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MO V2 Cured.pdf	versus	**MO V2 Final.pdf**
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Total Changes

38

Text only comparison

Content

27 Replacements

6 Insertions

5 Deletions

Styling and Annotations

0 Styling

0 Annotations

Go to First Change (page 1)

Connecting All Missourians

BEAD Initial Proposal

Missouri Department of
Economic Development

Contents

2.1 Objectives (Requirement 1)

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

Copied from Missouri's Five-Year Action Plan.

Goals

Infrastructure and Availability: Missouri will connect all Missourians to high quality, affordable broadband irrespective of their location within Missouri.

Sustainability: Missouri will build the ecosystem necessary to sustain those connections and ensure that connectivity in Missouri continues to improve beyond the lifetime of current broadband programming.

Adoption and Impact: Missouri will reduce digital inequities and ensure all Missourians are able to take full advantage of the opportunities afforded to them by broadband expansion.

Objectives

Broadband Deployment: In 2019, Missouri's Broadband Plan committed to "prioritize activities to achieve universal access to high-speed Internet, with speeds of at least 100 Megabits per second (Mbps) download and 20 Mbps upload, for all Missouri citizens by 2028" with a related milestone of 25/3 Mbps connections to 95 percent of Missourians by 2025. As of the end of 2022, the FCC National Broadband Map shows reliable 25/3 Mbps service to 84% of Missourians and reliable 100/20 Mbps service to 78% of Missourians.

Missouri was the recipient of several previous funding programs. With the provision that some already existing funding programs with a large footprint in Missouri, including the FCC's Rural Digital Opportunity Fund (RDOF), do not require completion of projects before 2028, Missouri recommits to this goal. In the case that every location cannot be reached by that date, Missouri further commits secure reliable, high-speed broadband internet service or a specific plan to provide service (an identified provider, project, timeline, and source of funding) for every unserved and underserved Missourian within the next five years through the strategies outlined in this Five Year Plan. The Office of Broadband Development (OBD) in the Missouri Department of Economic Development (DED) will document and publish records of these commitments so members of the public can understand the plans for their home or business and to promote accountability for broadband funding agencies, including OBD, and funded providers.

Sustainability: Missouri will identify and develop strategies to sustain coverage in areas at risk of losing service beyond the five year window. OBD will track trends in reported broadband data to identify locations losing coverage and locations where coverage has not kept up with evolving demands for broadband connectivity. Missouri will build

an ecosystem beyond OBD and across the non-profit, for-profit, and government sector to continue the work of connecting all Missourians. OBD will attempt to formulate "succession plans," including identification of a new responsible organization, for OBD activities that are still of value for promotion of connectivity in Missouri (including, for instance, maintenance of relevant datasets, public-facing resources for understanding Missouri's broadband availability, and technical support resources for broadband stakeholders) that OBD cannot continue to perform in the future due to resource or capacity constraints.

Broadband Adoption: Missouri will develop strategies to promote uptake of new and existing broadband options. OBD will aim to achieve adoption rates on future OBD awarded grant-funded projects meaningfully higher than the rate achieved by previous grant programs.

Digital Opportunity: Through the strategies documented in this document and in Missouri's Digital opportunity Plan, Missouri will reduce the relationship between poverty, rurality, and poor broadband access and adoption rates as documented in the American Community Survey, FCC National Broadband Map data about broadband availability, and the 2023 Missouri Internet Survey. Without discounting the importance of home internet access, Missouri will also encourage investments in improved connections for community anchor institutions which often serve as a connection-of-last-resort for otherwise unconnected Missourians. OBD will document baseline broadband availability and need for community anchor institutions across the state, improve the share of community anchor institutions with broadband availability that matches their needs, and publish information about community anchor institutions to ensure Missourians can take full advantage of these resources.

Affordability: Missouri will leverage grant funding and other office activities to promote affordable access to the internet across the state of Missouri. Missouri will take measures to increase the share of locations with multiple high-speed, reliable broadband service options, as documented on the FCC National Broadband Map, promoting competition and lowering costs. For unserved and underserved locations where grant funding can subsidize only one new broadband provider, OBD will prioritize funding to providers that make commitments that will ensure broadband availability. Missouri will encourage enrollment in programs that subsidize broadband access for low-income people, including the Affordable Connectivity Program (ACP). Missouri will also create a Middle-Class Affordability Plan to make internet more affordable for more Missourians.

Economic Growth and Job Creation: Missouri will encourage the creation of a healthy ecosystem of internet service providers capable of sustaining new broadband development using diverse funding streams beyond the lifetime of current broadband grant programs. Missouri will foster the development of a highly-skilled, stable workforce based in Missouri capable of establishing and expanding the state's broadband infrastructure.

2.2 Local, Tribal, and Regional Broadband Planning Processes (Requirement 2)

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

Curing Note: In response to NTIA curing content previously included only in section 2.3 appears in this section as well. The responses to these two sections are identical, have not changed from the original submission for 2.3, and do not directly set rules governing the BEAD subgrantee selection process or BEAD administration.

Inserted from Five-Year Action Plan with minor additions.

Stakeholder Engagement Process

OBD (OBD) has conducted significant stakeholder engagement since the inception of OBD and over the course of preparation for the BEAD program. During the planning phase of both the BEAD program and DEA our office has remained transparent and available to our stakeholders. Our stakeholder engagement process includes communication, collaboration, and coordination across diverse groups of stakeholders, including all covered populations as outlined in the DEA Notice of Funding Opportunity. Covered populations were reached in several different ways including listening sessions, informational meetings, a Missouri internet survey, and state cohorts which are described in more detail below. The Regional Planning Commissions and St. Louis County Library system were tasked with creating regional lists of stakeholders, especially those that are classified as a covered population for outreach efforts from OBD.

The local coordination parameters outlined in the BEAD NOFO were considered throughout the planning process and OBD's stakeholder engagement efforts including:

1. Full geographic coverage;
2. Meaningful engagement and outreach to diverse stakeholder groups;
3. Utilization of multiple awareness and participation mechanisms and different methods to convey information and outreach;
4. Establishment, documentation, and adherence to clear procedures to ensure transparency; and
5. Outreach and engagement of unserved and underserved communities, including historically underrepresented and marginalized groups and/or communities.

The following sections describe how OBD incorporated and will continue to incorporate, the local coordination parameters in their efforts.

In-person Regional Meetings/Listening Sessions/Informational Sessions

Our office partnered with the Regional Planning Commissions and the St. Louis County Library system, as well as the University of Missouri system to engage stakeholders within their region of the state by means of sending emails, phone calls, flyers, and connecting with local businesses and organizations to ensure our correspondence is reaching as many citizens around the state. This allowed for a complete geographic coverage of the state. Without strong partnerships like these OBD would not have had as robust of an outreach campaign.

The Regional Planning Commissions and the St. Louis County Library hosted and promoted in-person regional engagement meetings. In October and November 2022 OBD conducted their first round of listening sessions across the state. These sessions allowed stakeholders to have their voices heard about what the challenges and barriers are on a regional basis. We split the time at the meetings between the BEAD program and the DEA. The first part of these meetings was a presentation on the BEAD program where we shared maps and statistics on a regional basis and information from the Notice of Funding Opportunity. The second part was a presentation on the Digital Equity Act. At the end of each part, we opened the meeting for discussion and encouraged attendees to share their experiences about access, affordability, and adoption of the internet. We offered a virtual and phone in option for those who may not have been able to attend in-person. During these 23 listening sessions we heard from over 625 Missourians in the 19 regions of the state. Stakeholders we heard from include, but are not limited to: citizens, local government representatives & elected officials, Internet Service Providers, electric coops, CWA, Farm Bureau, USDA, digital inclusion organizations, libraries, schools, banks, chambers of commerce, health care entities, Regional Planning Commissions and University of Missouri Extension.

The findings of these listening sessions are vital to the state receiving federal funding for the expansion of Internet service and the support of digital opportunity services and programs to connect all Missourians. OBD asked the same prompt questions at all locations to spark conversation.

While OBD heard many unique responses across the state, there were also a lot of similarities of the barriers communities are facing and possible solutions to those challenges.

In May and June of 2023 OBD conducted a follow-up round of in-person meetings. These public engagement sessions allowed OBD to present how we incorporated stakeholder input into our plans for BEAD and DEA and share current BEAD eligibility maps based on the counties within each region. It was also an opportunity to update our stakeholders on what to expect in the upcoming months and OBD's timeline for each of the programs. Stakeholders were able to ask questions and have further input on our plans. During our follow-up tour we visited the 19 regions of the state, with 20 separate meetings be held, while hearing from over 400 stakeholders statewide. We again offered the meetings virtually and by phone for anyone who may not have been able to attend in-person.

Promotion of these meetings included correspondence from OBD through email, social media, and monthly stakeholder calls, as well as the Regional Planning Commissions and St. Louis County Library promoting and reaching out to citizens and organizations within their region via virtual and in-person means and University of Missouri Extension offices doing the same.

Monthly stakeholder calls

OBD hosts monthly stakeholder calls on the last Friday of every month at 1:00 pm. These calls allow OBD to share any updates from what has happened during the month and what is to come in the next month(s). These calls allow stakeholders to have a chance to ask questions and get a real-time answer. There are typically 50-100 stakeholders on the call every month. The call is virtual; however, we do record the call and post it on our website to allow for anyone that may not be able to attend to listen to it. OBD plans to continue these calls during the implementation phase of the BEAD and DEA programs.

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State, County, and Municipal Agencies & Associations

OBD has conducted meetings with DHEWD in regards to workforce and training needs. NTIA also hosted a meeting with the Governor's Office and representatives from DHEWD. The Missouri Department of Agriculture (MDA) has also been involved in broadband discussions and other state agencies have helped promote information shared from OBD.

OBD is in frequent contact with the Missouri Municipal League and Missouri Association of Counties. Our Office has provided content for newsletters and magazines published by both.

Media Campaign

In late 2022 OBD conducted a media campaign for the FCC broadband map challenge process. During this campaign OBD ran targeted radio and Facebook ads to encourage Missourians to participate in the challenge process. The radio ad aired 3,659 times during January 1-13, 2023 on rural stations to reach those who may not have

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Survey

The 2023 Missouri Internet Survey provides insight into the infrastructure and digital needs of Missourians and will serve as a benchmark for measuring progress as broadband investments are implemented to benefit every corner of the state.

The online survey of 23 questions was developed to collect anonymous input from Missouri adults during the spring of 2023. A review of other internet service and digital capital household surveys informed the development of these questions to ensure important data was collected while the survey remained smartphone-friendly to improve outreach to households without home internet service. A Spanish-language version was also made available. The recruitment material – including a postcard and flyers – and survey were approved by the University of Missouri's Institutional Review Board.

An important aspect of this survey was the need to gather enough representative samples from eight focus populations, designated by the Digital Equity Act, to ensure their feedback could be included in this report. Many of these groups – such as formerly incarcerated individuals – are relatively small populations making it difficult to achieve a high number of random responses. To achieve a sufficient level of responses for these focus populations, several concurrent activities were taken by the University of Missouri and other organizations supporting this effort:

- 80,000 postcards with QR codes were mailed by the University of Missouri to random Missouri households, with oversampling used to increase mailings to zip codes where a higher proportion of focus population households resided.
- Social media outreach from the University of Missouri Extension Program, Missouri Department of Economic Development, Missouri Governor's Office, the Missouri Chamber of Commerce, and other organizations helped tremendously in raising public and media awareness.
- The University of Missouri Extension, regional planning commissions, and several state agencies, notably the Department of Social Services and Corrections, used newsletters and e-mails to raise awareness and to pass along a flyer that could be posted at organizations or stores to increase survey visibility.

This multi-pronged approach was critical to reaching Missourians across the state and resulted in over 8,700 individuals starting the survey with 7,504 completing it (86% completion rate). The large response level provided enough information to report figures for the eight focus populations along with many other sub-populations.

Like many random surveys, the population of respondents rarely mirrors the overall population in terms of age, income, race and education levels. Respondents to this survey were generally more high-income, older, white, educated, and rural than the overall population.

While the survey response levels for different sub-populations were sufficient for reporting, and focus population outcomes were necessary, weighting was used to adjust the overall respondent percentages to better reflect a survey average representing Missouri's population distribution. Household income weights were used to adjust the survey average which increased the influence of lower-income respondents because their responses typically differed significantly from other populations. Lower-income respondents were also more representative of Missouri's citizens in terms of race and educational attainment.

The survey results are presented under three major themes:

1.   Internet Service Access and Adoption

The internet services section asked questions regarding the devices and internet services respondents used at home. It included questions on internet access and adoption, the cost and types of home internet services, willingness to pay for devices and services and home internet challenges.

2.   Internet Activities

The internet activities section asked questions about the use of home internet for work or other activities for those with and without internet services. Comparing the activities of respondents with internet access to the desired uses of respondents without access shows where expectations differ from reality.

3.   Internet Assistance and Concerns

The internet assistance and concerns section asked questions about internet, device or resource training or assistance interest. Another question asks where respondents would likely go for internet or device assistance. A final question asks about concerns respondents have with internet usage.

Advisory Council

OBD of Broadband has formed an advisory council to provide guidance and serve in an advisory capacity throughout the planning process for the BEAD and DEA programs. The advisory council will provide guidance and advice on the compilation of the BEAD 5-year Action Plan, Initial Proposal and Final Proposal as well as the state Digital opportunity Plan.

The council members will be asked to:

- Contribute to the state's plan for BEAD funds and efforts to improve the state's broadband infrastructure.
- Contribute to the state's plan for DEA funds and efforts to help Missourians overcome non-infrastructure barriers to getting online.
- Advise the state on policy questions and program design.
- Provide comments on draft policy documents.
- Identify digital connectivity needs across the state and propose tools to address those needs.
- Serve as ambassadors in and beyond their geographic and professional communities, encouraging participation in broadband planning efforts.

OBD plans to convene the Advisory Council two times in person in Jefferson City and several virtual meetings throughout the planning process. Each member will be asked to engage their respective stakeholders and represent their geographic and professional communities and the interests of the public. The Advisory Council is composed of representatives from underrepresented communities.

Focus Groups

The University Missouri St. Louis (UMSL) Community Innovation and Action Center conducted a statewide focus group in order to better understand the broadband needs and challenges of Missourians across the state. In order to better use and distribute funding to achieve digital opportunity in the State of Missouri, it is necessary to understand the barriers Missouri citizens encounter when accessing broadband and how broadband access, or lack thereof, affects their daily lives. These focus groups, along with other data collection methods, allow for a greater understanding of the issues Missourians are facing when it comes to broadband access.

Fourteen focus groups of up to 12 participants were planned. Census data was used to select locations representing demographic and geographic diversity (see full report). Considerations included the region of Missouri (northeast, northwest, southeast, southwest, east central, or west central), whether the location was urban or rural, overall population demographics, and the feasibility of holding a group in each area. Based on this information, towns were chosen from which to recruit. These included: Eminence, Maryville, Clinton, Edina, Kennett, Kansas City, St. Louis (city and county), Columbia, and Springfield. Participants were offered both in-person and online (Zoom) options, so they could choose the participation method that worked best for them. As data emerged regarding participation rates, the team noted that the online option was preferred by many participants. Therefore, as the number of Zoom options increased, the initial list of locations was expanded to include additional cities and towns across the state of Missouri.

Ultimately, there were 20 focus groups in total with the first occurring on May 16, 2023, and the final focus group taking place on July 6, 2023. Of the 20 focus groups, 11 took place on Zoom with 9 occurring in person. The in-person group locations included St. Louis County, Kansas City, Columbia, Kennett, and Eminence. The Zoom groups

featured one Spanish-speaking group and included participants from across the state of Missouri which provided for a more balanced sample. . The average number of participants in attendance at each focus group was 8 to 9 participants with the smallest focus group containing 4 participants and the largest containing 16 participants.

In conclusion, the focus group found that aside from the fact that, today, many jobs require the internet, either to connect by phone and check email, or to operate agricultural businesses and small businesses, the vast majority of Missourians need the internet to access assistive technologies, physical and mental health services, public transportation schedules, language translation services, unemployment benefits, job applications, bills and more. Given this, internet access has become a basic necessity.

Internet access is not only necessary, but it is critical to achieving equity and inclusivity in Missouri's community, economy, and culture. As illustrated in the previous section, historically disadvantaged groups, too, rely on high-quality and affordable internet access, and need it for all the same reasons mentioned in the previous paragraph. Findings from the 20 focus group discussions across Missouri suggest that rural communities, low-income households, BIPOC and disabled people are disproportionately impacted by weak, costly, and unreliable internet access.

As this analysis reveals, many participants across the state of Missouri have lost jobs, or missed out on new professional opportunities because their internet access is unreliable and inconsistent. As a result, families and households suffer, small businesses and large ones are hindered, the tourism sector slows, and the Missourian economy slows. Students fell behind during and after the COVID-19 pandemic because they were unable to access their learning materials at home.

On the contrary, when individuals and communities have access to reliable, high-speed internet, the benefits are innumerable. Communities can connect with and support each other, individuals in need can find the resources they need, children and youth can learn and grow up to become educated, civically-engaged, and impactful members of the Missouri workforce and economy.

These focus groups demonstrate the need for improved internet access across Missouri, particularly for underserved populations.

Missouri Digital Asset Mapping Tool

The University of Missouri Center for Applied Research and Engagement Systems (CARES), in partnership with the University of Missouri System Broadband Initiative, integrated and contextualized broadband data to assist OBD in planning for and carrying out statewide broadband expansion efforts.

One of the primary results of those efforts was the construction of a publicly available asset inventory of the resources available to assist Missourians with issues of digital connectivity. CARES designed and developed a dynamic data collection tool to support rolling information capture about broadband-related resources. A Qualtrics

survey was developed to capture digital assets. The Missouri Digital Asset Map (MoDAM) aims to collect assets and attributes such as digital literacy programs, basic and advanced computer classes, locations of public computers, organizations or programs that distribute hotspots, public Wi-Fi services, libraries, one-on-one technical assistance centers, and adult/workforce education programs, to not only assist in statewide planning, but to also assist public consumers in connecting to digital resources in and around their communities.

Ongoing stakeholder engagement and feedback mechanisms

As OBD has been working on these major processes of stakeholder engagement there have been other means of outreach happening in tandem. OBD sends out regular emails with updates to our broadband stakeholder listserv that currently has over 1,300 subscribers and other listservs housed within the Department of Economic Development. OBD has a webpage dedicated to the "Connecting All Missourians" initiative that is updated frequently to keep our stakeholders up to date. This is a central location for all project information, timelines, and activities. Our email broadband@ded.mo.gov is monitored daily as well as our phone number 573-526-1028. DED also has social media platforms that are utilized to share updates and information. OBD has partners that are willing to push information to their respective audience, including the University of Missouri Extension, state librarian, Regional Planning Commissions, and many other organizations that are included in Local Coordination Tracker for this effort. RPCs and others utilize local advertisement, flyers, in-person events, and word of mouth to share updates and information on a local basis.

To further ensure critical input during the planning process the Initial and Final Proposals will be posted for a 30-day public comment period. There will be short surveys stakeholders will be able to answer, along with being able to email and call our office to provide comment.

OBD will host a statewide Connecting All Missourians Broadband Stakeholder Summit in early November 2023. The BEAD Initial Proposal and state Digital Opportunity Plan will be posted for public comment during this period of time. Our Office will have printed copies of the plans and will allow time for public to provide feedback during this summit. The agenda will consist of several panel discussions including workforce development, Rights-of-Way, and other outside voices. Guest panelists will include, but are not limited to: CWA, DHEWD, contractor, MoDOT, MO811, Railroad representative, and others.

OBD will continue to engage with key stakeholders and reach out to those groups that have not yet been fully engaged.

2.3 Local Coordination (Requirement 4)

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

Inserted from Five-Year Action Plan with minor additions.

Stakeholder Engagement Process

The Office of Broadband Development (OBD) has conducted significant stakeholder engagement since the inception of OBD and over the course of preparation for the BEAD program. During the planning phase of both the BEAD program and DEA our office has remained transparent and available to our stakeholders. Our stakeholder engagement process includes communication, collaboration, and coordination across diverse groups of stakeholders, including all covered populations as outlined in the DEA Notice of Funding Opportunity. Covered populations were reached in several different ways including listening sessions, informational meetings, a Missouri internet survey, and state cohorts which are described in more detail below. The Regional Planning Commissions and St. Louis County Library system were tasked with creating regional lists of stakeholders, especially those that are classified as a covered population for outreach efforts from OBD.

The local coordination parameters outlined in the BEAD NOFO were considered throughout the planning process and OBD's stakeholder engagement efforts including:

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The findings of these listening sessions are vital to the state receiving federal funding for the expansion of Internet service and the support of digital opportunity services and programs to connect all Missourians. OBD asked the same prompt questions at all locations to spark conversation. The data below was aggregated into themes based on responses from each of the locations. Key takeaways about the challenges and barriers to broadband and digital inclusion from these meetings include the following.

What one thing could federal, state, or local government do to remove roadblocks to expanding Broadband infrastructure in your communities? (Examples, workforce, terrain, lack of providers, right of way access, cost to construct)?
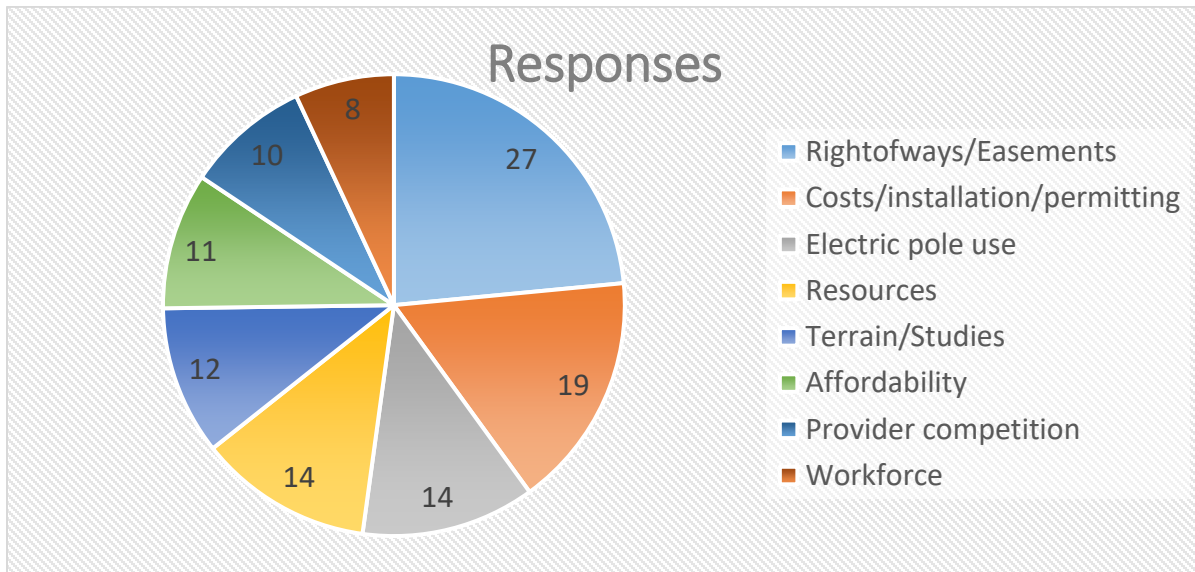
Data from fall 2022 regional engagement listening sessions.

What should providers know to better address local government needs?
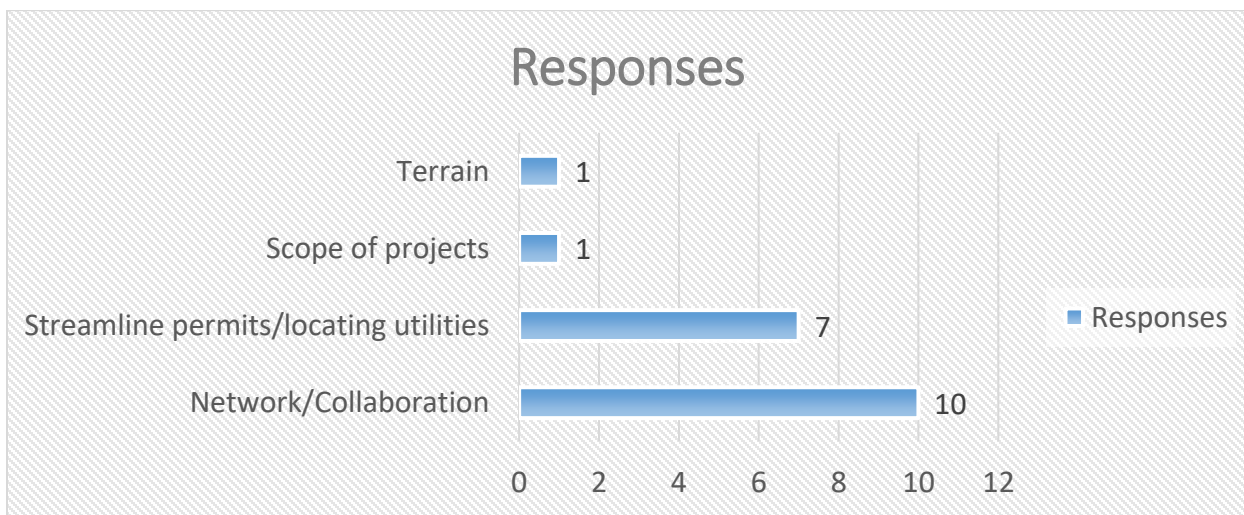
Figure 1: Data from fall 2022 regional engagement listening sessions.

What commitments can local governments make to ease the process of getting projects underway?
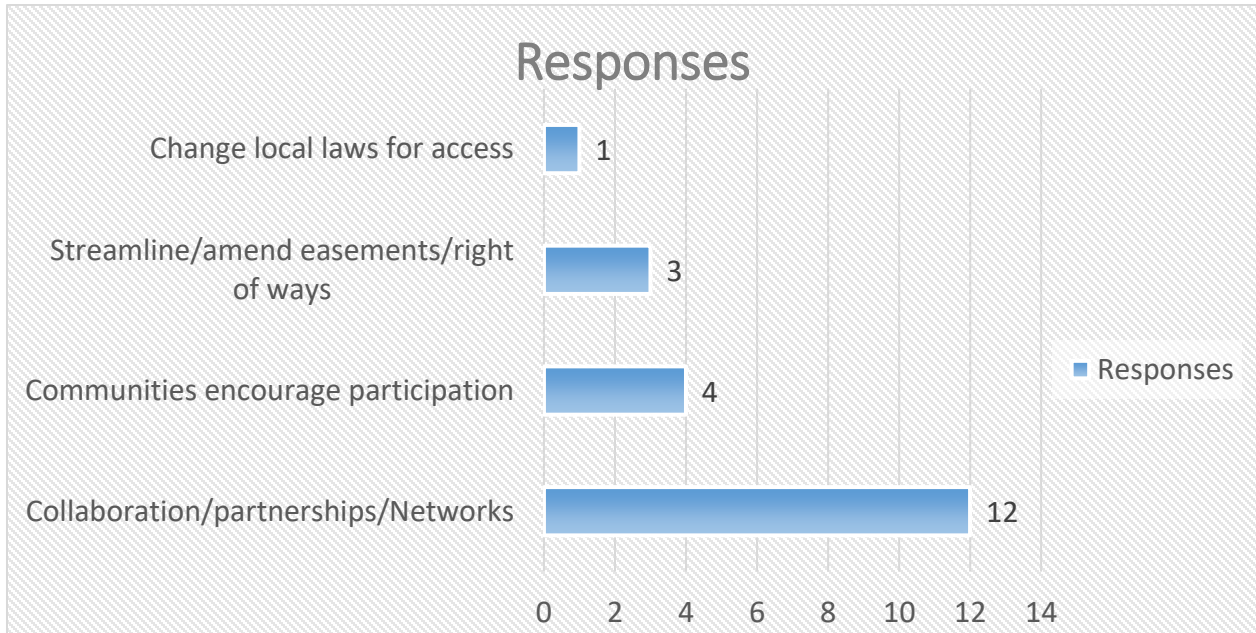
Figure 2: Data from fall 2022 regional engagement listening sessions.

What resources are there in the community to address workforce shortages?

Figure 3: Data from fall 2022 regional engagement listening sessions.

What services are currently being offered to provide access and devices to community members?

Figure 4: Data from fall 2022 regional engagement listening sessions.

How can we increase adoption\subscription of broadband and digital applications within your community?

Figure 5: Data from fall 2022 regional engagement listening sessions.

How will we know that we are successfully creating access to Broadband that is accessible and affordable for all citizens of Missouri?

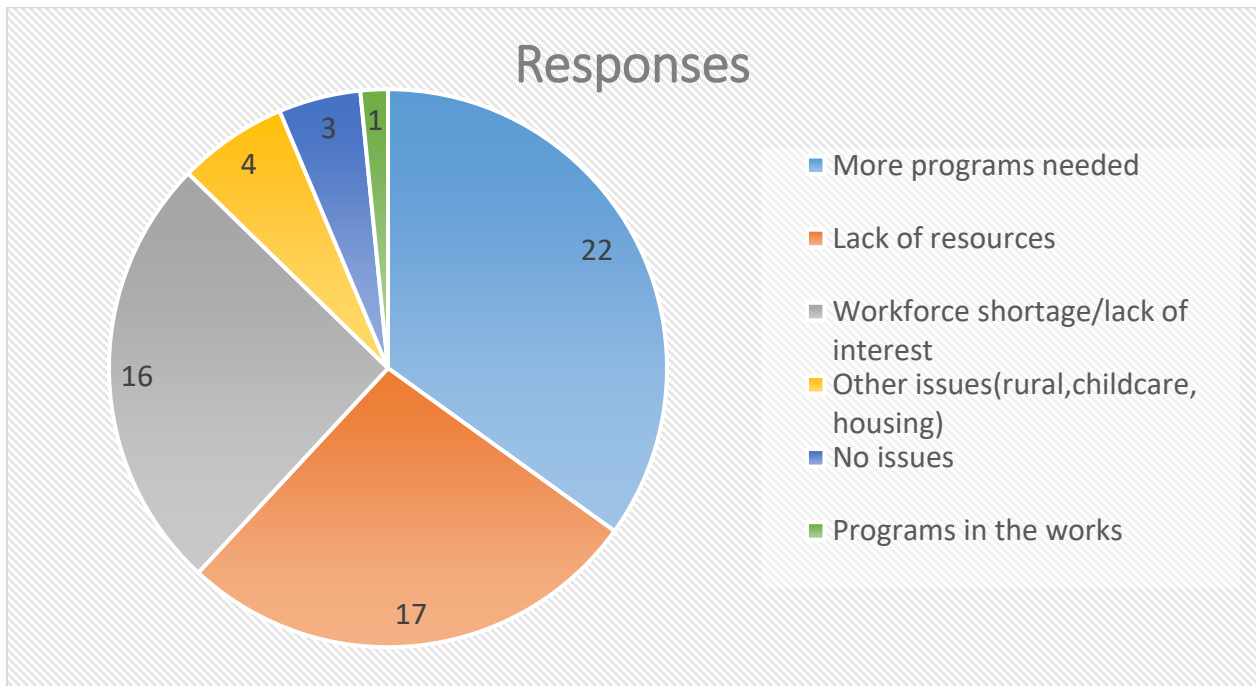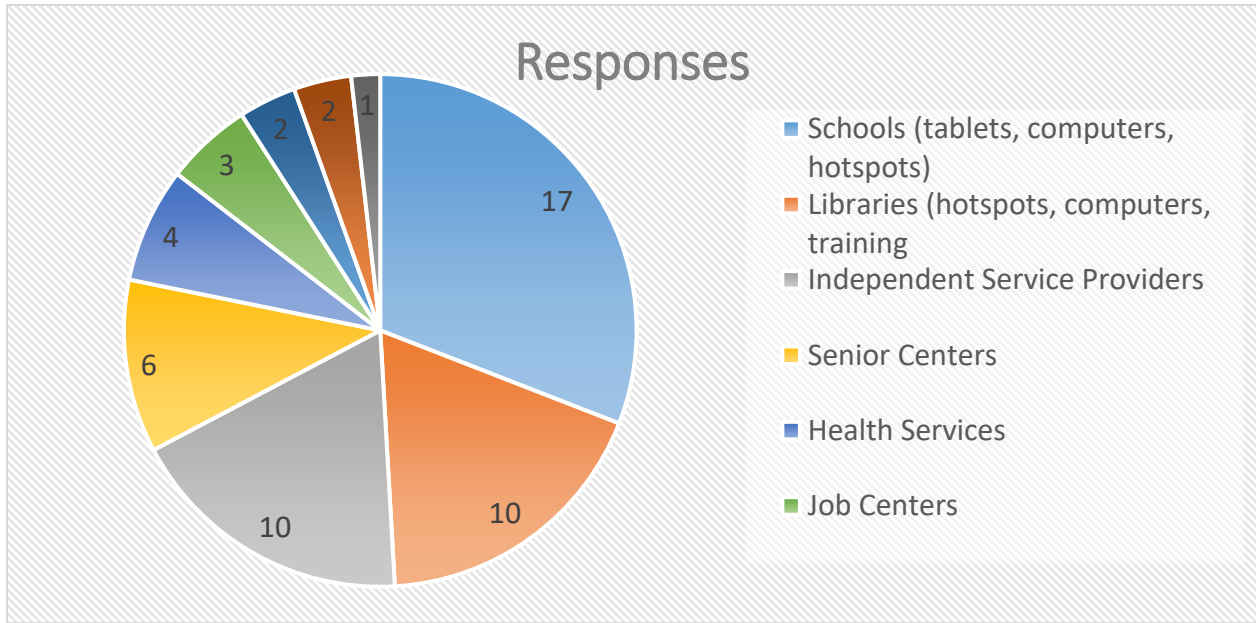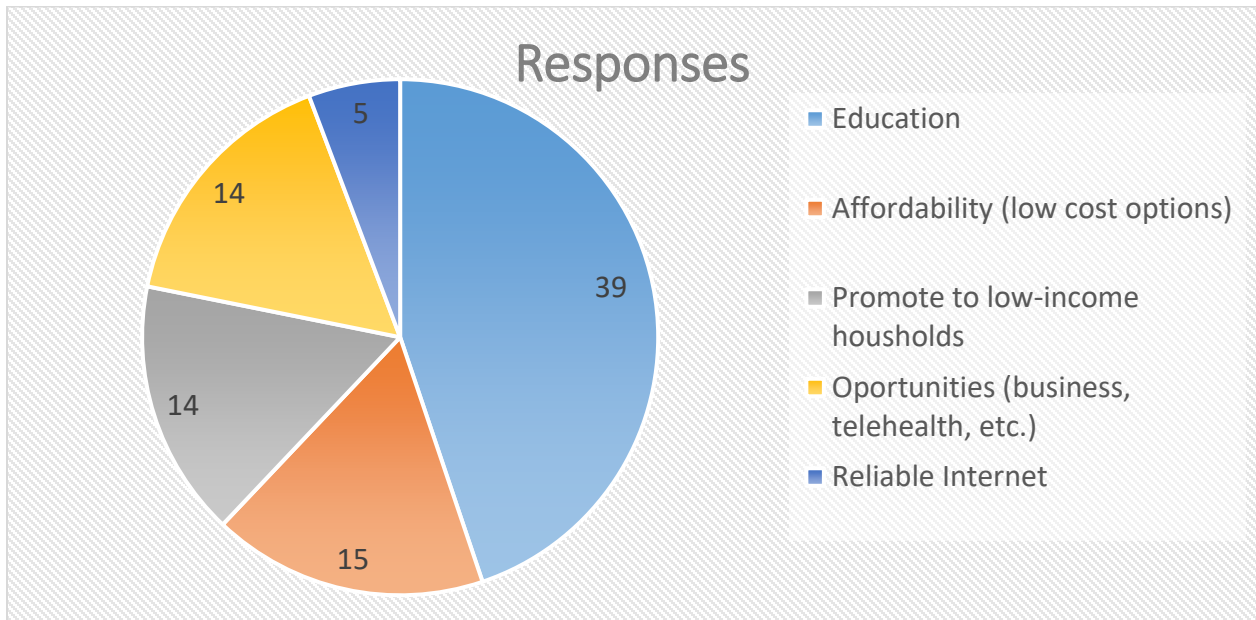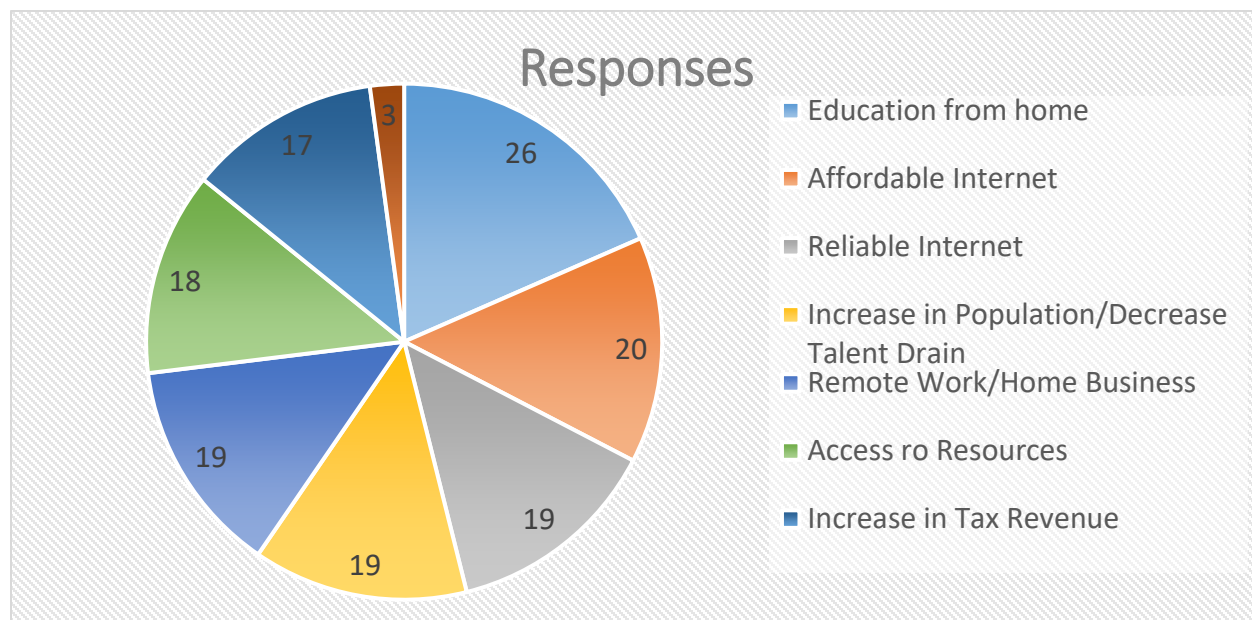*Figure 6: Data from fall 2022 regional engagement listening sessions.*

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In late 2022 OBD conducted a media campaign for the FCC broadband map challenge process. During this campaign OBD ran targeted radio and Facebook ads to encourage Missourians to participate in the challenge process. The radio ad aired 3,659 times during January 1-13, 2023 on rural stations to reach those who may not have access to high-speed internet. The Facebook ad reached 14,768 individuals during the time it was active. OBD also mailed 20,000 postcards to targeted zip codes to encourage Missourians to review the FCC Broadband Availability map to ensure their address appeared on the map and was shown accurately. OBD was intentional about finding media capable of getting the message out to disconnected people to foster community engagement and reach hard to reach populations.

Survey

The 2023 Missouri Internet Survey provides insight into the infrastructure and digital needs of Missourians and will serve as a benchmark for measuring progress as broadband investments are implemented to benefit every corner of the state.

The online survey of 23 questions was developed to collect anonymous input from Missouri adults during the spring of 2023. A review of other internet service and digital capital household surveys informed the development of these questions to ensure important data was collected while the survey remained smartphone-friendly to improve outreach to households without home internet service.[1] A Spanish-language version was also made available. The recruitment material – including the postcard and flyers – and survey were approved by the University of Missouri's Institutional Review Board.

An important aspect of this survey was the need to gather enough representative samples from eight focus populations, designated by the Digital Equity Act, to ensure their feedback could be included in this report. Many of these groups – such as formerly incarcerated individuals – are relatively small populations making it difficult to achieve a high number of random responses. To achieve a sufficient level of responses for these focus populations, several concurrent activities were taken by the University of Missouri and other organizations supporting this effort:

- 80,000 postcards with QR codes were mailed by the University of Missouri to random Missouri households, with oversampling used to increase mailings to zip codes where a higher proportion of focus population households resided.
- Social media outreach from the University of Missouri Extension Program, Missouri Department of Economic Development, Missouri Governor's Office, the Missouri Chamber of Commerce, and other organizations helped tremendously in raising public and media awareness.
- The University of Missouri Extension, regional planning commissions, and several state agencies, notably the Department of Social Services and Corrections, used newsletters and e-mails to raise awareness and to pass along a flyer that could be posted at organizations or stores to increase survey visibility.

This multi-pronged approach was critical to reaching Missourians across the state and resulted in over 8,700 individuals starting the survey with 7,504 completing it (86% completion rate). The large response level provided enough information to report figures for the eight focus populations along with many other sub-populations.

Like many random surveys, the population of respondents rarely mirrors the overall population in terms of age, income, race and education levels. Respondents to this

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[1] A well-designed digital capital survey, created by the Purdue Center for Regional Development and the Southern Rural Development Center, was shared by Dr. Roberto Gallardo and served as an important resource in question development (see Understanding the Digital Equity Landscape for information on their survey findings).

survey were generally more high-income, older, white, educated, and rural than the overall population (see Exhibit 1).

While the survey response levels for different sub-populations were sufficient for reporting, and focus population outcomes were necessary, weighting was used to adjust the overall respondent percentages to better reflect a survey average representing Missouri's population distribution. Household income weights were used to adjust the survey average which increased the influence of lower-income respondents because their responses typically differed significantly from other populations. Lower-income respondents were also more representative of Missouri's citizens in terms of race and educational attainment.

The survey results are presented under three major themes:

1. Internet Service Access and Adoption

   The internet services section asked questions regarding the devices and internet services respondents used at home. It included questions on internet access and adoption, the cost and types of home internet services, willingness to pay for devices and services and home internet challenges.

2. Internet Activities

   The internet activities section asked questions about the use of home internet for work or other activities for those with and without internet services. Comparing the activities of respondents with internet access to the desired uses of respondents without access shows where expectations differ from reality.

3. Internet Assistance and Concerns

   The internet assistance and concerns section asked questions about internet, device or resource training or assistance interest. Another question asks where respondents would likely go for internet or device assistance. A final question asks about concerns respondents have with internet usage.

Exhibit 1. Missouri Internet Survey
Respondent and Census Distributions

Survey and Census Distributions		
Groups	**Survey**	**Census**
Household Income		
Less than $35,000	18%	28%
$35,000 to under $74,999	31%	31%
$75,000 to under $99,999	19%	13%
$100,000 or more	32%	27%
*Respondents (N)**	*6,022*	
Age		
18-34	11%	22%
35-64	59%	38%
65 and over	30%	17%
*Respondents (N)**	*7,231*	
Race or Ethnicity		
White, alone	91%	80%
Non-White	9%	20%
Black or African American, alone	4%	11%
Hispanic, Latino, or Spanish origin	2%	4%
*Respondents (N)**	*6,930*	
Educational Attainment		
High school degree or less	12%	40%
Some college or AA degree	31%	30%
Bachelor's degree or above	57%	31%
*Respondents (N)**	*7,288*	
Area		
Metropolitan Counties	59%	87%
Nonmetropolitan Counties	41%	13%
*Respondents (N)**	*7,377*	
Higher Access: > Half of Served Locations with 25/3+ Mbps	86%	95%
Low Access: < Half of Served Locations with 25/3+ Mbps	14%	5%
*Respondents (N)**	*7,504*	

*Respondents who did not give an answer are not shown

Figure 7: Missouri Internet Survey report Exhibit 1

Advisory Council

OBD has formed an advisory council to provide guidance and serve in an advisory capacity throughout the planning process for the BEAD and DEA programs. The advisory council will provide guidance and advice on the compilation of the BEAD 5-year Action Plan, Initial Proposal and Final Proposal as well as the state Digital Opportunity Plan.

The council members will be asked to:

- Contribute to the state's plan for BEAD funds and efforts to improve the state's broadband infrastructure.
- Contribute to the state's plan for DEA funds and efforts to help Missourians overcome non-infrastructure barriers to getting online.
- Advise the state on policy questions and program design.
- Provide comments on draft policy documents.
- Identify digital connectivity needs across the state and propose tools to address those needs.

- Serve as ambassadors in and beyond their geographic and professional communities, encouraging participation in broadband planning efforts.

OBD plans to convene the Advisory Council two times in person in Jefferson City and several virtual meetings throughout the planning process. Each member will be asked to engage their respective stakeholders and represent their geographic and professional communities and the interests of the public. The Advisory Council is composed of representatives from underrepresented communities.

Focus groups

The University Missouri St. Louis (UMSL) Community Innovation and Action Center conducted a statewide focus group in order to better understand the broadband needs and challenges of Missourians across the state. In order to better use and distribute funding to achieve digital opportunity in the state of Missouri, it is necessary to understand the barriers Missouri citizens encounter when accessing broadband and how broadband access, or lack thereof, affects their daily lives. These focus groups, along with other data collection methods, allow for a greater understanding of the issues Missourians are facing when it comes to broadband access.

Fourteen focus groups of up to 12 participants were planned. Census data was used to select locations representing demographic and geographic diversity (see full report). Considerations included the region of Missouri (northeast, northwest, southeast, southwest, east central, or west central), whether the location was urban or rural, overall population demographics, and the feasibility of holding a group in each area. Based on this information, towns were chosen from which to recruit. These included: Eminence, Maryville, Clinton, Edina, Kennett, Kansas City, St. Louis (city and county), Columbia, and Springfield. Participants were offered both in-person and online (Zoom) options, so they could choose the participation method that worked best for them. As data emerged regarding participation rates, the team noted that the online option was preferred by many participants. Therefore, as the number of Zoom options increased, the initial list of locations was expanded to include additional cities and towns across the state of Missouri.

Ultimately, there were 20 focus groups in total with the first occurring on May 16, 2023, and the final focus group taking place on July 6, 2023. Of the 20 focus groups, 11 took place on Zoom with 9 occurring in person. The in-person group locations included St. Louis County, Kansas City, Columbia, Kennett, and Eminence. The Zoom groups featured one Spanish-speaking group and included participants from across the state of Missouri which provided for a more balanced sample. See Figure 1 below to see the geographic spread of the participant locations. The average number of participants in attendance at each focus group was 8 to 9 participants with the smallest focus group containing 4 participants and the largest containing 16 participants.
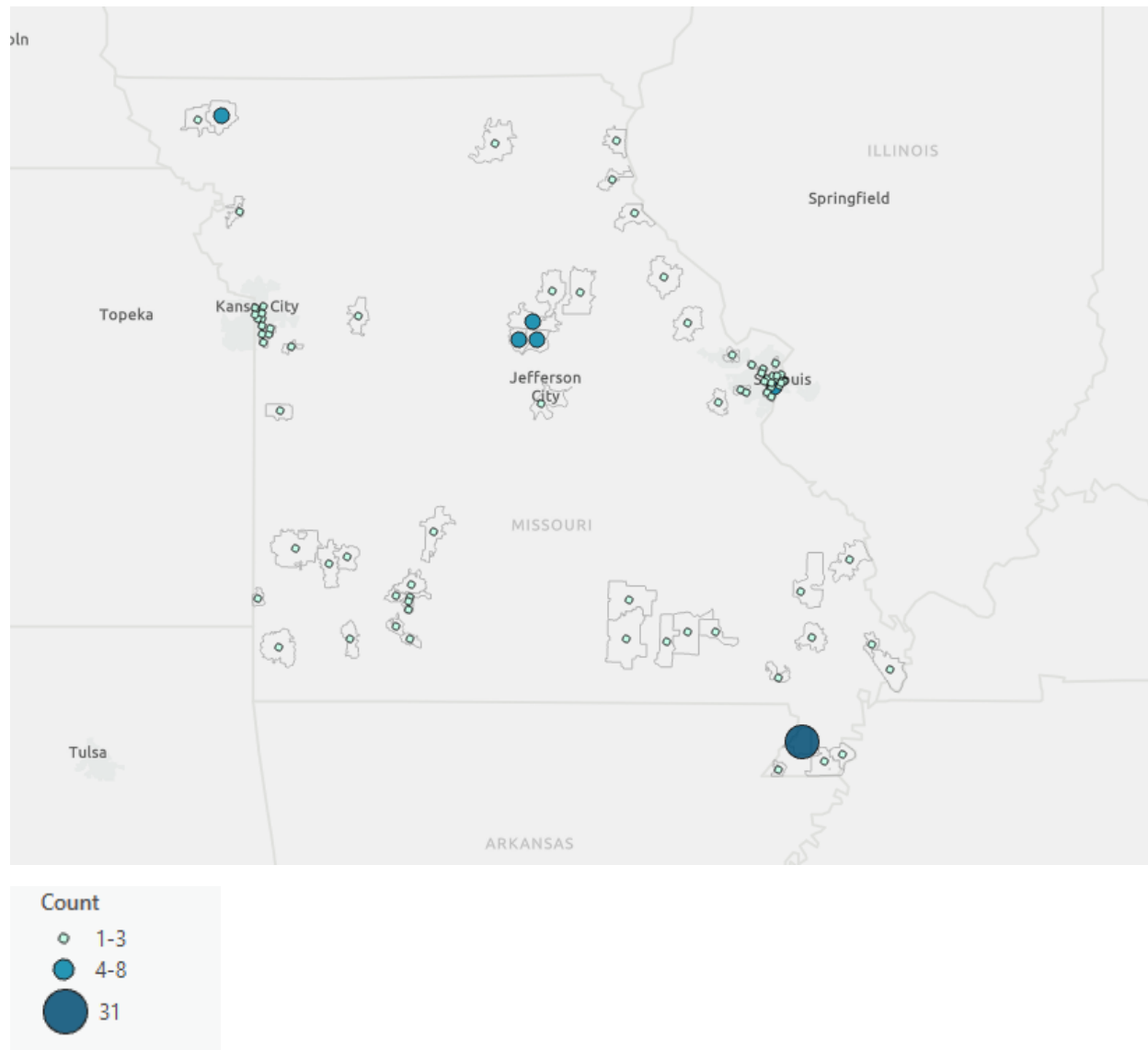
Figure *8: Missouri Digital Inclusion Asset Mapping: Focus Group Study*

In conclusion, the focus group found that aside from the fact that, today, many jobs require the internet, either to connect by phone and check email, or to operate agricultural businesses and small businesses, the vast majority of Missourians need the internet to access assistive technologies, physical and mental health services, public transportation schedules, language translation services, unemployment benefits, job applications, bills and more. Given this, internet access has become a basic necessity.

Internet access is not only necessary, but it is critical to achieving equity and inclusivity in Missouri's community, economy, and culture. As illustrated in the previous section, historically disadvantaged groups, too, rely on high-quality and affordable internet access, and need it for all the same reasons mentioned in the previous paragraph. Findings from the 20 focus group discussions across Missouri suggest that rural

communities, low-income households, BIPOC and disabled people are disproportionately impacted by weak, costly, and unreliable internet access.

As this analysis reveals, many participants across the state of Missouri have lost jobs, or missed out on new professional opportunities because their internet access is unreliable and inconsistent. As a result, families and households suffer, small businesses and large ones are hindered, the tourism sector slows, and the Missourian economy slows. Students fell behind during and after the COVID-19 pandemic because they were unable to access their learning materials at home.

On the contrary, when individuals and communities have access to reliable, high-speed internet, the benefits are innumerable. Communities can connect with and support each other, individuals in need can find the resources they need, children and youth can learn and grow up to become educated, civically-engaged, and impactful members of the Missouri workforce and economy.

These focus groups demonstrate the need for improved internet access across Missouri, particularly for underserved populations.

Missouri Digital Asset Mapping Tool

The University of Missouri Center for Applied Research and Engagement Systems (CARES), in partnership with the University of Missouri System Broadband Initiative, integrated and contextualized broadband data to assist OBD in planning for and carrying out statewide broadband expansion efforts.

One of the primary results of those efforts was the construction of a publicly available asset inventory of the resources available to assist Missourians with issues of digital connectivity. CARES designed and developed a dynamic data collection tool to support rolling information capture about broadband-related resources. A Qualtrics survey was developed to capture digital assets. The Missouri Digital Asset Map (MoDAM) aims to collect assets and attributes such as digital literacy programs, basic and advanced computer classes, locations of public computers, organizations or programs that distribute hotspots, public Wi-Fi services, libraries, one-on-one technical assistance centers, and adult/workforce education programs, to not only assist in statewide planning, but to also assist public consumers in connecting to digital resources in and around their communities.

Ongoing stakeholder engagement and feedback mechanisms

As OBD has been working on these major processes of stakeholder engagement there have been other means of outreach happening in tandem. OBD sends out regular emails with updates to our broadband stakeholder listserv that currently has over 1,300 subscribers and other listservs housed within the Department of Economic Development. OBD has a webpage dedicated to the "Connecting All Missourians" initiative that is updated frequently to keep our stakeholders up to date. This is a central location for all project information, timelines, and activities. Our email broadband@ded.mo.gov is monitored daily as well as our phone number 573-526-1028.

DED also has social media platforms that are utilized to share updates and information. OBD has partners that are willing to push information to their respective audience, including the University of Missouri Extension, state librarian, Regional Planning Commissions, and many other organizations that are included in Local Coordination Tracker for this effort. RPCs and others utilize local advertisement, flyers, in-person events, and word of mouth to share updates and information on a local basis.

To further ensure critical input during the planning process the Initial and Final Proposals will be posted for a 30-day public comment period. There will be short surveys stakeholders will be able to answer, along with being able to email and call our office to provide comment.

OBD will host a statewide Connecting All Missourians Broadband Stakeholder Summit in early November 2023. The BEAD Initial Proposal and state Digital Opportunity Plan will be posted for public comment during this period of time. Our Office will have printed copies of the plans and will allow time for public to provide feedback during this summit. The agenda will consist of several panel discussions including workforce development, Rights-of-Way, and other outside voices. Guest panelists will include, but are not limited to: CWA, DHEWD, contractor, MoDOT, MO811, Railroad representative, and others.

OBD will continue to engage with key stakeholders and reach out to those groups that have not yet been fully engaged.

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

Not Applicable.

2.4 Deployment Subgrantee Selection (Requirement 8)

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

BEAD subgrants[2] will be awarded through a four-stage process: a pre-qualification period, a Request for Information process for drawing project areas, and two rounds of applications and awards.

A. Request for Information Process

A request for information (RFI) process will be used to solicit information about the territory in which providers plan to apply for BEAD funding. Providers will be asked to indicate areas of the state in which they plan to apply for BEAD funding to extend service to every BEAD-eligible home, business, and community anchor institution using end-to-end fiber networks. Projects submitted through this process will generally be required to include at least ten BEAD-eligible locations.

These submitted areas will be used to create application areas in which any eligible provider can apply for funding through the two round application process. Cases in which the submitted service areas of two providers overlap would become three application areas: an application area where the only applicant was Provider A, an application area where the only applicant was Provider B, and a third area where both Provider A and B submitted. Both providers would therefore be able to apply for their entire desired territory, with the application area generated by the overlap awarded on a competitive basis. This process is described in detail in section 2.4.6 of this document.

Subject to office capacity, NTIA approval of relevant elements of Missouri's Initial Proposal, and completion of the state's mapping portal, the request for information submission window is scheduled to take place over 45 days from Feb. 19, 2024, to April 3, 2024. Between April 4, 2024, and the opening of the state Round One application window, maps of application areas resulting from the Request for Information process will be published on a county-by-county basis as the resolution of challenges allows OBD to indicate the BEAD-eligible locations in each application area (which represent the deployment obligation associated with the application area).

B. Pre-Qualification

OBD will require applicants that plan to apply for BEAD funding to participate in a pre-qualification process to determine their eligibility for the program and collect information that will be required of every applicant. By gathering this information before Round One of the application process begins, the process of submitting and reviewing

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[2] OBD uses the terms "subgrant" and "subgrantee" in this document as it is used in the template provided by NTIA. OBD notes, however, that it expects awardees under this proposal to be "subrecipients" and the award will be a "subaward" as those terms are used in the Uniform Guidance, 2 CFR part 200, barring further guidance from NTIA on the "extent to which the Uniform Guidance applies to grants and subgrants under the BEAD program, if at all."

applications during the course of the program can be simplified and focused on substantive elements of the proposal. Subject to office capacity, NTIA approval of relevant elements of Missouri's Initial Proposal, and readiness of OBD's grants portal the pre-qualification submission window for Round One is scheduled to take place over 45 days from April 17, 2024, to May 31, 2024, immediately preceding the opening of the round one application window. OBD will allow for subsequent curing of submissions provided a good-faith effort was made to submit required documentation in this period. OBD may open additional pre-qualification rounds ahead of later application rounds if new applicants indicate an interest in participating in later rounds.

C. Round One

Applicants will be permitted to submit a Round One application for each application area they propose to serve. Awarded Applicants will be required to bring service to every BEAD-eligible location (including unserved locations, underserved locations, unserved or underserved units in partially served multi-unit locations, and community anchor institutions with service of less than 1 Gbps/1Gbp) in their submitted application areas. Applicants will be able to apply for any application area in Round One, except in the case of application areas where the only BEAD-eligible locations are community anchor institutions. Any application areas falling into this category will not be open for applications in Round Two. The Round One application window opens June 1, 2024, and closes July 30, 2024 (60 days). Subject to the approval of relevant section of the BEAD Initial Proposal Volume II, applications will be reviewed from July 31, 2024, to September 28, 2024 (60 days), with awards announced on a rolling basis.

1. Maximum BEAD Outlay

OBD will assign a maximum BEAD subsidy for each application area before each round of application opens that is sensitive to the context-specific construction costs and is consistent with the extension of service to every BEAD-eligible location using Missouri's BEAD allocation. In other words, a maximum BEAD cost will be associated with each application area so that, if every application area in the state were awarded at the maximum possible outlay, the total BEAD outlay associated with those awards would not be greater than Missouri's available BEAD funding. This cap will control spending in Round One and Round Two to ensure that excessive early awards do not exhaust funding before a commitment is found for every location.

The cap will generally be set at a multiple of the Costquest Associates (CQA) modeled cost for a greenfield fiber network to the eligible locations in the application area. As an illustration, if the modeled cost to serve every eligible location in the state were two-thirds of Missouri's allocation, OBD might set each application area's maximum price at the modeled cost to serve the locations in the application area multiplied by 1.5. In this instance, this model is not being used as an estimate of the amount of money a given project should cost. Instead, the modeled cost allows OBD to make reasonable estimates about the share of the BEAD allocation that could reasonably be allocated to a given project without putting other application at an undue risk of receiving no

fundable applications. In general, OBD expects many projects to come in significantly below the maximum for several reasons:

    (a) Projects will be scored based on the portion of the maximum value they request, incentivizing applicants to reduce their requested cost.

    (b) Modeled costs (which will themselves be significantly lower than the cap) are based on Greenfield costs, while at least some applicants will be able to take advantage of existing infrastructure.

    (c) The maximum applies to the BEAD outlay, not the total projects cost. In most cases the BEAD outlay will not be the only funding associated with the project. A 25 percent match (the minimum under the program) would further increase the gap between the requested BEAD outlay and the cap.

Despite this, there will be cases where cost-drivers not captured by the model may make it impossible to propose a project for a given application area under this maximum. The overall undershoot in Round One (for the reasons listed above) will allow OBD to recalculate a higher maximum in subsequent rounds: every project funded at less than its "share" of the total BEAD allocation in Round One will generate funding that can be used to proportionately increase the cap for application areas in Round Two. These increases in the maximum will allow OBD to fund these unexpectedly high-cost locations as lower-cost locations are accounted for.

The maximum BEAD outlay for each application area will not be released to applicants during Round One. Applications that request more than this maximum will not be considered for funding in this round. This approach will encourage the most cost-effective possible applications in Round One, increasing the amount of funds available to increase the maximum outlay in subsequent rounds.

    2. Treatment of Non-Fiber Projects

During Round One OBD will accept applications that plan to use any combination of Reliable Broadband technologies, as defined by the BEAD NOFO. Based on the applications received, OBD will set a preliminary Extremely High Cost Per Location threshold (EHCPLT) above which projects serving some or all locations using a Reliable Broadband technology other than end-to-end fiber can be funded in Round One. The threshold in round one is preliminary in the sense that it may be lowered in Round Two as necessary to secure projects for remaining locations.

OBD will issue an advisory figure before Round One begins indicating the likely range in which the preliminary EHCPLT will fall, based on the modeled investment needed to serve Missouri's BEAD-eligible locations using fixed wireless and fiber and the expected value of each type of network based on location cost modeling by CQA. This non-binding advisory figure will be used to help applicants interested in projects using non-end-to-end fiber technologies maximize their chance to receive funding.

In the interest of reaching the maximum possible number of locations using end-to-end-fiber, awards that would bring non-end-to-end-fiber to some or all locations will be awarded in Round One only in certain circumstances.

(a) Only in cases where the cost per eligible location of every all-fiber proposal is above the preliminary EHCPLT will projects serving some or all locations using a Reliable Broadband technology other than end-to-end fiber be scored competitively against fiber and non-fiber projects and potentially be awarded funds.

(b) The cost of the project serving some or all locations using a Reliable Broadband technology other than end-to-end fiber would still be subject to the maximum BEAD outlay.

(c) If no all-fiber applications to serve the area are received, OBD will not be able to determine whether the cost of serving the area using fiber falls above the preliminary EHCPLT and will not award the area to a project serving some or all locations using a Reliable Broadband technology other than end-to-end fiber.

3. Overview

Awards will be made based on the score of an eligible application. All eligible applications will be scored regardless of the number of applications received for the application area. Awards will be made in the order of descending scores regardless of whether there was competition for the area (subject to a minimum score in areas with only one application (see point 5 of this section) and maximum BEAD outlay). In making the final award the maximum BEAD outlay applies regardless of whether there are competitive applications for the area. The award will be issued to the highest scoring applicant with a BEAD outlay below the maximum BEAD outlay, and no award will be issued if no application is received requesting less than the maximum BEAD outlay for the area.

The original application will always be scored. But when there are two or more eligible applications for the same service area, the Best and Final Offer (BAFO) Process for Competitive Proposals will be followed.

4. Best and Final Offer Process (BAFO) for Competitive Applications

When two or more applications are received for the same application area, OBD will score applications and then notify all applicants for the given area that the application area will be awarded competitively. These notifications will take place on a rolling basis as OBD finishes scoring all applications for a given area. In the final 15 days of OBD's 60-day review period, OBD will open a window in which the two applicants with the highest score will be allowed to submit a "best-and-final-offer" in which they may modify any forward-looking scored element of their application, including reducing the requested BEAD outlay. As the BAFO process may bring requested BEAD outlays beneath the maximum BEAD outlay, the BAFO process will be conducted even if one or both top-scoring applicants initially requested more than the BEAD outlay.

This competitive mechanism will incentivize providers to higher quality applications as they participate in the BEAD program. Only allowing the two applicants with the highest BEAD score to participate in this process is intended to disincentivize a strategy of submitting generally uncompetitive proposals in order to secure low-effort awards in uncompetitive areas, approving the proposals using the best and final offer process when necessary to compete for funding in competitive areas. Applicants employing this strategy would run the risk of being scored based on that noncompetitive proposal if more than two applicants submitted proposals.

After all competitive areas have been awarded, applicants will be notified of the application areas: (a) they were awarded, either as the only eligible applicant or through a competitive determination; (b) the areas they applied for but were competitively awarded to another applicant; and (c) the areas they applied for but were not awarded to any applicant because no eligible applicant requested less than the Maximum BEAD outlay for the area. On the basis of this information, applicants will be given a brief window in which to indicate, based on the results, which application areas, if any, they are no longer able to provide service to on the terms laid out in their grant application. This mechanism acknowledges situations in which the business case for a project depends on receiving funding to serve neighboring areas and allows for quick resolution of cases where the results of the competitive scoring process make related applications no longer viable. Areas declined at this stage will either be awarded to the next-highest scoring eligible applicant or, if there was no other eligible applicant, made available in subsequent application rounds.

5. After indicated application area awards have been dropped through this process, all application areas awarded to a single applicant will be treated as an inseparable unit. Should a provider later decline to proceed with an awarded application area, either by notifying OBD of their decision or by failing to proceed in a timely manner toward a signed grant agreement, all awards for that applicant will be withdrawn from the initially awarded applicant and either awarded to the next-highest scoring eligible applicant or, if there was no other eligible applicant, made available in subsequent application rounds. Decisions to decline awards on this basis may be grounds for reexamination by OBD of the declining provider's financial, managerial, technical, and operational capacity, potentially resulting in exclusion from future grant rounds. Minimum Scoring Threshold

OBD will award funding in Round One in noncompetitive application areas (one eligible application) only to applications that achieve a minimum score of 160 points. This threshold will allow applicants flexibility to consider trade-offs between different elements of their application while preserving OBD's ability to seek alternatives in application areas where an award to the only Round One applicant would appear to represent a poor investment of BEAD funds. For the purpose of determining whether the minimum scoring threshold applies, "competitive application areas" are defined as areas with at least two all-fiber proposals below the maximum BEAD outlay for the area

or areas with one all-fiber proposal above the EHCPLT and below the maximum BEAD outlay for the area and a non-all-fiber proposal.

6. Sub-round for Application Areas with No Applications

After the primary window for Round One applications has closed, OBD will announce a list of application areas with no applications for Priority Broadband Projects -- at any score and BEAD outlay – and invite applications for funding to serve these applications areas during a 30-day window constituting a sub-round of application Round One. The rules structuring Round One will continue to apply through this sub-round Providers that wait to submit proposal until this sub-round would risk another applicant submitting a proposal for the area in the main round, precluding applications in the sub-round or Round Two. Inclusion of this sub-round advances the goal of achieving universal service and minimizing costs to the BEAD program by encouraging providers to submit applications, where possible, under the Round One maximum BEAD outlay.

7. Maximum Award Amounts for a Single Applicant

Curing Note: An early version of this document included inconsistent numbers for the maximum dollar amount applicants may request in Round One due to a clerical error. The correct number is $300 million.

Any single applicant or group of applicants that are related companies[3] may not apply for more than $300 million in funding (BEAD outlay) in Round One. In cases where awards to a single provider above $300 million are necessary to reach all remaining locations, these applicants can be awarded additional funds in Round Two. Applicants will be responsible for tracking the cumulative requests submitted through OBD's grants portal; OBD will accept the first application submitted chronologically and every subsequent application until an application brings the cumulative total to more than $300 million; the application that brings the cumulative total above $300 million and all subsequent applications will not be accepted by OBD. OBD may waive the $300 million cap on requests in the sub-round for application areas with no applications if necessary to generate additional proposals in this sub-round. This mechanism encourages providers to put forward their best proposals in Round One.

D. Round Two

1. Overview of Round Two

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[3] "Related companies" shall mean: (a) an applicant controlled by another applicant; or (b) an applicant controlled by an individual or company that is in control of another applicant. Control of an applicant shall mean: (a) Ownership, directly or indirectly, possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a company that is a corporation; (b) Ownership of at least fifty percent of the capital or profit interest in such company if it is a partnership; (c) Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended.

Subject to timely completion of Round One, the Round Two application will open October 14, 2024, and continue through December 12, 2024. Applications will be reviewed from December 13, 2024, to February 10, 2025. In the period between closing Round One and opening Round Two, OBD will evaluate the remaining funds available and the modeled cost of service to the remaining unserved and underserved locations (including units in multi-dwelling buildings) and community anchor institutions. On the basis of this evaluation, OBD will make a series of determinations that will structure Round Two.

(a) OBD will review the remaining application areas and determine if changes need to be made to make it more likely that every eligible location in the state is part of an application area that receives a proposal for funding. This may include modifying application areas, combining application areas, or creating new application areas, and removing very high-cost locations into their own project areas.

(b) OBD will determine whether there is likely to be enough funding remaining to extend service to every remaining unserved location in the state, to every underserved location in the state, and to every community anchor institution in the state with service less than 1 Gbps/1 Gbps, based on the amount of funds awarded in Round One, the number of locations remaining, and the modeled cost of service to those locations.

    i.   If there is <u>not</u> enough funding to reach every unserved location, OBD will separate application areas consisting only of underserved locations and eligible community anchor institutions in Round Two. These application areas would be applied for separately from each other and awarded only if funds remain after grants are awarded for every unserved location.

    ii.   If it appears likely that remaining funds <u>are</u> sufficient to serve all unserved locations and some but not all underserved locations, OBD will create separate application areas for community anchor institutions with service of more than 100 Mbps/20 Mbps. These application areas would be applied for separately from each other and awarded only if funds remained after grants were awarded for every unserved and underserved location.

    iii.   Any application areas excluded from Round One because they contained only community anchor institutions would be available for funding in Round Two. These application areas would be awarded only if funds remained after grants were awarded for every unserved and underserved location.

(c) The maximum available BEAD outlay for each application area will be adjusted upward to reflect the number of remaining eligible locations after Round One awards are accounted for, the likely cost of extending service to the remaining locations, the amount of BEAD funding available after Round One, and cost trends visible in the Round One applications and awards. If the pattern of

applications in Round One indicates that it will not be possible to serve all BEAD-eligible locations with fiber using Missouri's BEAD allocation, OBD may generate an estimate of the savings it would be able to achieve through non-priority broadband projects for some locations and use these estimated savings to further increase the maximum outlay for application areas. In order to ensure the funds available in Round Two are sufficient to reach the remaining locations, OBD will not consider applications that request more than the maximum outlay for the application area. The maximum available BEAD outlay for each application area may be published before Round Two opens. Disclosing this figure may encourage participation in the second round of applications by disclosing the upper bound of funding that each area could receive.

(d) OBD will issue an advisory notice about the likely level at which the final EHCPLT will be set (see "treatment of non-fiber projects" below).

8. Best and Final Offer Process (BAFO) for Competitive Applications

When two or more applications are received for the same application area, OBD will score applications and then notify all applicants that the application area will be awarded competitively. These notifications will take place on a rolling basis as OBD finishes scoring all applications for a given area. In the 15 days following the notification OBD will open a window in which the two applicants with the highest requested score will be allowed to submit a "best-and-final-offer" in which they may modify any forward-looking scored element of their proposal, including reducing the requested BEAD outlay.

9. No Minimum Scoring Threshold for Round Two

In Round Two there will be no minimum scoring threshold, though OBD will continue to deny applications that fail to meet gating requirements associated with the BEAD program in Missouri (see sections 2.4.11-17).

10. Sub-round for Application Areas with No Applications

After the primary application window for Round Two applications has closed, OBD will announce a list of application areas with no funding proposals and invite applications for funding to serve these applications areas during a thirty-day window constituting a sub-round of application Round Two. While the rules structuring Round Two will continue to apply through this sub-round, this window will allow applicants to submit proposals for application areas where the results of previous rounds of applications indicate that competition will be limited. Providers that wait to submit proposals until this sub-round would risk another applicant submitting a proposal for the area in the main round, precluding applications in the sub-round.

11. Treatment of Non-Fiber Projects

During Round Two, OBD will continue to accept applications that plan to use any combination of Reliable Broadband technologies, as defined by the BEAD NOFO. Based on the applications received during Round Two, OBD will set a final EHCPLT

above which non-fiber-to-the-premises projects can be funded in Round Two. The final EHCPLT will be set at a level that allows OBD to fund a project for as many remaining locations as possible. This final EHCPLT will be set no higher than preliminary EHCPLT used in Round One, meaning that no application area will be funded using non-fiber technology below the final extremely-high cost per location threshold.

OBD will issue an advisory notice before Round Two begins indicating the figure used for the preliminary EHCPLT in Round One and the likely range in which the final EHCPLT will fall, based on the modeled investment needed to serve Missouri's BEAD-eligible locations using fixed wireless and fiber and the expected value of each type of network based on location cost modeling by CQA.

E. Direct Negotiations & Additional Rounds

OBD has endeavored to design a process that will secure a commitment for service to every location in two rounds before the date set by NTIA for submission of Missouri's final proposal. The process outlined above contains several points at which OBD will be able to identify locations with a lower likelihood of receiving applications and troubleshoot to identify a solution.

If OBD's efforts do not secure a project for all eligible locations over the course of these two rounds, OBD may determine that the best way to secure commitments is to engage in direct negotiations with identified potential providers to identify a funding package that will make a project serving the remaining locations viable. OBD will use the information gained from the projects it was able to fund, cost modeling for the remaining locations, and research about context-specific local barriers to determine a reasonable estimate against which to measure funding proposals.

If OBD determines, based on the number and cost of remaining locations at the end of Round Two, that the most appropriate way to award remaining locations is an additional round of grant funding, OBD will hold another round. If the process of securing commitments for every location requires more time than allowed for the preparation of Missouri's Final Proposal, OBD will seek an extension through the process outlined in the BEAD NOFO.

Curing: Section titled "Safeguards Against Collusion, Bias, Conflicts of Interest, and Arbitrary Decisions" was added in response to curing.

Safeguards Against Collusion, Bias, Conflicts of Interest, and Arbitrary Decisions

Safeguards against collusion, bias, conflicts of interest, and arbitrary decisions built into the subgrantee selection process described above and will be reinforced by additional checks on OBD decision-making over the course of the challenge process.

Collusion: As designed, the subgrantee selection process erects several barriers to collusion among applicants for BEAD projects. OBD will not publish the identity of applicants until after applications have been closed and any modification of applications through the Best and Final Offer process have been made. The

opportunity to participate will be available to a wide group of potential award-winners, and Missouri will not publish a list of the potential applicants that could be referenced by an applicant interested in reaching a collusive agreement with respect to a particular area. These measures will make it less likely that any participant in the program or group of participants could effectively collude to reduce competition for BEAD funding.

Applicants will be required to sign a non-collusion affidavit stating that the bidder has not colluded and informing applicants of the penalties both for violating the Sherman Act and for signing a false non-collusion affidavit. All applicants will be required to further certify that they will refrain from making any public communication involving application areas, until the announcement of final awards. This should address collusion following rules modeled from the Federal Communications Commission's (FCC) prohibited communications rules for auctions. Before considering BEAD applications OBD grant team members will review documentation of risks factors for and suspicious indicators of bid rigging, price fixing, and market allocation compiled by the Antitrust Division of the U.S. Department of Justice and instructed to identify such instances for further investigation. OBD reserves the right to investigate apparent collusion between BEAD applicants. In cases where OBD concludes that collusive bidding likely occurred, OBD reserves the right to disqualify applications or applicants and to alert state and federal law enforcement if lawbreaking may have taken place.

Bias: The selection, where possible, of clear, objective scoring mechanism based on documentable past performance and trackable and binding commitments related to the project will prevent some instances of bias. OBD will further guide against bias by having two grant specialists review and score every application being considered for an award. In cases where the resulting scores diverge significantly, the application will be reviewed by a third reviewer and member of grants team leadership to resolve the discrepancy.

Conflicts of Interest: OBD will follow rules governing conflicts of interest in 24 CFR 570.489(h). OBD employees will be required to disclose any potential conflict of interest with regard to a potential award or applicant, including cases where they may obtain a financial interest or benefit from a potential decision regarding BEAD funding, or have an interest or benefit from a potential decision regarding BEAD funding, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Disclosure of such conflicts of interest would preclude that OBD employee from making decisions regarding that applicant or award over the course of the BEAD program, including application scoring and monitoring and reviewing activity.

Arbitrary Decisions: Decisions structuring the BEAD program will be made using the processes and based on the factors described in BEAD Volume II. Important structuring decisions like the value of the multiplier used to set the Maximum BEAD Outlay and the Extremely High Cost will apply uniformly across application areas and applicants, and

will be based on objective considerations of the size of the state's allocation, the modeled cost to serve eligible locations in the state, and applications received. The process for joint scoring of awards and review by a third party in cases of a substantial discrepancy outlined under the "Bias" heading should also allow flagging and redress for arbitrary decisions. Grant awards will be subject to review by OBD and Department of Economic Development leadership to ensure consistent application of program rules.

Curing Note: Section titled "Notice to Subgrantees" was added in response to curing.

Notice to Subgrantees

OBD has a variety of ways to educate applicants on the challenge process, RFI process, pre-qualification process, application process, and other important elements of the program. OBD will ensure that adequate advance notice of the program's initiation is provided to ISPs, non-profits and local governments who are willing to participate through targeted outreach to these groups and state-wide organizations representing them. Notice will be issued at least 30 days before the beginning of each round of the subgrantee selection process. OBD holds monthly stakeholder calls on the last Friday of every month where we update stakeholders on our ongoing programs, future programs, and what to look out for in the future. These calls are recorded and posted to DED's website, under the OBD homepage. OBD also has a email list which ISPs, non-profits, local governments, and any other willing party can sign up and get the latest updates from our office. This list of office stakeholders will be supplemented by an authoritative list of ISP contact information collected by an OBD contractor in advance of the state challenge process. Once participants have enrolled in the pre-qualification process, OBD's grant management software will provide alerts of important milestones in the program and their own applications.

F. **Curing Note and Clarification: Maximum BEAD Outlay**

The enumerated responses below reflect OBD's clarification of its policy approach relative to the "Maximum BEAD Outlay" in response to requested curing from NTIA.

1. **Applications over the maximum outlay are not disqualified from BEAD.** NTIA's requested curing asks OBD to "modify the "minimal BEAD Outlay" section to eliminate the requirement of a bid to be under the ceiling in order to be scored. Any bid that is eligible under the NOFO (i.e. makes it through the required gating criteria) should be scored." The maximum BEAD outlay is a crucial tool in Missouri's implementation of the BEAD program. It provides a mechanism for ensuring the costs of any awarded project is consistent with the goal of universal service. A proposal that is not funded in a given round of BEAD because it requests more than the Maximum BEAD Outlay could still be funded in later rounds at the same price point, as the Maximum BEAD Outlay is adjusted upward in subsequent rounds. No proposal would be permanently or categorically eliminated from consideration on this basis. Proposals would be instead deferred to later rounds (if the provider decided to submit again) until the point at which the location is either awarded to another provider below the Maximum BEAD

Outlay or the Maximum BEAD Outlay is raised to a level above the amount requested.

OBD notes that the state of Louisiana's approved Volume II similarly sets a cap on permissible applications ("The application system will not accept funding requests greater than 200% of the reference funding"). OBD's approach varies from Louisiana's in that, because OBD does not disclose its cap in round one, these applications can be submitted but will not be considered for funding. There are substantial advantages to declining to disclose the figure at this stage: it requires applicants to compete not just against unknown competitor applications for a given area but against an unknown Maximum BEAD outlay, incentivizing strong financial contributions and realistic costs. A technical distinction between Missouri and Louisiana's proposals on the grounds that a state may decline to accept an application but may not accept and decline to score an application would force Missouri to give up this advantage without creating any appreciable advantage in terms of the openness of the program.

A score of zero for applications above the Maximum Outlay does not accomplish the same function as requiring applications come in below the maximum. In many cases the scoring mechanism will produce applications below the maximum outlay, but in uncompetitive areas applicants with zero points in this scoring category could still win funding. These unattractive areas for applicants are likely to be the areas most subject to cost over-runs. Use of the scoring mechanism instead of requiring that an application in a given round ask for no more than the BEAD outlay could result in project's taking more than their projected share of Missouri's BEAD allocation, undermining the goal of universal service.

2. **The Maximum BEAD Outlay plays a different role than the EHCPLT.** NTIA's requested curing asks OBD to "describe how the Maximum BEAD outlay ceiling is different from the Extremely High Cost Per Location threshold, and explain why the ceiling is necessary for fiber projects."

Crucially, the Maximum BEAD Outlay protects the BEAD allocation from overly costly projects, regardless of the proposed technology. While an important part of Missouri's program, the EHCPLT does not accomplish this goal in every instance, and simply using the EHCPLT as a substitute for the Maximum BEAD Outlay could undermine the goal of universal service.

Above the EHCPLT, non-priority broadband projects would be awarded competitively if they scored higher than competing projects for the same application area. While this non-priority broadband project would be "less expensive," it may still be above the share of the allocation the state predicts can be spent on the application area consistent with service to all locations in the state (the Maximum BEAD Outlay). Areas that are expensive to serve using fiber will often also be expensive to serve using wireless. If the only upper bound on the cost of wireless awards is fiber awards submitted for the same areas, Missouri could be obligated to fund wireless projects at a level not consistent with the goal of universal service. OBD would also be obligated to fund fiber projects above the EHCPLT in cases where there was no submitted wireless project or

when a fiber project outscored any fixed wireless projects. Cost overages in round one may necessitate a lower round two EHCPLT in order to make up the financial ground lost, undermining the BEAD goal of maximizing the use of the best available technology for BEAD networks. Overages across both rounds could result in the state expending its entire allocation before every location is awarded.

3. **The Round 2 Maximum Outlay will be adjusted relative to the remaining allocation after Round 1.** NTIA's curing request asks OBD "if the Maximum Outlay ceiling is set to ensure sufficient funding statewide, but the auction process reveals that the model "undershoots" for one or more areas and needs to be revised upwards, please explain how the Eligible Entity will ensure sufficient funding is still available to cover every BSL at the higher ceiling." Any adjustments to the Maximum BEAD Outlay based on the costs of applications in one round would apply to the next round of grant applications; within a given round, only applications requesting an amount equal to or less than the Maximum BEAD Outlay for that round would be awarded. At the conclusion of the round, OBD would know (a) the amount awarded, definitionally no more and likely substantially less than the sum of the Maximum BEAD Outlay for all the awarded areas and (b) the allocation remaining, or the difference between the allocation and the amount awarded in the previous round. On this basis, OBD will be able to calculate a new Maximum BEAD Outlay for the next round so that awards to all remaining locations at the Maximum BEAD Outlay would not exhaust the BEAD allocation. By definition, these awards could not be more than OBD's allocation.

   For instance, if 40 percent of the allocation is awarded for locations whose Round 1 Maximum BEAD Outlay represented 60 percent of the sum of the Round 1 Maximum BEAD Outlay for all allocations, OBD would know that 60 percent of the allocation remained to 0serve locations whose Round 1 Maximum BEAD Outlay represented 40% of the cost of the sum of the Round 1 Maximum BEAD Outlay for all locations. The Round 2 Maximum BEAD Outlay would then be increased by 50 percent.

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

In each round of funding described in section 2.4.1, projects will be scored using the following metrics. The result of this scoring process will be used to determine (a) if the project is over the minimum awardable score in non-competitive areas in Round One and (b) which project should be awarded if multiple projects are submitted for the same application area. Different scoring criteria are applied for Priority Broadband Projects, which use end-to-end fiber to serve every BEAD-eligible location, and non-Priority Broadband Projects, which use some other Reliable Broadband technology to serve some or all locations.

A. Priority Broadband Project Scoring

Per the BEAD NOFO, NTIA has determined that "Priority Broadband Projects" are those that use end-to-end fiber-optic architecture. Missouri will score Priority Broadband Projects based on the criteria set forth in the BEAD NOFO for such projects, as follows.

1. Primary Criteria for Scoring Priority Broadband Projects

The BEAD NOFO requires that minimal BEAD outlay, affordability of a 1 Gbps/1 Gbps plan on funded networks, and fair labor practices be weighted most heavily when evaluating BEAD proposals. In total, these elements account for 240 points out of the 320 points available, or 75 percent, as required by the BEAD NOFO.

a. Minimal BEAD Outlay

For each application area in each funding round, OBD will set a ceiling for the amount of BEAD funding available. This ceiling will be calculated to be consistent with the cost of extending service to every remaining BEAD-eligible location in the State of Missouri if every application area were to be funded at the ceiling and will be adjusted after the end of Round One to account for eligible locations awarded and BEAD funding allocated during Round One. It will be set as a multiple of the modeled Greenfield investment to build a network to all of the eligible locations in the application area as estimated by CQA. The ceiling would therefore be higher for locations where higher investment is expected to be necessary. Applicants will be awarded points for based on the percent of the maximum BEAD outlay the applicant requests for the application area. The formula used awards points more rapidly as the percent of outlay requested approaches the maximum -- it "costs" an application one point to use the first 10 percentage points of possible BEAD funding and 19 to use the last 10 percentage points. While it is unlikely that an applicant would score 100 points by this metric (by requesting no funding), locations requiring minimal subsidies could achieve scores very close to 100 points.

Score = 100 – [percent of outlay requested^2 / 100]

Percent of maximum outlay requested	Points Awarded
10 percent	99 points
20 percent	96 points

30 percent	91 points
40 percent	84 points
50 percent	75 points
60 percent	64 points
70 percent	51 points
80 percent	36 points
90 percent	19 points
100 percent	0 points

BEAD NOFO: "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), with the specific points or credits awarded increasing as the BEAD outlay decreases."

To accommodate investments that mitigate the effects of natural hazards, the costs (capped at 5%) of identified mitigation measures in areas subject to an initial hazard screening (see section 2.11.1) will not count toward the percent of maximum outlay requested.

b. Affordability

Applicants will be required to disclose the non-promotional prices they will offer locations on BEAD funded networks through the BEAD period of performance, inclusive of the cost of installation, equipment rental, and any other charges required to receive service. In non-competitive areas in Round One, for the purpose of determining whether applicants meet the minimum score threshold, applicants that commit to charge less than the 2023 Urban Rate Survey Benchmark price for 1 Gbps/1 Gbps service and no more than they generally charge for equivalent service in non-BEAD areas will receive 50 points for each commitment for a possible total of 100 points. Applicants that decline to make either commitments will receive 0 points.

In order to achieve the NOFO requirement that points be awarded in this category to the more affordable 1 Gbps/1 Gbps plan, in application areas awarded on a competitive basis the affordability metric will be based off the different prices offered for a 1 Gbps/1 Gbps plan. Applicants will be awarded points equal to the difference between this price and the FCC Urban Rate Survey benchmark price for 1 Gbps/1Gbps service with no data cap. The FCC Urban Rate Survey benchmark price for 1 Gbps/1Gbps service does not represent a hard ceiling on the price that can be charged for these plans, but applicants that charge at or above that level will receive 0 points on this metric.

This price commitment used to calculate this score for both competitive and non-competitive areas will apply for eight years following the completion of the project. Over the course of the period this price may rise annually by no more than the annual increase in the Consumer Price Index, as calculated by the Bureau of Labor Statistics or

three percent, whichever is lower, beginning with an adjustment in the first new calendar year after the awarded proposal was submitted to OBD.

Score = Urban Rate Survey 2023 Benchmark for 1 Gbps/1 Gbps – [monthly price of 1 Gbps/1Gbps plan]

BEAD NOFO: "The prospective subgrantee's commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps service in the project area."

c. Fair Labor Practices and Highly Skilled Workforce

Curing Note: Text in blue was added in response to curing. It generally the information that will serve as the basis of this scoring element, its relationship to BEAD requirements and goals, and how it will be scored,

Section IV.C.1.e of the BEAD NOFO requires states to collect information about an applicant's records of and plans to comply with federal labor and employment laws. In cases where an applicant does not have three years of experience, the BEAD NOFO requires OBD to allow an applicant "to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects." (BEAD NOFO pg. 43). This mitigation requirement is satisfied by increasing the weighting of forward-looking elements of this scoring metric for subgrantees with less than three years of experience. These elements reflect the elements of the Fair Labor Practices and Highly Skilled Workforce scoring element on page 56-58 of the BEAD NOFO. OBD believes information about the safety records of applicants, contractors, and sub-contractors will supplement disclosure of violations with additional information about compliance with OSHA reporting rules and help reviewers determine the likelihood of potential future violations of federal labor law related to workplace health and safety. The workplace safety committees scoring element satisfies the BEAD requirement that OBD "evaluate… plans for compliance with Federal labor and employment laws [that] must address… how the plan will ensure the implementation of workplace safety committees."

BEAD Workforce plans should include the elements listed on pages 57-58 of the BEAD NOFO and incorporated in section 2.8.2 of this Initial Proposal:

- The ways in which the 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;
- The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work;

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

- 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: o safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
    - o information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

Element	Sub-Element	Scoring
Record of Compliance with Federal Labor and Employment Laws BEAD NOFO: "Eligible Entities must give priority to projects based on a prospective subgrantee's demonstrated record of compliance with Federal labor and employment laws"	For subgrantees without three years of experience, scoring sub-elements in this section will be zero.	
	Disclosure of violations	10 points (no violations) 5 points (some violations) 0 points (pattern of violations)
	Disclosure of safety records of applicant, contractors and sub-contractors, as reported in OSHA form 300A for the previous three years	10 points (rate of recordable cases notably below industry average) 5 points (rate of recordable cases near industry average) 0 points (rate of recordable cases notably above industry average).
Plans for Compliance with Federal Labor and Employment Laws	For subgrantees without three years of experience, scoring sub-elements in this section will be doubled	

| | Review of the workforce plan workforce plan, including "information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network" NOFO p. 56-57 | OBD staff will score narrative response

Plan Completeness

+5 points: Workforce plan includes clear, detailed, and substantive responses to all elements listed in section 2.8.2 of the Initial Proposal

+2 points: Workforce plan includes responses to all elements listed in section 2.8.2 of the Initial Proposal

+0 points: Workforce plan does not include responses to all elements listed in section 2.8.2 of the Initial Proposal

Plan Strength

+5 points: Review of wage scales, overtime payment processes, and other elements of the workforce plan suggest applicant will remain in compliance with applicable labor laws AND that plan will ensure use of an appropriately skilled and credentialed workforce

+2 points: Review of wage scales, overtime payment processes, and other elements of the workforce plan suggest applicant will remain in compliance with applicable labor laws

+0 points Review of wage scales, overtime payment |

		processes, and other elements of the workforce plan does not provide confidence that applicant will remain in compliance with applicable labor laws
	Workplace Safety Committees BEAD NOFO: "[Plan for] implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects." NOFO p. 57 This element of the workforce plan will include: 1. Policies governing the recognition of worker-led safety committees 2. Policies allowing workplace safety committees to raise health and safety concerns 3. Policies indicating what will constitute a reasonable request for a meeting with management and the response to such a request 4. Policies indicating how the applicant will respond substantively to health and safety concerns raised by the committee	OBD staff will score narrative response 0-10 points based on reviewer evaluation of: 1. Whether the plan allows workers to create worker-led workplace safety committees 2. Whether the plan allows workplace safety committees to raise health and safety concerns 3. Whether the policy for management meeting with the committee "on reasonable request" allows for timely responses to health and safety concerns 4. Whether the plan indicates that management will be responsive to health and safety concerns raised by the committee

2. **Secondary Criterion for Scoring Priority Broadband Projects**

    a. Speed to Deployment

Curing Note: Text in this section was amended in response to curing to bring the points scored in line with required BEAD requirements (changing the maximum points available from 20 to 18) and to include details about the penalties providers will be subject to if they fail to meet this buildout timeline.

OBD will require applicants to disclose information about the sequencing of construction of BEAD projects and award up to 18 points for projects that are completed in a shorter timeframe. The timeline will be submitted as part of the Project Work Plan, which must be certified by a professional engineer. Points scale on a quarterly basis, with the most points awarded for a project that can provide service to every location in the project area within 18 months (or 6 quarters) of the release of the award. For example, a provider whose award was issued in February 2025 (the first quarter of 2025) would receive full points if the project was completed in the third quarter of 2026 (in July, August, or September 2026). Failure to meet this binding commitment may result in penalties including delays in issuance of grant funds, claw-back of grant funds, or additional financial penalties as outlined in the grant agreement.

Months From Award Issue to Provision of Service	Points
18 months	18
21 months	16
24 months	14
27 months	12
30 months	10
33 months	8
36 months	6
39 months	4
42 months	2
45 months	0

BEAD NOFO: "Eligible Entities 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 the Eligible Entity, with greater benefits awarded to applicants promising an earlier service provision date."

3. **Additional Criteria for Scoring Priority Broadband Projects**

    a. Local Coordination

Curing Note: Language describing the officials who can issue letters of support was added in response to curing.

OBD will release a letter of support template designed to help local governments evaluate proposed projects. Local governments will be asked to indicate their support for the project in general and their confidence in the applicant's plans to secure permits and complete other coordination with local governments necessary to complete the project. Template letters may be submitted by the county government responsible for the application county or by municipal governments whose jurisdiction covers a majority of BEAD-eligible locations in the area of the project discussed with the local government. Only one letter of support will be scored per application. A single letter may be associated with multiple adjacent application areas, provided the officials submitting the letter understand the full scope of the project and that application areas consisting of the project may be awarded separately. The score associated with that letter would then be applied to every application area covered by the letter. Letters of support submitted using this template from local governments in project areas will be worth as many as 16 points. For a municipality, a letter may be signed by the authorized representative of a board of trustees, board of aldermen, city council, or commission or by a mayor. For a county, a letter may be signed by the authorized representative of a county commission or the presiding commissioner. In cases where one of the listed positions is not available, due to the structure of the local government or other reasons, a letter can be submitted by a local government official with a similar role and scope of responsibilities.

If a local government commits to contribute financial resources (*e.g.*, ARPA State and Local Fiscal Relief Funds) to the project equal to at least 1 percent of the submitted project cost the project will receive the 20 points available in the local coordination category, regardless of whether a letter of support is provided.

Score (without local financial support) =

+ up to 8 points (local government support for project in letter of support)

+ up to 8 points (plans for coordination with local government in letter of support)

Score (with local financial support) =

+ 20 points

BEAD NOFO: "NTIA encourages Eligible Entities to adopt selection criteria reflecting a prospective subgrantee's support from the local and/or Tribal Government with oversight over the location or locations to be served."

 b. Equitable Workforce Development and Job Quality

Curing Note: Language was added to clarify the intent of the hiring commitment section in response to curing.

OBD will further score submitted plans to evaluate commitments to investments in Missouri's broadband workforce in order to both improve the delivery of the funded broadband projects and to foster the growth of a highly skilled, Missouri-based broadband workforce.

Sub-element	Scoring
Training Commitments BEAD NOFO: "[Provision of] Registered Apprenticeships and pre-apprenticeships tied to a Registered Apprenticeship, joint labor management partnerships, and other high-quality, on-the-job training Opportunities."	Review of narrative submission Up 10 points based on confidence in plan to provide Registered Apprenticeships and pre-apprenticeships tied to a Registered Apprenticeship, joint labor management partnerships, or other high-quality, on-the-job training opportunities. 0 points (No commitments to participation in workforce training programs).
Hiring Commitments BEAD NOFO: "[S]ubgrantees prioritize hiring local workers and have robust and specific plans to recruit historically under-represented populations facing labor market barriers and ensure that they have reasonable access to the job opportunities created by subgrantees"	Review of narrative submission Up to 10 points based on commitments to prioritize hiring by subgrantee, contractors, and subcontractors of Missouri-based workers and members of under-represented communities as the term is defined on page 16 of the BEAD NOFO, including any plans to promote such hiring through effective partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community based-organizations that provide relevant training and wrap-around services to support workers to access and complete training (such as child care, transportation, mentorship, etc.) 0 points (No commitments to prioritize hiring of Missouri workers and underrepresented populations).
Employment Commitment BEAD NOFO: "The plan for a highly skilled workforce should include… whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce"	Review of narrative submission Up to 10 points based on commitment that all or a substantial portion of workforce on BEAD projects will be directly employed and that, to the extent a subcontracted workforce will be used, that subcontractors will use high labor standards.

	0 points (no commitment for directly employed workforce).

c. Missouri Economic Development

Curing Note: Language was added clarifying what constituted a "Missouri nexus" in response to curing.

OBD will award additional points to projects that make additional commitments that will contribute to economic development in Missouri beyond (a) the economic development contribution represented by the construction and provision of broadband service and (b) any commitment to local hiring scored as part of the Equity Workforce Development and Job Quality score.

Element	Scoring
Missouri nexus of applicant	Review of Narrative Submission Up to 4 points if applicant's business has, or, in the case of new entrants, will have, a substantial nexus in Missouri including, when applicable: - An extensive history of providing broadband or other services to Missourians. - - Headquarters or other offices in Missouri or, in the case of new entrants, plans to establish such headquarters or offices
Use of Missouri products	Review of narrative submission Up to 4 points based on confidence in plan to use materials produced, in whole or in part, in the state of Missouri, or sourced through Missouri-based companies
Use of Missouri-based sub-contractors	Review of Narrative Submission Up to 4 points based on confidence in plan to use Missouri-based sub-contractors

B. Non-Priority Broadband Project Scoring

For projects not using end-to-end fiber-optic architecture, the following criteria will apply.

To account for the technical scoring required for non-fiber to the premises projects (listed under secondary criteria) while still assigning primary criteria 75 percent of the score,[4] non-primary criteria weighting has been scaled down proportionately.

1. **Primary Criteria for Scoring Non-Priority Broadband Projects**

The BEAD NOFO requires that minimal BEAD outlay, affordability of a 100 Mbps/20 Mbps plan on funded networks, and fair labor practices be weighted most heavily when evaluating BEAD proposals. In total, these elements account for 240 points out of the 320 points available, or 75 percent, as required by the BEAD NOFO.

a. Minimal BEAD Outlay

For each application area in each funding round, OBD will set a ceiling for the amount of BEAD funding available. This ceiling will be calculated to be consistent with the cost of extending service to every remaining BEAD-eligible location in the State of Missouri if every application area were to be funded at the ceiling and will be adjusted after the end of Round One to account for eligible locations awarded and BEAD funding allocated during Round One. It will be set as a multiple of the modeled Greenfield investment to build a network to all the eligible locations in the application area as estimated by CQA. The ceiling would therefore be higher for locations where higher investment is expected to be necessary. Applicants will be awarded points for based on the percent of the maximum BEAD outlay the applicant requests for the application area. The formula used awards points more rapidly as the percent of outlay requested approaches the maximum -- it "costs" an application one point to use the first 10 percentage points of possible BEAD funding and 19 to use the last 10 percentage points. While no application would score 100 percent by this metric (by requesting no funding), locations requiring minimal subsidies could achieve scores very close to 100 points.

Score = $100 - [\text{percent of outlay requested}^2 / 100]$

Percent of maximum outlay requested	Points Awarded
10 percent	99 points
20 percent	96 points
30 percent	91 points
40 percent	84 points
50 percent	75 points
60 percent	64 points
70 percent	51 points
80 percent	36 points
90 percent	19 points
100 percent	0 points

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[4] As required by the BEAD NOFO p. 44 n. 68.

BEAD NOFO: "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), with the specific points or credits awarded increasing as the BEAD outlay decreases."

To accommodate investments that mitigate the effects of natural hazards, the costs (capped at 5%) of identified mitigation measures in areas subject to an initial hazard screening (see section 2.11.1) will not count toward the percent of maximum outlay requested.

b. Affordability

Applicants will be required to disclose the non-promotional prices they will offer locations on BEAD funded networks through the BEAD period of performance, inclusive of the cost of installation, equipment rental, and any other charges required to receive service. If different technologies will be deployed to different BEAD-eligible locations, pricing must be disclosed for all the technologies used, including the cost of 100/20 Mbps service for locations served licensed fixed wireless and the cost of 1/1 Gbps service for locations served by fiber.

The BEAD NOFO requires that points be awarded in this category to the more affordable 1 Gbps/1 Gbps plan for Priority Broadband projects and 100/20 Mbps service for non-Priority Broadband projects. The proposed formula allows for a mixture of fiber and non-fiber technologies in areas above the extremely high cost per location threshold by adjusting the scoring based on the proportion of technology used and the difference between the price of the reference service for the technology and the FCC Urban Rate Survey benchmark price for 1 Gbps/1Gbps service for fiber and 100/20 Mbps for the other technology. The FCC Urban Rate Survey benchmark price does not represent a hard ceiling on the price that can be charged for these plans, but applicants that charge at or above that level will receive 0 points on this metric.

This price commitment used to calculate this score for both competitive and non-competitive areas will apply for eight years following the completion of the project. Over the course of the period this price may rise annually by no more than the annual increase in the Consumer Price Index, as calculated by the Bureau of Labor Statistics up to a maximum of three percent, beginning with an adjustment in the first new calendar year after the awarded proposal was submitted to OBD.

Score = (Urban Rate Survey 2023 Benchmark for 1 Gbps/1 Gbps – monthly price of 1 Gbps/1Gbps plan for locations served by fiber) × percentage of locations served by fiber + (Urban Rate Survey 2023 Benchmark for 100/20 Mbps – monthly price of 100/20 Mbps plan for locations served by a non-fiber technology) × percentage of locations served by a non-fiber technology

BEAD NOFO: "The prospective subgrantee's commitment to provide the most affordable total price to the customer for 100 / 20 Mbps service in the project area."

c. Fair Labor Practices and Highly Skilled Workforce

Curing Note: Text in blue, generally clarifying the information that will serve as the basis of this scoring element, its relationship to BEAD requirements and goals, and how it will be scored was added in response to curing.

Section IV.C.1.e of the BEAD NOFO requires states to collect information about an applicant's records of and plans to comply with federal labor and employment laws. In cases where an applicant does not have three years of experience, the BEAD NOFO requires OBD to allow an applicant "to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects." (BEAD NOFO pg. 43). This mitigation requirement is satisfied by increasing the weighting of forward-looking elements of this scoring metric for subgrantees with less than three years of experience. These elements reflect the elements of the Fair Labor Practices and Highly Skilled Workforce scoring element on page 56-58 of the BEAD NOFO. OBD believes information about the safety records of applicants, contractors, and sub-contractors will supplement disclosure of violations with additional information about compliance with OSHA reporting rules and help reviewers determine the likelihood of potential future violations of federal labor law related to workplace health and safety. The workplace safety committees scoring element satisfies the BEAD requirement that OBD "evaluate… plans for compliance with Federal labor and employment laws [that] must address… how the plan will ensure the implementation of workplace safety committees."

BEAD Workforce plans should include the elements listed on pages 57-58 of the BEAD NOFO and incorporated in section 2.8.2 of this Initial Proposal:

- The ways in which the 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;
- The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work;

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

- 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: o safety training, certification, and/or

licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
- o   information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

Element	Sub-Element	Scoring
Record of Compliance with Federal Labor and Employment Laws BEAD NOFO: "Eligible Entities must give priority to projects based on a prospective subgrantee's demonstrated record of compliance with Federal labor and employment laws"	For subgrantees without three years of experience, scoring sub-elements in this section will be zero.	
	Disclosure of violations	10 points (no violations) 5 points (some violations) 0 points (pattern of violations)
	Disclosure of safety records of applicant, contractors and sub-contractors, as reported in OSHA form 300A for the previous three years	10 points (rate of recordable cases notably below industry average) 5 points (rate of recordable cases near industry average) 0 points (rate of recordable cases notably above industry average).
Plans for Compliance with Federal Labor and Employment Laws	For subgrantees without three years of experience, scoring sub-elements in this section will be doubled	

	Review of the workforce plan workforce plan, including "information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network" NOFO p. 56-57	OBD staff will score narrative response **Plan Completeness** +5 points: Workforce plan includes clear, detailed, and substantive responses to all elements listed in section 2.8.2 of the Initial Proposal +2 points: Workforce plan includes responses to all elements listed in section 2.8.2 of the Initial Proposal +0 points: Workforce plan does not include responses to all elements listed in section 2.8.2 of the Initial Proposal **Plan Strength** +5 points: Review of wage scales, overtime payment processes, and other elements of the workforce plan suggest applicant will remain in compliance with applicable labor laws AND that plan will ensure use of an appropriately skilled and credentialed workforce +2 points: Review of wage scales, overtime payment processes, and other elements of the workforce plan suggest applicant will remain in compliance with applicable labor laws +0 points Review of wage scales, overtime payment

		processes, and other elements of the workforce plan does not provide confidence that applicant will remain in compliance with applicable labor laws
	Workplace Safety Committees BEAD NOFO: "[Plan for] implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects." NOFO p. 57 This element of the workforce plan will include: 5. Policies governing the recognition of worker-led safety committees 6. Policies allowing workplace safety committees to raise health and safety concerns 7. Policies indicating what will constitute a reasonable request for a meeting with management and the response to such a request 8. Policies indicating how the applicant will respond substantively to health and safety concerns raised by the committee	OBD staff will score narrative response 0-10 points based on reviewer evaluation of: 5. Whether the plan allows workers to create worker-led workplace safety committees 6. Whether the plan allows workplace safety committees to raise health and safety concerns 7. Whether the policy for management meeting with the committee "on reasonable request" allows for timely responses to health and safety concerns 8. Whether the plan indicates that management will be responsive to health and safety concerns raised by the committee

2. Criteria for Scoring Non-Priority Broadband Projects

a. Speed to Deployment

Curing Note: Text in this section was amended in response to curing to reflect a 13.5 point maximum score in this category for non-priority broadband projects in response to curing. and to include details about the penalties providers will be subject to if they fail to meet this buildout timeline.

OBD will require applicants to disclose information about the sequencing of construction of BEAD projects and award up to 13.5 points for projects that are completed in a shorter timeframe. The timeline will be submitted as part of the Project Work Plan, which must be certified by a professional engineer. Points scale on a quarterly basis, with the most points awarded for a project that can provide service to every location in the project area within 18 months (or 6 quarters) of the release of the award. For example, a provider whose award was issued in February 2025 (the first quarter of 2025) would receive full points if the project was completed in the third quarter of 2026 (in July, August, or September 2026). Failure to meet this binding commitment may result in penalties including delays in issuance of grant funds, claw-back of grant funds, or additional financial penalties as outlined in the grant agreement.

Months From Award Issue to Provision of Service	Points
18 months	13.5
21 months	12
24 months	10.5
27 months	9
30 months	7.5
33 months	6
36 months	4.5
39 months	3
42 months	1.5
45 months	0

BEAD NOFO: "Eligible Entities 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 the Eligible Entity, with greater benefits awarded to applicants promising an earlier service provision date."

b. Speed of Network and Other Technical Capabilities

Curing Note: This section was modified in response to curing to award points for useful live at 12 and 15 year increments rather than ten and five years because federal policy sets the useful life for BEAD projects at ten years.

Applicants will be awarded points in this category only if the proposed network has the capacity to provide service at this level to every eligible location in the award territory.

Sub-element	Scoring
Speed	8 points (≥ 1000/250 Mbps) 6 points (≥ 400/200 Mbps) 4 points (≥ 200/50 Mbps) 2 points (> 100/20 Mbps) 0 points (≤ 100/20 Mbps)
Latency	4 Points (≤ 10 ms) 2 points (≤ 50 ms) 0 points (> 50 ms)
Useful Life	4 points (> 15 years) 2 points (≤15 years and > 12 years) 0 points (≤ 12 years)
Scalability	4 points (Technical plan indicates that future updates could move the network into a higher speed tier without requiring additional public funds) 0 points (Scalability not demonstrated)

In cases where a mixture of fiber and non-fiber will be deployed to serve a single application area, this score will be calculated according to the following formula:

Score = (Speed and Technical Capabilities Score × percent of eligible locations to be served with other technology) + (16 × percent of eligible locations to be served with fiber)

For instance, a project that served half of its eligible locations with fiber and half with another technology that scored 8 points in this category would receive a total of 12 points [(8 points for Speed and Technical Capability × 50 percent of eligible locations) + (16 × 50 percent of eligible locations)]

BEAD NOFO: "Eligible Entities must weigh the speeds, latency, and other technical capabilities of the technologies proposed by prospective subgrantees seeking to deploy projects that are not Priority Broadband Projects."

3. Additional Criteria for Scoring Non-Priority Broadband Projects

a. Local Coordination

Curing Note: Language describing the officials who can issue letters of support was added in response to curing.

OBD will release a letter of support template designed to help local governments evaluate proposed projects. Local governments will be asked to indicate their support for the project in general and their confidence in the applicant's plans to secure permits and complete other coordination with local governments necessary to complete the project. Template letters may be submitted by the county government responsible for the application county or by municipal governments whose jurisdiction covers a majority of BEAD-eligible locations in the area of the project discussed with the local government. Only one letter of support will be scored per application. A single letter may be associated with multiple adjacent application areas, provided the officials submitting the letter understand the full scope of the project and that application areas consisting of the project may be awarded separately. The score associated with that letter would then be applied to every application area covered by the letter. Letters of support submitted using this template from local governments in project areas will be worth as many as 12 points. For a municipality, a letter may be signed by the authorized representative of a board of trustees, board of aldermen, city council, or commission or by a mayor. For a county, a letter may be signed by the authorized representative of a county commission or the presiding commissioner. In cases where one of the listed positions is not available, due to the structure of the local government or other reasons, a letter can be submitted by a local government official with a similar role and scope of responsibilities.

If a local government commits to contribute financial resources (*e.g.*, ARPA State and Local Fiscal Relief Funds) to the project equal to at least 1 percent of the requested BEAD Outlay the project will receive the 15 points available in the local coordination category, regardless of whether a letter of support is provided.

Score (without local financial support) =

+ up to 6 points (local government support for project in letter of support)

+ up to 6 points (plans for coordination with local government in letter of support)

Score (with local financial support) =

+ 15 points

BEAD NOFO: "NTIA encourages Eligible Entities to adopt selection criteria reflecting a prospective subgrantee's support from the local and/or Tribal Government with oversight over the location or locations to be served."

b. Equitable Workforce Development and Job Quality

Curing Note: Language was added to clarify the intent of the hiring commitment section in response to curing.

OBD will further score submitted plans to evaluate commitments to investments in Missouri's broadband workforce in order to both improve the delivery of the funded

broadband projects and to foster the growth of a highly skilled, Missouri-based broadband workforce.

Sub-element	Scoring
Training Commitments BEAD NOFO: "[Provision of] Registered Apprenticeships and pre-apprenticeships tied to a Registered Apprenticeship, joint labor management partnerships, and other high-quality, on-the-job training Opportunities."	Review of narrative submission Up 7.5 points based on reviewer confidence in plan to provide Registered Apprenticeships and pre-apprenticeships tied to a Registered Apprenticeship, joint labor management partnerships, or other high-quality, on-the-job training opportunities)0 points (No commitments to participation in workforce training programs)
Hiring Commitments BEAD NOFO: "[S]ubgrantees prioritize hiring local workers and have robust and specific plans to recruit historically underrepresented populations facing labor market barriers and ensure that they have reasonable access to the job opportunities created by subgrantees"	Review of narrative submission Up to 7.5 points based on commitments to prioritize hiring by subgrantee, contractors, and subcontractors of Missouri-based workers and members of under-represented communities as the term is defined on page 16 of the BEAD NOFO, including any plans to promote such hiring through effective partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community based-organizations that provide relevant training and wrap-around services to support workers to access and complete training (such as child care, transportation, mentorship, etc.) 0 points (No commitments to prioritize hiring of Missouri workers and underrepresented populations)
Employment Commitment BEAD NOFO: "The plan for a highly skilled workforce should include… whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce"	Review of narrative submission Up to 7.5 points based on commitment that all or a substantial portion of workforce on BEAD projects will be directly employed and that, to the extent a subcontracted workforce will be used, that subcontractors will use high labor standards 0 points (no commitment for directly employed workforce)

▪ Missouri Economic Development

OBD will award additional points to projects that make additional commitments that will contribute to economic development in Missouri beyond (a) the economic development contribution represented by the construction and provision of broadband service and (b) any commitment to local hiring scored as part of the Equity Workforce Development and Job Quality score.

Element	Scoring
Missouri nexus of applicant	Review of Narrative Submission Up to 3 points if applicant's business has, or, in the case of new entrants, will have, a substantial nexus in Missouri including, when applicable: - An extensive history of providing broadband or other services to Missourians. - - Headquarters or other offices in Missouri or, in the case of new entrants, plans to establish such headquarters or offices
Use of Missouri products	Review of narrative submission Up to 3 points based on confidence in plan to use materials produced, in whole or in part, in the state of Missouri, or sourced through Missouri-based companies
Use of Missouri-based sub-contractors	Review of Narrative Submission Up to 3 points based on confidence in plan to use Missouri-based sub-contractors

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

Curing: In response to curing OBD inserted the text in blue, clarifying how its proposed approach preserved a priority of unserved, then underserved, and then community anchor institutions. In response to the same curing, OBD adjusted the deprioritization in element two to apply to application areas where a majority of eligible locations are community anchor institutions instead of applying only to locations where all eligible locations are community anchor institutions.

OBD anticipates that the funding allocated should be sufficient to extend service to all BEAD-eligible unserved and underserved locations and CAIs under 1 Gbps/1Gbps in the state of Missouri, provided funding is allocated efficiently. When possible, OBD will accept applications to serve all eligible locations in an application area without distinguishing between the types of locations receiving improved service on the theory that adjacent locations of different eligibility types will most efficiently be served by a single new network. If that is not possible, the proposed process includes safeguards to ensure funds are allocated in line with the prioritization required by the BEAD NOFO: (1) all unserved locations; (2) all underserved locations; and (3) all community anchor institutions with service under 1 Gbps/1 Gbps. While this approach does not always assign a chronological order of unserved, then underserved, and then CAIs, it does, in practice, prioritize funding in this order of priority.

1. **Caps on possible funding for each application area in each round of funding.** Caps will be used to prevent the exhaustion of funds before every location belonging to all three categories are reached. At a minimum, the caps will be set low enough to ensure that the funding awarded to reach the locations in an application area does not exceed the CQA modeled cost to reach those locations by more than Missouri's available allocation exceeds the modeled cost to serve every location in the state. A lower cap in the first round of grant funding will preserve funding that can be used exclusively to fund higher-priority locations, if necessary, in Round Two, and means the state will cannot exhaust its allocation through spending on lower-priority locations before all high-priority locations are served (because the maximum ensures the entire allocation cannot be spent before all eligible locations are reached). Caps will also tend to be higher for unserved locations, due to the generally higher modeled cost to serve these locations, making projects to serve these locations more attractive.

2. **Restriction on funding of predominantly CAI areas in Round One.** Should the RFI process produce application areas where CAIs with speeds above 100/20 Mbps are more than half of BEAD-eligible locations, these application areas would only be available to receive funding in Round Two and subject, if necessary, to the Round Two restrictions explained below.

3. **Restrictions on lower-priority applications, if necessary, in Round Two.** Before opening Round Two, OBD will determine whether there is likely to be enough funding remaining to extend service to every remaining unserved location in the state, to every underserved location in the state, and to every community anchor institutions in the state with service less than 1 Gbps/1 Gbps, based on the amount of funds awarded in Round One, the number of locations remaining, and the modeled cost of service to those locations.

(a) If there is not enough funding to reach every unserved location, OBD will separate application areas consisting only of underserved locations and application areas consisting of eligible community anchor institutions with service of at least 100 Mbps/20 Mbps or more in Round Two. The Maximum BEAD Outlay for Round Two would also be recalculated to distribute the remaining allocation among unserved locations based on the modeled cost to serve these locations, disregarding the modeled costs of eligible locations that are not unserved. CAIs with service of less than 100/20 Mbps (i.e. locations that would be unserved or underserved where they not classified as community anchor institutions) will be grouped and prioritized as if they were unserved or underserved locations based on the speed of their highest Reliable Broadband Service. These application areas would be applied for separately and awarded only if funds remained after grants were awarded for every unserved location.

(b) If it appears likely that remaining funds are sufficient to serve all unserved locations and some but not all underserved locations, OBD will create separate application areas for eligible community anchor institutions with service of at least 100 Mbps/20 Mbps or more. The Maximum BEAD Outlay for Round Two would also be recalculated to distribute the remaining allocation among unserved and underserved locations based on the modeled cost to serve these locations, disregarding the modeled costs of service to CAIs with service of at least 100 Mbps/20 Mbps or more. CAIs with service of less than 100/20 Mbps (i.e. locations that would be unserved or underserved where they not classified as community anchor institutions) will be grouped and prioritized as if they were unserved or underserved locations based on the speed of their highest Reliable Broadband Service. These application areas would be applied for separately and awarded only if funds remained after grants were awarded for every unserved and underserved location.

The treatment of CAIs with service under 100/20 Mbps above prevents a situation where a CAI designation, which generally indicates that a location has a higher need from broadband connectivity, could counterintuitively result in the designated location being left out of a BEAD project it would have been included in had it not been so designated.

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

Not applicable.

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

In the absence of a waiver or NTIA guidance granting flexibility, OBD will require compliance with EHP regulations and BABA in its grant agreement with the subgrantee.

OBD will make materials related to EHP and BABA from NTIA, the Department of Commerce, and other relevant agencies available to subgrantees and will assist in fielding questions on these regulations. OBD will review the EHP and Climate Resiliency Preparation Checklist in considering its outreach planning.

OBD will make efforts prior to the opening of the application to engage local agencies as well as state and local stakeholders on best practices of the regulations.

a. Build America, Buy America

To meet the requirements of Build America, Buy America, OBD will ensure items purchased for use in a covered infrastructure project will meet the following criteria:

(a) Iron and steel used in the project: All manufacturing processes, from the initial melting stage through the application of coatings, occurred in the U.S.

(b) Manufactured products used in the project: All products are manufactured in the U.S., and the cost of its components that are mined, produced, or manufactured in the U.S. is greater than 55 percent of the total cost of all components, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.

(c) Construction materials used in the project: All manufacturing processes occurred in the U.S.

In order to be BABA-compliant, subgrantees must submit an itemized breakdown of all products and materials that will be used in the project and indicate which are American-made. Any changes to this list of materials must be submitted to OBD before project closeout.

Subgrantees will be prohibited from using BEAD funds to purchase or support any covered communications equipment or service (as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608)).

Subgrantees are also prohibited from using BEAD funds to purchase or support fiber optic cable and optical transmission equipment manufactured in the People's Republic of China unless a waiver of this requirement is received from the Assistant Secretary of the Department of Commerce. Waivers of the ban on Chinese-made fiber will be based on a demonstration that application of this prohibition would unreasonably increase the cost of or delay the project or other eligible activities.

c. Environmental and National Historical Preservation Requirements

Subgrantees will be required to list in their application what past grant management experience/technical capacity they've had which will include whether they have previously had experience with NEPA[5] or NHPA[6].

Subgrantees will be required to identify and obtain applicable Federal, state and local permits required to complete their project. Responses from subgrantees will be given a higher weight if they are able to demonstrate they've already taken or will take specific steps to secure these permits/work with the Federal, state, or local agency.

Post-award, OBD will gather all information and documentation required for NEPA/NHPA review from the program subgrantees and will review submitted material to ensure it is complete before submitting it to NTIA for NEPA/NHPA review.

Post-award, subgrantees will be required to submit to OBD a draft environmental assessment for the project pursuant to NEPA and documentation of completion of any required consultations under § 106 of the NHPA, both of which must be completed no later than six (6) months after the Federal Award Date, unless a formal request for extension is approved by OBD and the Department of Commerce.

Through the grant agreement with OBD, subgrantees will be required to comply with environmental laws and to provide updates on their progress through the environmental review. Projects and other eligible activities will be required to be designed so that they minimize the potential for adverse impacts on the environment.

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[5] National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*).
[6] National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*).

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

RFI Process

OBD will conduct a multi-stage process to allow providers to apply for projects that fit their business models and existing infrastructure while accomplishing the BEAD goals of universal broadband coverage and competitive subgrantee selection.

Concurrent with the state challenge process, OBD will allow providers to indicate the areas they intend to apply to serve with deployment projects using BEAD funds. Subject to the completion of the state's mapping portal, OBD will accept RFI submissions through its mapping portal from February 19, 2024, to April 3, 2023. This process will take place before the conclusion of the challenge process and the final determination of eligible BEAD locations, and the submitted list of locations or polygons will be considered to indicate the locations for which providers plan to apply for service, if those locations are determined to be eligible at the end of the state challenge process. This request for information (RFI) will be designed to minimize the burden on applicants; RFI submissions will include:

> 1. The area or areas the provider plans to apply to serve using BEAD funds, each consisting of at least 10 eligible locations. The boundaries of this area may enclose locations not eligible for BEAD funding, but the obligation associated with the award of funding for the resulting application area would only attach to BEAD-eligible locations with the project area, which OBD will identify using the map generated through its challenge process. Submitted project areas will be required to include a minimum number of locations, as determined by OBD.

> 2. Basic pre-qualification information establishing the entity's ability to participate in the BEAD program.

Creating Comparable Project Areas

Based on the results of the RFI process, OBD will subdivide submitted project areas into application areas for the purpose of soliciting and evaluating competitive BEAD applications.

1. Locations where only one project was submitted will be grouped together into one application area consisting of the submitted project.
2. Projects that cross county lines will be split so that locations within different counties will be in separate application areas.
3. Projects that cross the boundaries of "high-cost areas" indicated by NTIA will be split so that locations within high-cost areas are a separate project from locations outside high-cost areas. This will enable OBD to apply a reduced match requirement (when necessary) in these areas

(https://internetforall.gov/program/broadband-equity-access-and-deployment-bead-program/bead-allocation-methodology).

4. Groups of adjacent locations where multiple providers indicated a plan to apply for BEAD funding to provide service will be grouped so that all locations associated with the same distinct combination of submitted projects constitute a separate application area.

5. In cases where these steps result in a single application area consisting of clusters of locations bisected by another application area, those separated clusters will be divided into separate application areas.

6. OBD will apply limited edits to the resulting application areas in cases where the rules above generate application areas that are not conducive to a comprehensive, efficient, and fair project selection process. The value of the RFI process lies in the close relationship between the application areas used in the program and the desired service territories of participating providers. In order to preserve this relationship, the modeled cost of locations added to any one application area in stage 6 will not be more than 10 percent of the original value of the application area, except in the case when several small, adjacent application areas are combined to create a larger application area. These changes may include:

    a. Distribution of the locations in application areas with a small number of eligible locations into neighboring application areas, reducing the number of application areas providers will need to apply for and the related administrative burden on OBD. This allows OBD to address:
        i. Small gaps between submitted project areas that would otherwise become separate application areas with a small number of eligible locations.
        ii. Small overlaps of submitted project areas that would otherwise become separate application areas with a small number of eligible locations.
        iii. Similar project areas submitted by different providers with small discrepancies that would otherwise generate small application areas on the edge of the shared territory.
    b. Distribution of locations falling outside any submitted project area that would likely be more cost-effectively served by a submitted project area than any state-designed application area that could be generated in stage 7.

7. Areas falling outside of any application area at the end of stage six will be grouped into state-defined application areas. These areas will be subject to additional measures to secure projects as outlined in section 2.4.7.

These application areas will be published before the opening of the first round of applications. Maps will be released on a county-by-county basis as each county's map is completed between April 4, 2024 through May 4, 2024. This publication will include the service obligation associated with the application area as indicated by the number of eligible locations within the area in each category (unserved and underserved

locations, unserved and underserved multi-dwelling units, and eligible community anchor institutions).

Before Round Two of applications begin, OBD will evaluate the remaining application areas and determine if changes need to be made to (a) reflect the BEAD prioritization of unserved and then underserved locations by, for instance, creating separate application areas consisting only of higher-priority locations that would be funded first should every location not be fundable or (b) to ensure that eligible locations that received no applications in round one are grouped into application areas that are likely to receive bids. This process may include removing very high-cost locations from application areas that OBD determines will otherwise be unlikely to receive proposals in Round Two.

No provider will be required to submit applications for areas they indicated they planned to serve through the RFI process, and applicants that did not participate in the RFI process will be eligible to apply to serve the application areas generated as a result of this process. This process is designed to elicit input from providers on the areas they would like to serve and to allow participating providers to apply for the application areas that make sense for them. The process includes several mechanisms to address "cherry-picking" of locations with low costs of construction and high expected revenues:

1. Limited changes to the boundaries of submitted project areas will distribute a portion of expensive-to-serve locations among more desirable adjacent application areas.
2. Less desirable applications areas will generally have a higher maximum BEAD subsidy, meaning that an application in this area can receive more funding in absolute terms and will score better on the BEAD outlay scoring element than an application that requested the same BEAD outlay in a less expensive project area (see section 2.4.2)
3. In cases where mechanisms one and two do not lead to applications in some application areas, OBD will take further steps to make these areas attractive for applicants (see section 2.4.7)

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

The structure of OBD's proposed subgrantee selection process allows several points where it will be possible to identify locations at risk of receiving no proposals for service under the BEAD program and take corrective action:

- At the conclusion of the RFI submission window
- At the conclusion of round one of applications
- At the conclusion of round two of applications

A. After the RFI

At the conclusion of the RFI window, OBD will identify locations where no provider indicated a plan to apply for BEAD funds to extend service that could not be practically grouped into adjacent application areas without fundamentally changing the nature of the project. These locations will be grouped into separate applications areas, and OBD will begin a process to identify a provider or providers that are willing to provide service to these locations.

1. OBD will develop a list of providers that (a) already serve adjacent areas, (b) have funded commitments in adjacent areas, or (c) indicated an interest in applying for BEAD funding. OBD will engage with identified providers, local elected officials and community leaders, and owners of relevant infrastructure in the area to identify the barriers preventing applications and, where possible, identify solutions and a provider willing to submit an application in round 1.
2. In cases where local engagement and model-based cost data suggests that the high cost of construction relative to the potential earning value of the infrastructure is a barrier to serving these locations and the locations are not within one of NTIA's designated high-cost areas, OBD will apply for waivers to reduce match requirements in these application areas under 25 percent.

B. After Round One

After all Round One applications are submitted, OBD will identify application areas where no eligible application for funding was received.

1. OBD will indicate the areas that received no applications and open a short sub-round allowing applications for these areas.
2. OBD will review the characteristics of the remaining locations with no application and will consider adjustments to the extremely high cost per location threshold necessary to attract non-priority broadband project proposals for these areas.
3. OBD will apply for waivers for match requirements for areas with no applications outside of NTIA-designated high-cost locations.

4. OBD will continue the engagement process begun at the conclusion of the RFI process for the remaining locations with no application, with the goal of identifying applicants for round two.

C. After Round 2

After all Round Two applications are submitted, evaluated, and awarded where possible, OBD will identify application areas with no funded projects.

1. OBD will indicate the areas that received no applications and open a short sub-round allowing applications for these areas.
2. OBD will determine whether to seek flexibility from NTIA to conduct additional funding rounds.
3. OBD will enter direct negotiations with identified potential providers with the goal of finding terms that would enable the provider to serve the remaining areas.

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

Missouri does not have federally recognized Tribal lands.

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

Curing Note: Substantive changes to this section were made to indicate how the EHCPLT will be set at each stage in the application process. In brief, the process would work by generating target savings in each round through use of a non-priority broadband technology and setting the EHCPLT at the highest possible level that achieves those savings.

As explained in sections 2.4.1 and 2.4.10, OBD will issue several advisory figures and a preliminary Extremely High Cost Per Location Threshold (EHCPLT) before a final EHCPLT is set after Round Two applications are received. OBD will set the preliminary and final EHCPLT and related advisory figures to allow for the use of alternate technologies, as necessary to achieve the goal of service to all BEAD-eligible locations.

OBD will draw upon three sources of cost information to identify a figure that captures these locations:

1. CQA cost modeling, which provides estimates of the net present value and total investment associated with fixed wireless and fiber deployment to each fabric location; the CQA model considers factors including "equipment quantities, amount of labor (installation, planning, engineering, cost of labor, etc.), cost of labor, price of equipment… environmental factors, geography, local demographics, and roads."
2. Cost data from actual applications to provide expanded broadband service through recent broadband funding programs, including OBD's NTIA Broadband Infrastructure Program awards and OBD's ARPA-funded Missouri Broadband Infrastructure Program; and
3. The funding requests associated with applications for funding in preceding rounds of the BEAD grant program. For instance, before setting the preliminary threshold governing Round One awards OBD will have access to Round One applications and associated funding requests; before setting the final threshold governing Round Two awards OBD will have access to Round One and Round Two applications.

These sources will be used to refine the EHCPLT over the course of the BEAD program.

Pre-Round One Advisory Figures

Before opening Round One applications, OBD will issue an advisory figure at which, based on the limited information available to the state before proposals are received, the preliminary Round One EHCPLT will likely be set. This advisory figure will be based on CQA cost modeling and the costs of previous state, federal, and local broadband programs. This figure will allow applicants considering non-fiber-to-the-premises networks to identify application areas where these networks are more likely to be

considered for funding (i.e. locations where the fiber cost per location is likely to be above the EHCPLT). To allow for imprecisions in the cost model and systematic differences between BEAD costs and costs associated with earlier grant programs, OBD's notice will stress that this figure is an estimate, subject to change based on the process for setting the preliminary EHCPLT laid out below.

Preliminary EHCPLT

Once OBD receives applications for funding in Round One, OBD will have a better sense of the locations where cost-effective fiber-to-the-premises networks are unlikely to be funded under the BEAD program. To determine a preliminary EHCPLT for projects in Round One, OBD will:

1. Determine the subgrantee selection if no non-Priority Broadband Projects were awarded (if the best-scoring project Priority Broadband Project below the Maximum BEAD Outlay and above the minimum score were awarded, and if application areas where no such Priority Broadband Project were submitted were carried over to the next round)
2. Based on this hypothetical scenario, calculate the remaining BEAD allocation and the cost to serve remaining locations in subsequent rounds based on both the modeled cost of remaining locations and the pattern of applications in Round One. If the remaining BEAD allocation is greater than the calculated cost, the preliminary EHCPLT will be set at such a level that no non-Priority Broadband Projects are awarded in Round One.
3. If calculated cost is greater than the remaining BEAD allocation, identify a target savings from Round One that would allow universal service in subsequent rounds. Assumptions of the cost of Round Two projects involved in this calculation will be conservative (i.e. on the low end of reasonable estimates). If further savings are necessary once actual applications are received in subsequent rounds, further downward adjustments in the EHCPLT will generate an EHCPLT more precisely tuned to the maximum possible deployment of fiber based on real-world deployment costs.
4. Set the highest possible preliminary EHCPLT that generates the target savings. Mechanically, this would be done by lowering the EHCPLT until just enough applications are switched from more expensive Priority Broadband Project awards to less expensive non-Priority Broadband Project awards to generate the target savings, starting with the project with the highest cost Priority Broadband Project award.

Pre-Round Two Advisory Figures

Before applications open for Round Two, OBD will publish a new advisory figure below which the final EHCPLT is likely to fall. This lower bound will be adjusted downward from the pre-Round One advisory figures if the applications filed and awarded in Round One indicate that OBD will not be able to reach all unserved locations, underserved locations, and community anchor institutions before exhausting its allocation without funding additional projects that incorporate non-fiber service.

Final EHCPLT

OBD will set the final EHCPLT after scoring all priority and non-priority broadband projects submitted in the final round of BEAD sub-grantee selection. If OBD determines that additional rounds of sub-grantee selection are necessary, OBD will set another preliminary EHCPLT using the process under the "Preliminary EHCPLT" heading, setting a final EHCPLT only when the last round of subgrantee selection is complete. The final EHCPLT will be set at a level such that grants can be awarded to the maximum possible number of eligible locations before exhausting the state's allocation. In other words, if the cost of awarding priority broadband projects for every location exhausts the state's allocation before all eligible locations are awarded, OBD will calculate the EHCPLT such that enough lower-cost non-priority broadband projects are considered and awarded to bring the funding required back under level of the available allocation. If no viable applications were submitted for some application areas during the last round of subgrantee selection, OBD may set the EHCPLT to reserve a portion of Missouri's allocation to fund these locations through direct negotiations with candidate providers.

2.4.10 Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.7.b of the BEAD NOFO.

The EHCPLT will be used by OBD to ensure that every eligible location in the state will be associated with a project that will bring it improved broadband service. In the interest of not ruling out any technological approach before the full picture of broadband availability is clear, OBD will not set a final EHCPLT until the completion of Round Two of BEAD applications. These applications will disclose the figure for the EHCPLT that will allow service to every eligible location within the budget set by Missouri's BEAD allocation. OBD will allow and encourage submission of applications using any technology meeting NTIA's definition of Reliable Broadband at every stage in the BEAD process.

A. **Describe the process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.**

Preliminary EHCPLT

After Round One applications have been received, a preliminary EHCPLT will be set using the process laid out in section 2.4.9. In cases where every priority broadband project submitted for an application area costs more than this value and a submission using an alternate technology costs less, OBD will consider funding non-priority broadband projects for the application area. These projects will be scored using the prioritization and scoring rules for non-priority broadband projects laid out in 2.4.2 and will be awarded only if the non-priority broadband project scores higher than all other projects for the area.

In application areas where both priority broadband projects and non-priority broadband projects were submitted, the per-location cost to the BEAD program of the lowest-cost priority broadband project will be used to determine if the cost to serve the area is over the preliminary EHCPLT and non-wireless projects should be scored. If there are no priority broadband applications for the area, OBD will not award the area to a non-Priority Broadband Project in Round One. Without actual bidding information, OBD will be unable to determine whether the specific scenario of the BEAD program might be able to generate a Priority Broadband Project below the EHCPLT for that location.

The non-Priority Broadband Project could be awarded in Round One only under the following conditions:

1. At least one Priority Broadband Project was proposed for the area, and every Priority Broadband Project has an average cost-per-location above the EHCPLT
2. The non-Priority Broadband Project scores better than the Priority Broadband Project
3. The non-Priority Broadband Project is below the Maximum BEAD outlay for the area.

Setting a preliminary EHCPLT near the upper end of the potential EHCPLT values will give OBD and applicants a more complete picture of the application areas available during Round Two by removing application areas where the results of Round One indicate a non-priority broadband project should be awarded. Because this value of the EHCPLT will not be final, non-priority broadband applications that were not considered for funding in Round One could be considered for funding in Round Two based on a lower final value for the EHCPLT and higher Maximum BEAD outlay. Applicants proposing non-priority broadband projects that were not considered for funding under Round One rules will be allowed and encouraged to apply for the same areas in Round Two.

Final EHCPLT

After Round Two applications have been received, a final EHCPLT will be set using the process laid out in section 2.4.9. This value will be no higher than the value of the preliminary EHCPLT, so that any application area awarded to a non-priority broadband project based on the value of the preliminary EHCPLT will also be above the final EHCPLT and would have been awarded to the same applicant had the final EHCPLT been in effect at the time.

In cases where every priority broadband projects submitted for an application area costs more than this value, OBD will consider funding non-priority broadband projects for the application area. If no priority broadband projects were proposed, the average CQA modeled cost of fiber service to the eligible locations will be adjusted based on the extent to which already funded BEAD Priority Broadband Projects exceeded their modeled cost and used to identify if a Priority Broadband Project in the area was likely to exceed the EHCPLT. If this process generates an estimate for the cost of a Priority Broadband Project below the EHCPLT, OBD will not award the area in Round Two and may carry it over into subsequent rounds. If the estimate is above the EHCPLT, non-Priority Broadband Projects for the area will be considered for funding.

Non-Priority Broadband Projects in areas identified as above the EHCPLT will be scored using the prioritization and scoring rules for non-priority broadband projects laid out in 2.4.2 and will be awarded only if the non-priority broadband project scores higher than all other submissions for the application area and are below the area's maximum BEAD outlay.

B. **Describe the plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.**

Priority broadband project applicants will have the opportunity to reduce their costs as part of the best-and-final-offer process. If this reduction brings the cost below the value of the preliminary or final EHCPLT applications for the area will be scored on that basis.

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

If no proposal meeting the definition of Reliable Broadband can be identified for some application areas over the course of Round One, Round Two, or subsequent rounds and direct negotiation as necessary, OBD will include in its Final Proposal a plan to open a program to help individuals in eligible locations in accessing available service not defined as Reliable Broadband, potentially including unlicensed fixed wireless and low-earth orbit satellites.

Curing Note: In response to curing OBD added the language below further specifying the condition under which BEAD funds could be awarded to provide service using alternative technologies

After the completion of at least one round of competitive applications, OBD may determine that service to all remaining BEAD-eligible locations requires use of a less costly technology that may not meet the definition of Reliable Broadband Service ("Alternative Technologies"), including satellite and unlicensed fixed wireless. If OBD determines that this is the case based on previous rounds of applications, the remaining allocation, and the nature of the remaining locations, OBD will invite competitive applications to serve all or some of the remaining locations using either Reliable Broadband Service or Alternative Technologies that are otherwise compatible with BEAD requirements. Only locations over the EHCPLT would be awarded projects using Alternative Technologies. This competitive opportunity could be integrated into Round Two or as an additional round of applications after the completion of Round Two. Locations eligible for Alternative Technologies in this competitive opportunity could also receive service using Alternative Technologies through post-round direct negotiations.

Deployment Subgrantee Qualifications

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

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

During the application process, each applicant will be required to certify that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project in compliance with state and Federal regulations.

If debt financing will be obtained, applicants will be required to submit letters of commitment to demonstrate the willingness of the financial institution to provide the funding required to complete the project.

DED will also examine an applicant's past management of federal funds. DED will consider an applicant's proposed approach to ensuring compliance with all federal fund requirements. This will include an assessment of the applicant's skills, knowledge, and experience in managing federal funds.

OBD will also take into account the financial burden from managing federal broadband awards (*e.g.*, CAF,[7] RDOF[8], ReConnect) an applicant has taken on throughout the country in considering the financial wherewithal and technical capacity of an eligible entity.

Subgrantees will be required to establish and maintain records, including financial documents, sufficient to enable OBD to determine whether the subgrantee has complied with the terms of its agreement with the state, and to assist OBD in meeting its recordkeeping requirements.

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[7] Connect America Fund.
[8] Rural Digital Opportunity Fund.

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

Subgrantees will be allowed to begin ground disturbing activities (upon clearance of the EHP reviews) but the state's grant agreement will not be fully executed until an irrevocable standby letter of credit or performance bond for no less than 10% of the awarded grants funds is submitted to OBD (see BEAD Letter of Credit Waiver). Under the rules of the BEAD Letter of Credit Waiver a letter of credit worth less than 25 percent of project costs and a performance bond for less than 100 percent of project costs can only be used as surety for projects where:

"(a) The Eligible Entity issues funding on a reimbursable basis consistent with Section IV.C.1.b of the NOFO;

(b) Reimbursement is for periods of no more than six months; and

(c) The subgrantee commits to maintain a letter of credit or performance bond in the amount of 10% of the subgrant until it has demonstrated to satisfaction of the Eligible Entity that it has completed the buildout of 100 percent of locations to be served by the project or until the period of performance of the subgrant has ended, whichever occurs first"

OBD's projects will meet these standards:

(a) OBD will issue funding on a reimbursable basis consistent with Section IV.C.1.b of the NOFO.
(b) Reimbursement will be for periods of no more than six months.
(c) OBD will require subgrantees to commit to maintain a letter of credit or performance bond in the amount of 10% of the subgrant until it has demonstrated to satisfaction of the Eligible Entity that it has completed the buildout of 100 percent of locations to be served by the project or until the period of performance of the subgrant has ended, whichever occurs first.

During the application process but before the OBD grant agreement is fully executed, prospective subgrantees using a letter of credit as their form of surety will be required to submit a letter from a bank that meets eligibility requirements consistent with those set forth in 47 CFR § 54.804(c)(2) committing to issue an irrevocable standby letter of credit, in the required form, to the prospective subgrantee. The letter shall at a minimum provide the dollar amount of the letter of credit and the issuing bank's agreement to follow the terms and conditions of OBD's letter of credit template.

OBD will provide a letter of credit template to subgrantees that will be substantially similar to the model letter of credit established by the FCC for its RDOF program.[9]

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[9] *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 773-77, Appx. C. available at
https://www.fcc.gov/document/fcc-launches-20-billion-rural-digital-opportunity-fund-0

As also required in the BEAD NOFO p. 73, a prospective subgrantee using a letter of credit shall provide with its letter of credit an opinion letter from legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the "Bankruptcy Code"), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning subgrantee's bankruptcy estate under Section 541 of the Bankruptcy Code.

During the application process but before the OBD grant agreement is fully executed, prospective subgrantees using a performance bond as a form of surety will be required to submit a letter from a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the Department of Treasury Circular 570 committing to issue a performance bond to the prospective subgrantee. The letter shall at a minimum provide the dollar amount of the performance bond. Prior to entering into any subgrantee agreement, each prospective subgrantee will be required to obtain a performance bond, acceptable in all respects to the Eligible Entity and in a value of no less than 10 percent of the subgrant amount.

OBD will examine subsequent guidance or waivers from NTIA regarding the contents of this section and allow further flexibility where allowed and compatible with the needs of the program.

C. Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.

OBD will review financial statements to assess the applicant's financial wherewithal to complete the proposed project as a part of the application process.

As OBD has done with previous grant programs, an applicant will be required to provide the most recent quarter's financial statements, and three previous fiscal years of financial statements (indicated if any supplied are audited). Financial statements need to include: balance sheets, income statements, and statement of cash flows.

For the project, applicants will be required to provide pro forma financial statements, including income statement and statement of cash flows to demonstrate sustainability of the project after the grant award.

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

Applicants will be required to submit business and marketing plans for service.

Applications will be evaluated on the ability of the project to be sustained beyond the award period. Applicants will need to provide pro forma financial information, market projections, and business plans to demonstrate the applicant's financial ability to maintain the infrastructure over time. Project plans will need to describe the applicant's ability to scale the project by integrating advanced services over time.

OBD will review submitted application budgets for reasonableness against the overall project.

Applications will be evaluated on the reasonableness of the budget based on its clarity, level of detail, appropriateness to the proposed technical and programmatic solutions, and the reasonableness of its costs.

Applicants will be notified of the program requirements to submit letters of credit or performance bonds, audited financial statements, and sustainability/ pro forma analyses of a proposed project in advance of the opening of the first application cycle.

Financial materials will be submitted by applications to OBD into a centralized grants review software system for reference throughout the BEAD program.

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

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

OBD will provide a template for an eligible entity to list its leadership and ownership information for privately-held companies and not for profit corporations.

The following listing of full legal names (and dates of birth for individuals) would be required before the applicant can proceed to an application cycle:

1. All directors, officers (president, vice-president, secretary, treasurer);
2. Executives (chief executive officer, chief financial officer, or similar position);
3. Members of the management team directly responsible for the operations of the eligible entity with regard to the project if persons other than those in (a) or (b);
4. For privately-held companies, any individuals with at least a ten percent ownership interest in the company; and
5. For privately-held companies that are a wholly- or partially-owned subsidiary of another company or companies, the name of each company with at least a ten percent ownership interest in the company.

Additionally, applications will be required to submit to OBD resumes for all key management personnel and any necessary organizational chart(s) detailing all parent, subsidiaries, and affiliates.

    B. **Detail how the Eligible Entity will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.**

Applications will be evaluated on the experience and expertise of the project management team, the past record of the applicant with projects of a similar size and scope and the applicant's capacity and readiness. This narrative should describe the experience and qualifications of key management relevant to the proposed project. OBD will also take into account the ability and capacity of an applicant based on submission timelines and interaction with OBD in other Missouri programs.

OBD will review this information on the basis of standards developed by OBD based on OBD's experience on past grant programs and determine whether the documents submitted demonstrate the prospective subgrantee's managerial capability with respect to the proposed project. Factors considered in making this determination will include:

1. The extent to which the organization or individuals employed by the organization have experience managing construction projects of similar size, scope, and complexity;
2. The extent to which the organization or individuals employed by the organization have experience managing projects with extensive federal reporting and compliance requirements;
3. The extent to which the organization or individuals employed by the organization have experience managing a broadband services network; and
4. The extent to which the management team demonstrates relevant training and expertise in areas including grant management, construction and management of a broadband services network, and securing the permits necessary for broadband construction.

No one factor will necessarily disqualify an applicant with a limited record in one area. Applicants that demonstrate a sufficient record in another area to give OBD confidence in their ability to deliver the project will still be able to participate in the program. OBD may allow prospective applicants whose initial management submissions did not meet OBD's minimum standards to strengthen this element of their proposal by making additional compensatory commitments in order to participate in the program.

Recent and upcoming organizational changes including mergers and acquisitions of the eligible entity will be reviewed as a component of a due diligence review phase of the application process.

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

OBD will certify that any prospective subgrantee deploying network facilities is examined in depth and they meet the minimum qualifications for technical capability as it has been outlined in the BEAD NOFO. OBD will ask a variety of questions throughout the application to determine whether each project can maintain its viability while complying with the program requirements. In order to submit a grant application in the program, prospective subgrantees will be required to provide OBD with the information relevant to technical capability that is listed below in subsections A and B.

OBD will communicate the requirements that are listed below in subsections A and B to all the prospective subgrantees before the selection process begins. This will be accomplished by outreach through multiple channels, stakeholder awareness calls, and including these requirements throughout the grant application. OBD will develop standards of technical capabilities that will reflect industry standards and also reflect the BEAD NOFO. OBD may refer to the National Society of Professional Engineers and the Missouri Division of Professional Registration, so that its outreach methods for these requirements of technical capability reach prospective professionals that would be providing the certification.

> A. **Certification of Technical Qualification. The response must detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.**

Prospective subgrantees must certify to OBD that they are technically qualified to complete and operate the project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce (BEAD NOFO; Section IV.C.1.e). The documentation that must be provided to OBD by the prospective subgrantee includes, but is not limited to:

1. Documentation of current licensing with governing bodies to operate in Missouri;
2. Attestation of current Missouri licensing for any engineers who certify design, diagrams, timelines, and project costs, etc.; and
3. Demonstration of a past record of the subgrantee with projects of a similar size and the subgrantee's capacity and shovel-readiness.

> B. **Proposed Project Work Plan. The response must detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the**

initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

Prospective subgrantees must submit a network design, diagram, project costs, build-out timeline and milestones for project implementation to OBD. Prospective subgrantees must also submit a capital investment schedule evidencing complete build-out and the initiation of services within four years of the date on which the entity receives the subgrant to OBD. All this documentation must be certified by a professional engineer licensed as required by law, stating that the proposed network can deliver broadband services that meet the requisite performance requirements to all locations served by the project (BEAD NOFO; Section IV.C.2). The documentation that must be provided to our office by the prospective subgrantee includes, but is not limited to:

1. A detailed project narrative that includes the steps of the capital investment schedule (planning, design, implementation, and operation). This project narrative also needs to include the network design, diagrams, project costs, build-out timeline and milestones that are required by the BEAD NOFO; and
2. Attestation that the proposed network can deliver broadband services that meet the requisite performance requirements to all locations that are served by the project.

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

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

OBD will require all applicants to demonstrate they are capable of carrying out funded activities in a competent manner that complies with all applicable federal, state, territorial, and local laws through the application process. Applicants will be required to disclose any recent violations of federal and state labor and employment laws. For entities required to register with the Missouri Secretary of State to do business in the State, a Certificate of Good Standing from the Secretary will be required.

Applications will go through an additional due diligence review step after the main application has been reviewed by OBD staff. Legal professionals will evaluate applicants for lawsuits evidencing any state or federal violations.

OBD will highlight relevant federal, state, territorial, and local laws to prospective applicants prior to the opening of Round One. Subgrantees will be required to certify they will follow the applicable laws.

In the absence of a waiver/flexibility, all subgrantees will be required to follow the Uniform Guidance, 2 CFR §§ 200.317 to .327, with respect to conducting procurement.

OBD will provide materials to subgrantees detailing the procedures and polices needed to stay in compliance with the procurement requirements in the Uniform Guidance of the Subgrantee Selection Primer document.

OBD staff will document these procurement materials and processes as subgrantees move through their project to ensure compliance.

For information on how OBD will review prospective subgrantees' submission of its 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 a subgrantee receives the subgrant see Section 2.4.13.

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

OBD will require subgrantees, as well as their contractors and subcontractors, to commit to permit workers to create worker-led health and safety committees. OBD will require applicants to submit plans laying out how they will fulfill this requirement, which will be scored as part of the Fair Labor application scoring element:

1. The mechanisms workers would use to create worker-led health and safety committees; and
2. How committees will be able to raise potential safety concerns and work with management to identify and implement corrective action.

Documentation of compliance will be submitted to OBD for review.

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

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

Applicants will be required to certify that they possess the operational capacity to complete and operate the project through the application process as well as submit further documentation at OBD's discretion. The application process will be overseen by OBD staff under a tiered organizational chart. OBD will utilize a robust, electronic document storage system following guidance from the Grant File Management: Guide & Best Practices document, drawing on experiences from past programs OBD has administered.

Applicants will not be able to enter into a grant agreement with OBD unless it submits documents and certifies sufficient operational capacity with respect to the proposed project.

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

Applicants that have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of its application submission or that is a wholly owned subsidiary of such an entity will be required to so certify and specify the number of years the applicant or its parent company has been operating.

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

Applicants that have provided a voice and/or broadband service will be required to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period and otherwise has complied with the Commission's rules and regulations.

   D. Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant

financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

Applicants that have operated only an electric transmission or distribution service will be required in its grant application submission, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

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

Applicants that are new entrants to the broadband market will be required to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. Materials acting as evidence includes:

1. Resumes from key personnel indicating relevant experience in the broadband market; and
2. Project descriptions and narratives from contractors, subcontractors, or other partners (if applicable) with relevant operational experience, or other comparable evidence.

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

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

Applicants will be required to provide ownership information consistent with the requirements set forth in 47 CFR § 1.2112(a)(1)-(7). The following information under paragraph (a) will be collected by OBD from applications and reviewed:

1. The real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant;
2. The name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held;
3. In the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses);
4. In the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership;
5. In the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater;
6. All parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest; and
7. Any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (a)(1) through (a)(5) of this section, owns 10 percent or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant (e.g., Company A owns 10 percent of Company B (the applicant) and 10 percent of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant).

Information on minimum qualifications for providing information on ownership will be made available prior to the first application cycle. OBD staff will review the submitted ownership information against the requirements in this section and address discrepancies with prospective subgrantees when possible. [See Section 2.4.12].

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

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

Prospective subgrantees will be required to disclose in a list all broadband deployment projects they are undertaking or have committed to undertake in the future at the time of application submission using public funds. Grant programs in which the potential subgrantee participated in the past without any outstanding broadband deployment commitments need not be disclosed in fulfillment of this requirement. The information they will be required to submit is listed under subsection B of this response.

OBD will consider these outstanding commitments and assess the applicant's capacity to meet those commitments as well as its BEAD commitments, based on a holistic review of the application and the subgrantee's financial, managerial, technical, and operational capabilities as laid out in the corresponding sections of this document (see section 2.4.11).

    B. At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.

Applicants will be required to submit the following information (some of which will be drawn from the state's broadband map that applicants are expected to use for identifying their proposed project areas):

1. The program from which the public funding for the project is being drawn, including the applicable funding agency (federal, state, or local agency administering the program);
2. The speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules);
3. The technology or combination of technologies to be used to provide service,
4. The geographic area to be covered;

5. the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage);
6. The total project cost;
7. The amount of public funding to be used;
8. The cost of service to the consumer;
9. The matching commitment, if any, provided by the subgrantee or its affiliates;
10. The matching commitment drawn from different funding sources (*e.g.,* private, local, or federal), including the source of those funds;
11. Required date for project completion;
12. Planned date for project completion (if earlier than the date required under the commitment);
13. Percentage of locations deployed; and
14. Required interim milestones (dates by which a certain portion of the project must be complete).

If a review of notices from major broadband funding agencies by OBD indicates upcoming broadband funding opportunities for which providers could reasonably be expected have "plans to submit" applications during the BEAD pre-qualification period, OBD will identify these programs and require providers to submit the elements of the above available at that stage of the planning process.

OBD will create a template and make it available prior to the opening of Round One on which prospective applicants can list the information required in Section 2.4.17(b). Where possible, OBD will reference datasets published by the applicable funding agency for major broadband funding programs and allow providers to certify that the information gathered there about their commitments is accurate. Applicants will be required to provide further information only if the documentation does not reflect the providers' understanding of their commitment or if information is omitted.

OBD will review the submitted information against state-maintained and publicly available documentation of broadband funding commitments. In cases of apparent discrepancies, OBD will work with the prospective subgrantee and the applicable funding agency to establish the disputed elements of the commitment.

The information required will include information about latency and the technology used, which will improve OBD's ability to determine whether the service to be deployed will generally meet the definition of Reliable Broadband Service.

2.5 Non-Deployment Subgrantee Selection (Requirement 9)

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

Curing Note: This section was amended to clarify the relationship between the state's Digital Opportunity Plan and any potential non-deployment BEAD spending and to explain how the process will be fair, open, and transparent.

OBD is not yet able to determine whether there will be sufficient funds to engage in non-deployment uses after completing deployment activities necessary to attain universal coverage. In the event there are sufficient funds for non-deployment activities, OBD will dedicate funds to addressing workforce development and the state four priority areas of digital equity: access to large screen internet enabled devices, broadband affordability, digital skills, and virtual healthcare.

. OBD will allocate any remaining funds at an 11:9 ratio, with the larger portion being dedicated to digital opportunity efforts (e.g., if there is $50 million remaining, $27.5 million would be dedicated to digital opportunity work and $22.5 million to workforce development). This division of funding was chosen to account for the substantial difference between funding in the Digital Equity Act (DEA) and BEAD programs. If there is less than $10 million in remaining funds, OBD will exclusively fund digital opportunity projects.

OBD will use the framework proposed in the DOP for developing and implementing a fair, open, and competitive process for identifying subgrantees capable of overcoming barriers beyond simple lack of broadband availability, including barriers to broadband adoption. The DOP recognizes broadband unaffordability, lack of access to (large screen) devices, and lack of digital skills and skills trainings as the primary barriers to equitable adoption and utilizations of broadband. The exact selection process for determining subgrantees will be dependent upon the requirements of the State Digital Equity Capacity Grant which have yet to be released. The DOP does however identify two general strategies for identifying subgrantees. The first strategy will primarily be used to implement the plan in urban and suburban areas with an existing pool of digital opportunity practitioners. This strategy entails a series of annual competitive grant programs to support partner organizations committed to bridging the digital divide. The second strategy is intended to ensure that the entire state, including rural areas without dedicated digital opportunity practitioners, receive digitally inclusive programming. This would be accomplished by eliciting multiyear proposals from large institutions with a statewide presence who would then utilize that presence to serve those areas unserved by the competitive grant process. Both strategies would prioritize selecting partners, or coalitions that include partners, that have both a demonstrated a history of success in implementing digitally inclusive programming, and an implementation/outreach

strategy that prioritizes reaching those covered populations most impacted by the digital divide.

The remaining non-deployment BEAD funds will be designated for workforce development, with the goals of expanding the broadband workforce on a time-scale relevant for BEAD buildout. The programming enabled by this funding will be modeled on the Missouri Department of Economic Development's (DED) ARPA Workforce Training Grant Program. As with the original program, OBD will develop competitive grants with the intention to train and upskill workers and expand customized recruitment assistance.[10] The grant program will be open to both Missouri employers and Missouri-based entities working with Missouri employers to train eligible employees/jobseekers including but not limited to:

1. Missouri Public Local Education Agencies
2. Industry Associations
3. Local Economic Development Organizations
4. Local Workforce Development Boards
5. Chambers of Commerce
6. Nonprofit Organizations

The intended beneficiaries of these programs will be all Missourians, with a preference for programs intended to benefit 'covered populations' as defined by the BEAD program[11] and Digital Equity Act.[12] Projects will be scored based on the proposed project's impact on covered populations (40%); the applicant's experience and capacity with deploying similar programming, including its ability to comply with federal monitoring requirements (40%); its level of collaboration with, and support from, the local community (15%); and the applicant's matching financial contribution (5%). OBD will also prioritize those programs that seek accomplish the following:

1. Increasing the availability and technical capacity of Missourians in the five highest occupational demand fields as identified in the Missouri Workforce Innovation and Opportunity Act (WIOA) Plan and/or
2. Developing a digital and Internet-related workforce to increase Missourians' participation in the digital economy.

The process used to distribute any non-deployment BEAD funding will be fair, open, and transparent. Prior to program deployment OBD will host one or more focus groups to elicit stakeholder feedback on best practices to effectively fund non-deployment activities. OBD's Director, Broadband Program Manager, Digital Inclusion Specialist, and DED's legal team will collectively develop and release publicly draft program guidelines for all non-deployment focused grant programs. Prior to finalization, all draft guidelines

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[10] https://ded.mo.gov/media/pdf/workforce-training-grant-program-summary
[11] https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf
[12] https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/DE%20PLANNING%20GRANT%20NOFO.pdf

will be subject to a public comment period of not less than 14 days. The finalized guidelines will explicitly define the following:

- the purpose of the program;
- the timeline for the program including dates for:
    - application submission, review, and final determination
    - announcement of awards,
    - due dates for all programmatic reporting, and
    - period of performance for the entire program;
- eligible and ineligible applicants;
- eligible and ineligible activities;
- restrictions on potential awards including:
    - eligible time period,
    - minimum and maximum awards
    - eligible and ineligible costs;
- requirements and restrictions on data collection;
- scoring criteria;
- guidance on application preparation and submission;
- guidance on grant agreements for selected subgrantees; and
- an appendix containing the rubric and scoring process submitted applications.

All programs will be announced via the department's traditional methods of promotion including but not limited to social media posts, publication of DED/OBD's website, and emails to broadband stakeholder email list. OBD will also engage in direct outreach to communities and organizations who have either previously expressed their interest in non-deployment programming or represent/serve communities in need as determined by the Digital Opportunity Plan. Applications will remain open for not less than 30 days. During the first 15 days of the application period OBD will also create and post online a video 'walkthrough' of the application explaining the expectation of the office and hold 'office hours' during which potential applicants may ask members of OBD any questions they may have about the program and/or application. Prior to the application closing OBD will send a reminder of the closing date to the broadband stakeholders email list.

2.5.2 Describe the Eligible Entity's plan for the following: a. How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program funds; b. How the non-deployment initiatives will address the needs of residents within the jurisdiction; c. The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities; d. How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD Program's equity, access, and deployment goals.

Curing Note: This section was substantially expanded in response to curing.

OBD is not yet able to determine whether it will be able to engage in activities beyond last-mile deployment projects. If funding is available after every eligible unserved location, underserved location, and community anchor institution is served, OBD will use additional funds to reduce barriers to broadband adoption within the framework laid out by the State of Missouri's Digital Opportunity Plan (MO DEA Plan) and to fund broadband workforce investments. OBD will use the additional funding to expand the state-wide partnerships and competitive grant opportunities proposed in the MO DEA Plan. This investment will not duplicate or supplant activities funded through the Digital Equity Act: additional funding through BEAD will allow for funding of new or expanded activity that could not have been funded with DEA funding alone.

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

OBD will employ preferences in line with the preferences used for awarding of DEA Capacity Grant funding as laid out in the MO Digital Opportunity Plan.

The specific criteria for scoring non-deployment projects will be dependent on the problem a program is intended to solve (i.e., affordability, digital skills, device availability, etc.) and as such have not yet been determined. OBD is committed to a selection process that is neutral and will not favor projects based on type of service provider, location of operation, or any other metric that does not directly relate to the proposed project's chance of success. Applications will be open to both non-profit and for-profit providers alike, provided they do not derive a profit from OBD funded activities. The primary metrics for determining a proposed project's score will be the provider's ability to implement their proposal, the project's long-term sustainability beyond the exhaustion of OBD funding, the proposes project's level of replicability in similar communities, local support, and the proposed project's ability to help OBD meet or exceed the measurable objectives outlined in the Digital Opportunity Plan.

B. **How the non-deployment initiatives will address the needs of residents within the jurisdiction**

During the planning phase for the BEAD program and Digital Equity Act, OBD contracted with the University of Missouri to conduct the 2023 MO Internet Survey. This study surveyed over 7500 Missourians regarding the state of the broadband and digital equity needs and identified substantial needs in the areas targeted by Missouri's proposed non-deployment spending. The summaries below provide an overview of the

major problems facing each of NTIA's defined covered populations and defines how to tailor programming to address their needs.

[From Missouri's Digital Opportunity Plan]

Over the course of 2022 and 2023 OBD engaged in extensive public outreach and research aimed at developing a more thorough understanding of the needs of Missouri's covered populations. The Digital Demonstration Projects Grant Program also provided practical experience and important data regarding the administration of programming necessary to bridge the digital divide. These observations in conjunction with the funding provided by the SDECGP will guide the implementation of the Digital Opportunity Plan. The major conclusions of that work are summarized by covered population below:

Covered Households:

The primary barrier facing this population stems from their lack of sufficient disposable income necessary to fully engage with the internet. This population's lack of resources ultimately results in lower-than-average access, as compared to other groups, to both devices (78% vs 88%) and internet services (78% vs 87%). Covered households lack the devices and/or internet subscription plan necessary to work from home and are more reliant on publicly available internet in order to engage with online services. Covered households were unable pay the same price as other covered populations for similar services. Covered households are forced to juggle competing priorities like their basic necessities (i.e., food and shelter) and access to the internet, with the latter oftentimes being sacrificed. When serving this population OBD will primarily develop programming that aims to reduce or eliminate the high cost associated with regular and effective internet engagement. In doing so, OBD expects to open further opportunities to this population that have previous been inaccessible.

Aging individuals:

Individuals aged 60 and above do not suffer as acutely from the same barriers to internet engagement as other covered populations. This population has higher than average access to internet subscription plans (91% vs 87%) and personal computers (90% vs 88%) and have expressed a willingness/capacity to pay higher-than-average prices for certain services (e.g., purchasing/repairing devices). This population's primary barrier is their lack of specific digital skills, in particular their ability to engage online in ways that maintain their privacy and data security. Paradoxically, they are the population least likely to engage in online training (27% vs 44%). They also suffer from a trust barrier when attempting to engage online. This is justified given the 84% increase in online fraud targeting older Americans. Given their higher reliance on the internet to access government or health services it is critical that they receive the training necessary to permit safe engagement online. To adequately address the needs of this population OBD must work with partners trusted by this population to develop in-person training opportunities that will specifically provide instruction in safe online browsing as

well as the means to access the government and health applications unique to their needs.

Incarcerated individuals:

The survey and focus group study were unable to interact directly with incarcerated individuals. The DDPGG also had limited interactions as compared to other populations. OBD will continue to work directly with DOC to measure and address the digital inclusion needs off incarcerated individuals. However, formerly incarcerated individuals reported their primary use of the internet centered on meeting their educational needs. This is reflective of the impact that being removed from the general populace, and the corresponding academic opportunities, entail. Engagement with Department of Corrections officials have also revealed concerns related to institutional security and privacy concerns stemming from increasing internet access for incarcerated individuals. The importance of educational opportunities to open occupational pathways for this population is critical to reducing recidivism. Formerly incarcerated people also report higher than average (62% vs 54%) use of the internet to "run my business," indicating the importance of self-employment in the face of reduced conventional employment prospects. Seventy five percent of respondents also indicate their reliance on the internet to access government or health services, including meeting their post-incarceration responsibilities (e.g., parole appointments). To meet the needs of this population and the concerns of their stewards, OBD must develop educational opportunities that are accessible within correctional facilities that do not compromise institutional security and support the development of resources that reduce recidivism by enabling them to advance socially and economically post-release.

Veterans:

The veteran population in Missouri largely overlaps with the aging individuals' population. Missouri veterans are largely retirees and report a willingness to a pay higher-than-average price for Internet access and use. Their primary barrier was related to trust in online sources and security when browsing with at least 67% of all respondents reporting concerns with personal information security, computer viruses and website tracking. Veterans do report a higher than average (46% vs 44%) willingness to engage with online training. To meet this population's needs, OBD must develop training in the key skills necessary for this group's daily life; however, unlike aging individuals, online training represents a more viable pathway to deliver the necessary instruction.

Individuals with disabilities:

Individuals with disabilities report a multitude of barriers to full engagement with the internet including, lack of economic resources (25% discrepancy between average respondent in willingness/ability to pay), inability to access training despite higher-than-average interest in obtaining it, and lack of trusted online resources. Additionally, individuals are significantly more reliant on the internet to access government and health resources. In spite of this OBD outreach has shown that there is a severe lack of

resources available to help those individuals overcome those barriers. OBD's approach to meeting the needs of this covered population must encompass all aspects of digital equity—internet access, affordability, and device availability—while also ensuring those resources developed are specifically suited to the needs of the differing disabilities represented within the population.

Racial and/or ethnic minorities:

Missouri's racial and ethnic minorities represent a wide spectrum of individuals whose barriers will differ depending on their circumstances. The total responses collected in the survey, focus groups, and DDPGP did not accurately represent ethnic/racial minorities populations as a percentage of the state's population. This results in an incomplete picture of this population's needs and OBD will continue to investigate methods to more accurately ascertain and address the needs of this large group. The results acquired from the study indicate cost, adequate access to opportunity, and institutional trust to be amongst the primary barriers to digital equity. This population reports higher than average low-income status (32% vs 28%) and distrust in governmental bodies as a result of historic practices (e.g., digital redlining). This is also reflected in the higher-than-average concern with being surveilled by outside actors while online. To engage with this population effectively OBD must engage in concerted efforts to ensure this community is aware of and participating in any opportunities for which they are eligible. Targeted programming must be conducted by trusted local partner organizations, seek to reduce/eliminate the cost associated with engaging online, and ameliorate the community's concerns of discrimination and surveillance.

Individuals who primarily reside in a rural area:

As a result of demographic overlap individuals who primarily reside in rural areas suffer from many of the same barriers as Aging individuals and Veterans, with the added detrimental effects associated with low internet availability. Similar to those populations this group is primarily concerned with online security and privacy concerns. Additionally, rural areas suffer from a distinct lack of digital equity practitioners capable of delivering programming to eliminate those barriers that do exist. Access to devices and affordability was not a major concern for this population, although this may stem from their inability to access the internet at all. The needs of this population will primarily be met by the BEAD program. OBD will, however, also seek to deploy DEA-supported programming, primarily instruction in online security, contemporaneously with broadband infrastructure deployment in order to forestall the development of the barriers present in other populations with better connectivity.

Individuals with a language barrier

Similar to the racial/ethnic minority populations, and likely due to significant population overlap, this group was also underrepresented in the studies conducted. This population also disproportionately suffers from a lack of the economic resources available to other populations, often resulting in a general inability to access the internet and the inherent benefits of the digital economy. Further compounding those difficulties is a severe lack

of materials in their native language or at a sufficient level for learners to comprehend. OBD will develop programming aimed at overcoming the affordability barrier. In addition to complying with Federal requirements regarding Access for Persons with Limited English Proficiency, OBD will make every effort to ensure that the programming, and corresponding promotional material, developed is accessible for English language learners and those with low levels of literacy. OBD will also continue to conduct outreach to remedy this population's initial underrepresentation in the studies, thereby ensuring their needs are met.

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

Non-Deployment BEAD funding will be guided by the coordinated stakeholder engagement conducted in the preparation of the MO DEA Plan and the BEAD Five-Year Plan, the feedback gathered during the MO Digital Opportunity Plan comment period, and additional opportunities for stakeholder engagement as the MO Digital Opportunity Plan is implemented.

While OBD staff will score project applications impartially and without favor to location, community support is critical to ensuring that projects are implemented in the most effective way. During the planning phase OBD gauged the needs of every covered population within the state and developed the implementation strategy in response to those needs. The state's Digital Opportunity Plan outlines several guiding principles for the implementation of digital equity programming with one of the most important being "Let locals lead." A modest component of an application's final score will be determined by their level of demonstrated community support. This can take the form of match funding provided by a municipality, letter(s) of support from elected officials and/or community members, demonstrable community participation within an application, etc. The level of community support will form a substantial component of an applicant's score; however, the total potential point value awarded for community support will not exceed 25% of maximum point value that can be awarded to any project.

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

OBD does not plan to fund non-deployment activities other than those outlined in the BEAD NOFO.

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

OBD is not yet able to determine if Missouri will have sufficient BEAD funds to fund non-deployment activities. The subgrantee selection process laid out in section 2.4.1 indicates how OBD will allocate funding to projects with eligible deployment locations in the state of Missouri between publication of the state's Initial and Final Proposal. If this process does not secure commitments for every eligible unserved and underserved location in the state of Missouri, OBD will not propose non-deployment activities in its Final Proposal.

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

OBD is not yet able to determine if Missouri will have sufficient BEAD funds to fund non-deployment activities. OBD will align the process designed to award non-deployment BEAD funds with the process used to award Digital Equity Act Capacity funds through an open and competitive process. Through this process, OBD will ensure that subgrantees:

1. Can carry out activities funded by the subgrant in a competent manner in compliance with all applicable federal, state, and local laws.

    To meet this requirement OBD will review evidence of a subgrantee's previous compliance with legal requirements while executing activities with a similar scope of legal responsibility as the activities proposed by the subgrantee, their proposed approach to legal compliance, and the team members proposed team members with compliance responsibilities. Where necessary, OBD will include provisions designed to ensure and encourage legal compliance into a binding grant agreement. OBD will issue awards only if the provider accepts these elements of the grant agreement, and if the review of submitted evidence leaves OBD with confidence the applicant will be able to comply with applicable laws in a competent manner

2. Have the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the Program and such other requirements as have been prescribed by the Assistant Secretary or the Eligible Entity?

    To meet this requirement OBD will review evidence of a subgrantee's previous performance while executing activities with similar demands on managerial and financial capacity as the activities proposed by the subgrantee, the size and experience of their staff, and basic information about their budget. OBD will issue awards only if the review of submitted evidence leaves OBD with confidence the applicant will have the capacity to meet their financial and managerial obligations under the award.

3. Have the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

    To meet this requirement OBD will review evidence of a subgrantee's previous performance while executing activities with a similar technical and operational demands as the activities proposed by the subgrantee, the size and experience of their staff, and information about their plan for service delivery. OBD will issue awards only if the review of submitted evidence leaves OBD with confidence the applicant will have the necessary technical and operational capability to meet their obligations under the award.

2.6 Eligible Entity Implementation Activities (Requirement 10)

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

OBD proposes to implement limited initiatives without making a subgrant. These include activities already under way or planned using existing funding streams that will need to be continued over the course of the BEAD program: grant management for OBD-administered broadband programs, implementation of the state challenge process, implementation of the subgrantee selection process, broadband availability mapping and associated data collection, and continuing public engagement around the BEAD program, including documentation and public notification of BEAD commitments and progress on BEAD-funded networks and outreach associated with efforts to secure BEAD projects for unawarded areas. Because OBD is already responsible and has existing funding to begin or continue carrying out these activities, it is the best situated agency to continue these activities over the lifetime of the BEAD program.

2.7 Labor Standards and Protection (Requirement 11)

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

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

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

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

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

Missouri will require submission of several elements that speak to "Prospective subgrantees' record of past compliance with federal labor and employment laws." New entrants without three years of broadband experience will have the opportunity to mitigate their lack of record through an increased weight assigned to forward-looking commitments. OBD will require from each prospective subgrantee:

1. Disclosure of violations of state and federal labor law on broadband projects over the previous three years by applicants, contractors, and subcontractors.

2. Certification from an Officer/Director-level employee (or equivalent) evidencing consistent past compliance with federal labor and employment law by the subgrantee, as well as contractors and subcontractors.

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

4. Data on a prospective subgrantee's historical use of contracting and subcontracting arrangements, including staffing plans, and at least one example of each contractor and subcontractor's past performance in the context of a similar project.

OBD will examine this information and assign a score based on the violations disclosed (10 points for no violations, 5 points for some violations, and 0 points for a pattern of violations).

5. Copies of OSHA form 300A for establishments associated with the subgrantee's broadband deployment activity over the previous three years.

OBD will assign the application a score based on a comparison of the submitted rate of "recordable cases" and the industry average (10 points if notably below, 5 points if near, 0 points if notably above). Institutions exempt from submitting form 300A will be asked to disclose any workplace incidents reported to OSHA because it resulted in "a fatality, in-patient hospitalization, amputation, or loss of an eye."

B. **Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address how the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:**

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

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

Missouri will evaluate an applicant's plans for compliance with federal labor law, as well as their plans to ensure compliance for its contractors and subcontractors. Applicants will submit:

1. A plan for compliance with federal and state labor law, including "information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network" as well as any commitments listed on BEAD NOFO page 43.

   The submitted information will be evaluated and scored by OBD reviewers on the basis of the confidence it provides in the applicant's ability to comply with federal labor law (Up to 10 points for high confidence in the proposal)

2. A plan for "implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects."

   The submitted information will be evaluated and scored by OBD reviewers on the basis of the confidence it provides that the committee's will be able to operate effectively (Up to 10 points for high confidence in the proposal)

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

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

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

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

d. Use of local hire provisions;

e. Commitments to union neutrality;

f. Use of labor peace agreements;

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

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

i. Taking steps to prevent the misclassification of workers

Missouri does not intend to make any of these labor standards and protections mandatory for subgrantees. Missouri will consider commitments to labor standards and protections as part of its evaluation of the subgrantee's forward-looking plans to comply with federal and state labor law (the "Fair Labor Standards" element of BEAD project scoring). The scoring weight assigned to "Equitable Workforce Development and Job Quality" will also help to promote high-quality jobs on BEAD projects.

2.8 Workforce Readiness (Requirement 12)

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

Missouri plans to advance these workforce objectives through weighting of scoring elements related to Equitable Workforce Development and Job Quality in its scoring of grant applications.

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

Missouri will ensure subgrantees support the development and use of a highly skilled workforce capable of carry out work in a manner that is safe and effective by:

1. Allowing and encouraging use of BEAD deployment funds for "workforce development, including Registered Apprenticeships and pre-apprenticeships, and community college and/or vocational training for broadband-related occupations to support deployment, maintenance, and upgrades." Applicants for BEAD deployment funding will be able to request workforce development funding as part of their application, which would be scored and awarded according to the process laid out for deployment awards in this document.

2. Scoring applications on the basis of commitments to invest and participate in workforce training.

3. Encouraging the development of a high-skilled workforce based in the State of Missouri by scoring applications on their commitment to hiring Missouri-based workers and contractors.

4. Promoting safety by scoring subgrantees based on their safety records and plan for implementation of workplace safety committees.

5. Launching a round of dedicated non-deployment broadband workforce funding should a sufficient allocation be left over after identification of a deployment project for every BEAD-eligible location.

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

Curing Note: This section was amended to account for several pre-existing programs that advance these goals.

Missouri will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker

organizations, and community-based organizations to meet local workforce needs and increase high-quality job opportunities by:

1. Continuing to engage with stakeholders among these groups to identify, promote, and encourage collaboration on opportunities to engage in partnerships to meet workforce needs, including opportunities that can be funded with BEAD dollars associated with last-mile broadband deployment projects.

2. Awarding the highest possible score for the workforce training element for applicants that participate in a registered apprenticeship, pre-apprenticeship tied to a Registered Apprenticeship or joint labor management training partnership.

3. Awarding higher scores on the hiring commitment element of BEAD applications based on plans to promote such hiring through effective partnerships, including partnerships that offer wrap-around services.

Several Missouri state programs encourage partnerships promoting workforce development, including, in some cases, wrap-around services, which will be available to eligible BEAD applicants, contractors, and subcontractors:

1. Within the Department of Economic Development, Missouri One Start provides recruitment, training, and up-skilling services to Missouri businesses in partnership community colleges, career technical centers, and the State Technical College of Missouri. Among other expenses, relocation costs can be reimbursed under certain circumstances.

2. The Department of Higher Education and Workforce Development provides support for Missouri Apprentice Connect, which connects employers and potential apprentices.

The Missouri Office of Workforce Development provides support for employers and job-seekers, including job-matching through MoJobs, the state's labor exchange, a statewide network of Job Centers, federal bonding for employers hiring at-risk employees, reimbursements for on-the-job training, and other incentives.

C. A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process; and

Missouri will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process by:

1. Continuing to engage with stakeholders, including employers, workers organizations, and communities about the opportunities represented by employment through the BEAD program.

2. Scoring applications based on commitments to directly employ all or some of the workforce on broadband projects.

3. Scoring applications based on commitments to prioritize hiring of local workers and workers from populations historically underrepresented in broadband.

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

Missouri will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers by:

1. Scoring applications based on training commitments that will allow new workers to enter the broadband industry.

2. Scoring applications based on commitments to prioritize hiring of local workers and workers from populations historically underrepresented in broadband.

3. Requiring compliance with applicable civil rights and nondiscrimination laws.

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

a. The ways in which the prospective subgrantee will ensure the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor management training programs that serve all workers;

b. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;

c. Whether the workforce is unionized;

d. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and

e. The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

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

a. The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;

b. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:

i. Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and

ii. Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

In line with requirements in the BEAD NOFO, applicants will be required to submit:

1. Their plans to ensure use of an appropriately skilled workforce, including:

   (a) Participation or plans to participate in Registered Apprenticeships or other joint labor-management training programs that serve all workers; and

   (b) Participation or plans to participate in other relevant training opportunities;

2. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, including:

   (a) Appropriate and relevant pre-existing occupational training, certification and licensure; and

   (b) Plans to conduct occupational training, certification, and licensure to fill gaps in the existing workforce

3. Whether the workforce is unionized;

4. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce in whole or in part and, if so, the portion of the workforce that will be subcontracted; and

5. The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work and the above information for those contractors and subcontractors.

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

1. 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;

2. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:

   (a) Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and

   (b) Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

These plans will be reviewed as part of OBD's review of the Fair Labor Standards and Equitable Workforce Development scoring elements as well as OBD's review of the whether the applicant has the minimal capabilities to participate in the BEAD program.

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

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

Over the course of the program, OBD will ensure that minority businesses enterprises (MBEs) and women-owned business enterprises (WBEs) are recruited, used, and retained when possible. Missouri does not have any labor surplus areas and the state will not prioritize policies designed to identify and encourage applications from labor surplus area firms.

Applicants will be asked to certify and provide evidence of whether it is an MBE or WBE and whether it would use MBEs or WBEs as contractors. OBD will record and store this data. Plans and commitments related to use of MBE and WBE as contractors will be a scoring element for BEAD applications.

Stakeholder Engagement

From 2022-2023, OBD carried out a robust stakeholder engagement tour around the state to spread awareness of the program and collect input from a diverse variety of stakeholder groups.

As part of these efforts, OBD engaged with (and will continue to) numerous entities that deal with MBEs and WBEs including:

1. Hispanic Chamber of Commerce
2. Historically Black Colleges and Universities (HBCUs) such as Harris-Stowe State University
3. OBD maintains a list of digital opportunity affiliated organizations it regularly sends updates to.
4. Minority-led non-profits
5. Missouri Office of Equal Opportunity (Maintains a directory of MBEs and WBEs. OBD will pass announcements pertaining to the grant application cycle as well as awarded project areas to OBD to distribute among its directory.)

OBD additionally plans to hold a Pre-Qualification period ahead of Round One to alleviate burdens on OBD and eligible applicants. This period will be beneficial to MBEs and WBEs in establishing what eligible entities are interested in applying.

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

☒ Yes, OBD, DED, and the State of Missouri hereby certify it will do the following:

1. Place qualified small and minority businesses and women's business enterprises on solicitation lists;

2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.

2.10 Cost and Barrier Reduction (Requirement 14)

2.10.1 Text Box: Identify steps that the Eligible Entity has taken or will take to reduce costs and barriers to deployment.

The Missouri Office of Broadband Development (OBD) has identified several steps to help reduce costs and barriers for deployment. To help reduce costs and barriers related to BEAD projects OBD has conducted research over the course of several months over the issues facing organizations involved in broadband deployment. After conducting this research, along with interviewing numerous stakeholders, government entities and other third parties the following responses will help reduce costs and barriers for future projects. Responses may include but not be limited to the following:

- **Improved Communication**

  Respondents reported that widespread miscommunication between the parties involved could lead to substantial delays in permitting and permissions required to proceed with broadband expansion projects. To facilitate clearer lines of communication, OBD plans to gather and publicize reliable contacts for BEAD applicants and other stakeholders involved in the permitting process.

- **Gain Certification from Missouri 811**

  To help ensure that there are fewer accidents, and that safer digging / excavation is practiced in these projects, the Office of Broadband Development will require employees of subgrantees and their contractors / sub-contractors with relevant responsibilities on BEAD projects to take the Missouri 811 *Missouri Damage Prevention Awareness Training Course*. OBD will require subgrantees, their contractors and sub-contractors to document completion of the course by their employees and submit the documentation to OBD.

- **Flagging and Marking**

  A major problem that is facing broadband deployment when it comes to construction for these projects is flagging and marking for underground utilities. OBD plans to require all BEAD subgrantees and their contractors and sub-contractors to use Missouri 811 online portal to request markings or flagging of underground utilities. This online process will help schedule and streamline the markings/flagging process, which will reduce the burden of BEAD projects on Missouri 811 and help the construction of these projects start sooner.

- **Streamlining Permitting**

  A major issue that OBD has discovered is that the companies involved in broadband are having trouble with obtaining permits from third parties (i.e., federal, state, local governments, and railroads). OBD will work with subgrantees to understand these requirements and encourage them to begin the process of securing permits early in the process of applying for BEAD funding. On the ends of those who grant the permits, OBD will work with local governments to

communicate best practices for streamlining their permitting process. With these wait times cut on the permitting process, construction can start sooner.

- **Documentation and Communication of BEAD Commitments**

  Conversations with various stakeholders on broadband deployment processes, including railroads, local governments, and Missouri 811 have indicated that information about the location of planned BEAD projects and their general timeline for construction could help these agencies allocate resources and reduce the burden posed by surges in demand associated with BEAD projects. OBD will document relevant information about BEAD-funded broadband projects and communicate them to these stakeholders to enable improved planning and responsiveness. OBD will also work with the State Historic Preservation Office to flag the potential burden associated EHP reviews for BEAD projects and identify additional efficiencies.

Steps Already Taken

While OBD does not have regulatory authority over many of the identified barriers to deployment, it has played a convening role for policymakers and users of the state's various permitting systems. For instance, OBD hosted an expert panel discussing permitting and other broadband deployment challenges at its 2023 Broadband Summit.

2.11 Climate Assessment (Requirement 15)

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

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

Curing Note: In response to requested curing this section was amended to specify the exact location that will be subject to initial hazard screening, clarify the elements of that screening, and indicating that the process will be repeated every two years.

OBD will require initial hazard screening based on Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency. According to the Federal Emergency Management Agency, SFHA's are defined as "the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year." A screening will be required for any application area where broadband serviceable locations equal to five percent of the modeled cost of all locations in the application area are in an SFHA. SFHA boundaries will be determined based on the effective National Flood Hazard Layer as of application area designation. On the National Flood Hazard Layer, Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30 are considered SFHAs.

OBD believes the applicants responsible for the construction and operation of these networks will be best- positioned to determine climate risks and appropriate mitigation measures, since they will be motivated to protect their investments in BEAD networks. This screening will consist of: (a) identification of the hazards, if any, associated with the project to serve locations in SFHAs; and (b) identification of the mitigation measures, if any, necessary to preserve network integrity in the case of flooding and costs associated with those mitigation measures. These areas were selected because flood risk was identified as the major growing climate- and weather-related risk through a University of Missouri report produced under contract with the Office of Broadband Development, which is attached as Optional Attachment 2.11.1.1 (2.11.1.1 Report).

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

In order to better identify evolving natural hazards that could put BEAD-funded broadband infrastructure at risk OBD contracted with the University of Missouri System for a report, which is attached as Optional Attachment 2.11.1.1 (2.11.1.1 Report). Missouri also reviewed relevant elements of the Missouri Hazard Mitigation Plan 2023-

2028
(https://sema.dps.mo.gov/docs/programs/LRMF/mitigation/MO_Hazard_Mitigation_Pla
n_2023-2028.pdf). The Hazard Mitigation plan identifies "weather events such as
windstorm or winter weather" as threats to telecommunications line strung on poles and
flooding as a threat to buried telecommunications cables.

The University of Missouri report found decreases in wind speeds and extreme wind
events over the course of the study period and an increase in precipitation and
extreme precipitation events in some seasons (2.11.1.1 Report pg. 60). The report
concludes that "the results indicate that Missouri's broadband infrastructure is at a
greater risk of precipitation change, extreme precipitation events, and potential
surface flooding compared to the changes in the surface wind speed" (2.11.1.1 Report
pg. 60). On this basis OBD will focus its response on this question on the risk posed to
broadband networks by surface flooding.

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

The University of Missouri report projected that a "substantial increase (over 18%) in total
precipitation and potential surface flooding during the winter and spring may threaten
broadband infrastructure." While buried fiber optic cables are designed to be water-
resistant, immersion in water caused by flooding can still put infrastructure at risk.
Networks deployed using BEAD funds in areas at a risk for flooding may be at an
increased risk due to flooding for the 20 years following deployment.

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

OBD will exempt costs associated with these mitigation measures from the calculation
of the BEAD outlay scoring element, up to five percent of the maximum value assigned
to the location in the award round. This will allow applicants to take mitigation measures
without disadvantaging themselves relative to other projects applying to serve the
same project area.

Possible mitigation measures include location of facilities vulnerable to flooding outside
of flood zones, waterproofing of facilities, redundancy built into the network, or routing
of important trunks of the network away from high-risk areas.

Applicants in Special Flood Hazard Areas (SFHA) will be required demonstrate that
sufficient thought has been put into how their project will avoid and/or mitigate
weather and climate risks including, but not limited to:

- Choice of a technology platform suitable to the climate risks of the region,
  reliance on alternative siting of facilities (e.g. underground construction where
  appropriate, or location of climate-);
- Retrofitting or hardening of existing assets that are critical to BEAD-funded
  projects;
- Additional onsite and in-home power resources;

- Use of established plans and processes to deal with extreme weather-related risks;
- The speed of restoration of service in the case of an outage;
- Use of network and facility redundancies to safeguard against threats to infrastructure.

OBD will review these plans after application submission but prior to award. Providers will be asked to indicate if mitigation measures represent extra costs for their deployment and document these costs. If OBD's reviewer determines that these mitigation measures and projected costs are reasonable, these costs will be exempted from the calculation of the application's score for "Minimal BEAD Outlay, up to a total cost equal to five percent of the application area's Maximum BEAD Outlay. For instance, a project requesting 95 percent of the Maximum BEAD Outlay that satisfactorily document 5 percent of the Maximum BEAD Outlay in mitigation costs would be scored as if the application requested 90 percent of the Maximum BEAD Outlay.

This allowance applies to this Minimal BEAD Outlay scoring mechanism, not the requirement that no project be awarded for an application area in a given round if the project requests funding above the Maximum BEAD Outlay. A project requesting 104 percent of the Maximum BEAD Outlay with 5 percent documented mitigation costs would not be awarded in the round governed by that Maximum BEAD Outlay.

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

OBD will conduct a review of evolving natural hazards that could put Missouri's broadband infrastructure at risk every two years and issue updated recommendations for any further measures to harden Missouri's broadband infrastructure against these hazards. These updates will take place through the end of the BEAD period of performance.

2.12 Low-Cost Broadband Service Option (Requirement 16)

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

a. All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs);

b. The plan's basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices);

c. Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan's rate; and

d. Any provisions regarding the subscriber's ability to upgrade to any new low-cost service plans offering more advantageous technical specifications

Curing Note: In response to requested curing, OBD edited this section to introduce a $30 per month low-cost plan standard with waivers allowing costs of up to $70 per month.

The IIJA and the BEAD NOFO requires Missouri to define a low-cost option or options available to end users of BEAD networks that are eligible to participate in the Affordable Connectivity Program. This definition must "provide the exact cost of the low-cost broadband service option, or the state/territory derived formula based on objective economic data to be used." This obligation continues over the life of the asset.

The household broadband survey conducted by the University of Missouri as part of the BEAD planning process asked Missourians without internet service to characterize their monthly willingness to pay within bands of possible prices. 17 percent of Missourians indicated in this category indicated a willingness to pay less than $10; the median respondent fell within the $25-$40 band. A $30 a month standard would mean that the median ACP eligible household in Missouri would pay roughly 1 percent of its income for broadband, in the absence of ACP renewal.[13] A threshold of 2 percent of monthly household income is sometimes used as a measure of broadband affordability; $30

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[13] OBD calculation based on the Public Use Microdata Sample of the 2016-2021 5-year American Community Survey of the US Census. ACP eligibility estimated based on a methodology used by the Institute for Local Self-Reliance to create its ACP Dashboard (acpdashboard.com). Households were treated as ACP eligible if they received one of several benefit programs tracked by the ACS or had a household income less than 200 percent of the poverty line. The median eligible household by this definition had a household income of $33,590.

represents less than 2 percent of the monthly income of four-fifths of ACP-eligible Missouri households.[14]

OBD understands that prescriptive pricing requirements pose a challenge for the business case of projects in expensive areas. A low-cost plan, at any price, will only be valuable to the extent viable BEAD projects are actually built. For this reason, OBD will allow BEAD program participants to request a waiver to charge above $30 for an otherwise compliant low-cost plan, provided that the cost of the plan, including waivers, may not exceed $70. This $70 figure broadly reflects OBD's experience with is ARPA-funded broadband grants, where providers were asked to propose a low-cost broadband option as part of their submission. Only two awardees exceeded a $70 price, suggesting that (a) $70 is consistent with broadband expansion to extremely expensive areas and (b) that the $70 ceiling would still exercise some restraint on the upper ranges of broadband costs.

Waivers will be evaluated based on submissions from BEAD applicants requesting a waiver and contextual information about the application area where the waiver is requested. OBD will require the BEAD applicant requesting a waiver to submit evidence including:

1. The projected revenue associated with the project assuming a $30 low-cost plan, including underlying assumptions, such as the number of eligible individuals who will subscribe to the low-cost plan at $30
2. The projected revenue associated with the project assuming a low-cost plan set at the waiver price, including underlying assumptions, such as the number of eligible individuals who will subscribe to the low-cost plan at that higher price
3. The projected per-subscriber and overall costs of establishing and maintaining service for the application area.

Waiver may be granted, denied, or granted at a price lower than the initial request based on OBD's evaluation of whether the waiver is necessary to secure a financially sustainable project for the area. Among other contextual factors, OBD may consider whether another, otherwise generally comparable project was submitted without a low-cost waiver for the application area in question.

Low-Cost Service Option

1. The proposed service option:
   a. Costs $30 per month or less, inclusive of all taxes, fees, and charges with no additional non-recurring costs or fees to the consumer or no more than the subsidy available through ACP or successor programs, should that subsidy increase to greater than $30 a month OR costs greater than $30 per month but no more than a price approved by OBD that will be no

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[14] "Is Broadband Affordable for Middle-Class Families?," Pew Charitable Trusts. pewtrusts.org/en/research-and-analysis/articles/2023/08/30/is-broadband-affordable-for-middle-class-families

more than $70 per month, provided OBD approves a waiver in the manner described above;

b. The price may be adjusted upward annually with notification to OBD by no more than the change in the Consumer Price Index, measured as by the annual average change in CPI published by the Bureau of Labor Statistics for the most recently completed calendar year, starting after the award agreement between OBD and the applicant is signed (e.g., had an applicant signed an agreement for a BEAD award in 2023 they could have adjusted their low-cost plan upward by 4.1 percent after BLS published the annual average change in CPI in 2023 in January of 2024).

c. Allows the end user to apply the Affordable Connectivity Benefit subsidy to the service price;

d. 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;

e. Provides typical latency measurements of no more than 100 milliseconds; and

f. 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;

g. In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost;

2. Subgrantees are required to participate in the Affordable Connectivity Program or any successor program, and Eligible Subscribers that are eligible for a broadband service subsidy can apply the subsidy to the proposed service option.

3. Subgrantees will be required to post the terms of the low-cost option and any other pricing commitments made as part of the BEAD program and include the low-cost option alongside other pricing options in a transparent manner. Subgrantees should understand that OBD will also document and publicize pricing commitments associated with BEAD-funded networks.

2.13 Middle-Class Affordability Plans

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

Beyond the low-cost plan for eligible participants documented in section 2.12.1, OBD's general mechanism for making affordable broadband available to middle-class families in BEAD-funded networks is the heavy weight assigned to the NTIA-mandated affordability metric (cost of 1 Gbps/1Gbps or 100/20 Mbps service) incorporated into scoring of competitive BEAD proposals. This scoring incentivizes providers to offer lower prices while allowing trade-offs with other considerations, including the viability of the business case of the network in high-cost areas.

OBD will require providers to submit non-promotional pricing information for all packages offered on BEAD networks, not just 1 Gbps/1 Gbps plans. OBD will further promote affordability and accountability within the BEAD program by documenting pricing information and commitments associated with particular awards and awarded locations and providing tools members of the public can use to identify the commitments relevant to their addresses.

OBD further anticipates promoting affordability through its state implementation of the Digital Equity Act, including the State Digital Equity Capacity Grant Program, and any funds remaining for non-deployment uses after a project is identified for every BEAD-eligible location.

2.14 Use of 20 Percent of Funding (Requirement 17)

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

a. If the Eligible Entity does not wish to request funds during the Initial Proposal round, it must indicate no funding requested and provide the rationale for not requesting funds.

b. If the Eligible Entity is requesting less than or equal to 20 percent of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, and how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations.

c. If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations, and provide rationale for requesting funds greater than 20 percent of the funding allocation.

In line with NTIA guidance, OBD plans to request 100 percent of its funding upon the approval of Missouri's Initial Proposal. A limited amount of this funding will be used to implement OBD's state challenge process and grant administration activities. Missouri's Initial Proposal Funding Request includes $ 8,987,329.47 in salaries and benefits for OBD staff responsible for elements of the BEAD program and other costs. OBD further plans to exercise the allowance to use up to 20 percent of its allocation to fund spending on deployment projects before approval of the BEAD final proposal. This funding would be used to start work on projects awarded through OBD's general subgrantee selection process that resulted in application areas meeting the conditions for deployment spending before approval of the Final Proposal. Based on estimate of the portion of BEAD spending that will fall in this category, OBD is requesting $102,000,000 of its allocation in this category in its Initial Proposal Funding Request. OBD is requesting 100 percent of funding at this stage in order to give increased confidence to potential BEAD applicants that the funds will be available to the state to fund BEAD projects, which should promote participation in the BEAD program. Transfer of the funds to the state will also facilitate BEAD planning by the State of Missouri and BEAD applicants.

Note: the response to 2.14.2 reflects Missouri's total BEAD allocation ($1,736,302,708.39) less Missouri's awarded planning funds ($2,147,304.59). The difference between these figures is $1,734,155,403.80, 100 percent of the remaining BEAD allocation. That number was also submitted in the IPFR in field 3.2.1.

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

OBD is requesting 100% of remaining allocation for its Initial Proposal Funding Request of $1,734,155,403.80.

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

☒ Yes, OBD, DED, and the State of Missouri hereby certify that they will adhere to BEAD Program requirements regarding Initial Proposal funds usage.

2.15 Eligible Entity Regulatory Approach (Requirement 18)

2.15.1

a. Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.

b. If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.

Missouri has no such state laws. Although § 392.410.7 of Missouri's Revised Statutes states "no political subdivision of this state shall provide or offer for sale, either to the public or to a telecommunications provider, a telecommunications service or telecommunications facility used to provide a telecommunications service for which a certificate of service authority is required" from the Missouri Public Service Commission, the statute then states, "Nothing in this subsection shall restrict a political subdivision from providing telecommunications services or facilities . . . for Internet-type services." § 392.410.7(5) RSMo. Several municipal utilities in Missouri currently provide broadband service, either on their own or through a public-private partnership with an internet service provider.

2.16 Certification of Compliance with BEAD Requirements (Requirement 19)

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

☒ Yes, OBD, DED, and the State of Missouri hereby certify that they intend to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

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

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

Curing Note: OBD made extensive changes in this section to ensure that the office would have every opportunity to allow subgrantees flexibility offered under new NTIA guidance.

OBD reserves the right to designate projects as either (1) eligible cost reimbursement subawards; or (2) as allowed under NTIA's guidance in Tailoring the Application of the Uniform Guidance to the BEAD Program ("Fixed Amount Waiver"), as fixed amount subgrants. If subsequent guidance or waivers open additional options as did the waivers regarding fixed amount subgrants, OBD may request to revise the approach in section 2.16.2.

Eligible Cost Reimbursement Projects:

A subgrantee of a reimbursement only award will be required to follow the applicable Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, set forth at 2 CFR part 200 (Uniform Guidance).

Requests for reimbursement must include supporting documentation for the costs incurred and paid and be submitted only by a person authorized to submit a request according to the subgrantee's internal control processes. A form will be provided by OBD for the subgrantee to designate who is authorized to submit requests for reimbursements.

These subgrants would receive an 85% reimbursement for the eligible costs submitted each month; the remaining 15% reimbursement will be available upon completion of the final inspection and grant closeout; staff will ensure that all funds disbursed under this method are eligible under Subpart E of the Uniform Guidance, including the requirement that costs be reasonable (2 CFR § 200.404).

Fixed Amount Projects:

When allowed by the Fixed Amount Waivers, OBD will designate some subgrants as fixed amount projects. Such projects must follow the Uniform Guidance except as waived in the Fixed Amount Waivers document and will follow any additional requirements that are part of the Fixed Amount Waivers. OBD proposes using the method of partial payments of agreed upon amounts upon meeting milestones or other triggering events in 2 CFR 200.201(b)(1)(i).

B. **For both types of subgrants, the state will ensure applicable federal guidance is binding on subgrantees, such that restrictions in the BEAD NOFO, Commerce Financial Assistance Standard Terms and Conditions, specific terms in the grant agreement between Missouri and Commerce, or other documents issued by Commerce (such as the Fixed Amount Waivers terms) flow through to the subgrantee. The subgrant agreement between OBD and each subgrantee will include remedies for noncompliance substantially similar to those in 2 CFR § 200.339, which include withholding payments.The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;**

OBD is housed within the Missouri Department of Economic Development (DED), and DED is required by § 620.017 RSMo to include in its agreements with grant recipients (among others) "the financial obligation of the party if the requirements of the agreement are not met". DED has implemented clawbacks in its agreements for years, and included clawback provisions in its ARPA Broadband Infrastructure subaward agreements. In its recent federally funded broadband agreements, DED has added return of program funds as a penalty for breach (in addition to those in 2 CFR § 200.339, discussed in Section A). Should OBD or Commerce determine that costs are disallowed, DED ensures it can look to the subgrantee for repayment in order to protect Missouri taxpayers.

C. **For fixed amount subgrants, OBD will delineate clear termination processes and contingencies for project defaults in its subgrant agreements. Timely subgrantee reporting mandates; and**

Reporting requirements from the subgrantee to OBD will be included in the grant agreement with subgrantees, and subgrantees also agree to comply with any later-added reporting requirements established by Commerce/NTIA.

Deadlines will be put in place for subgrantees to submit information to OBD prior to NTIA's deadlines. This will be covered by language in the grant agreement. Subgrantees will be sent reminders to submit information.

D. **Robust subgrantee monitoring practices.**

OBD will monitor a project to evaluate the subgrantee's compliance with federal statutes, regulations, and the terms of the subgrant agreement, and will take prompt action when instances of noncompliance are identified.

Monitoring and oversight may be in the form of site visits or desk reviews. OBD will notify subgrantees in advance of any site visits. OBD is given express authority under § 620.2468 RSMo for such site inspections.

OBD will submit all required reports to NTIA.

OBD will provide subgrantees with all available resources from NTIA on monitoring and reporting requirements as well as materials generated by OBD with the purpose of providing clarification on the state's requirements.

In addition, an OBD team member will be assigned to monitor each project, managing a case load of BEAD funded projects. These staff members will be responsible for monthly desk visits with the subgrantee as well as quarterly calls with all subgrantees in the program.

Project expenditures and funds reimbursed will be tracked on a subgrantee basis in a centralized software system that will house all house all relevant tracking information on a subgrantee's project.

The grant agreement will require subgrantees to establish and maintain records, including financial documents, sufficient to enable OBD to determine whether a subgrantee has complied with the terms of the grant agreement, and to assist OBD in meeting its recordkeeping requirements. Such records may include, but are not limited to:

1. Records sufficient to permit, as stated in 2 CFR 200:

    (a) The preparation of reports required by general and program-specific terms.

    (b) The tracing of funds to a level of expenditures adequate to establish that such funds have been used according to federal statutes, regulations, and the terms of the state's agreement.

2. Records allowing OBD to establish and demonstrate that the applicable requirements of 2 CFR part 200 are met with respect to the project.

Subpart F – Audit Requirements of Uniform Guidance, implementing the Single Audit Act, shall apply to each subgrant unless the subgrantee is a for-profit entity.

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

☒ Yes, OBD, DED, and the State of Missouri hereby certify that they will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

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

☒ Yes, OBD, DED, and the State of Missouri hereby certify that they will ensure subgrantee compliance with the following cybersecurity and supply chain risk management requirements are met.

Cybersecurity

1. The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either:

(a) Operational, if the prospective subgrantee is providing service prior to the award of the grant; or

(b) Ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award.

2. The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented.

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

4. The plan will be submitted to OBD prior to execution of the BEAD grant agreement. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to OBD within 30 days.

Supply Chain Risk Management (SCRM)

1. The prospective subgrantee has a SCRM plan in place that is either:

(a) Operational, if the prospective subgrantee is already providing service at the time of the grant; or

(b) Ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;

2. The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;

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

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

2.17 Volume II Public Comment

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

    A. The public comment period was no less than 30 days; and
    B. Outreach and engagement activities were conducted to encourage feedback during the public comment period.

OBD conducted a public comment period for Initial Proposal Volume II from November 15, 2023, to December 15, 2023. OBD engaged in extensive outreach and engagement activities to encourage feedback during the comment period. The content of Initial Proposal Volume II was posted to ded.mo.gov/getconnected, the webpage established as a source of information about OBD's IIJA-funded broadband programming over the course of the last year. Emails were sent to addresses that signed up for updates on OBD's broadband programming at the opening of the comment period and shortly before the period closed. The opportunity to participate in the comment process was promoted at stakeholder engagement events ahead of and during the comment period, including a well-attended state broadband summit. OBD gathered feedback directly from a group of invited broadband stakeholders at a focus group meeting on December 8, 2023. On Monday, December 11, 2023, OBD hosted virtual office hours discussing the plan in advance of the close of the comment period.

To facilitate actionable public comments, OBD provided an online form that allowed commenters to associate their comments with particular elements of Initial Proposal Volume II, either through a short survey allowing submission of comments about the plan or a longer survey posing more detailed questions about elements of Volume II. OBD received 80 responses through the "short form" survey and 63 through the "long form" survey.

Several themes emerged over the course of the comment period. Notable themes included:

1. Commenters expressed concern about the weighting of the required minimal BEAD outlay scoring element. Some commenters expressed concern that this element was weighted too heavily at the expense of a holistic view of project quality, especially given the special role played by this scoring mechanism in the BAFO process in our draft proposal. Other commenters felt it should be weighted more heavily relative to other elements of the proposal. As required by the NOFO, the Maximum BEAD outlay element remains an important element in this version of the proposal. However, the BAFO process is no longer limited to two applicants with the lowest BEAD outlay requests, and BAFO participants are now permitted to change multiple elements of their application, beyond the BEAD outlay. This should allow competition at this stage across all scoring elements.

2. Commenters expressed concerns that the minimum score required in Round One would be challenging for applicants to meet. The new proposal applies the score only to applications in non-competitive areas. While the proposed minimum score has been increased, in conjunction with changes to the scoring of affordability for non-competitive areas, it should be possible for projects with some showing of effort across scoring categories to achieve the minimum score.

3. Commenters expressed concern that the proposed low-cost plan and affordability scoring metric would limit participation in the program by making projects in high-cost areas uneconomical, and furthermore, that these measures represented impermissible rate-setting under the IIJA. OBD has modified these elements of the proposal to allow a higher degree of flexibility for providers to demonstrate affordability and distinguish their proposals.

4. Commenters expressed concern that the model used as part of the multi-stage process to set the maximum BEAD outlay for each application area would fail to capture the full costs of projects. OBD acknowledges that no model will accurately capture the cost of every project, which will depend on local context and the situation of the applicant proposing the project. However, unconstrained spending on early awards runs the risk of exhausting BEAD funds before all locations are served. OBD reviewed how this metric would have performed in relation to the state's ARPA-BIP awards and found that: (a) most awarded funding requests would have come in below the hypothetical Round One maximum outlay; and (b) as a whole, awarded providers requested roughly 75 percent of the cap across all the awarded projects, meaning that every project could have been awarded over the course of multiple rounds, as suggested in this proposal. Based on these findings OBD has decided to retain this mechanism.

5. While some commenters indicated that financial support from local government was a very strong indication of local support for a project, other commenters expressed concern about whether it would be possible to secure such funding in most situations. On the basis of these comments, OBD's scoring of local coordination in support of projects was adjusted.

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

Not Applicable