv.gov/uploadedFiles/ositnvgov/Content/Broadband/Nevada%20Initial%20Proposal%20Vol%20II%20-%20Final%20Approved.r2.pdf>. Nevada's vision for broadband equity, access, and deployment is that every Nevadan has access to a high-speed internet connection that is affordable, reliable, and scalable. A subgrantee selection process that is fundamentally fair, open, and competitive is essential to realizing that vision.

## PRIORITY PROJECTS SCORING RUBRIC

<b>Primary criteria</b>	<b>Maximum Points Possible</b>
<b>Minimal BEAD Outlay:</b> Total BEAD funding that will be required to complete the project	25
<b>Affordability:</b> Commitment to provide an affordable total price for 1 Gbps/1 Gbps service	30
<b>Fair Labor Practices:</b> Demonstrated record of and plans to be compliant with federal labor and employment laws	20
<b>Secondary criteria</b>	
<b>Speed to Deployment (&lt;=4 years)</b>	1
<b>Capacity Review:</b> Capacity of applicants to successfully complete their proposed project	8
<b>Technical Review:</b> Measurement of the relative capability of multiple applicants which all meet the minimum gating technical criteria	8
<b>Lower Bandwidth Affordability:</b> Commitment to provide the most affordable total price to the customer for 100 Mbps/100 Mbps service	5
<b>Low-Cost Broadband Service Option:</b> Commitment to provide the most affordable total price to low-income customers that are eligible for ACP	3
<b>Total</b>	<b>100</b>

## NON-PRIORITY PROJECTS SCORING RUBRIC

<b>Primary criteria (must be ≥ 75%)</b>	<b>Maximum Points Possible</b>
<b>Minimal BEAD Outlay:</b> Total BEAD funding that will be required to complete the project	25
<b>Affordability:</b> Commitment to provide an affordable total price for 100 Mbps/20 Mbps service	30
<b>Fair Labor Practices:</b> Demonstrated record of and plans to be compliant with federal labor and employment laws	20
<b>Secondary criteria</b>	
<b>Speed to Deployment (&lt;4 years)</b>	1
<b>Capacity Review:</b> Capacity of applicants to successfully complete their proposed project	12
<b>Technical Review:</b> Measurement of the relative capability of multiple applicants which all meet the minimum gating technical criteria	12
<b>Total</b>	<b>100</b>

OSIT's scoring rubric is summarized in IPv2, p.22 to 48, and as follows:

### Scoring Criteria for Priority Broadband Projects

**Primary scoring criterion:** Minimal BEAD Outlay

**Maximum points:** 25

**Description:** The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost).

**Primary scoring criterion:** Affordability

**Maximum points:** 30

**Description:** The prospective subgrantee's commitment to provide an affordable total price to the customer for 1 Gbps/1 Gbps service in the project area.

**Primary scoring criterion:** Fair Labor Practices

**Maximum points:** 20

**Description:** Prospective subgrantee's demonstrated record of and plans to be compliant with federal labor and employment laws.

Secondary Scoring Criteria

**Secondary scoring criterion:** Speed to Deployment

**Maximum points:** 1

**Description:** Prospective subgrantee's binding commitment to provide service by an earlier date certain, subject to contractual penalties to OSIT, with all points available in this section awarded to the applicant promising the earliest service provision date.

**Secondary scoring criterion:** Capacity Review

**Maximum points:** 8

**Description:** Applications that met the minimum Technical Review requirements outlined in Step 6.2 of Section 2.4.1 of the IPv2 received a Capacity Review score. The Capacity Review criteria are detailed in Section 2.4.2.2 of the IPv2.

**Secondary scoring criterion:** Secondary Technical Review

**Maximum points:** 8

**Description:** Applications that met the minimum Technical Review requirements outlined in Step 6.2 of Section 2.4.1 of the IPv2 received a Technical Review score. The Secondary Technical review criteria are detailed in Section 2.4.2.2 of the IPv2.

**Secondary scoring criterion:** Lower Bandwidth Affordability

**Maximum points:** 5

**Description:** The prospective subgrantee's commitment to provide the most affordable total price to the customer for 100 Mbps/100 Mbps (or the lowest symmetrical bandwidth service offering available) service in the project area.

**Secondary scoring criterion:** Low-Cost Broadband Service Option

**Maximum points:** 3

**Description:** The prospective subgrantee's commitment to provide the most affordable total price to low-income customers that are eligible for ACP.

Total points: 100

### Scoring Criteria for Non-Priority Broadband Projects

**Primary scoring criterion:** Minimal BEAD Outlay

**Maximum points:** 25

**Description:** The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost).

**Primary scoring criterion:** Affordability

**Maximum points:** 30

**Description:** The prospective subgrantee's commitment to provide an affordable total price to the customer for 100 Mbps/20 Mbps service in the project area.

**Primary scoring criterion:** Fair Labor Practices

**Maximum points:** 20

**Description:** Prospective subgrantee's demonstrated record of and plans to be compliant with federal labor and employment laws.

## Secondary Scoring Criteria

### **Secondary scoring criterion:** Speed to Deployment

#### **Maximum points:** 1

**Description:** Prospective subgrantee's binding commitment to provide service by an earlier date certain, subject to contractual penalties to OSIT, with all points available in this section awarded to the applicant promising the earliest service provision date.

### **Secondary scoring criterion:** Capacity Review

#### **Maximum points:**12

**Description:** Applications that met the minimum Technical Review requirements outlined in Step 6.2 of Section 2.4.1 of the IPv2 received a Capacity Review score. The Capacity Review criteria are detailed in Section 2.4.2.2 of the IPv2.

### **Secondary scoring criterion:** Secondary Technical Review, Including Speed of Network

#### **Maximum points:** 12

**Description:** Applications that met the minimum Technical Review requirements outlined in Step 6.2 of Section 2.4.1 of the IPv2 received a Technical Review score. The Secondary Technical review criteria are detailed in Section 2.4.2.2 of the IPv2.

Total points: 100

### *Priority broadband projects scoring rubric*

#### Primary criteria (75 points)

#### **Minimal BEAD Outlay (25 points):**

Each application was scored by formula based on the percentage of the Target BEAD Subsidy requested (represented as a number where 1.00 = 100% of the Target BEAD Subsidy amount is requested by the applicant) divided by 2, resulting in the Subsidy Score (a decimal). The resulting Subsidy Score decimal was multiplied by the total points available to determine a Reduction Score. The Reduction Score would then be subtracted from the total points available, resulting in the Final Score.

Example: OSIT's estimated total cost to reach all locations for an RPA is \$100 and Target BEAD subsidy is 50% (\$50). An applicant proposes a total estimated cost for the RPA as \$140 and a proposed BEAD subsidy amount of 50% (\$70). OSIT would treat this as an application requesting a 70% subsidy (not a 50% subsidy) for the purpose of calculating a score and the applicant would receive 7.5 points ( $1.40/2 = .70$  |  $.7 \times 25 = 17.5$  (Reduction Score) |  $25 - 17.5 = 7.5$  (Final Score)):

Subsidy Score = Percentage of Target BEAD Subsidy requested divided by 2 ( $1.4 / 2 = .7$ )

Reduction Score = Subsidy Score multiplied by 25 ( $.7 \times 25 = 17.5$ )

Final Score = 25 – Reduction Score =  $25 - 17.5 = 7.5$

**Affordability (30 points—all or none):** As required by the BEAD NOFO, points for the affordability criterion were awarded based on the price for the proposed 1 Gbps/1 Gbps service offering. OSIT did not prescribe a set dollar amount, nor did it require a given rate to receive BEAD funding. Instead, OSIT asked for proposed pricing for the purposes of scoring applications in compliance with BEAD rules required by NTIA. Providing information in this section represented a voluntary commitment on behalf of the applicant to offer the pricing the applicant proposed in BEAD-funded locations.

Applications whose applicants voluntarily certified that their 1 Gbps symmetrical plan offerings would meet the criteria outlined in this section received 30 points. Applications whose applicants were unable or chose not to certify that their 1 Gbps symmetrical plan offerings would meet the criteria outlined in this section received 0 points.

OSIT utilized the FCC's Urban Rate Study. Applicants were asked to certify that, for the first five years following completion of the network, they would either: i) Offer a price for a 1 Gbps symmetrical service plan at a price that is no higher than the total charge of a 1 Gbps symmetrical fiber service offered by the median provider in Nevada in the previous year's FCC Urban Rate Study; or ii) offer a price for a 1 Gbps symmetrical service plan at a price that is no higher than the total charge of a 1 Gbps symmetrical fiber service offered by the median provider in Nevada over the three years of the FCC Urban Rate Study prior to the release of the RFA (the monthly total charge of a 1 Gbps symmetrical fiber service by the median provider over the last three years in Nevada at the date of publication of the IPv2 was \$95); or iii) offer the same price for a 1 Gbps symmetrical service plan the applicant offers in non-BEAD-funded areas if the price of a 1 Gbps symmetrical service plan offered in non-BEAD-funded areas is lower than the median price of a 1 Gbps symmetrical fiber service in the previous year's FCC Urban Rate Study or is lower than the 3-year median.

Within 30 business days of the release of the results of the FCC's Urban Rate Study, OSIT will publish the price of the median plan for 1 Gbps symmetrical service that will be applicable for the following year. Providers choosing to base their 1 Gbps/1 Gbps service on the last year's FCC Urban Rate Study median plan that complete a network and begin offering service would then base their compliance obligations based on that year's published price. For example, a network that is completed in the year 2027 would use the price OSIT publishes from the FCC's Urban Rate Study in 2026 to determine compliance with the published plan price. As a part of their grant obligations, awarded subgrantees that submit a certification committing to compliance with the affordability requirements of this section will be required to submit to OSIT an annual certification of compliance with their affordability obligation. Providers that fail to meet their affordability obligation will be subject to contractual penalties. If the FCC Urban Rate Study survey results for any year do not contain any service tiers at 1 Gbps/1 Gbps, the survey results for the next closest service tier will be used.

**Fair Labor Practices (20 points):**



**Evidence of Past Compliance (10 Points):** Any application whose applicant certified full compliance in the past with all applicable labor laws received 10 points. Applications whose applicants unable to certify past full compliance with applicable labor laws were required to provide details of the past violations, remediation steps taken and the results, and a specific, future-focused plan to ensure full compliance. Applications that met the minimum gating criteria were scored on a 0 to 9 point scale.

- New Entrants: In accordance with the BEAD NOFO, “Eligible Entities must give priority to projects based on a prospective subgrantee’s demonstrated record of and plans to be in compliance with Federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.” A new entrant without an organizational record of labor and employment law compliance was able to submit evidence of past compliance by senior executives in previous roles at other organizations as evidence of past compliance and was scored as indicated in Evidence of Past Compliance. New entrants that were unable to produce any evidence of past compliance with federal labor or employment law, either as an organization or from senior executives within the organization, received zero points for this section because the BEAD NOFO requires OSIT to prioritize funding based on a prospective subgrantee’s record of compliance and therefore, some evidence of past compliance is required to score points. Consistent with how prospective subgrantees were evaluated in other scoring criteria, such as technical, managerial, and operational capabilities, applicants with strong prior records of performance were scored higher than those with little to no prior record of performance. New entrants without evidence of past compliance with federal labor law were able to mitigate, or lessen the negative impact of, their lack of prior record of compliance by making specific, forward-looking commitments to strong labor and employment standards and protections in their plans for future compliance with federal labor laws. In this case, such an applicant could receive up to 10 points for future compliance.

**Plans for Future Compliance with Federal Labor Laws (10 points):** Applicants were required to describe in detail well-designed plans for ensuring future compliance with federal labor laws during the project period. OSIT evaluated the completeness of and effectiveness of these plans on a 0-10 point scale.

#### Secondary criteria (1 point)

**Speed to Deployment (1 point):** 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 OSIT. OSIT must 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 OSIT, with greater benefits awarded to applicants promising an earlier service provision date. The application whose applicant made the earliest commitment to provide service to all locations with the RPA received one point. Technical Review was used to confirm the viability of the deployment schedule.

#### Other secondary criteria (24 points)

**Capacity Review (8 points):** All applications underwent a Technical Review outlined in Step 6.2 of Section 2.4.1 of the IPv2. Those applications that did not meet the minimum Technical Review requirements

were not considered for funding. Those applications that did meet the minimum Technical Review requirements underwent a Capacity Review.

Beyond the minimum technical gating criteria, OSIT asked questions related to the capacity of applicants to successfully complete their proposed project. The Capacity Review allowed OSIT to compare and differentiate the relative capacity of multiple applicants which met the minimum gating technical criteria. Applications were scored on a 0 to 12 point scale with those providing the most comprehensive evidence and explanation of their capacity and experience in the three categories below receiving the highest scores.

Questions covered the following topics, detailed more completely in the relevant section of Nevada's IPv2:

- Financial Capacity (IPv2, Section 2.4.11)

- An analysis of the source(s) of funding available to complete the project.
- Evidence of past financial capacity that resulted in completion of past projects of similar size and scope.
- Financial statements that demonstrated greater financial capacity to complete the project.
- Depth and quality of the pro forma and business plans that demonstrated a greater probability for sustainability.

- Managerial Capacity (IPv2, Section 2.4.12)

- Expertise of key management personnel dedicated to the project, based on resumes submitted and responses to questions regarding the applicant's experience and capacity to successfully manage the project to successful completion and successful provision of ongoing services.
- Quality of references and past successfully completed projects.
- Expertise and ability of the applicant to carry out the work required, including: Prior experience managing engineering and construction (examples of previous projects of similar size and scope); prior experience managing and operating a network and providing services to a similar number of locations in the application; prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages; whether the applicant was a party in any current litigation related to the construction or operation of telecommunications networks (a list of all contracts funded in whole or in part by the federal government or any state or local government in the previous five years that resulted in litigation or arbitration proceedings and a brief summary of the matters in dispute, the disputed amount, the parties involved, and the outcome); whether the applicant had, in the last five years, defaulted on, returned awarded funding, or otherwise not successfully completed any contract or award funded in whole or in part by the federal government or any state or local government for the construction or operation of a telecommunications network; and whether the applicant had, in the last five years, not successfully completed on-time, or on-budget, the construction of a

telecommunications project funded in whole or in part by the federal government or any state or local government.

—Applicant Capacity: Experience and capacity of the applicant's proposed management team in successfully managing engineering, design, construction, and operations of similar projects; experience and capacity of the applicant's proposed team to carry out engineering, permitting, construction, and maintenance; ability to recruit and train engineering, design and construction labor; applicant's financial strength, sustainability, and investment potential to support scope of work/project; applicant's capacity to complete the project given its other projects and workload; and experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.

—Upcoming Changes: Recent and known upcoming changes, including mergers and acquisitions.

- Operational Capacity and feasibility and reasonableness of operational proposal (IPv2, Section 2.4.15)

—OSIT required the following information in response to specific questions asked in the RFA: Years providing internet service; number of current subscribers: Total, in Nevada, and in the county where the RPA is located; resumes of key operations personnel that will oversee operations for this project upon completion; network uptime, latency, packet loss, throttling and oversubscription statistics for the last year for operations in Nevada; an overview of the personnel, processes, and systems that comprise the prospective subgrantee's technical support operation; an overview of technical support statistics such as tickets opened, mean time to respond, mean time to repair, customer satisfaction for last 5 years; current litigation or any litigation in the prior 5 years where the prospective subgrantee was a defendant in any federal or state criminal or civil proceeding; plan submitted in application to operate the network including marketing and outreach to general subscribers and ACP subscribers.

—OSIT required prospective subgrantees to submit the following information in response to specific questions asked in the RFA: Evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities (sufficient evidence might include resumes of key Nevada-based personnel currently employed by the prospective subgrantee with significant operational experience who would oversee the new network; commitments from capable contractors, subcontractors, or other partners to perform the engineering, design, environmental, and construction work; MOUs, or other written evidence of partnerships with more experienced internet service providers' existing agreements in place for backhaul; and the managerial, technical, and financial capability to operate the network once completed); and evidence sufficient to demonstrate that the newly formed entity has the licensure and has met other requirements necessary to operate a business in the State of Nevada.

**Secondary Technical Review (8 points):** All applications for a BEAD program subgrant underwent a Technical Review outlined in Step 6.2 of Section 2.4.1 of the IPv2. The Secondary Technical Review allowed OSIT to compare and differentiate the relative capability of multiple applicants that met the minimum gating technical criteria. Applications were scored on a 0 to 12 point scale with applicants providing the most comprehensive and technically sound application receiving the highest scores.

Additional details about how OSIT conducted the Technical Review, including what elements and factors OSIT based scoring upon, can be found in the following sections of the IPv2:

- Technical Capacity (IPv2, Section 2.4.13)

—Expertise and technical ability of the applicant to carry out the work required by the RFP, including: Resumes and years of equivalent experience for key technical personnel, including the project manager and superintendents, foremen, or other personnel responsible for major components, such as engineering, permitting, trenching, boring, conduit and fiber placement, splicing, etc.; documentation of current licensing as applicable; prior experience executing engineering and construction work of a size, complexity, nature, and value similar to the RPA in question (examples of previous projects of similar size and scope); prior experience executing the volume of work required to complete the project in a similar timeline and at a level of quality required by the BEAD program while maintaining a strong safety record; prior experience operating a network and providing services to a similar number of locations proposed in the application; prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages; an assessment of the prospective subgrantee's ability to collect and report on the granular level of detail of materials and labor tracking.

—Applicant Capacity: Experience and capacity of the applicant's proposed on-site technical team in successfully planning engineering, design, construction, and operations of similar projects; experience and capacity of the applicant's proposed on-site team to carry out engineering, permitting, construction, and maintenance; ability to recruit and train engineering, design and construction labor; applicant's capacity to complete the project given its other projects and workload, including other RPAs for which they applied; a list of all existing and ongoing telecommunications network construction projects funded in whole or in part by federal, state, or local government funds both in Nevada and in all other states; a list of all current and planned applications for federal, state, or local funding for telecommunications network construction projects; prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages; an assessment of the prospective subgrantee's capacity to collect and report on the granular level of detail of materials and labor tracking; technical plan addresses all fiscal, construction, design and engineering standards in a manner that meets or exceeds OSIT's expectations; and applicant's proposed construction of the network results in affordable, reliable, scalable internet service for locations identified in the RPA that meets standards set by OSIT in the RFA and the BEAD program.

—Applicant capacity as demonstrated by reasonableness and commitment to accountability for engineering, design, and construction timeline: Comprehensive timeline for engineering, design and construction phase submitted with proposal; adherence to OSIT reporting standards for design, engineering, and construction progress reports; comprehensiveness of plan to deploy last mile infrastructure to identified locations in the RPA; and plan to complete construction of the network within a timeframe and budget proposed by the applicant that meets the standards set forth by the RFA and the BEAD program.

—OSIT understands that a skilled and qualified workforce is essential to meeting its universal access goals and to the success of the High-Speed Nevada Initiative Phase III, just as it was in Phases I and II. A skilled and qualified workforce translates into successfully meeting infrastructure buildout timelines and

ensuring high-quality work is performed. As with High Speed Nevada (HSNV) Phase I and Phase II, for HSNV Phase III, OSIT required prospective subgrantees to provide the following information: Whether the construction workforce will be directly employed or whether work will be performed by a subcontracted workforce (if the workforce was subcontracted, the applicant responded to the questions that follow for each subcontractor); provide, in a table format, the total number of FTE positions organized by job title and employer, including for contractors and subcontractors, required to carry out all work over the course of the project; for each job title, what percentage of the workers will be from Nevada; for each job title, provide the applicable wage scales; for each job title, the applicable overtime payment practices; for each job title required to carry out the proposed work (including contractors and subcontractors), a description of safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work); for each training, certification, or licensure, where and how the necessary training, certification, or licensure is provided or obtained, including whether training is provided in-house, by contract, or if employees are expected to obtain the training, certification, or licensure on their own; how the applicant will ensure the use of an appropriately skilled workforce; how the applicant will ensure that all members of the project workforce will have appropriate credentials and licensure; how the applicant, and all its subcontractors, will ensure proper workplace safety and that all members of the project workforce are authorized to and understand how to raise health and safety concerns in connection with the completion of the project; any employee development programs that assist workers in progressing along a career path to higher wages and higher skilled positions; whether the company participates in apprenticeship programs or hiring programs that include outreach to nontraditional workers; and whether the workforce is unionized.

- Feasibility and Reasonableness of technical proposal, including cost and reporting (IPv2, Section 2.4.13)

—OSIT evaluated the feasibility and reasonableness of technical proposals by reviewing applicants' budget, timeline, and specific narrative related to engineering, design, environmental review, construction, and operation of the network and evidence that the proposed network will be able to deliver service that meets all performance requirements to all locations included in the RPA. OSIT also evaluated the personnel, processes, and systems that comprised the technical support operation.

- Plans for ensuring an appropriately skilled and credentialed workforce: OSIT evaluated applicants' plans for ensuring an appropriately skilled workforce, including: Commitment and Plan for hiring Nevada-based personnel for engineering, design, construction, and marketing of the network; commitment to meeting labor workforce requirements, payment, and training standards; commitment to hiring and subcontracting programs that include outreach to women, underrepresented, and non-traditional workers and firms; commitment to compliance with workplace safety standards and safety training standards; demonstration of career ladders and/or company-funded training and education opportunities that allow workforce to advance and reskill themselves; commitment to working with the State on workforce development initiatives to ensure a diverse pipeline of skilled broadband workers in Nevada.



**Lower Bandwidth Affordability (5 points):** Described in greater detail in IPv2, Section 2.13, affordability is crucial to the overall success of the BEAD program. Points for the affordability criterion were awarded for the proposed 100 Mbps/100 Mbps service based on a model package consisting of: i) Consistently and reliably providing at least 100 Mbps symmetrical service; ii) \$50 per month inclusive of all taxes, fees, and charges; iii) No activation, installation, or security deposit fees; iv) Providing typical latency measurements of no more than 100 milliseconds; and v) Not subject to data caps, surcharges, or usage-based throttling, and 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.

Applications that did not propose a plan that met all of the criteria above received no points.

Applicants were not required to modify their existing or planned service plan offerings in the event they did not intend to offer a 100 Mbps symmetrical plan. In this case, applicants submitted the pricing of their lowest speed tier that offered a minimum of both 100 Mbps download and upload.

In their response to the RFA, applicants were required to submit their pricing for a 100 Mbps symmetrical plan they committed to for five years. Applicants were not required to keep the price flat or constant over the five years and were able to detail built-in increases, year-by-year prices, or specify a specific inflationary number in their applications. In the event applicants submitted pricing that changed year-to-year, OSIT used the average price across the five years to calculate a score. A five year period was chosen in order to provide the most transparency to the public and application evaluators regarding the affordability of an application, and also to guard against the possibility of an applicant offering an artificially low price in its application with the unstated intention of raising the price significantly shortly after award.

OSIT provided a five-year pricing template. OSIT compared the submitted price to the reference plan to generate a score. The maximum number of points was 5. Applications that offered a price equal to the model plan received 2.5 points. Applications that proposed a price at \$40 or lower received the maximum 5 points. Applications that proposed a price of \$60 or higher received 0 points. In other words, plans between \$40 and \$60 received decreasing points, with plans above \$60 receiving no points. Scores were calculated on an exact mathematical scale with each \$1 increase or decrease in the price reducing or increasing the score by 0.25 points.

Note: Applications that received a waiver to offer a plan at a higher price than the model plan had their scoring adjusted accordingly. Applications proposing to serve locations located more than 30 miles from Interstate 80, Interstate 580, Interstate 15, or U.S. Highway 93 could seek a waiver to raise the \$60 per month maximum threshold for points to \$70 per month. These applications had to clearly demonstrate with specific evidence that the \$60 per month threshold was cost prohibitive. Specific evidence included: i. Average revenue per customer estimates and ii. Average fixed costs.

**Low-Cost Broadband Service Option (3 points):** In alignment with the BEAD NOFO, points for this section were awarded based on a commitment to provide the most affordable total price to low-income customers who were eligible for ACP. The BEAD NOFO requires all prospective subgrantees to offer a Low-Cost Broadband Service Option (low-cost plan) that meets the criteria in Section 2.12 of the IPv2. The scoring for this section was: A low-cost plan that met the criteria in Section 2.12 at \$30 per month

received 3 points. An application that offered a low-cost plan that met the criteria in IPv2, Section 2.12, at \$50 per month received 0 points. Points were awarded on a mathematical scale between \$30 and \$50 with 0.15 points awarded for every \$1 lower than \$50.

The low-cost broadband service option detailed in Section 2.12 of the IPv2 called for:

—Cost: On Tribal Lands or in high-cost areas as determined by the FCC: \$75 per month or less, inclusive of all taxes, fees, and charges with no additional non-recurring costs or fees to the consumer; in all other areas, the lower of the following: i) The cost of an existing, designated low-income plan offered by the subgrantee in non-BEAD markets that was eligible for the ACP benefit, that met, at a minimum, all other criteria below, including speed and latency requirements, and that was inclusive of all taxes, fees, and charges if the subscriber did not reside on Tribal Lands or in a high-cost area as defined by the FCC for the purposes of the ACP, with no additional non-recurring costs or fees to the consumer— or ii) \$50 per month or less, inclusive of all taxes, fees, and charges if the subscriber did not reside on Tribal Lands or in a high-cost area as defined by the FCC for the purposes of the ACP, with no additional non-recurring costs or fees to the consumer.

—The subgrantee must commit to offering a low-income plan at this price for the useful life of the network as defined by NTIA. If the Affordable Connectivity Program is not reauthorized by Congress, the monthly recurring charge for the low-cost plan for subscribers on Tribal Lands and high-cost areas must mirror those of subscribers not on Tribal Lands or high-cost areas. Under the following circumstances, the subgrantee may notify OSIT of an increase to the price of the low-cost plan: If the subsidy amount of the Affordable Connectivity Program, or its successor programs, are increased by Congress, the FCC, or a successor federal agency, the subgrantee may increase the cost of the low-cost plan to match the subsidy amount; given that the monthly cost of the low-cost plan must be inclusive of all taxes and fees, if the federal, state, or local taxes imposed upon the subgrantee increase during the low-cost period, the subgrantee may notify OSIT of plans to increase the price of the low-cost plan by the amount of the tax increase; once per year, the subgrantee may notify OSIT of plans to increase the price of the low-cost plan to match an inflationary rate equal to the Consumer Price Index.

— Other Required Low-Cost Plan Criteria: Allows the end user to apply the Affordable Connectivity Benefit, or its successor programs, subsidy to the service price; 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; provides typical latency measurements of no more than 100 milliseconds; and is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere. In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, the plan must permit Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost.



### *Non-Priority broadband projects scoring rubric*

#### Primary criteria (75 points)

**Minimal BEAD Outlay (25 points) (same as for priority broadband projects):** OSIT provided an estimate of the total cost to reach each BEAD-eligible location in each Regional Project Area (RPA) and each RPA was given a Target BEAD Subsidy level based on the results of OSIT's cost and business case modeling.

Each application was scored by formula based on the percentage of the Target BEAD Subsidy requested (represented as a number where 1.00 = 100% of the Target BEAD Subsidy amount is requested by the applicant) divided by 2, resulting in the Subsidy Score (a decimal). The resulting Subsidy Score decimal was multiplied by the total points available to determine a Reduction Score. The Reduction Score would then be subtracted from the total points available, resulting in the Final Score. Thus, an application proposing the Target BEAD Subsidy amount received half of the available points for Minimal BEAD Outlay. Applications that proposed a lower BEAD subsidy amount received a higher score and applicants that propose a higher BEAD subsidy amount received a lower score.

Example: OSIT's estimated total cost to reach all locations for an RPA is \$100 and Target BEAD subsidy is 50% (\$50). An applicant proposes a total estimated cost for the RPA as \$140 and a proposed BEAD subsidy amount of 50% (\$70). OSIT would treat this as an application requesting a 70% subsidy (not a 50% subsidy) for the purpose of calculating a score and the applicant would receive 7.5 points ( $1.40/2 = .70$  |  $.7 \times 25 = 17.5$  (Reduction Score) |  $25 - 17.5 = 7.5$  (Final Score)):

Subsidy Score = Percentage of Target BEAD Subsidy requested divided by 2 ( $1.4 / 2 = .7$ )

Reduction Score = Subsidy Score multiplied by 25 ( $.7 \times 25 = 17.5$ )

Final Score = 25 – Reduction Score =  $25 - 17.5 = 7.5$

**Affordability (30 points):** Points for the affordability criterion were divided between the proposed 100 Mbps/20 Mbps service offering to the general public (20 points), and proposed low-cost plan available to low-income customers (10 points).

– **General Public Plan (20 points):** OSIT did not prescribe a set dollar amount, nor did it require a given rate to receive BEAD funding. Instead, OSIT asked for proposed pricing, which OSIT scored by comparing to a reference plan. In their response to the RFA, applicants submitted their pricing for a 100 Mbps/20 Mbps plan they committed to for five years. Applicants were not required to keep the price flat over the five years and could detail built-in increases or specify a specific inflationary number. In the event applicants submitted pricing that changed year-to-year, OSIT used the average price across the five years to calculate a score for this section. OSIT provided a template to use to detail pricing over the five years. OSIT compared the potential subgrantee's submitted price to the reference plan to generate a score.

The model package consisted of the following: i) Consistently and reliably provide at least 100 Mbps symmetrical service; ii) \$50 per month inclusive of all taxes, fees, and charges; iii) No activation, installation, or security deposit fees; iv) Provide typical latency measurements of no more than 100 milliseconds; and v) Is not subject to data caps, surcharges, or usage-based throttling, and 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.

– **Low-Cost Broadband Service Option (10 points):** In alignment with the BEAD NOFO, points for this section were awarded based on the prospective subgrantee’s commitment to provide the most affordable total price to low-income customers that are eligible for ACP. The BEAD NOFO requires all prospective subgrantees to offer a Low-Cost Broadband Service Option (low-cost plan) that meets the criteria in IPv2, Section 2.12. The scoring was: An application offering a low-cost plan that met the criteria in IPv2, Section 2.12, at \$30 per month received 3 points; an application offering a low-cost plan that meet the criteria in Section 2.12 at \$50 per month received 0 points; and points were awarded on a mathematical scale between \$30 and \$50 with 0.15 points awarded for every \$1 lower than \$50.

The low-cost broadband service option detailed in IPv2, Section 2.12, called for:

Cost: On Tribal Lands or in high-cost areas as determined by the FCC: \$75 per month or less, inclusive of all taxes, fees, and charges with no additional non-recurring costs or fees to the consumer; in all other areas, the lower of the following: i) The cost of an existing, designated low-income plan offered by the subgrantee in non-BEAD markets that was eligible for the ACP benefit, that met, at a minimum, all other criteria below, including speed and latency requirements, and that was inclusive of all taxes, fees, and charges if the subscriber did not reside on Tribal Lands or in a high-cost area as defined by the FCC for the purposes of the ACP, with no additional non-recurring costs or fees to the consumer— or ii) \$50 per month or less, inclusive of all taxes, fees, and charges if the subscriber did not reside on Tribal Lands or in a high-cost area as defined by the FCC for the purposes of the ACP, with no additional non-recurring costs or fees to the consumer

The subgrantee must commit to offering a low-income plan at this price for the useful life of the network as defined by NTIA. If the Affordable Connectivity Program is not reauthorized by Congress, the monthly recurring charge for the low-cost plan for subscribers on Tribal Lands and high-cost areas must mirror those of subscribers not on Tribal Lands or high-cost areas. Under the following circumstances, the subgrantee may notify OSIT of an increase to the price of the low-cost plan: If the subsidy amount of the Affordable Connectivity Program, or its successor programs, are increased by Congress, the FCC, or a successor federal agency, the subgrantee may increase the cost of the low-cost plan to match the subsidy amount; given that the monthly cost of the low-cost plan must be inclusive of all taxes and fees, if the federal, state, or local taxes imposed upon the subgrantee increase during the low-cost period, the subgrantee may notify OSIT of plans to increase the price of the low-cost plan by the amount of the tax increase; once per year, the subgrantee may notify OSIT of plans to increase the price of the low-cost plan to match an inflationary rate equal to the Consumer Price Index.

Other Required Low-Cost Plan Criteria: Allows the end user to apply the Affordable Connectivity Benefit, or its successor programs, subsidy to the service price; 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; provides typical latency measurements of no more than 100 milliseconds; and is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere. In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream,

the plan must permit Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost.

Note: Applications that received a waiver to offer a plan at a higher price than the model plan had their scoring adjusted accordingly. Applications proposing to serve locations located more than 30 miles from Interstate 80, Interstate 580, Interstate 15, or US Highway 93 could seek a waiver to raise the \$60 per month maximum threshold for points to \$70 per month. These applications had to clearly demonstrate with specific evidence that the \$60 per month threshold was cost prohibitive. Specific evidence included:

- Average revenue per customer estimates and
- Average fixed costs.

**Fair Labor Practices (20 points) (same as for priority broadband projects):**

**Evidence of Past Compliance (10 Points):** Any application whose applicant certified full compliance in the past with all applicable labor laws received 10 points. Applications unable to certify past full compliance with applicable labor laws were required to provide details of the past violations, remediation steps taken and the results, and a specific, future-focused plan to ensure full compliance. Applications that met the minimum gating criteria were scored on a 0-9 point scale.

- New Entrants: In accordance with the BEAD NOFO, "Eligible Entities must give priority to projects based on a prospective subgrantee's demonstrated record of and plans to be in compliance with Federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects." A new entrant without an organizational record of labor and employment law compliance was able to submit evidence of past compliance by senior executives in previous roles at other organizations as evidence of past compliance and will be scored as indicated in Evidence of Past Compliance. New entrants that were unable to produce any evidence of past compliance with federal labor or employment law, either as an organization or from senior executives within the organization, received zero points for this section because the BEAD NOFO requires OSIT to prioritize funding based on a prospective subgrantee's record of compliance and therefore, some evidence of past compliance is required to score points. Consistent with how prospective subgrantees were evaluated in other scoring criteria, such as technical, managerial, and operational capabilities, applicants with strong prior records of performance were scored higher than those with little to no prior record of performance. New entrants without evidence of past compliance with federal labor law were able to mitigate, or lessen the negative impact of their lack of prior record of compliance, by making specific, forward-looking commitments to strong labor and employment standards and protections in their plans for future compliance with federal labor laws. In this case, such an applicant could receive up to 10 points for future compliance (and up to 10 points total for this scoring criterion) as is described in the section below.

**Plans for Future Compliance with Federal Labor Laws (10 points):** Applications were required to describe in detail well-designed plans for ensuring future compliance with federal labor laws during the project period. OSIT evaluated the completeness of and effectiveness of these plans on a 0-10 point scale.

### Secondary criteria (1 point)

**Speed to Deployment (1 point) (same as for priority broadband projects):** 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 OSIT. OSIT must 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 OSIT, with greater benefits awarded to applicants promising an earlier service provision date. The application whose applicant provided the earliest commitment to provide service to all locations with the RPA received one point. Technical Review was used to confirm the viability of the deployment schedule.

### Other secondary criteria (24 points)

**Capacity Review (12 points):** All applications for a BEAD program subgrant underwent a Technical Review outlined in Step 6.2 of Section 2.4.1 of the IPv2. Those applications that did not meet the minimum Technical Review requirements did not proceed to Step 6.3 of the evaluation process and were not considered for funding. Those applications that did meet the minimum Technical Review requirements underwent a Capacity Review.

Beyond the minimum technical gating criteria, OSIT asked several questions related to the capacity of applicants to successfully complete their proposed project. The Capacity Review allowed OSIT to compare and differentiate the relative capacity of multiple applicants which all meet the minimum gating technical criteria. Applications were scored on a 0–12-point scale with applicants providing the most comprehensive evidence and explanation of their capacity and experience in the three categories below receiving the highest scores.

#### - Financial Capacity (IPv2, Section 2.4.11)

- An analysis of the source(s) of funding available to complete the project.
- Evidence of past financial capacity that resulted in completion of past projects of similar size and scope.
- Financial statements that demonstrate greater financial capacity to complete the project.
- Depth and quality of the pro forma and business plans that demonstrate a greater probability for sustainability.

#### - Managerial Capacity (IPv2, Section 2.4.12)

- Expertise of key management personnel dedicated to the project based on resumes submitted and responses to questions regarding applicant's experience and the applicant's capacity to successfully manage the project to successful completion and successful provision of ongoing services.
- Quality of references and past successfully completed projects.
- Expertise and ability of the applicant to carry out the work required by the RFP, including: Prior experience managing engineering and construction (examples of previous projects of similar size and scope); prior experience managing and operating a network and providing services to a similar number

of locations in the application; prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages; whether the applicant is a party in any current litigation related to the construction or operation of telecommunications networks (a list of all contracts funded in whole or in part by the federal government or any state or local government in the previous five years that resulted in litigation or arbitration proceedings and a brief summary of the matters in dispute, the disputed amount, the parties involved, and the outcome); whether the applicant had, in the last five years, defaulted on, returned awarded funding, or otherwise not successfully completed any contract or award funded in whole or in part by the federal government or any state or local government for the construction or operation of a telecommunications network; and whether the applicant has, in the last five years, not successfully completed on-time, or on-budget, the construction of a telecommunications project funded in whole or in part by the federal government or any state or local government.

—Applicant Capacity: Experience and capacity of the applicant's proposed management team in successfully managing engineering, design, construction, and operations of similar projects; experience and capacity of the applicant's proposed team to carry out engineering, permitting, construction, and maintenance; ability to recruit and train engineering, design and construction labor; applicant's financial strength, sustainability, and investment potential to support scope of work/project; applicant's capacity to complete the project given its other projects and workload; and experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.

—Upcoming Changes: Recent and known upcoming changes, including mergers and acquisitions.

Operational Capacity and feasibility and reasonableness of operational proposal (IPv2, Section 2.4.15)

—OSIT required prospective subgrantees to submit the following information in response to specific questions asked in the RFA: Years providing internet service; number of current subscribers: Total, in Nevada, and in the county where the RPA is located; resumes of key operations personnel that will oversee operations for this project upon completion; network uptime, latency, packet loss, throttling and oversubscription statistics for the last year for operations in Nevada; an overview of the personnel, processes, and systems that comprise the prospective subgrantee's technical support operation; an overview of the technical support statistics such as tickets opened, mean time to respond, mean time to repair, customer satisfaction for the last 5 years; current litigation or any litigation in the prior 5 years where the prospective subgrantee was a defendant in any federal or state criminal or civil proceeding; plan submitted in application to operate the network including marketing and outreach to general subscribers and ACP subscribers.

—OSIT required prospective subgrantees to submit the following information in response to specific questions asked in the RFA: Evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities (sufficient evidence may include resumes of key Nevada-based personnel currently employed by the prospective subgrantee with significant operational experience who would oversee the new network, commitments from capable contractors, subcontractors, or other partners to perform the engineering, design, environmental, and construction work, MOUs, or other written evidence of partnerships with more experienced internet service providers, existing agreements in place for backhaul, and the managerial,



technical, and financial capability to operate the network once completed); and evidence sufficient to demonstrate that the newly formed entity has the licensure and has met other requirements necessary to operate a business in the State of Nevada.

**Secondary Technical Review—including Speed of Network (12 points):** All applications for a BEAD program subgrant underwent a Technical Review outlined in Step 6.2 of Section 2.4.1 of the IPv2. The Secondary Technical Review allowed OSIT to compare and differentiate the relative capability of multiple applications which all met the minimum gating technical criteria. Applications were scored on a 0–12 point scale with those providing the most comprehensive and technically sound application receiving the highest scores. Additional details about how OSIT conducted the Technical Review, including what elements and factors OSIT based scoring upon, can be found in the following sections of the IPv2:

- Speed of Network and Other Technical Capabilities. OSIT weighed the speeds, latency, and other technical capabilities of the technologies proposed that were not Priority Broadband Projects. Those proposing to use technologies that exhibited greater ease of scalability with lower future investment and whose capital assets had longer useable lives were afforded additional weight over those proposing technologies with higher costs to upgrade, shorter capital asset cycles, and lesser ease of future scalability.

- Technical Capacity (IPv2, Section 2.4.13)

—Expertise and technical ability of the applicant to carry out the work required by the RFP, including: Resumes and years of equivalent experience for key technical personnel, including the project manager and superintendents, foremen, or other personnel responsible for major components, such as engineering, permitting, trenching, boring, conduit and fiber placement, splicing, etc.; documentation of current licensing as applicable; prior experience executing engineering and construction work of a size, complexity, nature, and value similar to the RPA in question (examples of previous projects of similar size and scope); prior experience executing the volume of work required to complete the project in a similar timeline and at a level of quality required by the BEAD program while maintaining a strong safety record; prior experience operating a network and providing services to a similar number of locations proposed in the application; prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages; an assessment of the prospective subgrantee's ability to collect and report on the granular level of detail of materials and labor tracking.

—Applicant Capacity: Experience and capacity of the applicant's proposed on-site technical team in successfully planning engineering, design, construction, and operations of similar projects; experience and capacity of the applicant's proposed on-site team to carry out engineering, permitting, construction, and maintenance; ability to recruit and train engineering, design and construction labor; applicant's capacity to complete the project given its other projects and workload, including other RPAs for which applicants applied; a list of all existing and ongoing telecommunications network construction projects funded in whole or in part by federal, state, or local government funds both in Nevada and in all other states; a list of all current and planned applications for federal, state, or local funding for telecommunications network construction projects; prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages; an assessment of the prospective subgrantee's capacity to collect and report on the granular level of detail

of materials and labor tracking; technical plan addressing all fiscal, construction, design and engineering standards in a manner that meets or exceeds OSIT's expectations; and applicant's proposed construction of the network results in affordable, reliable, scalable internet service for locations identified in the RPA that meets standards set by OSIT in the RFA and the BEAD program.

—Applicant capacity as demonstrated by reasonableness and commitment to accountability for engineering, design, and construction timeline: Comprehensive timeline for engineering, design, and construction phase submitted with proposal; adherence to OSIT reporting standards for design, engineering and construction progress reports; comprehensiveness of plan to deploy last mile infrastructure to identified locations in the RPA; and plan to complete construction of the network within a timeframe and budget proposed by the applicant that meets the standards set forth by the RFA and the BEAD program.

—OSIT understands that a skilled and qualified workforce is essential to meeting its universal access goals and to the success of the High-Speed Nevada Initiative Phase III, just as it was in Phases I and II. A skilled and qualified workforce translates into successfully meeting infrastructure buildout timelines and ensuring high-quality work is performed. As with High Speed Nevada (HSNV) Phase I and Phase II, for HSNV Phase III, OSIT required prospective subgrantees to provide the following information: Indicate whether the construction workforce will be directly employed or whether work will be performed by a subcontracted workforce (if the workforce was subcontracted, the applicant responded to the questions that follow for each subcontractor); provide, in a table format, the total number of FTE positions organized by job title and employer, including for contractors and subcontractors, required to carry out all work over the course of the project; for each job title, what percentage of the workers will be from Nevada; for each job title, provide the applicable wage scales; for each job title, the applicable overtime payment practices; for each job title required to carry out the proposed work (including contractors and subcontractors), a description of safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work); for each training, certification, or licensure, where and how the necessary training, certification, or licensure is provided or obtained, including whether training is provided in-house, by contract, or if employees are expected to obtain the training, certification, or licensure on their own; how the applicant will ensure the use of an appropriately skilled workforce; how the applicant will ensure that all members of the project workforce will have appropriate credentials and licensure; how the applicant, and all its subcontractors, will ensure proper workplace safety and that all members of the project workforce are authorized to and understand how to raise health and safety concerns in connection with the completion of the project; any employee development programs that assist workers progressing along a career path to higher wages and higher skilled positions; whether the company participates in apprenticeship programs or hiring programs that include outreach to nontraditional workers; and whether the workforce is unionized.

- Feasibility and Reasonableness of technical proposal, including cost and reporting (IPv2, Section 2.4.13)

—OSIT evaluated the feasibility and reasonableness of technical proposals by reviewing applicants' budget, timeline, and specific narrative related to engineering, design, environmental review, construction, and operation of the network and evidence that the proposed network can deliver the proposed broadband service that meets all performance requirements to all locations included in the



RPA. OSIT also evaluated the personnel, processes, and systems that comprise the prospective subgrantee's technical support operation.

- Plans for ensuring an appropriately skilled and credentialed workforce: OSIT also evaluated plans for ensuring an appropriately skilled workforce, including: Commitment and Plan for hiring Nevada-based personnel for engineering, design, construction, and marketing of the network; commitment to meeting labor workforce requirements, payment, and training standards; commitment to hiring and subcontracting programs that include outreach to women, underrepresented, and non-traditional workers and firms; commitment to compliance with workplace safety standards and safety training standards; demonstration of career ladders and/or company-funded training and education opportunities that allow workforce to advance and reskill themselves; and commitment to working with the State on workforce development initiatives to ensure a diverse pipeline of skilled broadband workers in Nevada.

### Summary of commitments received from subgrantees

#### Workforce development

OSIT's scoring rubric, described above, prioritized in scoring 1) demonstrated support for Nevada's workforce development efforts (such as, but not limited to, participation in the broadband industry sector council, participation in local career fairs, plans for hiring local workers, and lending expertise in the design of workforce training programs), 2) specific plans to use a highly skilled workforce capable of carrying out work in a manner that is safe and effective, and 3) demonstrated career ladders and/or company-funded training and education opportunities that allow the workforce to advance and reskill themselves.

OSIT required the following information in applications during the application process: 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; the steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure; whether the workforce is unionized; whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and the entities that the 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 was not unionized, OSIT required applicants also provide with respect to the non-union workforce: 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; 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 any 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.

## Compliance with Federal labor and compliance laws

### *Federal labor laws*

OSIT required applicants to submit evidence of past compliance with federal labor law as a part of their applications for BEAD funding during the competitive subgrantee selection process.

New entrants without evidence of past compliance with federal labor law were able to mitigate, or lessen the negative impact of their lack of prior record of compliance by making specific, forward-looking commitments to strong labor and employment standards and protections in their plans for future compliance with federal labor laws.

Awardees will file a Semiannual Labor Requirements Report confirming adherence to required labor standards.

### *Federal compliance laws*

OSIT requires weekly construction progress reports, quarterly progress reports, quarterly labor requirements reports, quarterly fiscal reports, and a quarterly broadband location report in accordance with 2 CFR 200. OSIT required applicants to certify Compliance with Federal labor and compliance laws, as outlined in IJJA, the BEAD NOFO, BEAD Terms & Conditions, 2 CFR 200 and programmatic guidance.

OSIT will incorporate the requirements of the Build America, Buy America Act in grant agreement terms/conditions and subgrantee grant monitoring program requirements. OSIT has also communicated the requirements from grant regulations in informational webinars a, by posting a list of regulations on the OSIT website, and by including the requirements in grant applications/instructions.

Any application that did not show intent to abide by any compliance requirement or had explicitly violated the requirements was not considered for BEAD funding.

OSIT required applicants to certify their agreement to comply with the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.) requirements to analyze the potential environmental impacts of awardee projects and other eligible activities seeking to utilize BEAD funding. Communication between OSIT and applicants prior to and throughout the selection process ensured entities seeking to capitalize on BEAD funding complied with NEPA and NHPA.

Nevada has 28 federally-recognized Tribes and OSIT also has a long history of working with its Tribal Nations. OSIT has been conducting Tribal consultations a part of its BEAD planning process. If any RPA includes locations on Tribal lands, OSIT will communicate with the Tribe before, during, and after the RFA process and, upon preliminary award of a subgrant, will submit a request to each Tribal Government upon whose Tribal Lands the infrastructure will be deployed for a formal Resolution of Consent or other formal demonstration of consent.

OSIT will require subgrantees to submit a Letter of Credit or Performance Bond pursuant to BEAD rules.

### *Affordability*

OSIT adopted the following low-cost broadband service option: i) Consistently and reliably provide at least 100 Mbps symmetrical service; ii) \$50 per month inclusive of all taxes, fees, and charges; iii) No activation, installation, or security deposit fees; iv) Typical latency measurements of no more than 100

milliseconds; and v) Not subject to data caps, surcharges, or usage-based throttling, and 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.

Middle-class affordability is also a central tenant of OSIT's broadband deployment and digital adoption goals and strategies. As outlined above and as required by the BEAD NOFO, OSIT allocated points based on subgrantees' commitment to provide the most affordable price compared to a reference package cost.

Applicants were asked to certify that, for the first five years following completion of the network, they would either: i) Offer a price for a 1 Gbps symmetrical service plan at a price that is no higher than the total charge of a 1 Gbps symmetrical fiber service offered by the median provider in Nevada in the previous year's FCC Urban Rate Study; or ii) offer a price for a 1 Gbps symmetrical service plan at a price that is no higher than the total charge of a 1 Gbps symmetrical fiber service offered by the median provider in Nevada over the three years of the FCC Urban Rate Study prior to the release of the RFA (the monthly total charge of a 1 Gbps symmetrical fiber service by the median provider over the last three years in Nevada at the date of publication of the IPv2 was \$95); or iii) offer the same price for a 1 Gbps symmetrical service plan the applicant offers in non-BEAD-funded areas if the price of a 1 Gbps symmetrical service plan offered in non-BEAD-funded areas is lower than the median price of a 1 Gbps symmetrical fiber service in the previous year's FCC Urban Rate Study or is lower than the 3-year median.

Within 30 business days of the release of the results of the FCC's Urban Rate Study, OSIT will publish the price of the median plan for 1 Gbps symmetrical service that will be applicable for the following year. Providers choosing to base their 1 Gbps/1 Gbps service on last year's FCC Urban Rate Study median plan that complete a network and begin offering service would then base their compliance obligations based on that year's published price. For example, a network that is completed in the year 2027 would use the price OSIT publishes from the FCC's Urban Rate Study in 2026 to determine compliance with the published plan price. As a part of their grant obligations, subgrantees that submit a certification committing to compliance with the affordability requirements of this section will be required to submit to OSIT an annual certification of compliance with their affordability obligation. Providers that fail to meet their affordability obligation will be subject to contractual penalties. If the FCC Urban Rate Study survey results for any year do not contain any service tiers at 1 Gbps/1 Gbps, the survey results for the next closest service tier will be used.

## 14 Environmental and Historic Preservation (EHP) Documentation (Requirement 14)

**Relevant Instructions from NOFO Section IV.B.9.b, Page 48:**

*The Final Proposal must include...: 14. Environmental documentation associated with any construction and/or ground-disturbing activities and a description of how the Eligible Entity will comply with applicable environmental and historic preservation requirements.*

- 14.1 Attachment (Required):** Submit a document which includes the following: Description of how the Eligible Entity will comply with applicable environmental and historic preservation (EHP) requirements, including a brief description of the methodology used to evaluate the Eligible Entity's subgrantee projects and project activities against NTIA's programmatic and National Environmental Policy Act (NEPA) guidance; Description of the Eligible Entity's plan to fulfill its obligations as a joint lead agency for NEPA under 42 U.S.C. 4336a, including its obligation to prepare or to supervise the preparation of all required environmental analyses and review documents.
- Evaluation of the sufficiency of the environmental analysis for your state or territory that is contained in the relevant FirstNet Regional Programmatic Environmental Impact Statement (PEIS), available at <https://www.firstnet.gov/network/environmental-compliance/projects/regional-programmatic-environmental-impact-statements>.
  - Evaluation of whether all deployment related activities anticipated for projects within your state or territory are covered by the actions described in the relevant FirstNet Regional PEIS.
  - If applicable, a draft supplemental environmental assessment (EA), providing any information or analysis missing from the relevant FirstNet Regional PEIS that is necessary for the programmatic review of BEAD projects within your state or territory.
  - Methodology for the NEPA screening of the Eligible Entity's subgrantee projects to identify, confirm, and categorize projects qualifying for NTIA Categorical Exclusions and those requiring further environmental review.
  - Description of the Eligible Entity's plan for applying specific award conditions or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects await EHP clearances.

Attached.

## 15 Consent from Tribal Entities (Requirement 15)

**Relevant Instructions from NOFO Section IV.B.9.b, Page 48:**

*The Final Proposal must include...: 15. To the extent an Eligible Entity's Final Proposal includes plans to deploy broadband to Unserved Service Projects or Underserved Service Projects on Tribal Lands, the Eligible Entity must submit a Resolution of Consent from each Tribal Government, from the Tribal Council or other governing body, upon whose Tribal Lands the infrastructure will be deployed.*

- 15.1 **Attachment(s) (Required if any deployment project is on Tribal Lands):** Upload a Resolution of Consent from each Tribal Government (in PDF format) from which consent was obtained to deploy broadband on its Tribal Land. The Resolution(s) of Consent submitted by the Eligible Entity should include appropriate signatories and relevant context on the planned (f)(1) broadband deployment including the timeframe of the agreement. The Eligible Entity must include the name of the Resolution of Consent PDF in the Deployment Projects CSV file

See Attached. Formal resolutions are pending confirmed award.

## 16 Report of Unsuccessful Applications due to Eligible Entity Regulations (Requirement 16)

**Relevant Instructions from NOFO Section IV.B.9.b, Page 49:**

*The Final Proposal must include...: 16. A description of (1) each unsuccessful application that was affected by laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act, that the Eligible Entity did not waive for purposes of BEAD Program project selection and 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; and (2) how those laws impacted the decision to deny each such application.*

**16.1 Question (Y/N):** Did the Eligible Entity have any applications that were unsuccessful due to laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they pre-date or post-date enactment of the Infrastructure Act, that the Eligible Entity did not waive for purposes of the BEAD Program?

No

**16.2 Attachment (Required – Conditional on a ‘Yes’ response to Intake Question 16.1):** As a required attachment only if there were unsuccessful applications due to laws of the Eligible Entity, submit a completed “Regulatory Barriers for Applicants” template

N/A

## 17 Waivers and Public Comment

**Relevant Instructions from NOFO Section IX.E, Page 95:**

*It is the general intent of NTIA not to waive any of the provisions set forth in this NOFO. However, at the discretion of the Assistant Secretary, NTIA, upon its own initiative or when requested, may waive the provisions in this NOFO. Waivers may only be granted for requirements that are discretionary and not mandated by statute or other applicable law. Any request for a waiver must set forth the circumstances for the request.*

**Relevant Instructions from NOFO Section 1.B.2, Page 10:**

*Prior to submission to NTIA, the Final Proposal must be made available for public comment.*

- 17.1 **Text Box:** If any waivers are in process and/or approved as part of the BEAD Initial Proposal or at any point prior to the submission of the Final Proposal, list the applicable requirement(s) addressed by the waiver(s) and date(s) of submission. If not applicable to the Eligible Entity, note 'Not applicable'

Not Applicable

- 17.2 **Attachment (Optional):** If not already submitted to NTIA, and the Eligible Entity needs to request a waiver for a BEAD program requirement, upload a completed Waiver Request Form here. If documentation is already in process or has been approved by NTIA, the Eligible Entity does NOT have to upload waiver documentation again

Attached.

- 17.3 **Text Box:** Describe the public comment period and provide a high-level summary of the comments received by the Eligible Entity during the public comment period and how the Eligible Entity addressed the comments. The response must demonstrate:
- The public comment period was no less than 14 days; and
  - Outreach and engagement activities were conducted to promote feedback during the public comment period

This section will be updated at the conclusion of the public comment period.