

Nebraska Broadband Office

Initial Proposal to the National Telecommunications and Information
Agency (NTIA)
Volume II

CONNECTING

NEBRASKA

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Introduction

The Nebraska Broadband Office (NBO) is pleased to present the Initial Proposal Volume 2. The second volume of the Initial Proposal is the NBO's plan for using the \$405 million from BEAD to increase broadband deployment in Nebraska.

The following are requirements for the Initial Proposal which are outlined in the BEAD Notice of Funding Opportunity (NOFO):

- [Requirement 1](#): Outline of 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.
- [Requirement 2](#): Identification and outline of steps to support local, Tribal, and regional broadband planning processes and ongoing efforts to deploy broadband.
- [Requirement 4](#): Description and certification of local coordination efforts.
- [Requirement 8](#): Detailed description of deployment subgrantee selection, including:
 - Pre-Application Intake Process, which includes public comment on both a
 - Project Area Map and the BEAD grant program guidelines.
 - Application Intake Process, which includes the rollout of the application portal and how-to webinars.
 - Application Review Process, which includes the eligibility, compliance and completeness review, as well as the administrative and scoring review and award recommendations.
 - Post Application Review Process, which includes the subgrantee award announcements and the appeals process.
- [Requirement 9](#): Plan for any non-deployment subgrantee selection.
- [Requirement 10](#): Description of initiatives the NBO proposes to implement without making a subgrant.
- [Requirement 11](#): Description of how the NBO will ensure subgrantees, contractors and subcontractors use strong labor standards and protections.
- [Requirement 12](#): Description of how the NBO will ensure an available, diverse and highly skilled workforce.
- [Requirement 13](#): Description of how the NBO will ensure that minority businesses, women-owned business enterprises and labor surplus area firms are recruited, used, and retained.
- [Requirement 14](#): Steps the NBO will take to reduce costs and barriers to deployment.
- [Requirement 15](#): Assessment of climate threats within Nebraska and proposed mitigation methods.
- [Requirement 16](#): Description of the low-cost broadband service option that must be offered by subgrantees.
- [Requirement 20](#): Description of middle-class affordability plan.
- [Requirement 17](#): Description of planned use of 20% of funding allocation, if any.
- [Requirement 18](#): Description of NBO's regulatory approach.
- [Requirement 19](#): Certification of NBO's intent to comply with all applicable requirements of the program, including the reporting requirements.

After a 30-day comment period from November 13, 2023, to December 13, 2023, and consideration of any comments received, the NBO will submit this document for consideration to the National Telecommunications and Information Association (NTIA). After a review process, the NBO aims to secure approval from the National Telecommunications and Information Association (NTIA) to initiate the BEAD Challenge Process, marking a significant step toward addressing digital disparities in Nebraska.



Initial Proposal Volume 2

2.1 Goals and 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.

Based on June 2023 data, 12% -15% of Nebraska's locations are unserved or underserved, and approximately 105,000 households lack acceptable access to the internet. A driver of limited access includes an unfavorable business case for investment, especially in rural areas. The drivers for the adoption gap are affordability, devices, and literacy. The goals and objectives below were first published in the Five-Year Action Plan and will address gaps to expand access and close the digital divide.

Goal One: Bolster economic opportunity by connecting every Nebraskan household and business to high-speed internet.

Universal access to broadband will bring significant economic opportunities. Developing high-speed networks, however, is an expensive proposition. Network deployment should maximize the scalability of that network to minimize future investments required to meet evolving consumer needs. This concept is referred to as the deployment of a "future proof" network. The State's broadband policies give preference to symmetrical speeds of 100/100Mbps or higher. The grant program design must be nimble and competitive as Nebraska is a high-cost state and criteria will include incentives for investment in rural areas with critical need. Successful grant applicants will include both last and middle mile infrastructure and where necessary, may involve the use of alternative technologies.

Supporting Objectives:

- Target State grants and programs to unserved or underserved areas where private investment alone cannot sustain the investment needed to provide 100/100 Mbps broadband service.
- Maximize private funding and investment in broadband buildouts to provide broadband service of 100/100Mbps and, where not practical, 100/20Mbps scalable to 100/100Mbps in Nebraska's most hard to serve areas.
- Utilize the best available location-level mapping and analytics to assess areas of critical need and to target areas that require subsidies.

Goal Two: Expand digital inclusion and adoption to achieve affordability, access, and digital literacy.

Connecting all Nebraskan households to high-speed internet access requires investment in digital equity. Nebraska’s digital equity efforts are focusing on affordable access to service, access to internet-enabled devices, and digital literacy. The Nebraska State Digital Equity Plan will support the digital equity strategies of the Nebraska Strategic Broadband Plan and provide more detail.

Supporting Objectives:

- Conduct a landscape analysis of existing digital literacy programs and develop strategies to address any gaps.
- Leverage E-rate special construction and ensure that connectivity to network infrastructure is available during emergencies.
- Address broadband affordability.
- Expand digital literacy training and support throughout Nebraska.

Goal Three: Enable Nebraska to thrive by fostering and supporting a digital economy.

The state plays an important role in supporting the digital economy. Supporting and funding programs that address labor shortages, implementing digital government strategies, removing administrative barriers, increasing efficiencies, and aligning broadband efforts with existing programs will all help foster the digital economy.

Supporting Objectives:

- Encourage the utilization of broadband technology to create efficiencies for key industries and constituencies within the state.
- Grow workforce development programs to prepare and support industry to address labor shortages in targeted industries.
- Improve delivery of government services by leveraging technology and facilitating a culture of innovation and efficiency among government agencies.
- Leverage strategies and public-private partnerships to improve the digital economy within Nebraska to maximize broadband investment.

Goal Four: Develop robust collaboration across Nebraskan communities through strategic planning of broadband and digital equity to ensure that all unserved, underserved, and underrepresented communities are connected.

Community resiliency is the ability to use available resources over the long-term to respond to needs. This can happen if there are systems in place to connect individuals and groups and allow them to coalesce to meet collective needs. Broadband is essential to enabling that interconnection. The Broadband Office will develop a model that encourages and empowers stakeholders to convene around shared goals and values to find solutions that will reduce the existence of the digital divide.

Supporting Objectives:

- Develop regular forums by which broadband policy and decision making can be promulgated and feedback for such policy and decision making can be provided.
- Utilize robust collaboration to create local engagement by proactively developing local leadership capacity so that transparent informed local policy making can assist in providing broadband access to all Nebraskans.

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.

The Nebraska Broadband Director identified stakeholders and stakeholder groups to develop an engagement model and has met monthly with the interested stakeholders and will continue to do so throughout 2023 and for the foreseeable future.

Formal tribal consultations began in February of 2023. In person meetings were held with the Ponca Tribe of Nebraska on March 24, 2023, the Winnebago Tribe of Nebraska on March 31, 2023, the Santee Sioux Nation, on April 11, 2023, and the Omaha Tribe of Nebraska on April 21, 2023. Detailed agendas were distributed in advance. After each engagement, meeting notes were shared and agreements to continue active engagement throughout the NBEAD planning and award process were made. In addition, a Nebraska Digital Equity Summit was held August 8, 2023, and the tribal groups participated in breakout sessions focused on the unserved and underserved populations. The NBO will

continue to actively engage with these tribal governments and will also involve the Department of Transportation's Tribal Coordinator in the process.

The NBO continues to utilize the strategic engagement plan formed early in 2023 and detailed below. In close partnership with the Office of the Chief Information Officer (OCIO) and the Nebraska Public Service Commission (PSC), this model has proven to be successful in developing the Five-Year Plan and this Initial Proposal.

1. Establishing a relationship and a respectful rapport between the targeted stakeholder groups and state government.
2. Providing a uniform, base understanding of the BEAD and Digital Equity Act Programs.
3. Sharing the PSC/NBO/OCIO planning and implementation timelines and ongoing engagement plans.
4. Gaining a high-level understanding and clarity on stakeholder's understanding of the current state of broadband deployment and priority concerns.
5. Gaining a high-level understanding and clarity on stakeholder's understanding of the current state of broadband adoption and affordability and priority concerns.
6. Gaining a high-level understanding of the Internet Service Providers (ISP) interest and participation in deployment, priority concerns, and potential participation in other broadband deployment programs.
7. Establish feedback mechanisms to capture additional input from stakeholders.

Strategic Engagement Plan Timing and Objectives

CY2023 Q1 Jan. 1 – March 31	CY2023 Q2 April 1 – July 12	CY2023 Q3 July 13 – Sept. 30	CY2023 Q4 Oct. 1 – Dec. 31
<ul style="list-style-type: none"> • Developed coordination and outreach strategy. • Began Tribal Consultation process. • Began engagement with local government officials. • Began engagement with Internet Service Providers. • Began travel through state targeted outreach to specific groups. 	<ul style="list-style-type: none"> • Continued Tribal Consultation Process with dedicated Tribe meetings. • Statewide travel to engage with un- and underserved locations, targeted stakeholders, and historically excluded groups. 	<ul style="list-style-type: none"> • Synthesized and shared feedback with stakeholders. • Continued engagement with stakeholder groups through ongoing feedback mechanisms and DE session on August 8. • Began 30-day outreach starting Sept 14 in all eight NDOT districts during Initial Proposal comment period. 	<ul style="list-style-type: none"> • Continued stakeholder engagement related to Initial Proposal V1 & V2. • Conducted second 30-day outreach for second Initial Proposal comment period.

In addition to the stakeholder meetings, for the development of the Five-Year Action Plan, an original round of nineteen community listening sessions were run by the PSC in April and May of 2023. When the Broadband Office was formed as part of the Nebraska Department of Transportation, seven more sessions were added, adhering to the Federal Highway Guidelines for outreach, including two virtual session options. In total, the sessions covered the following communities:

- First Group: Grand Island, Niobrara, Norfolk, Valentine, Ainsworth, Stuart, O’Neill, Columbus, Sidney, Scottsbluff, Chadron, Alliance, Ord, Albion, Auburn, Wayne, Hastings, Beatrice, and Waverly.
- Second Group: Kearney, North Platte, McCook, Broken Bow, South Sioux City, Lincoln, and Omaha.

The full set of locations ensured full geographic coverage across Nebraska’s 77,358 square miles and NDOT’s eight districts. The Broadband Office utilized many tactics to advertise these open events such as press releases, email, social media, and digital and website messaging. In addition, community engagement groups helped with grassroots outreach to get to some of the harder to reach constituents.

The event formats varied and included listening sessions, town halls, and stakeholder meetings to share information about broadband programs and funding and to solicit community feedback regarding broadband deployment and access. The Broadband and Digital Equity Teams recognize the power of local knowledge and are leveraging these sessions to provide valuable input into the Five-Year Plan and more recently the Initial Proposal.

These sessions have proved invaluable, and engagement will continue with these stakeholders throughout the broadband network buildout. Consistent themes were heard in the groups with highest concern on Availability and Affordability followed by Privacy and Security, Skills, and Devices. An all-day summit was held on August 8, 2023, with breakout groups related to these topics. The ideas and input from those discussions have influenced the Initial Proposal and the State Digital Equity Plan.

NBO will continue to work with the state Digital Equity and Public Relations/Public Interest teams to coordinate outreach to the key stakeholder groups. Outreach and listening sessions are aligned to the public comment periods. The Initial Proposal volume 1 listening sessions were held on September 25th, 26th, 27th, 28th, and October 3rd, 4th, 9th, and 10th with a second round for volume 2 planned for November 7th, 8th, 9th, 11th, 14th, 15th, 20th, and 21st.

2.3 Local Coordination (Requirement 4)

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

Nebraska, The Good Life. The state's theme conveys its admirable small-town feel of looking out for your neighbor and taking care of those in your community. These characteristics strongly influenced the strategies being employed for the Nebraska Broadband and Digital Equity (DE) plans. The BEAD and DE Plans were developed based on local coordination, outreach, messaging, and engagement.

As detailed in [Section 2.2.1](#), the Nebraska engagement plan met requirements of:

- Full geographic coverage.
- Meaningful engagement and outreach to diverse stakeholder groups.
- Utilization of multiple awareness and participation mechanisms.
- Establish, document, and adhere to clear procedures to ensure transparency.
- Outreach and engagement to unserved and underserved communities.

The attached Local Tracker ([Appendix B](#)) has the details of an extensive outreach plan to over 500 local organizations, libraries, schools, hospitals, and community groups representing the aging population, tribal groups, veterans, immigrants, workforce organizations, local government, economic development districts, local businesses, Internet Service Providers, agricultural groups, and communities across the state.

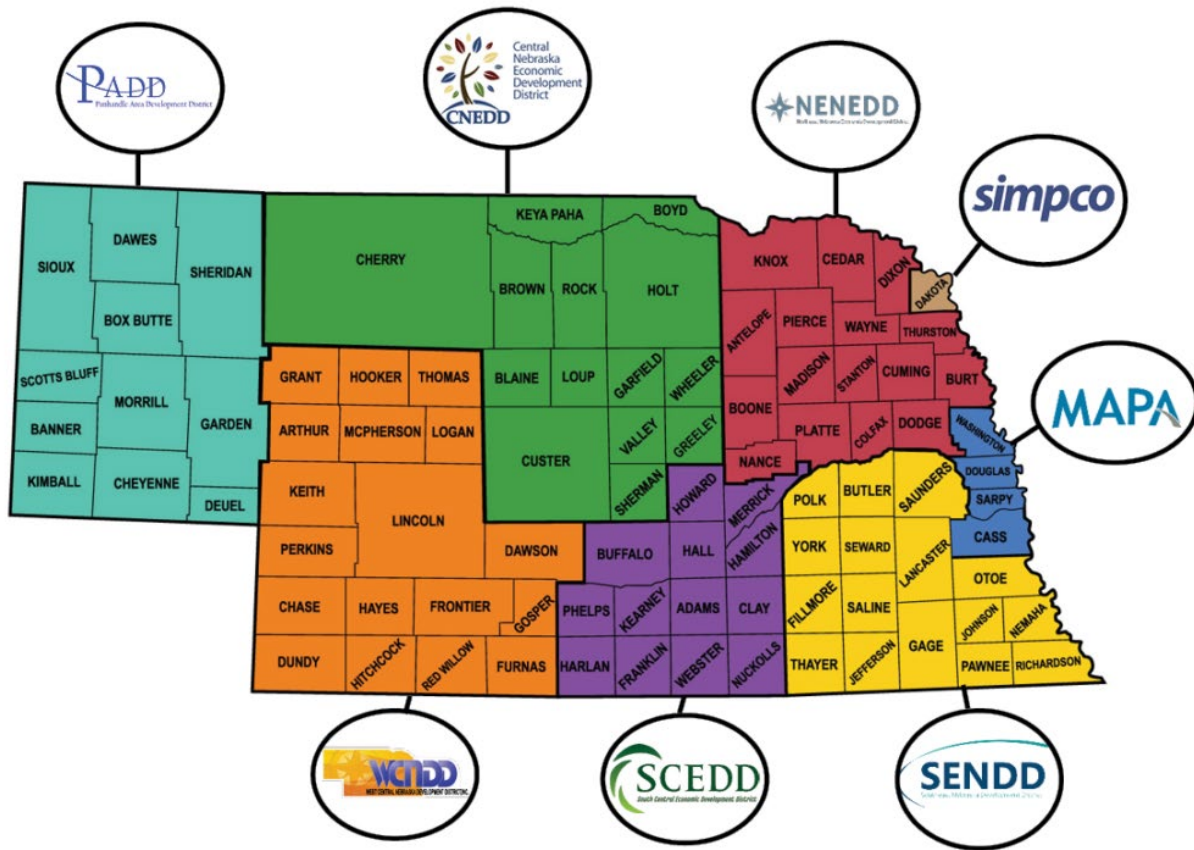
The NBO has adopted the communication protocols used for transportation changes as part of NDOT. Listening sessions, press releases, social media, websites, email, and even road signs were used to make sure every Nebraskan was aware of the opportunity to weigh in on this important topic.

Opportunity for input will continue as community listening sessions, monthly stakeholder meetings, and regular tribal consultations will be held throughout the broadband buildout. The NBO will continue to make sure all local coordination elements are continued, including the following:

1. **Full Geographic Coverage.** The NBO will publicize and hold community listening sessions in each of the eight NDOT districts with virtual options available before submission of the Initial and Final Proposals. The Initial Proposal volume 1 listening sessions were held on September 25th, 26th, 27th, 28th, and October 3rd, 4th, 9th, and 10th with a second round for volume 2 planned for November 7th, 8th, 9th, 11th, 14th, 15th, 20th and 21st. Opportunities for public input were also made available through an online portal as well as through email and physical mail. The NBO also held separate webinars for important stakeholder groups such as municipal governments, county officials, providers, and nonprofits such as the Nebraska Economic Development Districts (EDDs; see map).

2. **Outreach to Diverse Groups.** The list included in the local coordination tracker is extensive and all organizations were welcomed into the process for input. A balanced stakeholder group included representatives from the public service sector, private sector, and community-serving organizations. Some examples of groups per covered population:

- Aging: AARP Nebraska, Department of Health & Human Services Aging Unit
- Incarcerated: RISE, Reconnect
- Individuals with a disability: Outlook Nebraska, North Platte Opportunity Center
- Individuals with a language barrier: Immigrant Legal Center, Refugee Empowerment Center
- Individuals who are members of a racial or ethnic group: Latino Center of the Midlands
- Rural: Nutrien Ag Solutions, Colglazier Farms
- Tribal: Omaha, Ponca, Santee Sioux, Winnebago Tribes
- Veterans: Keith County Veterans Office, Open Door Mission



The Nebraska Regional Officials Council is the statewide organization of Nebraska's eight Economic Development Districts. These professional organizations represent the entire state and are committed to enhancing the communities and businesses within each region.

All local governments were included in the outreach as well as Internet Service Providers (ISPs) and local business and civic organizations. The eight EDDs each submitted a regional digital equity plan which was incorporated into the digital equity funding request and the State DE Plan.

The biggest issue heard across the groups in Nebraska was accessibility. Citizens, businesses, community anchor institutions, and tribal groups all voiced concern that broadband speeds and infrastructure are lacking in their areas, so Nebraska's funding request will prioritize funding for the buildout across the state.

3. Multiple Awareness Mechanisms. Nebraska used a variety of communication vehicles to make sure the public was aware of the listening sessions and public comment periods. Broad awareness was supported through press releases (one instance in Spanish as well) and social media posts. More targeted communications included letters to each Tribe, emails to broad community outreach lists, webinars outlining the BEAD and DE process, calls to recruit stakeholder members, and information on the Nebraska Broadband website. All promoted the listening sessions held across the state, in every county and NDOT district, with virtual attendance options also advertised.

Examples of the outreach are attached and include:

- Social Media Posts
- Press Releases
- Email Blasts
- Direct Mail

4. Transparency. During the Five-Year Action Plan and Initial Proposal process, input was gathered, and plans continuously evolved. One critical input was the monthly stakeholder meetings which included attendees from both the public and private sectors, as well as businesses and community anchor institutions. Formal agendas were created, and meeting notes were distributed. Nebraska's Digital Equity Plan was heavily influenced by the eight EDDs as they held multiple in-person meetings leading up to a summit on August 8, 2023, in which final plans were presented and breakout teams addressed the key needs and challenges needed for the funding. Representatives of Nebraska's four federally recognized Tribes and the Iowa-based Sac and Fox Tribe were also invited to this August 8th Summit, with three participating in-person. This input also influenced the funding requests in the Initial Proposal. Copies of agendas, notes, and participation lists are included in [Appendix A](#).

Transparency in the community is always a priority for Nebraska's State Government. The NBO website has been a key space to publicize events and keep the public updated on grant application deadlines, challenge processes, awards, and programs. Nebraska Broadband (Broadband.Nebraska.Gov). On this site are links to the Nebraska broadband grant programs, Digital Equity information, Affordable Connectivity Program details, and the Broadband Availability Map.

5. Underrepresented Engagement. The NBO and DE teams have partnered from the start of the BEAD program, and a key strategy has been to include the underrepresented populations. As detailed in [Section 2.2.1](#) and in the Local Coordination Tracker ([Appendix B](#)), joint listening sessions were held and over 500 local organizations were contacted and included in the events. Webinars focused on underrepresented populations such as accessibility practices for people living with disabilities, precision agriculture, and digital equity for older adults. In addition, broader digital equity topics were presented in webinars such as libraries as a digital equity resource, online privacy and security, and device access. In-person listening sessions at libraries were also held for older adults focused on telehealth. The Initial Proposal and the State Digital Equity Plan will reflect these topics and the feedback received in these public sessions.

The NBO was able to garner broadband accessibility and digital equity insights from the DE Key Stakeholder Task Force. The DE team created this group for input into the State DE plan. The diverse representation of this group closely mirrored the BEAD covered populations and is detailed below.

Stakeholder	Area of Input
Nutrien Ag Solutions	Crop inputs, precision ag, rural
Scouler	Agricultural supply chain solutions
Colglazier Farms	Farming, rural
North Platte Opportunity Center	Individuals with developmental disabilities
Department of Health and Human Services	Community health needs
Mid Plains Community College – Imperial	Education, student perspective
Banner Health	Community hospital, telehealth
Region 2	Mental health & substance abuse
Keith County Veterans Office	Veterans
West Central Nebraska Area Agency on Aging	Aging population
Lincoln County Commission	Local government

Tribal Coordination

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.

In addition to the local sessions previously mentioned, the State of Nebraska has had ongoing discussions and individual tribal consultations with the four federally recognized Tribes in Nebraska which include: the Omaha Tribe of Nebraska, the Ponca Tribe of Nebraska, the Santee Sioux Tribe of Nebraska, and the Winnebago Tribe of Nebraska, as well as tribes that are not based in Nebraska, but have territory that extends into the state such as the Oglala Sioux tribe of South Dakota and the Iowa Tribe of Kansas and Nebraska. Each of the tribal consultation letters, individual meeting agendas, meeting notes, and participant lists are included in [Appendix A](#) is a summary of the discussions. In addition, all four Nebraska-based tribes were invited to the August 8, 2023, Digital Equity Summit, and representatives from three participated in person. Given that the tribes are receiving the bulk of their funding directly from the federal government, the discussions have focused on ideation and partnership around digital equity and digital identity.

As mentioned in the full geographic section, input was also obtained through Nebraska's eight EDDs. These teams were key partners in building the DE State Plan as they created their own regional plans to address the digital divide and provide actionable requests to the State DE team for inclusion in the DE Plan. The Initial Proposal addresses the connectivity needs that were highlighted in these plans as well as workforce development.

All county and local governments were sent email updates on listening sessions and opportunities to improve the broadband maps. State agencies such as the Department of Labor, Department of Health and Human Services, and the Department of Transportation have been active partners, providing input and reviewing plans, as have the school and library systems. An asset inventory survey was done with all the Nebraska libraries to obtain their individualized connectivity situation and needs.

Lastly, the ISPs are important partners in this process. An initial survey was sent to the ISPs concerning the Five-Year Action Plan. Since then, regular meetings have been held to ensure they are aware of the process and have opportunities to offer guidance as the project progresses. These partnerships are critical to getting the network built out in Nebraska so the NBO will make sure to keep them aware of the process, deadlines, and opportunities.

The above narrative should provide proof to certify Nebraska has gone above and beyond the required coordination outlined in [Section 2.3.1](#). This input has been extremely valuable in preparing the Initial Proposal and will continue to be of use in the Final Proposal as well. With more Nebraskans connected to broadband, it truly will be.... Nebraska, The Good Life.

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.

The Nebraska Broadband Office (NBO) is committed to ensuring universal broadband access to every Nebraskan. The NTIA's BEAD program will play a pivotal role in achieving this goal for the unserved, underserved, and CAI locations that do not currently have adequate access to broadband services. To ensure Nebraskans at the unserved, underserved, and CAI locations can successfully participate in the digital economy both now and in years to come, NBO will design and implement a prospective subgrantee selection process and scoring approach that will award subgrants for last-mile broadband deployment projects through a fair, open, and competitive process. In doing so, the program will concurrently implement the subgrantee accountability procedures required by the NTIA such as disbursement procedures, claw back provisions, reporting, and monitoring to ensure proper oversight and efficient use of taxpayer's funds throughout the subgrantee selection and administration processes.

Program Overview

The subgrantee selection process will begin as Nebraska awaits approval of its BEAD Volume II Initial Proposal. As soon as the final list of unserved, underserved, and CAI locations has been published, NBO will create defined project areas (DPAs). NBO has also already begun work on the Request for Applications (RFA) that will be used to guide the subgrantee selection process.

NBO chose an RFA process because it is a good means of communication for complex requirements, such as those associated with NBEAD funding. It also allows selection of subgrantees based on factors other than just lowest cost, which may be of benefit. NBO is aware that one challenge with an RFA process is that entities that are able to write strong applications may experience an advantage. To address this, NBO is developing application scoring criteria that are as objective as possible. In addition, NBO will ensure that the RFA is as unambiguous as possible. The RFA will include instructions for asking and answering questions prior to application submission as well.

NBO will communicate the subgrantee selection process and scoring approach to all prospective subgrantees prior to commencement of the selection process. This will be completed by conducting outreach efforts to participating stakeholders (e.g., email distribution lists, notification posting on the NBO website, webinars, in-person meetings, etc.). The RFA will provide the timeline, application requirements, and accountability obligations for prospective subgrantees.

Create Defined Project Areas

NBO will create the DPAs as stated in detail within [Section 2.4.6](#). The DPAs will be used to organize the unserved, underserved, and CAIs lacking qualified broadband speeds into geographic entities that are optimized for cost-per-location-passed to encourage service provider participation in the program. Creating DPAs prior to the opening of the application window provides an effective means to track DPAs for which applications are either received or not received during the subgrantee selection process. In addition, the use of DPAs eliminates the need for any de-confliction of overlapping applications since DPAs, by definition, do not overlap. The use of DPAs will also help NBO ensure universal service.

RFA Development

In parallel with developing the DPAs, NBO will create an RFA to provide detailed information and direction for the overall program. RFA content will incorporate specific program details, organizing the content into logical sections. RFA contents may include, but will not be limited to, the following:

- Programmatic details, requirements, and associated items:
 - Grant timeline with key elements including communication events, milestones, dates, and duration of key tasks within the program.
 - Eligibility information including applicant attributes, DPAs available for funding, allowed and disallowed costs, and costs for the program.
 - Application process from start to finish.
 - Required project plan and milestone elements, including timeline and associated tasks.
 - Applicant-match requirements and benefits for the 25% match as well as any incremental matches above 25%
 - Evaluation criteria information clearly articulating how applications will be subjected to screening/gating and scoring.
 - Compliance and accountability requirements regarding reporting, the reimbursement process, claw back provisions, and records retention.

- Technical requirements related to broadband serviceable locations (BSLs), technology to be implemented and associated scalability of proposed architecture including, but not limited to:
 - Technical infrastructure proposed (specific technologies/electronics, physical media being used, etc.)
 - Maps and BSL list submission requirements related to the DPAs.
 - Network architecture documentation requirements
 - Scalability capabilities and design information requirements

Once approval of Volume II is received from NTIA, NBO will publish the RFA on its website at <https://broadband.nebraska.gov>. NBO will notify the prospective subgrantee community that the RFA is available for review and download through outreach efforts. Such efforts may include webinars, emails, and other methods to broadband provider stakeholders. The RFA will include information about the timeframe in which written questions about the document may be submitted and the timing of the publication of written responses. Prospective subgrantees will have the opportunity to submit one or more applications, each for one DPA, following the instructions detailed in the RFA.

Initiating the Subgrantee Selection Process and Scoring Approach

The first process of the Nebraska BEAD (NBEAD) subgrantee selection effort will be the pre-qualification via Letters of Intent (LOI). The LOI process will serve a dual purpose: 1) it will provide an indication of the prospective subgrantees' interest in submitting an application(s) and the DPA(s) in which each potential subgrantee is interested and 2) it will provide an opportunity to assess prospective subgrantees' compliance with key program qualifications prior to application. LOIs will be considered confidential and proprietary, so their contents will not be published. Prospective subgrantees will be required to upload the following documents electronically:

- Copy of the Nebraska Secretary of State's Certificate of Good Standing for the Applicant
- Résumés for key management personnel
- Audited financial statements from the prior fiscal year or unaudited financial statements and certification that audited versions will be submitted by a deadline set by NBO.
- Business plans and related analyses that substantiate the sustainability of the proposed project, which may be pro forma statements or analyses, inclusive of cash flow and balance sheet projections and should include at least three years of operating cost and cash flow projections post targeted completion of project.

- Certifications related to financial qualifications to deliver the project, sufficiency of financial resources to cover eligible costs until reimbursement by NBO, SAM.gov registration and maintenance, compliance with Nebraska Executive Order 23-05, experience in provisioning broadband service for at least the last two years, and either compliance with the Federal Communications Commission rules and regulations or that they are a new entrant and will comply.
- Cybersecurity and supply chain risk management plans and attestations
- Ownership disclosure information per 47 C.F.R. § 1.2112(a)(1)-(7)
- Broadband Certifications: As defined in Nebraska Statute 86-5,104, Broadband Internet Services Infrastructure Act - Commercial Broadband Provider
- Tribal Resolutions

The LOI window will close no later than 30 calendar days from opening. NBO will screen submissions for compliance with requirements and offer a brief window for submission of any missing documentation. NBO staff will evaluate prospective subgrantees' submitted content against objective screening/gating criteria and determine whether the prospective subgrantee is eligible to advance in the process to become an Approved Applicant. The list of Approved Applicants will be published on the NBO website and announced via a press release.

The NBEAD subgrantee application process will open no later than 30 calendar days from the LOI window closing. The application window will remain open for no longer than 45 calendar days.

As applications are submitted, NBO will determine whether there are any DPAs for which no applications were received. Once the application process ends, and if needed, NBO will initiate a second round of the application cycle. This process will continue until NBO achieves the defined optimization goals, suspends the DPA re-optimization effort and subsequent application rounds, and completes individual engagements with service providers to ensure that all DPAs are covered by at least one application.

NBO will review and score the applications as defined in [Section 2.4.2](#), using the primary and secondary criteria. Should there be multiple application rounds, the scoring will be completed for each application as it is received. Application evaluators will be required to complete and sign Conflict of Interest (COI) disclosure forms prior to being given access to any applications. If conflicts are identified, evaluators will either be excused from the process or asked to review applications for which conflicts do not exist. Copies of completed COI forms will be retained as part of the grant documentation.

Once all applications are evaluated, they will be ranked based on score and then by cost, and that ranking will be used to determine an Extremely High-Cost Threshold (EHCT). Upon EHCT development, NBO will select the appropriate mix of priority broadband projects, non-priority broadband projects and non-reliable broadband projects to achieve universal broadband service coverage. Priority will be given to unserved locations, then underserved locations, and then qualifying CAIs. It is anticipated that the state's NNBEAD funding will be exhausted before Nebraska is able to deploy reliable broadband service to all unserved, underserved, and eligible CAIs. Therefore, non-reliable broadband projects have been included in the project mix.

A list of recommendations for NNBEAD funding will be created and shared with Nebraska's state leadership. Conditionally approved awards from Nebraska leadership will be submitted to the NTIA. Once approved by the NTIA, NBO will publish the list of funded projects on its website and issue a press release.

Fairness

NBO is committed to executing a fair, open, and competitive NBEAD subgrantee selection process. To ensure fairness of the processes, NBO will apply the following:

- NBO will publicly communicate the opportunity to participate in NBEAD 30 days in advance of the LOI window opening. NBO welcomes participation from a wide variety of potential applicants including:
 - Tribal governments
 - Cooperatives
 - Nonprofit organizations
 - Public-private partnerships
 - Private companies
 - Public or private utilities
 - Public utility districts
 - Local governments
- NBO will publish key program milestones and associated dates on its website, in addition to the RFA. Potential applicants will be encouraged to visit and review program content frequently.
- To eliminate the perception of collusion, NBO will publicly disclose summary application information from each prospective subgrantee's application, including, but not limited to, the defined project area of interest, the cost of the project, the underlying technology solution, and the number of locations to be enabled. Publication of such information reduces the opportunity for collusion and anti-competitive behavior while promoting fairness and transparency.

- The program will substantially reduce or eliminate bias through several methods within the program development and scoring process as listed below:
 - DPA Development: optimized based on NBEAD program goals as described in [Section 2.4.6](#), each DPA and associated location ID will be published in advance of the LOI window opening for all prospective subgrantees to review and assess their ability to apply. NBO will develop the DPAs by establishing optimization goals and then thoroughly vetting the DPAs through a review committee to ensure project area boundaries are established using objective, unbiased standards.
 - Scoring Criteria: The use of transparent and neutral criteria as defined in [Section 2.4.2](#), which articulates specific, objective program attributes, allows for scoring based on defined scalable criteria, and minimizes opportunity for variance across multiple applications.
- Conflicts of Interest: NBO is committed to preventing and, if necessary, removing conflicts of interest from the application and evaluation process as documented below:
 - Application evaluators will be required to sign an affidavit, indicating that they have no conflicts of interest that would prevent them from evaluating applications solely on their merits and in accordance with the RFA's evaluation criteria.
 - Prospective subgrantees will also be required to comply with 2 CFR 200.113 which compels any applicant to disclose all violations of federal criminal law. Such information is reported to the Federal Awardee Performance and Integrity Information System (FAPIIS), which is now part of SAM.gov. NBO staff will check for this information as part of the screening/gating process.
- Upon these disclosures, NBO reserves the right to act on such information which may include rejecting or disqualifying the application. NBO also reserves the right to suspend and recoup grant funds if already disbursed, if evidence is provided, and substantiated, that the federal regulations listed above were disregarded throughout the program performance period.

Openness

NBO invites participation from any type of organization authorized to provide broadband services to Nebraskans, per Nebraska Statute 86-5,104, including but not limited to cooperatives, non-profits, and public-private partnerships. The NBEAD scoring rubric documented in [Section 2.4.2](#) establishes objective criteria for applications to be evaluated against and is published for all prospective subgrantees and Nebraskans to review in advance of program initiation. These steps create an environment of openness, transparency, and engagement before and during the application submission and award process.

Competitiveness

NBO is committed to supporting competitiveness in the subgrantee selection process by encouraging qualifying broadband provider participation and creating a fair and objective scoring process to evaluate applications. The scoring criteria documented in [Section 2.4.2](#) uses a competitively neutral evaluation criteria that does not favor one type of provider over another, except certain preferences expressed neutrally and in advance. The scoring rubric is divided into two sections, primary and secondary evaluation criteria, following the recommendations of the BEAD NOFO. Both the primary and secondary scoring criteria are objective in nature to create a level playing field for all organizations. With the scoring rubric published in advance of the LOI period, it provides prospective subgrantees the opportunity to thoughtfully consider responses to all program requirements and assess market dynamics. Based on this information, prospective applicants can determine the possibility of award given their application attributes.

Subgrantee Accountability Procedures

NBO will implement strong subgrant accountability procedures demonstrating comprehensive monitoring and management requirements for awarded subgrantees. NBO will establish clear disbursement processes, claw back provisions, and reporting and monitoring requirements to ensure sound accountability measures are taken to sustain the integrity of the award process as described below:

- **Application budgets:** The RFA will include requirements that NBEAD funds be spent in accordance with the BEAD NOFO, 2 CFR 200 and related federal regulations, and other relevant legislation. Application budgets will be assessed, during the evaluation period, for appropriateness of costs, in terms of allowability, allocability, and reasonableness. Budgets that do not meet these criteria will be revised before approval or rejection.
- **Pre-award risk assessment:** Part of the LOI process will be the collection and assessment of information necessary to allow NBO to perform a pre-award risk assessment for each applicant. LOIs will include queries concerning applicants' experience with federal funding, submission of audit reports and related findings, and results of site visits completed.
- **Risk management schema:** The pre-award risk assessment will serve as one component of a comprehensive risk management schema for the NBEAD projects, modeled after other such schemas used successfully in other federally funded grant programs. Once risk factors are comprehensively listed and weighted, the schema will be used to assess each funded NBEAD project. The risk management schema will be adjusted as necessary based on experience with each subgrantee. If NBO determines that risk for a

specific project or subgrantee has increased, additional monitoring activities will be imposed unless and until the risk is reduced sufficiently.

One extreme of the risk management schema may involve claw back of NBEAD funds disbursed. NBO reserves the right to recoup funding from the subgrantee during the performance period or post project closeout if program obligations are not met. Failure to provide required documentation and/or meet requirements related to location enablement, speed, service pricing, and latency will trigger non-performance clauses. NBO will objectively assess the funds to be recouped based on non-performance trigger(s), up to the amount that was originally funded. Failure to return funds will result in NBO using any and all administrative and legal courses of action to recoup funds, including debarring the subgrantee from participation in future grant programs. If funds are not returned, NBO will engage with NTIA to determine the best course of action regarding assumption of the project by other provider(s) and asset treatment.

- **Subgrantee reporting:** Reimbursement of costs for subgrantees will be dependent on submission and approval of narrative and financial reporting, from the beginning of the project through closeout. For each quarterly reporting period, subgrantees will update NBO on their progress toward project goals and milestones, including but not limited to:
 - Eligible activities carried out during the reporting period;
 - Identification of new locations served within the project area and service taken (as applicable);
 - Description of the types of facilities that have been constructed and installed;
 - Interconnection agreements that were requested and their current status;
 - Description of the maximum advertised speed of the broadband service being offered; and
 - Certification that plans offered over funded networks do not contain data usage caps for subscribers.
- **Subgrantee monitoring:** Financial monitoring of subgrantees will be done as part of each reimbursement request. Reimbursements will be based on submission of narrative and financial reports that will be assessed for completeness and reasonableness in the context of the timeline and project. Financial reports will include tracking of expenditures against budgeted amounts; and narrative reports will include information on progress toward goals and milestones. Disconnects, irregularities, or other issues discovered in the reports will be addressed with subgrantees prior to approval of reimbursement. If costs are found to be unsupported and/or inappropriate, they will be disallowed.

At least once per year, subgrantees will be required to submit supporting documents for expenditures, to include purchase orders, invoices, receipts, and proof of payment. The supporting documents will be assessed against amounts in reimbursement requests and charges verified for allocability, allowability, and reasonableness. Errors or issues will be corrected before reimbursement is approved. If errors are significant, the risk level for the project and/or subgrantee may be raised, and additional financial monitoring imposed.

- **Performance monitoring:** NBEAD subgrantees will also be subject to performance monitoring, which will be done primarily via site visits. At least once per project year, NBO will physically check on the status of each funded project, document progress (e.g., via photos), talk with project staff; and record impressions, observations, and other notes. Such documentation will become part of the official subgrant record. As with subgrantee monitoring, issues found via performance monitoring may cause the risk level assessment for the project and/or grantee to be raised.
- **Records retention:** Requirements for retention of records will be included in subgrant documents, to ensure compliance from the beginning of the funded project. The subgrant document and related terms and conditions will include clauses specific to record retention, including timelines, contents, and audit provisions (both state and federal).
- **Communication and technical assistance:** The NBO is committed to the success of the NBEAD program and its subgrantees. It will require collaboration across the state to ensure that all Nebraskans have access to broadband service sufficient to participate in the economy. Therefore, communication from NBO will be built into every step and process. NBO staff will share information on updates, changes, clarifications, challenges, and successes with subgrantees via email, social media, its website, and other methods. In addition, a schedule of technical assistance meetings will be shared with subgrantees, with agendas to include programmatic updates and opportunities for questions and answers. Finally, NBO staff will be available for input and assistance as needed by subgrantees.

Prioritization and Scoring

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.

The NBO adopts the recommended NTIA scoring rubric approach, including the primary and secondary allocations as documented within the BEAD NOFO on pages 42 – 46 to evaluate both Priority Broadband Projects and Other Last-Mile Broadband Projects. Selection criteria, weightings and scores for each project category are described in the sections below.

Project Category Selection Criteria

There are two project categories within the NBEAD program. Applicants will have the option to submit applications that are “Priority Broadband Projects” and “Other Last-Mile Broadband Projects”. Priority Broadband Projects are defined as those that propose an end-to-end fiber optic architecture to all qualified locations per BEAD NOFO, page 42. Other Last-Mile Broadband Projects are defined as projects not proposing an end-to-end fiber optic architecture to all qualified locations within a defined project area per BEAD NOFO, page 44.

Scoring Methodology

A maximum of 400 points will be awarded for all applications in the Priority Broadband Projects and Other Last-Mile Broadband Projects categories, with scoring divided into primary and secondary criteria sections. Primary criteria will be allotted 300 points and Secondary Criteria will be allotted 100 points. Each section contains multiple scoreable items, some scoreable items have sub-components to be evaluated and scored.

Priority Broadband Projects Scoring

Applications that propose an end-to-end fiber optic architecture to all qualified locations within a defined project area will be evaluated and scored using the defined scoring rubric and associated details as listed for primary and secondary criteria.

Primary Criteria for Priority Broadband Projects- Maximum 300 Points

Primary Criteria – 300 Points				
Criteria	Weight	Criteria Description	Maximum Score	Scoring Details
Minimal BEAD Outlay	40%	The total NBEAD 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.	120	Applications will receive points for meeting the minimum match as well as incremental match beyond the minimum 25%.
Affordability	45%	The prospective subgrantee’s commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps services in the project area.	135	Applications will receive points based on a comparison of the proposed 1/1 Gbps price point versus a 1/1 Gbps pricing benchmark scale, and price plan duration commitment
Fair Labor Practices	15%	Applicants must demonstrate a record of and plans to be in compliance with federal labor and employment laws. Applicants without a record of labor and employment law compliance may provide forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.	45	The prospective subgrantee’s demonstrated record of and plans to be in compliance with federal labor and employment laws.

Minimal BEAD Outlay – 120 points

The NBO is estimating that NBEAD funding will fall short of enabling universal service across Nebraska by roughly \$772.5 million. Although this is an estimate based on planning information provided by the NTIA Planning Tool Kit, the NBO is establishing a scoring process to drive capital efficiency while maximizing locations enabled with qualifying broadband speeds. The scoring process will optimize NNBEAD funding throughout the prospective subgrantee selection process.

Description: The total NBEAD 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 benefits awarded increasing as the BEAD outlay decreases.

Scoring: The scoring is evaluating the total funding requested to provide broadband access and the most efficiently costed solution in a Defined Project Area will receive the highest points under this section. Applicants will be scored based on meeting the minimum match threshold of 25% and then the incremental match beyond 25%. Example: A 30% match enables a score of 45 points as it met the minimum 25% match. An additional 5% match was provided (30% - 25% = 5%) which equates to 5 points.

Minimum Match Scoring

Minimum Match	Points
At Least 25%	45
Less Than 25%	0

Sliding Scale for Incremental Match Beyond 25%

Incremental Match Beyond 25%	Points
1 point for every percentage above 25%	1 to 75

Affordability – 135 Points

The prospective subgrantee’s commitment to provide the most affordable total price to the customer for 1/1 Gbps service in the defined project area and the length of the affordable commitment. Price points are inclusive of equipment charges, management fees, and taxes.

Monthly Pricing – 90 Points

Description: The monthly pricing reflects the prospective subgrantee’s commitment to provide the most affordable total price to the customer for 1/1 Gbps service in the defined project area.

Scoring: This is a sliding scale with more points awarded for lower price points.

1/1 Gbps Service (per month)	Points
Less Than \$100	90
More than \$100, Less Than \$110	75
More than \$110, Less Than \$120	50
More Than \$120, Less Than \$130	25
More Than \$130	0

Length of Affordable Commitment – 45 Points

Description: The longer the term, the better the score at the affordable price point. The prospective grantee may lower the price point within the committed duration, but never raise it. The prospective grantee may also increase the speed for the same price point within the committed duration, but never lower the speed.

Scoring: Scores are assigned based on terms ranging from less than a year to five (5) years or greater.

Length of Affordable Commitment (1/1 Gbps Service)	Points
5 Years +	45
Less Than 5 Years, More Than or Equal To 4 Years	36
Less Than 4 Years, More Than or Equal To 3 Years	27
Less Than 3 Years, More Than or Equal To 2 Years	18
Less Than 2 Years, More Than or Equal To 1 Year	9
Less Than 1 Year	0

Fair Labor Practices – 45 Points across Six (6) Attributes

Description: The NBO is prioritizing fair labor practices (based on records of and plans to be in compliance with federal labor and employment laws) by including their scoring as PRIMARY CRITERIA in the applicant scoring and evaluation process. The NBO will assess and score narrative responses under this category. Applications that provide all the required information and certify they will comply with existing labor requirements outlined in the BEAD Notice of Funding Opportunity (NOFO) will receive 45 points in this category. Applications that provide no response will not receive any points in this category. Applicants unable to provide certification for the specified timeframe shall submit to the NBO specific, forward-looking commitments to strong labor and employment standards and protection. The NBO will assess these plans and give a score according to the strength of commitments, considering factors outlined in BEAD NOFO IV.C.1.e. Section 69.

Scoring: Applications will receive points based on the information submitted for each element of the fair labor category.

Description	Points
Narrative of Compliance (3 years or equivalent)	25
Certification from officer/director	5
Violation Disclosure	5
Violation Disclosure (contractors and subcontractors)	5
Applicable Wages	2.5
Health and Safety Committee	2.5

Secondary Criteria for Priority Broadband Projects- Maximum 100 Points

Secondary Criteria – 100 Points				
Criteria	Weight	Criteria Description	Maximum Score	Scoring Details
Technical Capabilities	30%	Applications that demonstrate strong technical attributes that enable superior performance and long-term viability	30	Applications will be scored based on maximum speed of enabled network, expected latency, scalability, and ease of scalability.
Service Quality	20%	Applications that demonstrate a prospective grantee's ability to build a resilient network and support efficient break/fix operations	20	Applications will be scored on expected service availability and mean time to repair.
Local And Tribal Coordination	20%	Applications that demonstrate support from the local and/or Tribal Government with oversight over the location or locations to be served	20	Applications will be scored based on letters of support received from local / tribal community organizations and community engagement activities.
Speed to Deployment	15%	Applications that propose planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant	15	Applications will be scored based on speed to implement project in four (4) years or less on a sliding scale.
Life of Assets	10%	Applications that propose to use technologies that demonstrate long term usefulness	10	Capital assets with longer usable lives and lower upgrade costs will score higher.
Equitable Workforce Development and Job Quality	5%	Applications which include a plan for ensuring that the project workforce are appropriately skilled and credentialed	5	Applicants with complete plans will receive all points.

Technical Capabilities Summary – 30 Points Across Five (5) Attributes

The technical capabilities are comprised of speed of network, open access, expected latency, scalability, and ease of scalability with assigned values below. Descriptions and scoring details are provided within each attribute paragraph.

Technical Capabilities Attributes Summary	Points
Speed of Network	10
Open Access	5
Expected Latency	5
Scalability	5
Ease of Scalability	5

Speed of Network – 10 Points

Description: The maximum speed that is offered and can be delivered to end users within 10 days of a service order at the time of project close out or later.

Scoring: Points will be awarded based on a sliding scale for symmetric speeds ranging from 1 Gbps to greater than 10 Gbps.

Speed of Network	Points
Greater Than or Equal To 10.0 Gbps	10
Greater Than or Equal To 5.0 Gbps, Less Than 10.0 Gbps	8
Greater Than or Equal To 2.5 Gbps, Less Than 5.0 Gbps	6
Greater Than or Equal To 1.0 Gbps, Less Than 2.5 Gbps	4
Greater Than or Equal To 1 Gbps, Less Than 2.5 Gbps	2

Open Access – 5 Points

Description: An arrangement in which the subgrantee offers nondiscriminatory access to and use of its network on a wholesale basis to other providers seeking to provide broadband service to end-user locations, at just and reasonable wholesale rates for the useful life of the subsidized network assets.

Scoring: An application stating a “Yes” will be awarded points. Application stating “No” will not be awarded points.

Expected Latency – 5 Points

Description: The latency the implemented network is expected to deliver, measured in milliseconds.

Scoring: Latency greater than 100 milliseconds receives zero (0) points. Latency less than or equal to 100 milliseconds is awarded 10 points.

Scalability – 5 Points

Description: Applications that propose to use technologies that exhibit increased speed capabilities beyond initial speeds made available to the end user at the time of project close.

Scoring: Symmetric speed capabilities supported, but not yet offered, ranges from 40 Gbps to 1 Gbps. Up to five (5) points will be awarded based on demonstrated solution.

Scalability	Points
Up to 40 Gbps	5
Up to 25 Gbps	4
Up to 10 Gbps	3
Up to 5 Gbps	2
Up to 1 Gbps	1

Ease of Scalability – 5 Points

Description: Demonstrated lower future investment when upgrading the architecture to achieve higher speeds than initially made available to the end user at the time of project close. This will be measured as a percentage of anticipated incremental capital expenditure compared to original capital expenditure for the project.

Scoring: The lower the percentage, the higher the score.

Ease of Scalability	Points
0 to 5%	5
Greater Than 5%, Less than 10%	4
Greater Than 10%, Less than 20%	3
Greater Than 20%, Less than 30%	2
Greater Than 30%	1

Service Quality Section – 20 Points Across Two (2) Attributes

The service quality section attributes measure the prospective subgrantee’s ability to keep the network operational and to restore the network when an outage occurs. Descriptions and scoring details are provided within each attribute paragraph.

Expected Service Availability – 10 Points

Description: Service Availability measures the network uptime in minutes in a year divided by total number of minutes in a year.

Scoring: Points will be awarded on a sliding scale ranging from greater than 99.999% to less than 99.0%. Prospective subgrantees with current broadband operations will need to provide evidence of current operational capability to substantiate ability to support service availability levels. Newly formed entities will need to provide network architecture information to validate architecture capability.

Expected Service Availability	Points
Greater Than or Equal To 99.999%	10
Greater Than or Equal To 99.99, Less Than 99.999%	8
Greater Than or Equal To 99.9%, Less Than 99.99%	6
Greater Than or Equal 99.0% Hours, Less Than 99.9%	4
Less Than 99.0%	2

Expected Mean Time to Repair (MTTR) – 10 Points

Description: Mean Time to Repair measures the time a prospective subgrantee is estimating the duration to repair an outage across the defined project area, in hours. Prospective subgrantees with current broadband operations will need to provide evidence of current operational capability to substantiate ability to support service availability levels. Newly formed entities will need to provide business assumptions to validate MTTR estimates.

Scoring: Points will be awarded on a sliding scale ranging from less than six (6) hours to more than 48 hours.

Expected Mean Time to Repair (MTTR)	Points
Less Than 6 Hours	10
Greater Than or Equal To 6 Hours, Less Than 12 Hours	8
Greater Than or Equal To 12 Hours, Less Than 24 Hours	6
Greater Than or Equal To 24 Hours, Less Than 48 Hours	4
48 Hours or Greater	2

Local and Tribal Coordination – 20 Points Across Two (2) Attributes

Local and tribal coordination points will be allocated across Community Engagement and Letters of Support attributes. The paragraphs below provide the description and scoring method.

Community Engagement – 10 Points

Description: Applicants must provide evidence regarding outreach and local coordination between the Tribal organizations and/or local communities to be served. Meetings held with stakeholder groups that may include, but are not limited to, community anchor institutions, county and municipal governments, nonprofit organizations, civil rights organizations, educational agencies, workforce development organizations, public housing authorities, Tribal governments, labor organizations and unions, faith-based organizations, higher education institutions (including HBCUs, MSIs, and community colleges), Internet Service Providers, public utilities commissions, economic development organizations, and advocacy groups must be documented. Evidence must consist of name and type of organization, meeting purpose, meeting notes, local plans reviewed and/or provided, meeting minutes, attendee lists, and discussion items. Applicants are encouraged to utilize the NTIA Local Coordination Tracker template to capture community engagement efforts.

Scoring: Up to ten (10) points will be provided based on strength of information provided.

Letters of Support – 10 Points

Description: Documented letters of support from residents and local leaders within the community (e.g., Tribal leaders, economic development organizations leaders, county commissioners, local business owners, city councils, school district boards) will be evaluated. Each letter of support must contain the individual’s name providing the support, the represented organization (if applicable), the nature of the support, date written and a signature. Local and tribal governments may provide letters of support for one or more applicants for the same Project Funding Area.

Scoring: Letters of support will be scored based on the quality of the submission (e.g. – adhering to the letter of support required content) and the number of letters provided, ranging from more than five (5), to one (1).

Letters of Support (Quantity)	Points
5 or more	10
4	9
3	8
2	7
1	5

Speed to Deployment – 15 Points

Description: Prospective subgrantee ability to deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the Eligible Entity.

Scoring: Applications will be scored based on speed to implement project in four (4) years or less on a sliding scale starting from award date to project close out with NBO. The sliding scale ranges from less than 18 months to 48 months in duration to build and closeout the project with NBO.

Speed To Deployment	Points
Less than 18 Months	15
Greater Than or Equal To 18 Months, Less Than 24 Months	12
Greater Than or Equal To 24 Months, Less Than 36 Months	9
Greater Than or Equal To 36 Months, Less Than 42 Months	6
Greater Than or Equal To 42 Months, Less Than 48 Months	3

Life of Assets – 10 Points Across Two (2) Attributes

The Priority Broadband Project infrastructure capital asset life will be evaluated across electronics and physical medium asset life categories. Descriptions and scoring details are provided within each attribute paragraph.

Electronics – 5 Points

Description: Evaluates the useful life of the electronics capital assets in the Priority Broadband Project solution.

Scoring: Points will be awarded on an asset useful life sliding scale ranging from greater than 15 years to less than five (5) years.

Electronics	Points
Greater Than 15 Years	5
Greater Than or Equal To 10 Years, Less Than 15 Years	4
Greater Than or Equal To 7 Years, Less Than 10 Years	3
Greater Than or Equal To 5 Years, Less Than 7 Years	2
Greater Than Or Equal to 1 Year, Less Than 5 Years	1

Physical Medium – 5 Points

Description: Evaluates the useful life of the fiber cable capital assets in the Priority Broadband Project solution.

Scoring: Points will be awarded on the fiber cable useful life sliding scale ranging from greater than 25 years to less than five (5) years.

Physical Medium	Points
Greater Than 25 Years	5
Greater Than or Equal To 15 Years, Less Than 25 Years	3
Greater Than or Equal To 5 Years, Less Than 15 Years	2
Greater Than Or Equal to 1, Less Than 5 Years	1

Equitable Workforce Development and Job Quality – 5 Points

Description: NBO requires prospective subgrantees, as a part of the application and scoring process, include a plan for ensuring that the project workforce (including those employees of the subgrantee, its contractors, and/or subcontractors) directly engaged in the physical construction of the network (NOFO p.57 and 58 and [Section 2.8.2](#) of the Initial Plan Guidance) will be an appropriately skilled and credentialed workforce (including by the subgrantee and each of its contractors and subcontractors).

Scoring: NBO will evaluate applicant plans for completeness and inclusion of required elements. Those applicants with complete plans will receive 5 points. Applications including incomplete plans or lacking the required plan will not receive any points in this category.

Other Last-Mile Broadband Deployment Projects

The NBO will accept and evaluate Other Last-Mile Broadband Deployment Projects applications in defined project areas where Priority Broadband Projects are not proposed. The total point value will remain at 400 points, consistent with the Priority Broadband Project scoring methodology. Other Last-Mile Broadband Deployment Projects will also use the same primary and secondary criteria as Priority Broadband Projects but with several criteria description changes to reflect the differences between the two project types.

Primary Criteria for Other Last Mile Deployments- Maximum 300 Points

Primary Criteria – 300 Points				
Criteria	Weight	Criteria Description	Maximum Score	Scoring Details
Minimal BEAD Outlay	40%	The total NBEAD 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.	120	Applications will receive points for meeting the minimum match as well as incremental match beyond the minimum 25%.
Affordability	45%	The prospective subgrantee’s commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps services in the project area.	135	Applications will receive points based on a comparison of the proposed 1/1 Gbps price point versus a 1/1 Gbps pricing benchmark scale, and price plan duration commitment
Fair Labor Practices	15%	Applicants must demonstrate a record of and plans to be in compliance with federal labor and employment laws. Applicants without a record of labor and employment law compliance may provide forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.	45	The prospective subgrantee’s demonstrated record of and plans to be in compliance with federal labor and employment laws.

Minimal BEAD Outlay – 120 points

The NBO is estimating that BEAD funding will fall short of enabling universal service with Priority Broadband Projects across Nebraska by roughly \$772.5 million. Although this is an estimate based on planning information provided by the NTIA Planning Tool Kit, the NBO is establishing a scoring process to drive capital efficiency while maximizing locations enabled with qualifying broadband speeds. The scoring process will optimize NBEAD funding throughout the prospective subgrantee selection process.

Description: The total NBEAD 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 benefits awarded increasing as the BEAD outlay decreases.

Scoring: Evaluating the total funding requested to provide broadband access and the most efficiently costed solution in a Defined Project Area will receive the highest points under this section. Applicants will be scored based on meeting the minimum match threshold of 25% and then the incremental match beyond 25%. Example: A 30% match enables a score of 45 points as it met the minimum 25% match. An additional 5% match was provided (30% - 25% = 5%) which equates to 5 points.

Minimum Match Scoring

Minimum Match	Points
At Least 25%	45
Less Than 25%	0

Sliding Scale for Incremental Match Beyond 25%

Incremental Match Beyond 25%	Points
1 point for every percentage above 25%	1 to 75

Affordability – 135 Points

The prospective subgrantee’s commitment to provide the most affordable total price to the customer for 100/20 Mbps service in the defined project area and the length of the affordable commitment will be evaluated. Price points are inclusive of equipment charges, management fees, and taxes.

Monthly Pricing – 90 Points

Description: The monthly pricing reflects the prospective subgrantee’s commitment to provide the most affordable total price to the customer for 100/20 Mbps service in the defined project area.

Scoring: This is a sliding scale with more points awarded for lower price points.

1/1 Gbps Service (per month)	Points
Less Than \$100	90
More than \$100, Less Than \$110	75
More than \$110, Less Than \$120	50
More Than \$120, Less Than \$130	25
More Than \$130	0

Length of Affordable Commitment – 45 Points

Definition: Length of Affordable Commitment measures the duration that the pricing is available to the end user. The longer the term, the better the score at the affordable price point. The prospective grantee may lower the price point within the committed duration, but never raise it. The prospective grantee may also increase the speed for the same price point within the committed duration, but never lower the speed.

Scoring: Scores are assigned based on terms ranging from less than a year to five (5) years or greater.

Length of Affordable Commitment (1/1 Gbps Service)	Points
5 Years +	45
Less Than 5 Years, More Than or Equal To 4 Years	36
Less Than 4 Years, More Than or Equal To 3 Years	27
Less Than 3 Years, More Than or Equal To 2 Years	18
Less Than 2 Years, More Than or Equal To 1 Year	9
Less Than 1 Year	0

Fair Labor Practices – 45 Points across Six (6) Attributes

Description: The NBO is prioritizing fair labor practices (based on records of and plans to be in compliance with federal labor and employment laws) by including their scoring as PRIMARY CRITERIA in the applicant scoring and evaluation process. The NBO will assess and score narrative responses under this category. Applications that provide all the required information and certify they will comply with existing labor requirements outlined in the BEAD Notice of Funding Opportunity (NOFO) will receive 45 points in this category. Applications that provide no response will not receive points in this category. Applicants unable to provide certification for the specified timeframe shall submit to the NBO specific, forward-looking commitments to strong labor and employment standards and protection. The NBO will assess these plans and give a score according to the strength of commitments, considering factors outlined in BEAD NOFO IV.C.1.e. Section 69.

Scoring: Applications will receive points based on the information submitted for each element of the fair labor category.

Description	Points
Narrative of Compliance (3 years or equivalent)	25
Certification from officer/director	5
Violation Disclosure	5
Violation Disclosure (contractors and subcontractors)	5
Applicable Wages	2.5
Health and Safety Committee	2.5

Secondary Criteria for Other Last Mile Deployments - Maximum 100 Points

Secondary Criteria – 100 Points				
Criteria	Weight	Criteria Description	Maximum Score	Scoring Details
Technical Capabilities	30%	Applications that demonstrate strong technical attributes that enable superior performance and long-term viability	30	Applications will be scored based on maximum speed of enabled network, expected latency, scalability, and ease of scalability.
Service Quality	20%	Applications that demonstrate a prospective grantee’s ability to build a resilient network and support efficient break/fix operations	20	Applications will be scored on expected service availability and mean time to repair.
Local And Tribal Coordination	20%	Applications that demonstrate support from the local and/or Tribal Government with oversight over the location or locations to be served	20	Applications will be scored based on letters of support received from local / tribal community organizations and community engagement activities.
Speed to Deployment	15%	Applications that propose planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant	15	Applications will be scored based on speed to implement project in four (4) years or less on a sliding scale.
Life of Assets	10%	Applications that propose to use technologies that demonstrate long term usefulness	10	Capital assets with longer usable lives and lower upgrade costs will score higher.
Equitable Workforce Development and Job Quality	5%	Applications which include a plan for ensuring that the project workforce are appropriately skilled and credentialed	5	Applicants with complete plans will receive all points.

Technical Capabilities Summary – 30 Points Across Five (5) Attributes

The technical capabilities are comprised of speed of network, open access, expected latency, scalability, and ease of scalability with assigned values below. Descriptions and scoring details are provided within each attribute paragraph.

Technical Capabilities Attributes Summary	Points
Speed of Network	10
Open Access	5
Expected Latency	5
Scalability	5
Ease of Scalability	5

Speed of Network – 10 Points

Description: The maximum speed that is offered and can be delivered to end users within 10 days of a service order at the time of project close out or later.

Scoring: Points will be awarded based on a sliding scale for download speeds ranging from 100 Mbps to greater than 2.0 Gbps

Speed of Network	Points
Greater Than or Equal To 10.0 Gbps	10
Greater Than or Equal To 5.0 Gbps, Less Than 10.0 Gbps	8
Greater Than or Equal To 2.5 Gbps, Less Than 5.0 Gbps	6
Greater Than or Equal To 1.0 Gbps, Less Than 2.5 Gbps	4
Greater Than or Equal To 1 Gbps, Less Than 2.5 Gbps	2

Open Access – 5 Points

Description: An arrangement in which the subgrantee offers nondiscriminatory access to and use of its network on a wholesale basis to other providers seeking to provide broadband service to end-user locations, at just and reasonable wholesale rates for the useful life of the subsidized network assets.

Scoring: An application stating a “Yes” will be awarded points. Application stating “No” will not be awarded points.

Expected Latency – 5 Points

Description: The latency the implemented network is expected to deliver, measured in milliseconds.

Scoring: Latency greater than 100 milliseconds receives zero (0) points. Latency less than or equal to 100 milliseconds is awarded 10 points.

Scalability – 5 Points

Description: Applications that propose to use technologies that exhibit increased speed capabilities beyond initial speeds made available to the end user at the time of project close.

Scoring: Speed capabilities supported, but not yet offered, ranges from 10.0 Gbps to 500 Mbps. Up to five (5) points will be awarded based on demonstrated solution.

Scalability	Points
Up to 40 Gbps	5
Up to 25 Gbps	4
Up to 10 Gbps	3
Up to 5 Gbps	2
Up to 1 Gbps	1

Ease of Scalability – 5 Points

Description: Demonstrated lower future investment when upgrading the architecture to achieve higher speeds than initially made available to the end user at the time of project close. This will be measured as a percentage of anticipated incremental capital expenditure compared to original capital expenditure for the project.

Scoring: The lower the percentage, the higher the score.

Ease of Scalability	Points
0 to 5%	5
Greater Than 5%, Less than 10%	4
Greater Than 10%, Less than 20%	3
Greater Than 20%, Less than 30%	2
Greater Than 30%	1

Service Quality Section – 20 Points Across Two (2) Attributes

The service quality section attributes measure the prospective subgrantee’s ability to keep the network operational and to restore the network when an outage occurs. Descriptions and scoring details are provided within each attribute paragraph.

Expected Service Availability – 10 Points

Description: Service Availability measures the network uptime in minutes in a year divided by total number of minutes in a year.

Scoring: Points will be awarded on a sliding scale ranging from greater than 99.999% to less than 99.0%. Prospective subgrantees with current broadband operations will need to provide evidence of current operational capability to substantiate ability to support service availability levels. Newly formed entities will need to provide network architecture information to validate architecture capability.

Expected Service Availability	Points
Greater Than or Equal To 99.999%	10
Greater Than or Equal To 99.99, Less Than 99.999%	8
Greater Than or Equal To 99.9%, Less Than 99.99%	6
Greater Than or Equal 99.0% Hours, Less Than 99.9%	4
Less Than 99.0%	2

Expected Mean Time to Repair (MTTR) – 10 Points

Description: Mean Time to Repair measures the time a prospective subgrantee is estimating the duration to repair an outage across the defined project area, in hours. Prospective subgrantees with current broadband operations will need to provide evidence of current operational capability to substantiate ability to support service availability levels. Newly formed entities will need to provide business assumptions to validate MTTR estimates.

Scoring: Points will be awarded on a sliding scale ranging from less than six (6) hours to more than 48 hours.

Expected Mean Time to Repair (MTTR)	Points
Less Than 6 Hours	10
Greater Than or Equal To 6 Hours, Less Than 12 Hours	8
Greater Than or Equal To 12 Hours, Less Than 24 Hours	6
Greater Than or Equal To 24 Hours, Less Than 48 Hours	4
48 Hours or Greater	2

Local and Tribal Coordination – 20 Points Across Two (2) Attributes

Local and tribal coordination points will be allocated across Community Engagement and Letters of Support attributes. The paragraphs below provide the descriptions and scoring methods.

Community Engagement – 10 Points

Description: Applicants must provide evidence regarding outreach and local coordination between the tribal organizations and/or local communities to be served. Meetings held with stakeholder groups that may include, but are not limited to, community anchor institutions, county and municipal governments, nonprofit organizations, civil rights organizations, educational agencies, workforce development organizations, public housing authorities, Tribal governments, labor organizations and unions, faith-based organizations, higher education institutions (including HBCUs, MSIs, and community colleges), Internet Service Providers, public utilities commissions, economic development organizations, and advocacy groups must be documented. Evidence must include name and type of organization, meeting purpose, local plans reviewed and/or provided, meeting minutes, attendee lists, and discussion items. Applicants are encouraged to utilize the NTIA Local Coordination Tracker template to capture community engagement efforts.

Scoring: Up to ten (10) points will be provided based on strength of information provided.

Letters of Support – 10 Points

Description: Documented letters of support from residents and local leaders within the community (e.g., Tribal leaders, economic development organizations leaders, county commissioners, local business owners, city councils, school district boards) will be evaluated. Each letter of support must contain the individual’s name providing the support, the represented organization (if applicable), the nature of the support, date written and a signature. Local and Tribal governments may provide letters of support for one or more applicants for the same Project Funding Area.

Scoring: Letters of support will be scored based on the quality of the submission (e.g. – adhering to the letter of support required content) and the number of letters provided, ranging from more than five (5), to one (1).

Letters of Support (Quantity)	Points
5 or more	10
4	9
3	8
2	7
1	5

Speed to Deployment – 15 Points

Description: Prospective subgrantee’s ability to deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the Eligible Entity.

Scoring: Applications will be scored based on speed to implement project in four (4) years or less on a sliding scale starting from award date to project close out with NBO. The sliding scale ranges from less than 18 months to 48 months in duration to build and closeout the project with NBO.

Speed To Deployment	Points
Less than 18 Months	15
Greater Than or Equal To 18 Months, Less Than 24 Months	12
Greater Than or Equal To 24 Months, Less Than 36 Months	9
Greater Than or Equal To 36 Months, Less Than 42 Months	6
Greater Than or Equal To 42 Months, Less Than 48 Months	3

Life of Assets – 10 Points Across Two (2) Attributes

The Project infrastructure capital asset life will be evaluated across electronics and physical medium asset life categories. Descriptions and scoring details are provided within each attribute paragraph.

Electronics – 5 Points

Description: Evaluates the useful life of the electronics capital assets in the Other Last-Mile Broadband Deployment Projects solution.

Scoring: Points will be awarded on an asset useful life sliding scale ranging from greater than 15 years to less than five (5) years.

Electronics	Points
Greater Than 15 Years	5
Greater Than or Equal To 10 Years, Less Than 15 Years	4
Greater Than or Equal To 7 Years, Less Than 10 Years	3
Greater Than or Equal To 5 Years, Less Than 7 Years	2
Greater Than Or Equal to 1 Year, Less Than 5 Years	1

Physical Medium – 5 Points

Description: Evaluates the useful life of the non-fiber cable or wireless capital assets in the Priority Broadband Project solution.

Scoring: Points will be awarded on a sliding scale ranging from greater than 15 years to less than five (5) years.

Physical Medium	Points
Greater Than 15 Years	5
Greater Than or Equal To 10 Years, Less Than 15 Years	4
Greater Than or Equal To 7 Years, Less Than 10 Years	3
Greater Than or Equal To 5 Years, Less Than 7 Years	2
Less Than 5 Years	1

Equitable Workforce Development and Job Quality – 5 Points

Description: NBO requires prospective subgrantees, as a part of the application and scoring process, include a plan for ensuring that the project workforce (including those employees of the subgrantee, its contractors, and/or subcontractors) directly engaged in the physical construction of the network (NOFO p.57 and 58 and [Section 2.8.2](#) of the Initial Plan Guidance) will be an appropriately skilled and credentialed workforce (including by the subgrantee and each of its contractors and subcontractors).

Scoring: NBO will evaluate applicant plans for completeness and inclusion of required elements. Those applicants with complete plans will receive 5 points. Applications including incomplete plans or lacking the required plan will not receive any points in this category.

Scoring Rubric

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

This is encapsulated in [Appendix C](#). This file may also be accessed on the NBO website at <https://broadband.nebraska.gov/>.

Waiver of Matching Funds

The NBO expects to consider grant waivers in special circumstances, when a waiver is necessary to advance objectives that are critical to the program's success, per NTIA NOFO, page 22. In order to be considered for a waiver, an applicant must submit a request that describes the special circumstances underlying the request and explain how a waiver would serve the public interest and effectuate the purposes of the BEAD Program. The submitted request must include one or more income statements disclosing the economics surrounding the application and must incorporate multiple technical solutions and associated capital expenditure assumptions to demonstrate the special circumstances. All waivers of matching funds will be submitted to NTIA for review and approval.

Prioritization of Unserved Locations

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.

The NBO is committed to achieving universal broadband service within the state of Nebraska. The NBO will prioritize and award funding to unserved defined project areas, then underserved defined project areas and then eligible CAIs as funding permits.

Defined project areas will be selected through the process documented in [Section 2.4.6](#) which will include all unserved, underserved and CAI locations. Upon application window closing, if the state does not receive applications for defined project areas in Round 1, the defined project areas for which applications were not received will be re-optimized and updated to encourage prospective subgrantee interest as documented in [Section 2.4.7](#). Following defined project areas re-optimization, a Round 2 application process will be initiated and communicated to prospective subgrantees. Prospective subgrantees will have 21 calendar days to provide a new application or modify an existing one to include the newly defined project area(s). If after Round 2 is completed, there are still defined project areas for which no applications were received, the NBO will determine whether subsequent optimization rounds will be productive or should be discontinued.

Once optimization efforts are discontinued, the NBO will use targeted outreach with service providers to solicit and encourage applications as defined in [Section 2.4.7](#). The NBO may modify the defined service area attributes to entice applicant interest. The NBO may consider modifying any or all attributes including but not limited to additional incentives, program contribution levels greater than the 75% cap, or the addition of other matching sources from state or local entities, if available. The NBO acknowledges that any program contribution level greater than 75% would require a waiver from NTIA. Fiber to the premises (FTTP) solutions will be pursued as a first deployment option, followed by other reliable broadband technologies, and then by technologies that do not meet the definition of reliable broadband technologies.

If, at the end of this process, the NBO determines that unserved locations within the defined project areas are satisfactorily funded, the NBO will fund the underserved locations, followed by the identified CAIs that lack qualifying broadband speeds.

If the NBO determines that there are insufficient funds available to fund deployment to all unserved, underserved, or eligible CAI locations, the NBO will prioritize projects within each of those categories based on a strong preference for projects in high poverty areas or persistent poverty counties.

Given the anticipated shortfall of BEAD funding to enable priority broadband projects across Nebraska, the NBO is not proposing to use BEAD funding for non-deployment activities.

Non-Deployment Use of Funds

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

Compliance with all Federal Build Regulations

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.

Ensuring American manufacturing is part of expanding broadband is a priority of the NBO. In order to emphasize the importance of compliance with the Build America Buy America Act, the following BABA items will be specifically highlighted:

- Requirement that all iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States unless a waiver is granted.
- In determining whether a product is produced in America, subrecipients must comply with definitions included in Section 70912 of the Build America, Buy America Act, which provides that a manufactured product is considered produced in the United States if the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- In addition to the provisions above, subgrantees may not use NBEAD funding to purchase or support any covered communications equipment, services, or systems, as defined at 2 CFR § 200.216.
- The Infrastructure Act expressly prohibits subgrantees from using NBEAD funding 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.

The NBO will incorporate the requirements of the Build America, Buy America Act into the subgrantee selection process by conducting informational webinars, posting a list of regulations on the NBO website, and including the requirements in grant applications/instructions as well as grant agreement terms/conditions and subgrantee grant monitoring program requirements.

The NBO will adhere to the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and the National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.) requirements to analyze the potential environmental impacts of subgrantee projects and other eligible activities that are seeking to utilize BEAD funding. Communication between the NBO and applicants prior to and throughout the selection process will ensure entities seeking to capitalize on BEAD funding comply with NEPA and NHPA. The following will be specifically highlighted:

- Projects or other eligible activities containing construction and/or ground-disturbing activities are required to submit all required environmental documentation with their applications, which also must describe how they will comply with applicable environmental and national historical preservation requirements.
- It is the subgrantee's responsibility to obtain all necessary federal, state, and local governmental permits and approvals necessary for the proposed work to be conducted and to provide proof of such permits and approvals to NBO staff upon request.
- Projects and other eligible activities are expected to be designed so that they minimize the potential for adverse impacts on the environment.

The NBO will provide a resources document listing known state and federal agencies that can assist with NEPA and NHPA efforts. Applications are encouraged to abide by all State regulations.

Process for Defining Project Areas

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.

The NBO intends to define project areas, for which proposals will be solicited from prospective subgrantees.

At the present time, there are approximately 52,000 unserved and underserved locations within Nebraska. Based on current NTIA toolkit data, with current de-duplication location ID data of enforceable commitments from other broadband infrastructure programs, it is theoretically possible to serve all unserved and underserved locations and CAIs within Nebraska with a mix of fiber and wireless solutions. However, until the BEAD applications from prospective subgrantees are received, there is a significant amount of uncertainty regarding whether Nebraska will be able to target all underserved locations.

Preliminary analysis shows there are a substantial number of target locations with very high cost per location figures (greater than \$50,000), particularly in the western half of the state. When regionally aggregating these high-cost target locations, it creates an overall average cost per location passed within some geographic regions to be substantially higher than many other regions within Nebraska. These high-cost geographic areas may inhibit prospective subgrantees from applying for grants in these areas, as even with the required program applicant match of 25%, an applicant would be required to contribute greater than \$12,500 per location passed to a project. At this level of contribution, the required economic

investments would not be feasible for most service providers. To encourage investment in these areas, the NBO intends to reasonably distribute these high cost per locations passed across geographic areas as much as possible to reduce the overall average cost per location passed within a geographic region. The goal is to create defined project areas that are economically attractive to service providers when considering which defined project areas they will submit applications, while balancing the total number of defined project areas in total.

For example, Figure 1 shows that Logan County contains within its 571 square miles only 13 unserved or underserved broadband locations, with an average estimated cost per location to establish broadband service of \$46,107, compared with 247-square-mile Sarpy County, with 1,318 target locations at an estimated cost of \$1,640 per location.

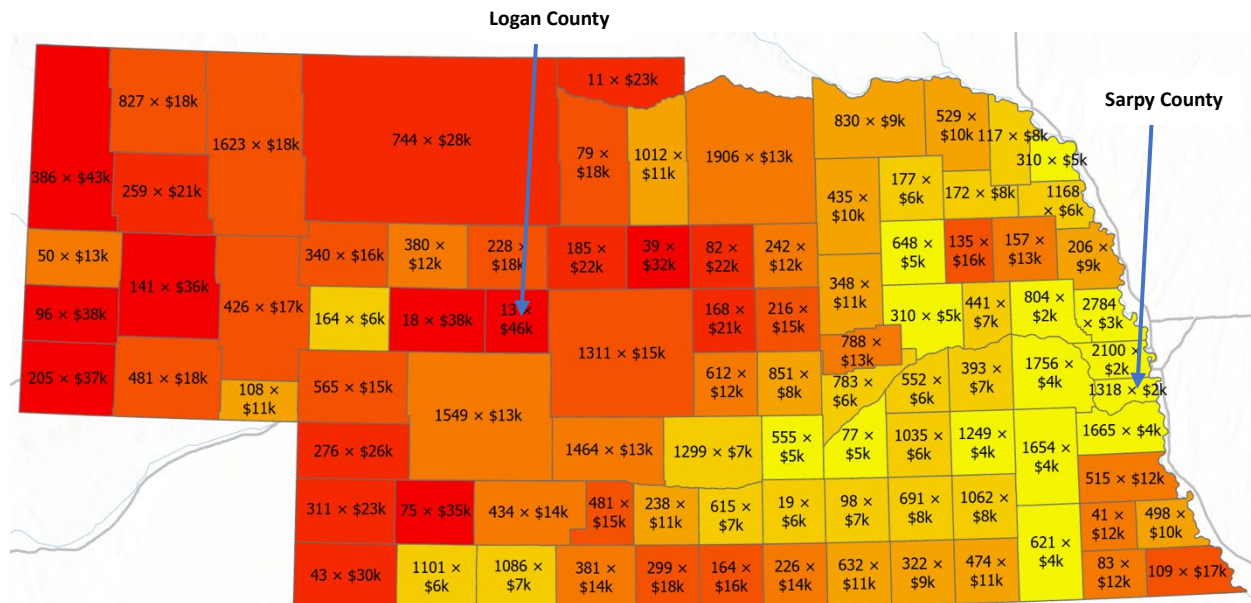


Figure 1 Count of target locations and average cost to establish service by county.

All else being equal, more balanced project areas will result in more provider applications and lower costs, stretching BEAD program funds further. To achieve the desired outcome of optimally defined project areas that 1) have the greatest opportunity to enable priority broadband projects, 2) have the optimal lowest cost per location passed within all defined project areas, and 3) encourage provider application submissions, multi-objective optimization will be used to evaluate variables and solve for the most efficient aggregation of target locations into defined project areas. Optimization efforts will include the following steps with each step described in the sections below:

- Define Criteria
- Establish Criteria Weighting
- Review Proposed Criteria and Weighting with Service Providers
- Conduct Optimization
- Defined Project Area Notification

Define Criteria

An optimized service area is one that minimizes the cost for a provider to completely serve (compact, contiguous, etc.) at a given average cost per location. Criteria to effectively implement the optimization generally includes costs, technology solutions, and location count and to achieve NBO's goals. The specific criteria may include, but are not limited to the following:

- Contiguousness – linear continuity of target locations within a service area boundary.
- Compactness – how close the target locations are in relation to each other.
- Consistent preferred technology – the preferred technological solution to be built within the defined project area. The current technologies available are fiber to premises and fixed wireless solutions, according to the NTIA tool kit information based on CostQuest Associates' underlying data.
- Similar target location count – the desire to create defined project areas with similar location ID counts across the entire set of defined project areas within Nebraska to enhance attractiveness to service providers.
- Alignment with existing infrastructure (roadways, middle-mile broadband infrastructure, towers, etc.).
- Avoidance of natural barriers, obstacles, or hazards, such as avoiding service areas spanning both sides of a river or regulatory floodplain.
- Similar cost per location served – grouping of location IDs such that very high-cost location IDs are integrated within lesser cost location IDs to achieve a lower cost per location passed within the defined service area.

The NBO will define the number of service areas to be created and will be a parameter to adjust manually during each optimization cycle. NBO reserves the right to add criteria as optimization efforts are refined to achieve NBO's goals.

Establish Criteria Weighting

Each criterion will be assigned a weighting range of zero (0) to 100 where 0 reflects minimal importance and 100 reflects the most important weighting. The greater the weight, the greater the priority a given criterion will receive in the optimization process. Criteria weights will be modified as needed to achieve NBO's goals and account for service provider criteria and associated weighting feedback. Weights may be established based on a consensus definition agreed upon by NBO staff, or through a priority elucidation exercise such as swing weighting completed by NBO staff and other stakeholders. For an example, please see the discussion of engaging service providers as mentioned in the "Review Proposed Criteria with Service Providers" paragraph below.

Review Proposed Criteria and Weighting with Service Providers

After the criteria and weighting scales are documented, the NBO will publish, and make available for review, the selected optimization criteria and weighting information to service providers. Service providers will be given 21 calendar days to provide feedback on both the criteria and proposed criteria weighting. The NBO will review and consider all feedback submitted for integration into the optimization tool. The NBO may, or may not, implement the service provider feedback depending on whether the feedback positively impacts the optimization results and meets NBO's goals.

Conduct Optimization

Once weightings are established, the optimization tool will conduct iterations until the optimization algorithm reaches an end state. Multiple optimization rounds will be run by modifying criteria weightings to understand how weightings impact the overall defined project area development goals and until an acceptable, optimized solution is generated.

Finalize the Defined Project Areas

After multiple iterations are completed and various optimized options are developed, the NBO will review the solution that best meets the goals of the NBO. Once the solution is selected, the optimization model will be run a final cycle to validate that project area boundaries are indeed optimized to achieve NBO's goals. The output of the final project area optimization cycle will establish Nebraska's defined project areas for BEAD prospective subgrantees. The defined project areas can be modified or amended to account for circumstances not reflected in the optimization criteria in the future as needed.

Defined Project Area Notification

The NBO will make every effort to communicate the project area boundaries to prospective subgrantees prior to the opening of the LOI window. Project area boundaries will be communicated through the program announcement, via the NBO website and other communication channels deemed necessary to ensure that all prospective subgrantees are aware of the new project area boundaries in advance of the opening of the application window.

NBO considered other solutions to defining project area boundaries such as:

- 1) allowing prospective subgrantees to submit applications using their own pre-defined service area boundaries,
- 2) using county boundaries and
- 3) using other established political district boundaries (both state and federal).

However, none yielded an optimized cost per location and a high priority broadband project adoption rate while minimizing overlapping applications and the possibility of defined project areas not receiving applications. As a result, the optimization solution was pursued.

If No Proposals are Received

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.

If no proposals are received to serve a location or group of locations that are unserved, underserved, or a combination of both, the NBO will pursue additional actions to find providers willing to expand their existing or proposed service areas to ensure universal coverage. The NBO will first pursue modifying the defined project areas for which applications were not received to encourage submission of applications through a second application process. If this effort does not achieve NBO's goals, as identified in [Section 2.4.6](#), NBO will shift focus to targeted outreach with providers approved for funding of projects that are contiguous with the unfunded project area, recently awarded subgrantees or others that may have expressed interest post-application close. Details of the process are listed below in the "Modifying the Defined Project Areas" and "Targeted Outreach to Service Providers" paragraphs.

Modifying The Defined Project Areas

As applications are received, NBO staff will track the defined project areas each application addresses. By the end of this process, NBO will know whether there are any defined project areas for which no applications were received.

Using the process described in [Section 2.4.6](#), the NBO will divide the original defined project areas for which no applications were received into two or more sub-project areas and re-run the optimization process.

After completion of the optimization process, updated defined project areas will be created. The NBO will then ensure the newly defined project areas still meet the optimization goals as stated in [Section 2.4.6](#). Upon approval, the newly created defined project areas will be published for prospective subgrantee viewing and communicated through appropriate channels to ensure all prospective subgrantees have an opportunity to review the modified defined project areas. Only prospective subgrantees submitting applications in Round 1 will be eligible to submit applications in Round 2 and subsequent rounds.

NBO will open an application round for 21 calendar days for prospective subgrantees to submit new or updated proposals according to the terms of NBO's broadband program.

After 21 calendar days, the NBO will identify, and inventory defined project areas without proposals. The NBO will determine if additional optimization rounds will be useful to achieve the NBO's goals as stated in [Section 2.4.6](#).

The NBO reserves the right to suspend additional optimization rounds when optimization no longer achieves NBO's goals as stated in [Section 2.4.6](#) or when optimization does not lead to a material change in defined project area attributes. Upon optimization suspension, the NBO will engage in targeted outreach activities with service providers as listed below.

Targeted Outreach to Service Providers

Once NBO determines that modifying the defined project areas is no longer effective in soliciting applications for unfunded project areas, the following process will be applied:

- Targeted outreach and negotiation will commence with providers funded for projects that are contiguous with unfunded project area(s), those that would reasonably make sense to expand defined project area boundaries. Nearby providers will be identified by Federal Communication Commission National Broadband Map and/or other previously funded federal or state sponsored broadband programs such as the Capital Projects Fund (CPF) or Alternative Connect America Cost Model (ACAM) programs.
- In the targeted outreach efforts, NBO may consider additional incentives to encourage application submission to include, but not limited to, program contribution levels greater than the 75% cap, or the addition of other matching sources from state or local entities, if available. The NBO acknowledges that any program contribution levels greater than 75% would require a waiver from NTIA.
- If targeted outreach and negotiation strategies are successful and providers express interest in submitting an application to provide service in the defined project area, providers will be required to submit their respective application(s) per program guidelines within 21 days.
- Applications will be evaluated based on the program approved scoring rubric as documented in [Section 2.4.2](#).
- If targeted outreach and negotiations are not successful for any remaining defined project area and NBO has exhausted all options for reliable technology solutions in defined project areas for which applications were not received, the NBO will seek NTIA approval for non-reliable solutions to be made available for remaining defined project areas. Application submissions for non-reliable broadband solutions will follow the same application and evaluation process as the reliable broadband solutions.

Tribal Governments' Consent

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.

The NBO will require that applicants that plan projects that focus on or will pass through tribal lands acquire from the relevant tribal government(s) a Resolution of Consent or other formal consent document. The NBO will require that the resolution of consent or other formal consent document be submitted by the applicant as part of their application along with other relevant documents demonstrating that tribal coordination occurred. One of the gating criteria for applications that propose to focus on or pass through tribal land is the proof of consent of the relevant tribal government. Any applicant that plans to deploy BEAD-funded network service on tribal land and does not provide a tribal resolution will not be considered to receive BEAD funding.

Extremely High Cost Per Location Threshold (EHCT)

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.

The state of Nebraska will not declare an Extremely High Cost Per Location Threshold (EHCT) value now but will develop the EHCT once BEAD application data is received. Based on analysis using the NTIA tool kit and CostQuest Associates' data as of September 21, 2023, the NBO does not believe that Nebraska's \$405 million BEAD allocation is enough to reach all 55,900 unserved and 35,200 underserved locations in the state with priority broadband projects as documented below:

- Unserved Only:
 - Total Cost: \$899.1M
 - Remaining funds -\$493.8M
- Unserved and Underserved:
 - Total Cost: \$1.2B
 - Remaining funds -\$772.5M

Given the NTIA Extremely High-Cost Tool kit information, Nebraska is significantly underfunded to achieve universal access across the state. As a result, the NBO will establish the EHCT to prioritize priority broadband projects (fiber to the premises) to implement fiber coverage to as many locations as possible while achieving universal, qualifying broadband speed coverage to Nebraskans.

To establish the EHCT, the NBO will receive all applications from all rounds of the application windows, should there be multiple application rounds, in accordance with [Section 2.4.6](#) and [Section 2.4.7](#). The EHCT would be developed based on subgrantee proposals received in the BEAD program, in addition to applications through CPF and Nebraska Broadband Bridge Program (NBBP) Programs in former years that were not funded due to high costs. The NBO will ensure that other federally enforceable commitments are de-duplicated prior to evaluating and establishing the EHCT.

NBO will then evaluate cost per location passed for FTTP solutions across the applications received, highest cost to lowest cost. The EHCT will be set in a way which allows as many end-to-end priority broadband projects (fiber to the home-based projects) to be deployed as possible while still achieving the universal service mandate with a mix of non-priority broadband projects. The NBO will optimize 100% coverage of unserved locations with priority broadband projects, if possible.

Applicants will be required to provide pro-forma seven (7) year income statement showing revenue, subscriber penetration assumptions, subscriber counts, churn, capital expenditure amount, acquisition costs and operational expenses and timing of inputs for their respective defined project area proposal. A seven (7) year income statement was chosen as it will generally reflect the lifespan of telecommunications electronics, partially account for the total fiber infrastructure, and will provide sufficient evidence of economic viability. The NBO acknowledges that fiber infrastructure has a significantly longer lifespan / useful life than seven (7) years.

Utilization of the EHCT

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

- A. *The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.*
- B. *The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.*
- C. *The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.*

After defining the Extremely High-Cost Threshold (EHCT) value as described in [Section 2.4.9](#), NBO will review prospective subgrantee applications exceeding the threshold value to assess the cost-reasonableness of the proposed project. NBO anticipates some priority broadband projects will be funded even if above the threshold if they are the only priority project applications targeting the defined project area and/or sufficient BEAD funding remains available. The applications will not be declined if the prospective subgrantee revises their proposal to use a more efficient reliable broadband service alternative technology for the same project scope. The updated proposal will still need to adhere to service speed requirements as documented in the BEAD program and will be declined if it does not comply.

For prospective subgrantees submitting proposals with a per-location cost above the EHCT for a defined project area, NBO will offer the applicant(s) an opportunity to revise its proposal so that it does not exceed the EHCT. If the applicant(s) can sufficiently reduce their per location cost below the EHCT, the application(s) will be re-scored per the applicable scoring rubric documented in [Section 2.4.2](#). If only one application is submitted, NBO will award the revised proposal. If the cost per location is not reduced, NBO will treat this as a defined project area that involves a less costly technology that does not meet the definition of reliable broadband and follow the process to pursue alternative technology solutions as listed in paragraph c below.

NBO will not select a proposal that involves a less costly technology that does not meet the definition of reliable broadband service when pursuing universal service goals within Nebraska. This applies to evaluating proposals submitted through 1) the multiple application rounds and 2) one-to-one engagements and negotiations with providers, as described in [Section 2.4.7](#). NBO will require all subgrantee proposals to utilize technologies recognized by the NTIA as capable of delivering qualified broadband service. NBO may be required to consider alternative technologies not capable of supporting reliable broadband service in the following cases: 1) when defined project areas do not receive an application post one-to-one negotiations with a service provider and 2) when the cost to deliver a priority broadband project exceeds the EHCT and is more costly than a non-priority broadband project using an alternative technology that can support reliable broadband service. If these conditions are met, NBO will consider satellite or unlicensed wireless technologies to deliver services to the end user. NBO will then engage service providers and solicit proposals using less optimal technologies to deliver services to end users. Upon proposal receipt, NBO will evaluate the proposals using the same scoring criteria as defined in [Section 2.4.2](#), Other Last-Mile Broadband Deployment Projects scoring rubric.

Financial Capability

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

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.

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).

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

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

The NBO is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for financial capability as outlined in the BEAD NOFO. To ensure that a provider can sustain the proposed BEAD project, each applicant must provide to NBO proof that sufficient financial resources are available to support the project’s operational and administrative expenses. This proof may include copies of bank statements, letters from a bank confirming access to a line of credit, or other means. The NBO will distribute funds via a reimbursement process that includes submission of narrative and financial reports. Information included in narrative reports will include progress toward project milestones, and financial reports will include comparison to budgeted amounts. At least once per project year, reports submitted with reimbursement requests will also include source documents to meet subrecipient monitoring requirements [based on project milestones]. Reporting and reimbursements requests will be submitted on a quarterly basis, timed to ensure collection of the necessary data for NBO reporting to NTIA. More frequent reporting and reimbursement may be requested by subgrantees if there is sufficient justification.

The NBO will require unqualified comparative audited financial statements for all applicants covering the most recent fiscal year. If such audited statements are not available at the time of application, the applicant may provide compiled financial statements, but must submit the unqualified comparative audited financial statements prior to award, if selected for NBEAD funding.

An officer of the subgrantee with authority to legally bind the entity must certify to the entities understanding of the financial conditions and the performance standards including project milestones. This certification may be collected by the NBO on various reports and documents to reinforce ongoing compliance and adherence to the subgrant agreement.

The NBO plans to pursue a waiver of the Letter of Credit requirement. Most of the providers in Nebraska, particularly rural providers, have expressed concern about the Letter of Credit and their ability to locate a qualified bank. The standards for a bank at 47 CFR §54.804(c)(2) may have an adverse effect on many rural or community banks in Nebraska, disrupting many established business relationships. The NBO believes there are other, less burdensome solutions currently used in other federal broadband grant programs that can achieve the same goals. By using the reimbursement method based on project milestones for award distribution this will ensure subgrantees have funding available as described previously. Furthermore, if using fixed amount subawards the same goals can be achieved using project milestones and regular financial reporting. In [Section 2.16.1](#), a detailed accountability and compliance process is defined which will ensure ongoing financial stability of the subgrantee. In addition, other methods such as performance bonds can be used to achieve the goals of NTIA as the Letter of Credit. The NBO will submit a waiver to NTIA for the Letter of Credit.

As previously described, the NBO will require all applicants to submit unqualified comparative audited financial statements as part of the application process. If these are unavailable at the time of application the NBO will accept compiled financial statements, but the unqualified comparative audited financial statements will be required prior to making the subgrant. A final unqualified comparative audited financial statements report will be due one year after project completion.

The NBO will require applicants to submit business plans, strategic plans, sustainability/ pro forma analyses, or related documents that demonstrate the applicant has appropriately planned and designed the proposed project.

Applicants will be made aware of these regulations before, during, and after the selection process by posting guidance documents, hosting informational webinars, publishing FAQ documents to the NBO website, and including necessary items in the subgrantee agreement and the terms and conditions document.

Applications that fail to meet the minimum qualifications for financial capability as outlined on pages 72-73 of the BEAD NOFO will be required to undergo additional monitoring from the NBO.

Managerial Capability

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

- A. Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.
- B. Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.

The NBO will perform the necessary due diligence to ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. Ensuring managerial capability will be addressed with the pre-application process.

Prospective subgrantees shall submit to the NBO resumes for all key management personnel and organizational chart(s) detailing all parent, subsidiaries, and affiliates. Required documentation will include the following:

- A list of the parent, subsidiary and affiliate organizations involved with the project.
- An organizational chart for each parent, subsidiary and affiliate organizations involved with the project.
- Identification of key management personnel within and outside of the organizational charts, specifying their role within the organization.
- A resume for all key management personnel as identified above, including whether the individual is based in Nebraska or out-of-state.

Prospective subgrantees will be required to provide information describing their readiness to manage their proposed project and ongoing services provided. Required information will include, but not be limited to, the following:

- Description of Applicant’s experience in operating and maintaining broadband networks and duration of experience.
- Key operational metrics documenting mean time to repair (in hours) and network availability (% availability) for current broadband and voice services (if applicable) for the last 24 months, by month.
- Physical presence and personnel able to respond to network outage events.

As part of the managerial readiness vetting effort, prospective subgrantees will also be required to make attestations regarding their current business operations. Failure to make the designated attestations will disqualify them from the application process.

Prospective subgrantees will be required to attest to the following:

- The prospective subgrantee is in good financial standing with the State of Nebraska, evidenced via a Certificate of Good Standing from the Nebraska Secretary of State and submitted with the Applicant’s pre-application documentation.
- The prospective subgrantee is not currently involved in pending litigation in association with previous Nebraska-sponsored broadband infrastructure grant projects.
- The prospective subgrantee is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency.
- If a private entity, the prospective subgrantee has been operating in the State of Nebraska for no fewer than two (2) years. The prospective subgrantee has not within a two-year period preceding this proposal been convicted of or had a civil judgment rendered against them for the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- The prospective subgrantee is not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (federal, state, or local).
- The prospective subgrantee has not within a two-year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default.
- The prospective subgrantee is participating in subsidy programs to optimize digital inclusivity. (i.e., Lifeline, Affordable Connectivity Program, Emergency Connectivity Fund etc.).
- The prospective subgrantee has previously submitted accurate Federal Communications Commission (FCC) Broadband Data Collection (BDC) fabric data for their respective proposed service area.

Prospective subgrantees will also provide documentation regarding upcoming organizational changes including mergers, acquisitions, and organizational policies. The subgrant terms and assurances to which subgrantees must agree to receive BEAD funding include requirements that subgrantees must inform NBO of any changes to key personnel, organization, or publicly disclosed merger activity. This requirement applies from submission of the pre-application documentation through subgrant closeout.

Upon receiving information from [Section 2.4.12](#), NBO will assess the prospective subgrantee's capacity to complete, operate, and maintain the proposed broadband network. The NBO will use qualified personnel to evaluate the prospective subgrantee's information and will augment evaluation staff as needed to ensure timely completion.

The NBO will make every effort to communicate application requirements to all prospective subgrantees well in advance of the selection process. Applicants will be informed of the requirements outlined in [Section 2.4.12](#) prior to the application submission process through the NBO website, webinars, publishing FAQ documents to the NBO website, stakeholder outreach actions and other communications methods as deemed necessary.

Applications that fail to meet the minimum qualifications for managerial capability as outlined on pages 73-74 of the BEAD NOFO will not be considered to receive BEAD funding from the State of Nebraska.

Technical Capability

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

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

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

The NBO will perform the necessary due diligence to ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO.

The NBO will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they can carry out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce per the BEAD NOFO (see Section IV.C.1.e). To fully vet subgrantee technical qualifications, the NBO will require prospective grantees to include the following information in their application for NBEAD funding:

- Description of the Applicant's experience in planning, designing, engineering, and constructing broadband networks and duration of experience.
- Description of the Applicant's experience in operating and maintaining broadband networks and duration of experience.
- Description of the Applicant's experience in successfully implementing projects of similar size and scope, including capital requirements and locations passed.
- Licensing documentation for state and federal governing bodies.

The NBO will evaluate subgrantee documentation by using qualified industry veterans to validate technical qualifications and that the subgrantee will use appropriately skilled and credentialed workforce to implement the best broadband solution for Nebraskans.

The NBO will require prospective subgrantees to submit, as part of their funding application, the necessary information to document their experience and ability to deliver broadband service that meets the requisite performance requirements for all locations served by the project. Such information will include, but not be limited to the following:

- Network Design: documentation depicting the network architecture, the arrangement of the nodes and connections in the network and the physical means by which data is transmitted within the network.
- (Network) Diagram: documentation depicting the overall structure of the network showing the equipment types, the placement of the equipment, and the physical media connecting each device and the maximum speeds supported by each connection.
- Project Costs: reflects all eligible costs within the proposed service area application to enable the proposed service area with qualifying broadband speeds. Cost categories will include, but not be limited to pre-project development costs, engineering, construction, permitting, material, electronics, and labor, and match to SF424C categories.

- Build-out Timeline and Milestones for Project Implementation: The work plan will incorporate project lanes spanning across multiple functional categories to ensure the network is built, tested, operationally validated, and marketed for adoption. The timeline will also reflect the capital investment schedule and milestones documenting buildout completion and initiation of service within four years of the subgrant execution date.

Project lanes and associated milestones may include, but not be limited to the following:

- Pre-Construction Planning – developing desk top surveys, high level design, and preliminary bill of material.
- Engineering – designing the specific equipment, physical and logical connectivity.
- Permitting – submitting for and receiving authorization to construct facilities in specific geographic areas from local and state government entities.
- Construction – the physical placement of fiber cable, electronics, cabinets, poles, handholes, and splice points to enable connectivity between head end and end user.
- Equipment Installation – includes the physical placement and connectivity of the facilities.
- Adoption and Outreach
 - Engaging with the community informing them of the service availability.
 - Customer acquisition activities such as sales and marketing actions.
 - Adoption efforts focused on digital literacy and skills training.
- Operational Validation
 - Test and turn up of the network ensuring service is available and that the service provider can provision and support the broadband connectivity.
 - End user validation confirming that services can be delivered to prospective subgrantee customers.
- Capital Investment Schedule Evidencing:
 - Complete build-out.
 - Initiation of service within four (4) years.

A signed and stamped professional engineer (PE) certification from a professional engineer will be required from the prospective subgrantee to ensure that the network will perform to program speed requirements. The PE certification will be submitted as part of the application for funding. If, after the network is built and made operational, the network performance does not meet the minimum program speed guidelines after completing three (3) speed tests per “Speed Test Requirements” section below, subgrantee will be required to modify the network at their own expense to comply with program requirements in the most expeditious timeline possible.

Speed Test Requirements

Speed tests can take four forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC), ONT (for FTTH), or fixed wireless subscriber module.
2. A reading of the speed test available from within the residential gateway web interface.
3. A reading of the speed test found on the service provider's web page.
4. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using either of the two below speed test services:
 - Ookla <https://www.speedtest.net/>
 - M-Lab <https://speed.measurementlab.net/>

Each speed test measurement must include:

- The time and date the speed test was conducted.
- The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.
- Download and upload speeds.
- Latency (measured in milliseconds).

Each group of three speed tests must include:

- The name and street address of the customer conducting the speed test.
- A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice).
- An agreement, using an online form provided by NBO, that grants access to these information elements to the broadband office, any contractors supporting the challenge process, and the service provider.

NOTE: The IP address and the subscriber's name and street address are considered personally identifiable information (PII) and thus are not disclosed to the public (e.g., as part of a challenge dashboard or open data portal).

Compliance with Applicable Laws

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

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

The NBO will vet all applicants for compliance with BEAD NOFO requirements. Applicants will describe in a narrative how they currently and will continue to monitor for and comply with local, state, and federal laws. Applications for projects that focus on or pass through tribal lands will also be required to describe how the organization has and will continue to comply with tribal laws and coordinate with the Tribal Government.

To ensure an applicant is in compliance with occupational safety and health requirements, the application narrative will also describe how the applicant employs the use of worker-led safety teams, conducts safety meetings, and ensures management engagement with the safety teams.

Applicants will be made aware of these regulations before, during, and after the selection process by posting guidance documents, hosting informational webinars, publishing FAQ documents to the NBO website, and including necessary items in the subgrantee agreement and the terms and conditions document.

Applications that fail to meet the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO will not be considered to receive NBEAD funding from the State of Nebraska.

Operational Capability

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

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

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.

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.

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.

The NBO is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for operational capability as outlined in the BEAD NOFO. The NBO will require that applicants, during the Letters of Intent process, certify that they possess the operational capability to complete and operate the project. Organizations submitting Letters of Intent will be required to certify the following. The certifications will be incorporated into the subaward documents by reference. Examples of such certification requirements include:

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

If the applicant has provided a voice and/or broadband service it must certify that it has timely filed FCC Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the FCC rules and regulations. Alternatively, an applicant should explain any pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to comply with FCC rules or regulations. With regards to enforcement actions governed by the Nebraska Public Service Commission, evidence of compliance with PSC rules and regulations (where applicable) will be required.

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

For a new entrant to the broadband market, an applicant must provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. Such evidence may include résumés from key personnel; project descriptions and narratives from contractors, subcontractors, or other partners with relevant operational experience; or other comparable evidence.

Applicants will be made aware of these regulations before, during, and after the selection process by posting guidance documents, hosting informational webinars, publishing FAQ documents to the NBO website, and including necessary items in the Letters of Intent process and terms and conditions document.

Applications that fail to meet the minimum qualifications for operational capability as outlined on pages 74-75 of the BEAD NOFO will not be considered to receive NBEAD funding from the State of Nebraska. The Letters of Intent process will be used as a filter: all applicants must submit a Letter of Intent for at least one of Nebraska's Spots. If an entity does not submit a Letter of Intent, they will not be allowed to submit an application for NBEAD funding. Because of this, the Letters of Intent process will include an opportunity for potential applicants to provide clarification or submit missing information.

Ownership Information

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

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

The NBO will ensure that any prospective subgrantee seeking to deploy network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. The NBO will require thorough vetting of each prospective subgrantee. This will include, as part of the pre-application process, collection of ownership information per 47 C.F.R. § 1.2112(a)(1)-(7) as listed below:

1. List the real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant;
2. List 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. List, 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. List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership;
5. List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater;
6. List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 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. List any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (a)(1) through (a)(5) of 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).

Public Funding Information

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

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

The NBO will require all applicants to submit, as part of the application process, a disclosure of all publicly funded broadband projects in the state of Nebraska for which the applicant has applied in the last five years, the status of each application, and any broadband projects for which the applicant anticipates applying in the next two years (if applicable).

The submission must include the following items:

- 1. the speed and latency of the broadband service to be provided as required or currently deployed for the project which details the available speeds offered (and associated latency) by the applicant within the funded project.
- 2. the geographic area covered, documented as a polygon.
- 3. the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage).
- 4. the amount of public funding to be used.
- 5. the cost of service to the consumer including, but not limited to:
 - a. cost of the service(s), on a per speed offer basis
 - b. cost of maintenance fees/packages
 - c. cost of equipment rental (if applicable)
 - d. estimated taxes on a per speed offer basis.
- 6. the matching commitment, if any, provided by the subgrantee or its affiliates.

For the purposes of this submission, “publicly funded” is any project funded in whole or in part by local, state, or federal funds.

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.

The State of Nebraska does not intend to allocate funding for non-deployment activities and will allocate all funds on deployment activities except where indicated for administrative expenses in [Section 2.6](#).

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.

As Nebraska will prioritize accessibility and build out of a future-proof network, the state will focus most of the funds on network buildout and infrastructure. That said, as the NBO is a small team, some funding will be needed to continue the administration of the program, resources for grant and workforce, as well as more sophisticated mapping support than current resource capabilities.

More specifically, the NBO would like to add resources to create an IIJA hub, which would increase:

- Grant writers
- Qualified City Administrators (Aids in reducing permitting overhead through upfront training)
- Skilled Laborers for Deployment in the Field
- Professional Engineers

The state is estimating approximately \$1,000,000 will be needed for these efforts with \$500,000 for FY2023 and FY2024, \$250,000 for FY2025, and the final \$250,000 for FY2026.

2.7 Labor Standards and Protection (Requirement 11)

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

- 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.
- B. Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:
 - i. How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:
 - 1. Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and
 - 2. How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

The NBO will require subgrantees (including contractors and subcontractors) to provide as part of the application process, prescribed narratives and certifications regarding their record of compliance with federal labor laws and employment rules, as well as records of all third parties involved in the project.¹

¹ Note: if new/additional contractors or subcontractors are added at any point during performance of BEAD funded activities, the subgrantee is required to provide NBO with the required narratives and certifications for each.

Documentation of past compliance with federal labor and employment laws, protections, and violations (if applicable) will be required including:

- A narrative describing the prospective sub-grantee's compliance with federal labor and employment laws on broadband deployment projects in the past three years (or since its inception). Note: New entrants to the market (without a track record) will be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD funded projects (NOFO pg. 43).
- Certification from an Officer/Director-level employee (or equivalent) of the applicant evidencing consistent past compliance with federal and employment laws by the applicant, as well as all contractors and subcontractors; and
- Written confirmation that the applicant discloses any instances in which it has been found to have violated laws such as Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years (or since its inception, if less than three years)
- Written confirmation that the applicant discloses any instances where its contractors or subcontractors have been found to have violated laws such as Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years (or since its inception, if less than three years)

Prospective subgrantee plans for ensuring compliance with federal labor and employment laws which must address the following:

- How the prospective subgrantee will ensure compliance in its own labor and employment practices as well as that of its contractors and subcontractors.
- 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.
- How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connections with the delivery of deployment projects.

NBO will require documentation of the prospective subgrantee's plans to ensure compliance with Federal Labor and employment laws, standards, and protections during the performance of BEAD program activities including:

- Narrative describing how the applicant will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors.
- Narrative describing 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. This disclosure will ensure that proper wage standards of employees are followed and maintained.
- Narrative describing how the applicant will ensure openness to the implementation of worker-led health and safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects. These committees serve as a platform for employees to voice their concerns and contribute to a safer work environment.

Applicant Proposal Scoring

The NBO is prioritizing fair labor practices (based on records of and plans to be in compliance with federal labor and employment laws) by including their scoring as primary criteria in the applicant scoring and evaluation process.²

NBO will assess and score narrative responses under this category. Applications will receive points based on the information submitted for each element of the fair labor category. Applications that provide no response will receive 0 points in this category. Applications that provide all the required information and certify they will comply with existing labor requirements outlined in the BEAD Notice of Funding Opportunity (NOFO) will receive 45 points in this category.

² NOTE: As mentioned previously, applicants unable to provide certification for the specified timeframe shall submit to the NBO specific, forward-looking commitments to strong labor and employment standards and protection. The NBO will assess these plans and give a score according to the strength of commitments, considering factors outlined in BEAD NOFO IV.C.1.e. Section 69.

Description	Point Value	Reference
Narrative of Compliance (3 years or equivalent)	25 points	2.7.1.a.i
Certification from Officer/Director	5 points	2.7.1.a.ii
Violation Disclosure (applicant)	5 points	2.7.1.a.iii
Violation Disclosure (contractors and subcontractors)	5 points	2.7.1.a.iii
Applicable Wages	2.5 points	2.7.1.b.i.1
Health and Safety Committee	2.5 points	2.7.1.b.i.2
Total	45 points	

Labor Regulations

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.

As Nebraska is a right-to-work state, the NBO will not incorporate any of the following items into legally binding agreements (subgrantees, contractors, sub-contractors) outside of what is explicitly required in the BEAD NOFO.

Since these requirements collectively aim to ensure that subgrantees, contractors, and sub-contractors uphold labor standards, prioritize workplace safety, and comply with federal laws related to labor and employment in the context of broadband deployment projects, the NBO will require these items be included in their applications.

NBO will ensure applicants are aware of these regulations prior to, and throughout the selection process by conducting regulations information webinars, posting a list of regulations on the NBO website, and including the requirements in grant applications/instructions as well as grant agreement terms/conditions and subrecipient grant monitoring program requirements.

Applicants must provide narratives on each of the following (including information on contractors and subcontractors):

- Plans for using a directly employed workforce, as opposed to a subcontracted workforce: Narrative description of the expected workforce balance between directly employed and subcontracted workforces. This narrative should include the subgrantee, contractors, and subcontractors.
 - Paying prevailing wages: Demonstration of how subgrantees, contractors, and subcontractors will comply with Davis-Bacon requirements. (Note: Prevailing wages are determined by the US Department of Labor and are intended to ensure workers are compensated fairly. For awards of \$5 million or more, applicants must agree to provide a certification with respect to Title 40, United States Code, Chapter 31, Subchapter IV (commonly known as the “Davis-Bacon Act”) as well as demonstrate fair labor practices.
 - Use of local hires: Description of how subgrantees, contractors, and subcontractors will prioritize hiring from the local community (whenever possible). This inclusion can help boost local employment and economic activity.

Use of an appropriately skilled workforce (registered apprenticeships): Narrative on how/if subgrantees will utilize workers with the necessary job skills to meet safety requirements, appropriate assignment of roles, and equitable pay for the job description. Registered apprenticeships are structured training programs that combine on-the-job training with classroom instruction. This ensures that workers have the skills needed for their roles.

Use of an appropriately credentialed workforce: Narrative on how/if subgrantees will employ individuals with the appropriate credentials for their positions. The subgrantee must match each job description and skill set with the hiring description. For roles requiring a particular educational or skilled credential, employers (subgrantees, contractors, subcontractors) must strive to hire (only) credentialed workers for those roles.

Preventing misclassification of workers: Narrative describing how subgrantees will take steps to prevent the misclassification of workers. Worker misclassification can occur when employees are incorrectly classified as independent contractors, leading to taxes, benefits, and labor rights issues.

By requiring potential subgrantees (including contractors and subcontractors) to provide narratives on items as part of their application, the NBO is encouraging the implementation of fair labor practices, appropriate compensation, skill development, and compliance with labor laws among subgrantees, contractors, and subcontractors. Details and enforcement of these requirements will depend on the specific regulations and guidelines set forth by the Nebraska government and/or relevant grant-awarding agencies.

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 NOFO:

- 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;*
- B. A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce systems, unions and worker organizations, and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (childcare, mentorship, transportation), to attract, train, retain or transition to meet local workforce needs and increase high-quality job opportunities;*
- 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 CBOs to maintain worker voice throughout the planning and implementation process; and*
- D. 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).*

Local Area Unemployment Statistics

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Unemployment Rates for States

Unemployment Rates for States, Seasonally Adjusted

State	September 2023(P) rate	Rank
Maryland	1.6	1
North Dakota	1.9	2
South Dakota	1.9	2
Vermont	1.9	2
New Hampshire	2.0	5
Nebraska	2.1	6
Alabama	2.2	7
Virginia	2.5	8
Massachusetts	2.6	9
Rhode Island	2.6	9
Utah	2.6	9

Nebraska has the 6th lowest unemployment rate among states according to the U.S. Bureau of Labor Statistics (<https://www.bls.gov/web/laus/laumstrk.htm#laumstrk.f.p>).

Consequently, the NBO will need to work collaboratively with Nebraska stakeholders and providers and neighboring states to craft strategies and programs capable of developing and retaining the skilled and diverse workforce necessary to support the construction, operation, and maintenance of high-speed, reliable, affordable broadband in the state and region.

The NBO, its partners, and its subgrantees are committed to advancing equitable workforce development and job quality objectives through the BEAD Program. The following strategies and training programs will be implemented for the BEAD Program:

1. NBO will work closely with the Nebraska Department of Labor (NDOL) and other stakeholders to identify and appropriately characterize high-demand (current and future) careers and critical skill sets necessary to support Nebraska’s broadband buildout, operation, and maintenance. The NBO may choose to leverage state and national occupational data resources such as the O*Net Resource Center to reinforce the creation of industry-centric, career-connected employment opportunities across Nebraska.
2. NBO will develop a Workforce Working Group to serve as a catalyst and facilitator of workforce related communications, coordination, and awareness between NBO agencies, training programs, and broadband providers and contractors.

3. NBO will:

a. Develop and promote sector-based partnerships among key stakeholders throughout the state to attract, train, retain, and transition the local workforce needed to deploy and operate broadband service networks. Thus, NBO will use various strategies to ensure prospective subgrantees support the development and use of a highly skilled workforce to deploy and operate broadband networks throughout the state.

b. Regularly engage and collaborate with Department of Labor, Department of Economic Development, Department of Education, and a network of ISPs, contractors, union and worker organizations, and Community-Based Organizations (CBOs) to share information related to hiring and training opportunities/needs to ensure inclusion of, and support for, diverse populations.

c. Encourage subgrantees to establish and promote strong and clear career pathways through job training and workforce development programs such as registered apprenticeships, pre-apprenticeships, joint labor management training programs, or other high-quality on-the-job training opportunities. These programs can create a pathway to advancement and increased wages through career progression either with the same employer or prepare workers for other jobs.

d. Help facilitate contacts amongst providers who have similar training needs to collaborate on solutions by regularly attending local career fairs, incentivizing employee referrals, and creating scholarships for a fiber and splicing apprenticeship program and other targeted functional areas like broadband network architects, surveyors/locators, or digital navigators. NBO will collaborate with its workforce partners to identify appropriate curriculum partners so that trainees may qualify for certifications and apprenticeships most needed by entities that hire.

e. Seek feedback from employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that may have relevant data or provide existing programs that could benefit NBO or its partners in the development of workforce programs.

4. NBO will:

a. Support the integration of broadband related careers into Career and Technical Education Programs (including high-school and justice involved) and will encourage broadband providers and contractors to recruit through such programs in addition to apprenticeships, and technical/industry-lead training programs to reach and recruit individuals early and/or at transition points to open doors to new career options and continually engage with labor and community-based organizations to maintain worker voice throughout the planning and implementation processes.

b. Confer with Nebraska Department of Economic Development (NDED) and the NDOL regarding the consideration (where appropriate) of broadband-related careers and skills as “high-wage, high skill, high demand” (H3) for the upcoming

2024 list “update” for purposes of NEWorks and student participation in the Nebraska Careers Scholarship Program.

c. Continue to work collaboratively with key stakeholders, regional and state Economic Development teams, the Nebraska Office of the Chief Information Officer (OCIO), CBOs, and CAIs through regular and direct communications to maximize impact/reach, prevent confusion, and reduce potential burdens on community partners that may be engaged in BEAD program development and delivery.

d. Consult/collaborate with other organizations that have built workforce programs using federal funds to leverage best practices and maximize impact.

e. Work with NDED and NDOL to leverage existing pre-apprenticeship, internship (InternNE), and registered apprenticeship programs and encourage the use of same by subgrantees (NDOL’s RAP and YRAP programs).

f. Work with stakeholders, to determine which wrap around services (such as on-site childcare or childcare stipends), learning materials, and transportation to training programs could be impactful to creating a stronger labor pipeline to obtain certifications and relevant experience they need to be competitive.

g. Work with broadband providers and other stakeholders to build awareness and increase use of existing assistance programs to support workforce attainment and training such as ImagineNE – Revolving Loan Fund, DOL worker training grants, and DoD Skillbridge.

h. Work with stakeholders to identify, evaluate, and leverage state and national training models and training programs (e.g., Telecommunications Industry Registered Apprenticeship Program (TIRAP), The Telecommunications Education Center (TEC), Federal Broadband Association’s OpTIC, Warriors4Wireless, Career Connect Washington, and the Nebraska Health Sciences Pipeline Program) as appropriate and relevant to industry needs.

i. Conduct outreach to other states to develop or work with multi-state collaborative approaches and/or partnerships.

j. Throughout BEAD and Internet for All programs, convene working sessions with industry, stakeholders, training organizations, CBOs, and support organizations (State/Regional/Local) to discuss workforce shortages (current/forecasted), training and support needs (current/future), and opportunities for collaboration/programming needs (existing/scalability/net new). Working sessions will inform the development of BEAD workforce plans, development of impactful and equitable programming, and provide a platform for open dialogue, collaboration, and transparency between employers, the NBO, and those providing training and support services.

5. NBO will encourage BEAD subgrantees (contractors and subcontractors) to make intentional and demonstrative efforts to recruit from diverse populations, apprenticeships, and training programs.
 - a. NBO will regularly monitor subgrantees' workforce and safety practices as part of ongoing BEAD grant oversight and management processes and will require that subgrantees similarly monitor their contractors and subcontractors.

Skilled and Credentialed Workforce Plan

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. The plans should include the following:

- *The ways that prospective subgrantee will ensure the use of an appropriately skilled workforce (e.g., thru 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 (appropriate and relevant pre-existing occupational training, certifications, and licensure.).*
- *Whether the workforce is unionized*
- *Whether the workforce will be directly employed or whether the 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.*

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 contract and subcontractors) a description of*
 - *Safety training, certification, and/or licensure requirements – OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether or not there is a robust in-house training with established requirements tied to certifications/titles; and*
 - *Information on the professional certifications and in/house training in place to ensure that deployment is done at a high standard.*

NBO will require prospective subgrantees, as a part of the application process, include a plan for ensuring that the project workforce (including those employees of the subgrantee, its contractors, or subcontractors directly engaged in the physical construction of the network (NOFO p.58)), will be an appropriately skilled and credentialed workforce (including by the subgrantee and each of its contractors and subcontractors).

Applicants will need to outline the strategies they will employ to prove the utilization of a skilled workforce. This might include partnering with Registered Apprenticeship programs or other joint labor-management training initiatives to cater to all workers. Details about the specific training programs, partnerships, or initiatives that will be utilized to ensure a skilled workforce should be provided. The plan should explain how these strategies align with project needs and industry standards.

Applicants will need to detail the steps they will take to ensure that all project workforce members possess appropriate credentials. This could involve pre-existing occupational training, certifications, and licensures that are relevant to the project. If the project requires specific certifications or licenses, the plan should specify how workers will be supported in obtaining these credentials. Any partnerships with training providers or institutions offering relevant certifications should be highlighted.

The NBO has opted not to require applicants to have a unionized workforce. The applicant must state in the application whether the workforce will be directly employed or if work will be performed by a subcontracted workforce. The applicant must state in the application the names and business license information of the entities of any contractors and/or subcontractors performing the work. If the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, the prospective subgrantee's plan must also provide with respect to the non-union workforce:

As the NBO has opted to not require applicants to have a unionized workforce, all subgrantees will be required to provide the following information (as specified on page 68 of the Initial Proposal Requirements) in their application:

- 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 contract and subcontractors) a description of
 - Safety training, certification, and/or licensure requirements – OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether or not there is a robust in-house training with established requirements tied to certifications/titles; and

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

By addressing these elements in their plan, applicants will demonstrate their commitment to creating a skilled, credentialed, and safe project workforce, and provide a clear roadmap for the implementation of their workforce strategies.

The NBO will ensure applicants are aware of these regulations prior to and throughout the selection process by conducting or sponsoring informational webinars, posting a list of regulations on the NBO website, and including the requirements in grant applications/instructions, grant agreement terms and conditions and subrecipient grant monitoring program requirements as appropriate.

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

2.9.1: Describe the process, strategy, and 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.

Women-owned business enterprises (WBEs), minority business enterprises (MBEs), along with labor surplus area firms³, have the potential to play a pivotal role in the development and expansion of broadband infrastructure. These enterprises have the potential to contribute significantly to local economies. By engaging these businesses, NBO can foster innovation, create job opportunities, and empower communities. Furthermore, prioritizing their involvement can help ensure that underserved regions and populations have access to the transformative benefits of robust broadband infrastructure.

By adhering to Federal guidelines such as 2 C.F.R. §200.321, the NBO will create an environment within Nebraska’s deployment initiative that allows minority business enterprises and women-owned business enterprises to have equality in seeking contracted work while also acting in accordance with applicable State and Federal regulations such as the Davis -Bacon Act.

Nebraska is committed to, pursuant to 2 C.F.R. § 200.321, ensuring that minority business enterprises, women-owned business enterprises, are included in the contract process by:

³ Nebraska does not have any Labor Surplus Areas according to the FY 2024 U.S. Department of Labor (DOL) List of Labor Service Areas (LSA <https://www.dol.gov/agencies/eta/lisa>),

- Placing qualified small and minority businesses and women’s business enterprises on solicitation lists
- Assuring that small and minority businesses and women’s business enterprises are solicited whenever there are potential sources.
- 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.
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises.
- Using the services and assistance, as appropriate, of organizations such as the Small Business Administration (SBA), SCORE, and the Minority Business Development Agency (MBDA)’s State-Based Business Centers
- Collaborating with other Nebraska State Agencies including, but not limited to the Nebraska Department of Economic Development, the Nebraska Department of Administrative Services, and the Nebraska Department of Transportation for additional information and guidance, and to identify opportunities (large and small).

As part of the subgrantee selection process, NBO will require applicants (including contractors and subcontractors) to document their historical commitment to recruiting and retaining women and minority owned business enterprises and provide their plan(s) outlining the affirmative steps they will take to:

- Place qualified small and minority businesses and women’s business enterprises, on solicitation lists
- Assure that small and minority businesses women’s business enterprises are solicited whenever there are potential sources.
- Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises.
- Establish delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises.
- Use the services and assistance, as appropriate, of organizations such as the Small Business Administration (SBA), SCORE, and the Minority Business Development Agency of the US Department of Commerce.

While The State of Nebraska does not use specific percentage targets or requirements, it does encourage the use of MBE/WBE firms as appropriate. As such, NBO is committed to enacting measures to ensure a level playing field in applying for contract awards. The NBO plans to require subgrantees (contractors and subcontractors) to report key metrics throughout the entire BEAD process including recruitment, utilization, and retainment. Example questions may include, but may not be limited to⁴:

- How subgrantees (contractors and subcontractors) utilized a systematic method for identifying and maintaining an inventory of certified small and minority businesses and women’s business enterprises, their capabilities, services, supplies, and/or products.
- Outreach activities (business opportunity-related meetings, conferences, seminars, etc.) with minority and women-owned business enterprises.
- Examples of informational and documentary materials on contract/subcontract opportunities for MBEs and WBEs.
- Statistical data on the utilization and participation of MBEs and WBEs as contractors/subcontractors in all BEAD-related program contracting activities.

The NBO will assist subgrantees (contractors and sub-contractors) by providing resources and guidance to facilitate their recruitment of small and minority businesses.

Ensure MBEs, WBEs, and Labor Surplus Area Firms are Used

2.9.2 Checkbox: 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 page 88-89 of the BEAD NOFO:

- A. *Place qualified small and minority businesses and women’s business enterprises on solicitation lists,*
- B. *Assuring that small and minority businesses and women’s business enterprises are solicited whenever there are potential sources,*
- C. *Dividing total requirements, when economically feasible into smaller tasks or quantities to permit maximum participation by small and minority businesses and women’s business enterprises,*
- D. *Establishing delivery schedules, where the requirements permit, which encourage participation by small and minority businesses and women’s business enterprises,*
- E. *Using the services and assistance as appropriate of such organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce, and*
- F. *Requiring subgrantees to take these affirmative steps as they relate to its subcontractors.*

⁴ Submissions based on those used by DED in their CDBG Disaster recovery MBE/WBE Outreach Policy <https://opportunity.nebraska.gov/wp-content/uploads/2022/09/Chapter-15-MBE-WBE.pdf>

The NBO certifies (by “checking the box”) that it will take all necessary affirmative steps to ensure minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, including those referenced on page 88-89 of the BEAD NOFO.

2.10 Cost and Barrier Reduction (Requirement 14)

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

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

During the development of the 5-Year Action Plan, NBO identified several barriers through various listening sessions and a survey of broadband providers. The top five identified barriers were: workforce, supply chain, cybersecurity, topography, and permitting.

Workforce: The NBO previously defined how labor standards will be incorporated into the state’s BEAD program and the expectations of subgrantees ([Section 2.7](#), [Section 2.8](#), and [Section 2.9](#)), to help providers with the workforce demands as they expand broadband over the next several years. The NBO may engage with community colleges to help expand fiber optic training programs in the state. In addition, the NBO will engage in discussions with the Nebraska Department of Education to explore the potential of launching a program to offer broadband certifications in high school.

Supply chain and cybersecurity: To address providers’ concerns over supply chain issues and cybersecurity, the NBO has defined in [Section 2.16.4](#) items that will be reviewed and evaluated as part of the competitive award process. With the recent publication of 2 CFR Part 184, the NBO will work with providers to identify and clarify Build America, Buy America requirements and their impact on the supply chain. As described in [Section 2.16.4](#), NBO will review provider supply chain plans as part of the competitive evaluation.

Topography: The NBO will ask providers that plan to propose deployment projects in project areas with topographical challenges to explain how they will address those challenges as part of a technical review of applications. The NBO will assist subgrantees by connecting them with other state agencies such as the Nebraska Department of Natural Resources to help work through topographical challenges.

Permitting: The State of Nebraska has a relatively rapid permitting process at the local level. In outreach discussions with cities and counties the municipalities reported an average permitting time of one week. The largest barrier for permitting indicated by providers is the railroads. The NBO will continue to engage with state partners on how the permitting time can be reduced for railway corridor access.

Throughout the life of the BEAD program, The NBO will regularly engage with broadband providers, units of local government, and state policymakers on ways the barriers to expanding broadband can be reduced. Nebraska has existing policies and processes that may be leveraged to support the BEAD program. These include the following:

Existing Infrastructure: Nebraska has a robust municipal-level infrastructure of dark fiber. Many Nebraska communities have dark fiber to facilitate internal and utility services. This infrastructure could be accessed to benefit the BEAD program and its subgrantees. In addition, as a division of the Nebraska Department of Transportation, the NBO is well positioned to engage with providers on current or planned road projects to reduce the amount of ground-disturbing activity to place fiber underground. The NBO will also work with the Office of the Governor to examine regulatory approaches to further leverage the use of state-owned infrastructure or enable cities and counties to offer streamlined access to their infrastructure.

Dig-Once Policy: The State of Nebraska has a Dig-Once policy. Through the ne1call.com website or by calling 811 or 800-331-5666, any person can place a request for marking of utility lines. Notice is required to be submitted two days prior to the dig. NBO will detail in the Nebraska BEAD Application Guide how to use the Ne1Call.com website and specify the lead time that subgrantees must adhere to for Dig-Once efforts as part of the BEAD program in Nebraska.

Permitting Processes: The NBO will continue to engage with the League of Nebraska Municipalities (LONM) and the Nebraska Association of County Officials (NACO) to determine how the permitting process can be improved. The Nebraska Department of Environmental Quality (NDEQ) has published information for businesses on the types of environmental permits that may be required at (<http://dee.ne.gov/Publica.nsf/Pages/EAD007>). During the NBO outreach to broadband providers, several expressed frustrations with permits related to rail corridor access, with several reporting that rail permitting can take up to two years. The NBO will continue to work with rail partners on reducing these permitting times.

Pole Access: In Nebraska, pole access is managed at the local level. Due to the public ownership of power in Nebraska, securing pole access and access to easements is a quick process. The NBO will work with representatives from LONM and NACO to sustain the ease and speed of pole access permitting and examine methods for improving pole and easement access where necessary and possible.

Rights of Way: The NDOT manages the process of applying for a right of way permit in Nebraska. This process is well-defined but is currently being analyzed via a Request for Information (RFI) process to see how it can be improved to support broadband.

2.11 Climate Assessment (**Requirement 15**)

2.11.1.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.

2.11.1.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.

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

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

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

The 2021 Nebraska State Hazard Mitigation Plan (SHMP) ([Appendix D](#)) brings hazard risk and disaster resilience efforts together as a community through the planning process and its related activities and tasks. As the NBO coordinates the broadband buildout, the team will incorporate the climate risk areas and types into its planning process, so the network is prepared for the appropriate climate hazards and able to keep the community connected when they happen.

Nebraska takes climate threats and mitigation efforts very seriously and has an official five-year review cycle for the SHMP. That said, after catastrophic flooding events in 2019, Nebraska proactively launched a planning effort in March 2020 before the five-year planning cycle review to update the plan against future vulnerability to disasters. In addition, the Nebraska State Flood Hazard Mitigation Plan (State FHMP) was updated in 2022 to focus on continued mitigation efforts and risk assessments with respect to its rivers, dams, basins, creeks, and other flood-related concerns.

A collaborative approach has been applied to assess climate risks and local mitigation efforts. State and local government, public and private organizations, and community groups have all provided critical voices to the plan. The Governor’s Task Force for Disaster Recovery (GTFDR) served as formal planning committee for the 2021 SHMP update. The GTFDR included representatives of key stakeholder agencies involved in the 2019 SHMP planning process, as well as other representatives from agencies and organizations with mitigation-related foci or involvement. The NBO has contacted NEMA to ensure there is communication between the two agencies and has requested to be on the GTFDR.

Geographic Area Focus:

Given that all of Nebraska is generally susceptible to natural hazards, the entire state is considered in the mitigation planning and climate review process. In addition, local mitigation areas have been designated to help with any area differences. The below table from the 2021 SHMP shows the breakout of the mitigation planning areas and will be helpful in the broadband network planning efforts.



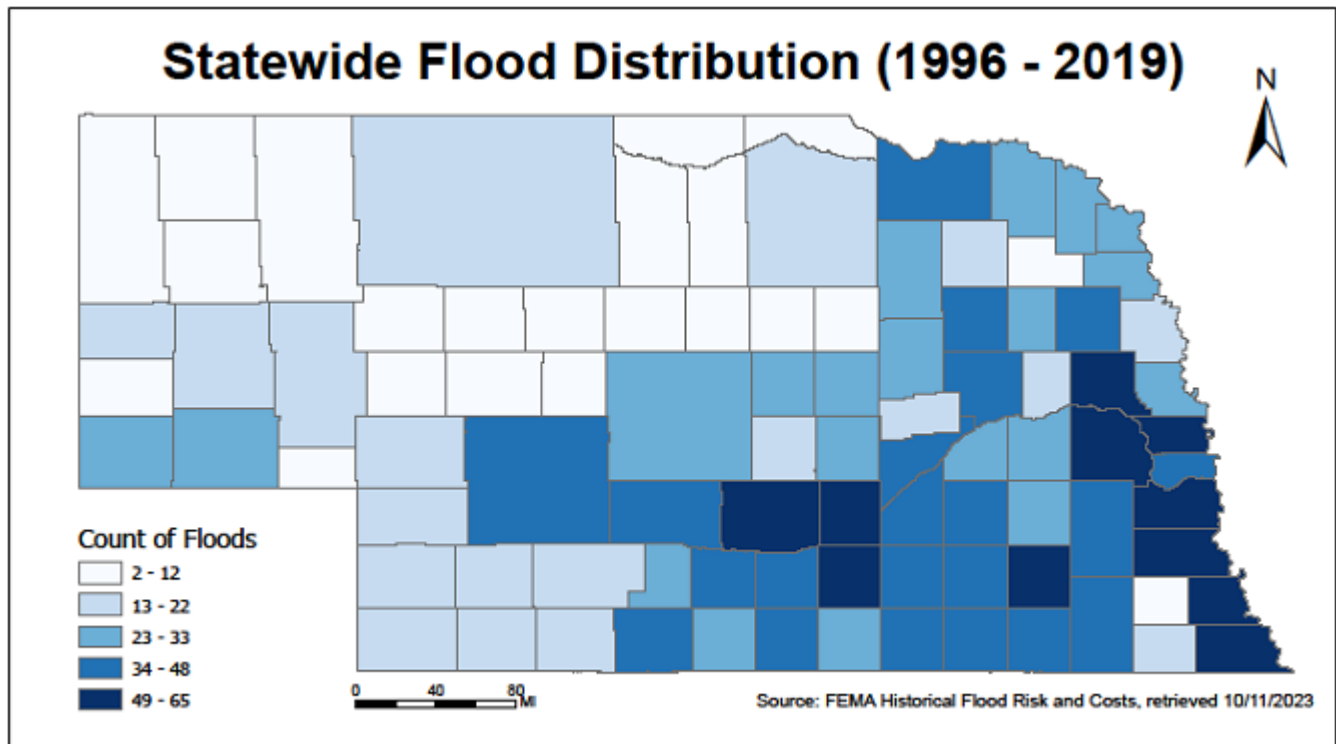
Via the SHMP, NEMA, the GTFDR, and their partners, Nebraska will continue to monitor these geographic areas for changes in the projection and threat of these climate impacts. As updates are made available to the plans, the NBO will ensure awareness among the partners and subgrantees involved in the broadband network buildout to ensure buildout and disaster mitigation plans are adjusted to reflect the most recent information.

A State Hazard Identification and Risk Assessment Survey was done in June 2020 resulting in the ranking of the hazards of highest concern for Nebraska. In the table below are the results, showing the top ten hazard concerns. Of the top ten, six relate to climate and five are of major concern to broadband network buildout: severe winter storms, severe thunderstorms, tornadoes, flooding, and wildfire.

Rank	Hazard
1	Severe Winter Storm
2	Severe Thunderstorm
3	Tornado
4	Power Failure
5	Flood/Flash Flood
6	Public Health Emergency
7	Drought
8	Wildfire
9	Chemical Transportation
10	Ag Animal Disease

Flooding

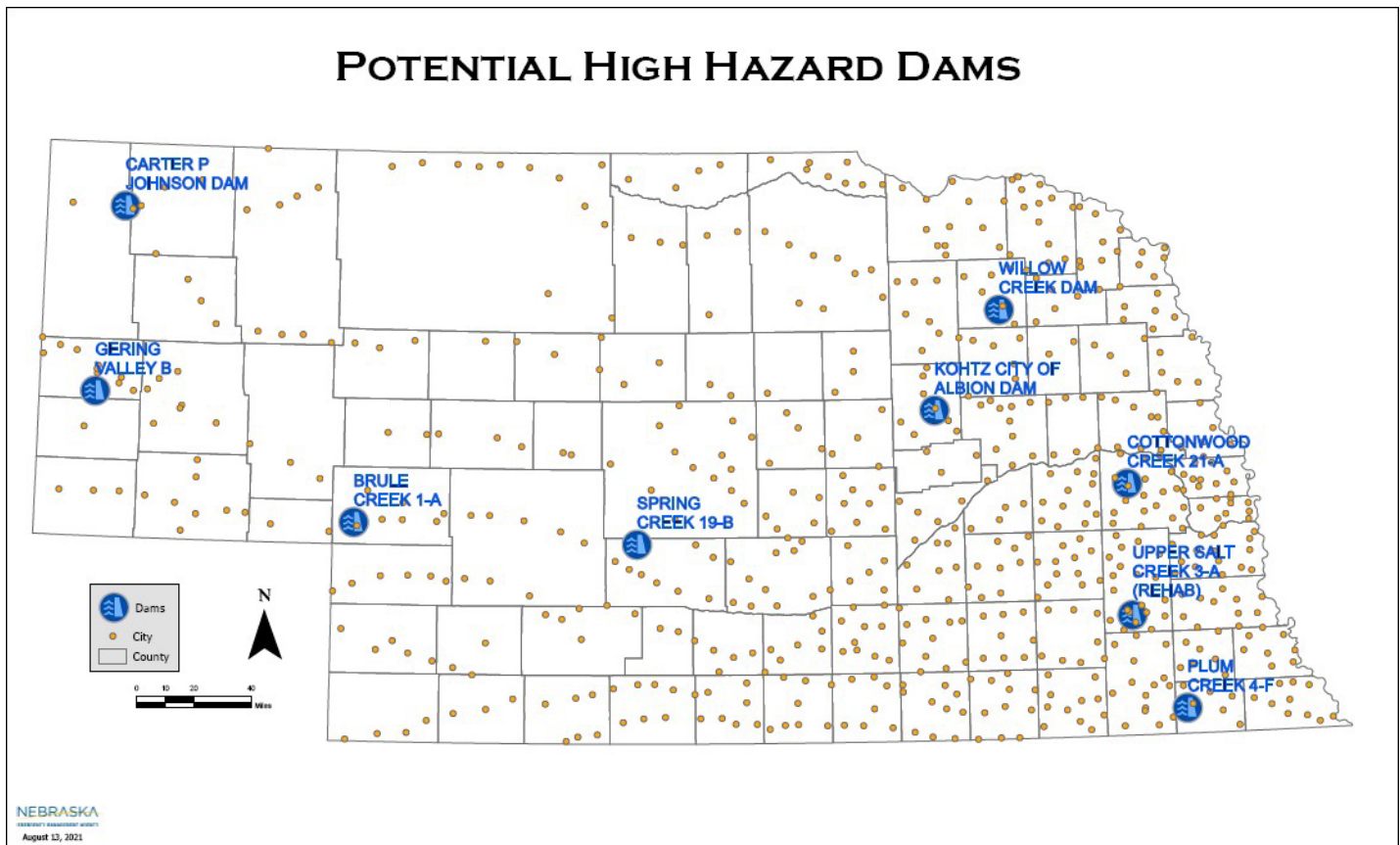
Of the declared disasters in Nebraska from 1960-2020, 42% were severe storms and 28% were floods. While most of the state experiences similar impact from severe storms and tornadoes, there are geographic differences related to flooding. The eastern part of Nebraska experiences on average 34 inches of rain annually, as illustrated in the darker blue color in the map below; this part of the state experiences a much greater number of flood disasters. In contrast, the western part of the state averages 16 inches of rain annually, and experiences far fewer floods.



Geographically, flooding concerns can be different across Nebraska:

- Riverine flooding happens because of heavy precipitation or snow melt runoff and most commonly impacts the Big Blue River, Elkhorn River, Loup River, Platte River, and Missouri River. It can go on for several days or even weeks.
 - Ice jam flooding occurs throughout the state, mostly impacting the Loup and Platte Rivers.
 - Precipitation and flooding in Nebraska reached historic levels in 2019, especially in the Missouri River Basin. A report produced by the High Plains Regional Climate Center at the University of Nebraska at Lincoln indicates Basin-wide precipitation has increased by about 8% since 1895 and is primarily linked to a 14% seasonal increase in river level in both the spring and autumn.
 - Dam Failure may be caused by extreme weather conditions. Nebraska closely monitors its dams, their ages, and conditions. As of this writing, nine dams were noted to be at risk. The map below from the 2021 SHMP illustrates the dams in poor condition.

POTENTIAL HIGH HAZARD DAMS



As described previously, flooding tends to look different depending on the landscape and geography; but severe winter and thunderstorms, tornadoes, and wildfires are concerns for the entire state.

Storms and Blizzards

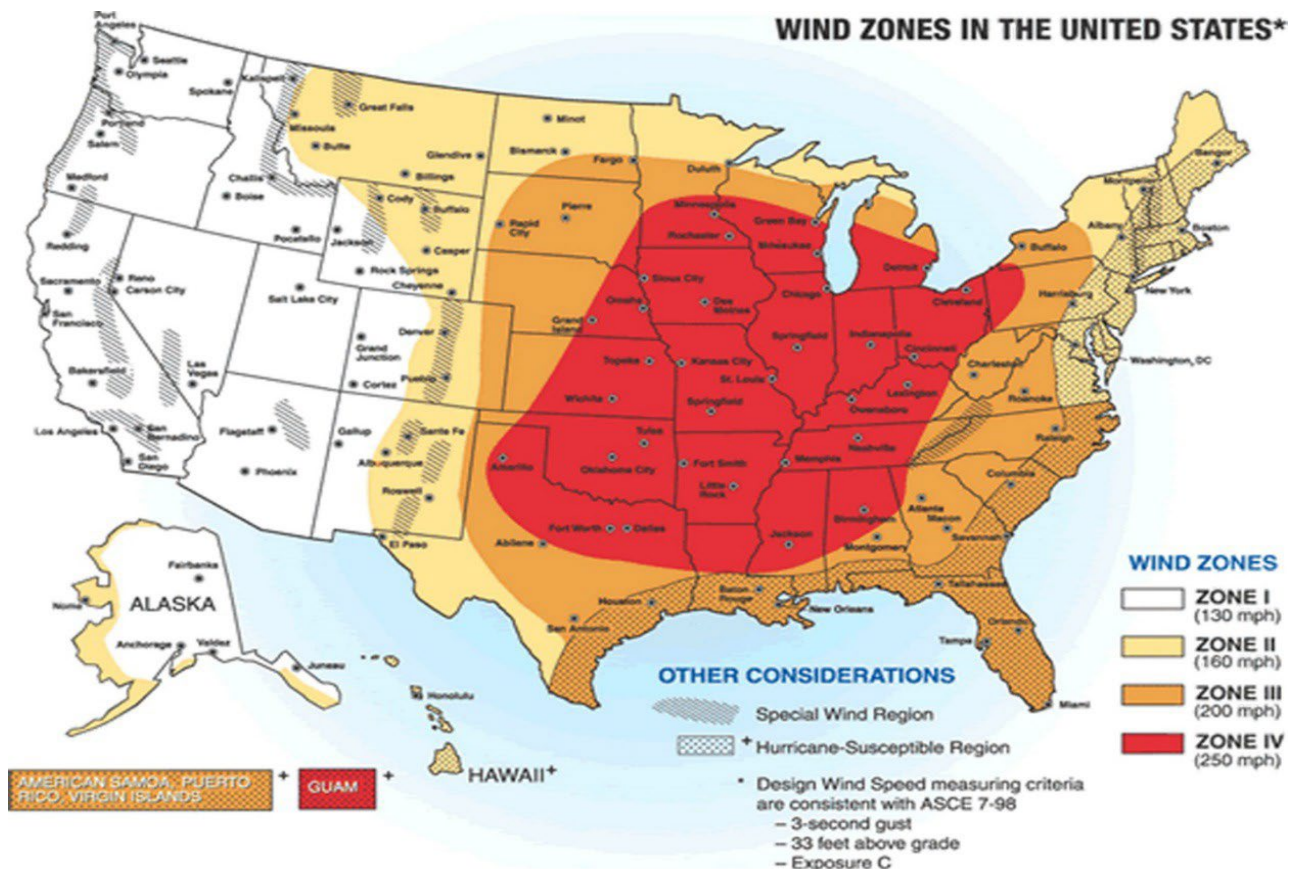
Storms and blizzard conditions may impact one community or the entire state. Due to the geographic location and climate makeup of the state of Nebraska, the whole region is likely to experience severe winter storms including the most extreme conditions of blizzards and ice storms. Large-sized ice storms have historically caused large power outages across multiple counties.

Between January 1, 2019, and March 1, 2020, the NOAA/NCEI Storm Events Database lists 456 instances of severe winter weather in Nebraska. The storms may contain freezing rain, sleet, high winds, and significant snowfall. Temperatures range from zero degrees Fahrenheit and 32 degrees Fahrenheit from late October through mid-April, with February having the greatest average snowfall.

Blizzards are characterized by strong winds bearing large amounts of snow. In Nebraska, they may impact anywhere in the state but occur most frequently in the northern Great Plains and upper Mississippi Valley and most often from early November to the end of March.

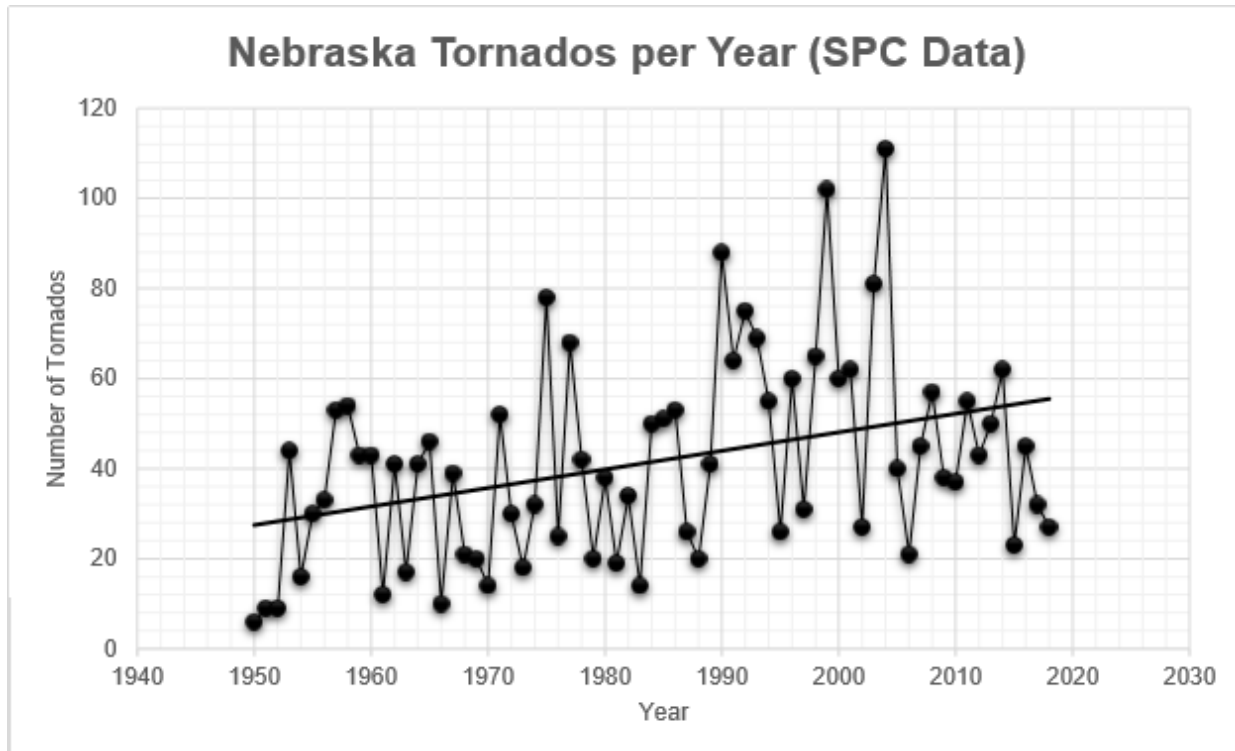
Ice storms are characterized by freezing rain which freezes the ground, trees, overhead utility lines, cars, and other objects. The U.S. National Weather Service defines an ice storm as a storm which results in the accumulation of at least 0.25 inch of ice on exposed surfaces. One top impact from ice storms is damage to utility infrastructure. According to the SHMP, the whole region is at risk of ice storms with large-sized ice storms causing large power outages across multiple counties.

The risk of thunderstorms is generally equal throughout the state, with random variations in frequency from county to county and the risk of somewhat higher wind speeds in the eastern and southeastern portions of the state (see Wind Zone Table to follow, Source FEMA.gov). The extreme eastern and southeastern regions of the state are located within Zone IV, indicating potential wind speeds of up to 250 miles per hour. The central and western regions of the state are located within Zone III, with the potential for wind speeds of up to 200 miles per hour.



Tornadoes

Nebraska ranks at number 5 among all states in annual number of tornadoes. Between 2008 and March 2020, Nebraska was hit by 482 reported tornadoes, an average of over 42 tornadoes per year. Since 1990, every county in Nebraska has been impacted by at least one tornado (NOAA/NCEI Storm Events Database, 2020).



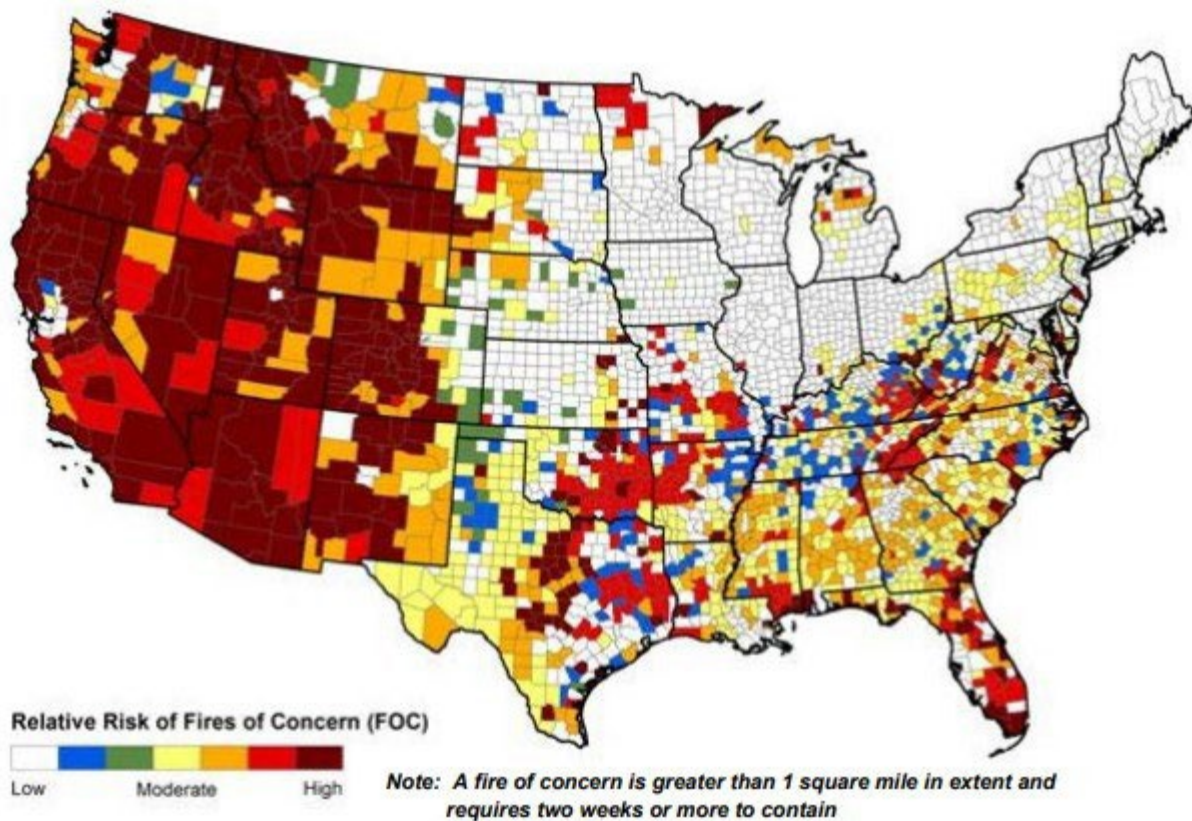
Source: NOAA, Storm Prediction Center (2019 SHMP)

Wildfires

About half of Nebraska’s counties – 50 of them - fall under landscape classes characterized as agricultural and grassland areas that have historically experienced very high levels of natural fire. The second most common landscape classification (30 counties) is areas characterized as private rangelands and prairies that had fires between 2002-2020 and have historically experienced high levels of natural fire.

Nebraska experiences hundreds of wildfires each year. Based on the occurrence of wildfire in Nebraska between 2002 and 2020, an average of 1,109 fires could be expected annually. Most of these occur during the late summer and fall as periods of dry weather increase fuel loads. The size and intensity of an individual fire or fire season is highly dependent on environmental conditions related to excessive heat, moisture levels, and

short- or long-term drought conditions. With the historical record pointing to many wildfires



every year, there is near certainty that a wildfire will impact an area of the state each year.

Source: National Cohesive Wildland Fire Management Strategy National Priorities, 2014. Available at

<https://www.forestsandrangelands.gov/strategy/thestrategy.shtml#alignment>

The State of Nebraska utilized many federal, state, and local sources to update the 2022 SHMP. Several federal agencies were involved as participants or utilized as information sources including the U.S. Army Corps of Engineers Missouri River Omaha District, the U.S. Small Business Administration, the U.S. Department of Agriculture, the U.S. Environmental Protection Agency Region VII, the U.S. Department of Health and Human Services, the National Weather Service, and the National Oceanic and Atmospheric Administration. In addition, the Nebraska Forestry Service and Nebraska Rural Electric Association had input into the SHMP. The inclusion of these disparate federal agencies demonstrates the breadth and width of the SHMP's analysis of the climate conditions within Nebraska. As such, the State can handle and prepare for all known climate threats, and this readiness can be translated to the State's broadband plan.

Weather and Climate Risks to New Infrastructure

As mentioned previously, Nebraska is likely to experience severe winter storms and thunderstorms, flooding, tornadoes, and wildfire in the coming years. In the event of a tornado or mass wildfire, the above-ground infrastructure (poles, aerial wiring, building, hubs) is likely to be destroyed requiring a rebuild of the damaged areas. This effect can be compounded by high velocity winds or freezing temperatures commonly experienced in the winter. Also, major flooding can put hubs and infrastructure buildings underwater so measures will be taken to avoid flood-prone areas for new build and site locations.

Given the risks of tornadoes and other severe storms, buried fiber will be the best option; therefore, Nebraska will prioritize proposals that commit to hardening the network with buried fiber. However, given the vast open areas of Nebraska's landscape and the costs of burying fiber, it is not financially feasible to make buried fiber a requirement.

Weather and Climate Risk Mitigation

In the Statewide Hazard Identification and Risk Assessment Survey conducted in all counties in June 2020, severe winter storms and severe thunderstorms were the top two hazards of concern. All local community plans provide mitigation techniques for severe storms such as installing and maintaining surge protection for critical facilities, burying overhead power lines, incorporating text messaging into severe weather messaging programs as well as establishing mutual aid agreements with neighboring communities and privately owned businesses.

As such, the NBO and NDOT plan to be strong partners to the Internet Service Providers (ISPs) as they build out the broadband network and will ensure the latest climate risk and mitigation plans are readily available to them. NBO has added flood and wind hazard information to the NE Broadband Map. In addition, NEMA will continue to provide updates on hazard mitigation and new or changing climate threats. SHMP Objective 4.2 commits to providing the best available floodplain mapping which will also inform any needed adjustments to the plan.

With the resources and plans to regularly update weather and climate risk information, Nebraska feels confident in its efforts for climate hazard mitigation. And as internet services become more widely available to its citizens, warning communications and alerts will be more widespread and able to help the community prepare and protect against the unavoidable storms, wildfires, and tornadoes that are to come.

With respect to BEAD funded infrastructure, Nebraska will strive to ensure that last-mile network equipment will not be built in flood-prone areas, and if it must be, the grantee will provide a plan to protect its network and power supplies. For Fiber-to-the-home installations (FTTH), it is recommended there be a battery backup solution available to residents for purchase from the ISPs. Each grantee must provide a network restoration plan for severe storms including flooding, tornadoes, ice storms, and wildfire.

The NBO will require each applicant provide the following with respect to the specific climate risks prevalent in the state of Nebraska and the areas in which the ISP proposes to build:

- **Technology Platform:** What platform(s) has been chosen and how will it withstand the climate risks in the targeted area?
- **Power:** What type of primary and backup power will be provided for the network and to the end consumer?
- **Network Hardening:** What work will be done to existing and new infrastructure to help it withstand the relevant climate risks?
- **Hub Locations:** What locations have been chosen, what type of climate hazards are present, and what is the risk level based on Nebraska’s Hazard Mitigation Plan?
- **Redundancy:** How will the applicant provide redundancy for the network in the event of equipment damage or a cyber-attack?
- **Extreme Weather Event:** In the event of a severe storm, tornado, or wildfire, how will the applicant handle mean time to resolution (MTTR) based on severity levels? And what is the customer communications plan?
- **Restoration:** Nebraska will require that applicants commit to follow NOFO guidance with respect to outages and reinforce that network outages should not exceed, on average, 48 hours over any 365-day period except in the case of natural disasters or other force majeure occurrences. In addition, applicants will be required to report service outages through an online portal to the NBO within 2 hours of the occurrence, mirroring the timeframe for telephone outage reporting. How will the applicant address these needs?
- **Disaster Recovery Plan:** Applicants must provide their disaster recovery plan, which must include the following:
 - Designated emergency restoration equipment must be in inventory.
 - Splicing trailers and/or agreements must be in place with the appropriate contractors.
 - Standby trailer generators with ability to easily connect to equipment shelters.

Plans to Remain Up to Date on Evolving Risks

NEMA is the lead agency for the development and review of the SHMP. Changes in hazard mitigation policies and/or programs, funding availability, or a major disaster will prompt future evaluations and modifications to this plan. At a minimum, the Disaster Mitigation Act of 2000 requires the revision of the SHMP every five years, and the SHMP states the following for maintenance and review.

The plan review and revision process will assist in maintaining currency of multiple components of the plan, such as the hazard identification and risk assessment, and mitigation actions and priorities. The plan update process and schedule are designed to focus on various components of the plan throughout the five-year cycle. Based on the schedule described below, all parts of the plan will have been reviewed at the end of the five-year cycle, potentially reducing the time and resource burden in the final planning year. Adherence to the monitoring, evaluation and update process schedule will ensure that the plan is kept current throughout its five-year cycle.

In addition, annual reviews will evaluate the state's current hazard environment and any new vulnerabilities that require a shift in hazard priorities. As such, the NBO will follow all guidelines established by NEMA in the SHMP to the best of the agency's ability including making sure final proposals containing construction and/or ground-disturbing activities are submitted with all required environmental documentation to NTIA with the Final Proposal.

Lastly, since the 2019 flood event, Nebraska has initiated additional flood risk activities to assist in identifying areas at risk for future floods. The Nebraska Department of Natural Resources maps the status of existing flood risk products to document progress towards this goal. Information gained from this project will help internet providers as they build out the broadband network.

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.

The NBO is aware of the need for affordable broadband service in the state. According to data collected by the PSC as part of the CPF and NBBP, the average cost of affordable plans has decreased over the past two years. However, the cost of broadband remains high for some, especially if they reside in a rural part of the state or only have one or two providers to choose from in the area. To assess affordability for Nebraskans, data was collected by manually reviewing provider websites, analyzing data from the Nebraska PSC, and reviewing the FCC Urban Rate Survey data from 2021, 2022, and 2023.

After performing the market analysis, the NBO will require that all applicants offer plans to eligible households that provide typical speeds of at least 100 Mbps downstream, at least 20 Mbps upstream, and latency measurements of no more than 100 milliseconds. Eligibility for these plans will be tied to enrollment in the Affordable Connectivity Program inclusive of the requirements therein which are if the household income is at or below 200% of the [Federal Poverty Guidelines](#) or by meeting one of the following:

- Received a Federal Pell Grant during the current award year;
- Meeting the eligibility criteria for a participating provider's existing low-income internet program;
- Participation in one of these assistance programs:
 - Free and Reduced-Price School Lunch Program or School Breakfast Program, including at U.S. Department of Agriculture (USDA) Community Eligibility Provision schools.
 - SNAP

- Medicaid
- Federal Housing Assistance, including:
 - Housing Choice Voucher (HCV) Program (Section 8 Vouchers)
 - Project-Based Rental Assistance (PBRA)/Section 202/ Section 811
 - Public Housing
 - Affordable Housing Programs for American Indians, Alaska Natives or Native Hawaiians
- Supplemental Security Income (SSI)
- WIC
- Veterans Pension or Survivor Benefits
- or [Lifeline](#);
- Participation in one of these assistance programs and lives on [qualifying Tribal lands](#):
 - Bureau of Indian Affairs General Assistance
 - Tribal TANF
 - Food Distribution Program on Indian Reservations
 - Tribal Head Start (income based)

The annual rate for the low-cost affordable plan offered by providers must be 1% of 200% of the total 4-member household income of the Federal Poverty Guidelines in 2023, inclusive of all taxes, fees, and charges. In addition, providers will be required to allow subscribers to apply the Affordable Connectivity Program Benefit, or any State or Federal successor plan, toward the low-cost plan. The proposed low-cost plan may not be subject to data caps, surcharges, usage-based throttling, service installation fees, activation fees, equipment purchase fees, or any other recurring or non-recurring fees that add to a customer rate. Also, if, after the establishment of its low-cost plan, the provider offers another low-cost plan with higher speeds, the provider will be required to permit its existing low-cost subscribers to upgrade to the new low-cost plan at no additional cost. The NBO will require submission of a low-cost plan and score the proposed affordable plan as defined in [Section 2.4.2](#). All providers are encouraged to place links to information about the Affordable Connectivity Program in conspicuous locations on their websites.

Ensure Participation in the ACP Program

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

Yes, the NBO will require all subgrantees to participate in the Affordable Connectivity Program, or any successor program.

2.13 Middle Class Affordability Plans (Requirement 20)

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

To effectively establish a middle-class affordability plan, the NBO has to take into account the current economic landscape in the State of Nebraska. According to the most recent American Community Survey from the U.S. Census Bureau the median household income in Nebraska in 2023 is \$66,644.

The NBO reviewed existing price plans for 100 Mbps offerings on Nebraska provider websites as well as data from the FCC Urban Rate Survey from 2021, 2022, and 2023. Based on this market analysis, the NBO is documenting the current median rate at 2% of the median household income in Nebraska in 2023 for a 100 Mbps symmetrical service plan. The NBO encourages broadband providers to continue to strive to offer priority broadband service in this area of pricing.

As explained further in [Section 2.4.2](#), this type of plan will be scored as part of the application process. The proposed plan must also provide a latency of less than 100 milliseconds. The plan must not be subject to data caps, surcharges, or usage-based throttling and must be subject to the same acceptable use policies as all other subscribers to broadband services offered by the provider. The NBO will require all providers to offer the middle-class plan across the BEAD funded network but encourages providers to offer the plan to all customers. The NBO understands the difference between business and residential plans for providers, and as a result the middle-class affordability plan is intended for residential customers. All providers should promote the availability of both the low-cost and middle-class affordability plans on their websites and through other promotional avenues.

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.*

The State of Nebraska is requesting 100% of its BEAD allocation to carry out the program as part of the Initial Proposal. During stakeholder engagement with providers, one of the key concerns from the rural providers in Nebraska has been the amount of funds needed to expand broadband. Nebraska is anticipating a shortfall in funding to reach all unserved locations. Additionally, the broadband office is planning for multiple funding cycles to reach all project areas. In the State of Nebraska, the estimated average cost per pass is \$12,900, this average will translate into a large investment for many of the smaller providers in the state. Once applications have been received the true cost per pass will be known. For small providers this estimated average translates to a substantial risk before they are able to generate revenue. The broadband office believes that having all BEAD funds on hand will reduce the risk and encourage many providers to participate in the program, knowing that the state has the funds available to support network deployment.

As previously noted in [Section 2.5](#), the NBO plans to invest all BEAD funds in deployment activities. The awarded funds will additionally be used for administrative costs, implementation of the challenge process, competitive selection, and funding last-mile broadband projects. The NBO does plan to use \$1 million for a state IIJA Hub as explained in [Section 2.6](#).

Initial Funding Request

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

\$405,281,070.41

BEAD Program Requirements Certification

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

Yes, the State of Nebraska will adhere to BEAD program requirements regarding Initial Proposal funds usage.

2.15 Eligible Entity Regulatory Approach (Requirement 18)

2.15.1: 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.

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.

The State of Nebraska will not waive any laws in preparation for distributing BEAD funds. However, the NBO will continue to work with other state agencies, the legislature, and the Office of the Governor to find other ways to incentivize participation in the state BEAD program including excluding federal broadband grants from state income taxes. The NBO is also aware of current ongoing public-private partnerships and discussions surrounding how to best utilize public sector assets. The NBO will encourage broadband providers to partner with all stakeholders including public power suppliers and local units of government to lower the cost of expanding broadband in areas where available.

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, the Nebraska Broadband Office will comply with all applicable requirements of the BEAD Program, including the reporting requirements.

Subgrantee Accountability Procedures

2.16.2: 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);*
- B. The inclusion of claw back provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;*
- C. Timely subgrantee reporting mandates; and*
- D. Robust subgrantee monitoring practices.*

All subgrants will be issued on a reimbursement basis. Subgrantees will be permitted to submit reimbursement requests supported by narrative and financial reports quarterly. Reports will be timed to ensure collection of the data necessary for NBO's reporting to NTIA. At least once per project year, reports submitted with reimbursement requests will also include source documents to meet subrecipient monitoring requirements. More frequent reporting and reimbursement may be requested by Subgrantees if there is sufficient justification. In addition, more frequent reporting may be required by NBO as part of its risk mitigation strategy. Details of exactly what must be submitted will be included in the subgrant agreement and detailed further in the NBEAD RFA (to be released in 2024).

A significant piece of Nebraska's subrecipient monitoring process will be development of a risk mitigation schema based on key factors associated with Nebraska's environment and 2 CFR 200 requirements. Funded projects will be scored on a variety of risk factors such as the size of the award, previous experience with federal funding, and the presence and strength of internal control policies. The schema will be applied to determine initial subrecipient monitoring plans for each subgrantee and updated based on results of subrecipient monitoring efforts. Subrecipient monitoring will be delivered via site visits and desk audits, plus technical assistance, and regular communication with subgrantees. Any subgrantee that defaults on their BEAD subaward agreement or fails to complete the project in a timely manner without an extension from the Nebraska Broadband Office will be

subject to forfeiture of all BEAD funds received. The standards for claw back will be specified in the subgrant agreement.

The narrative reports required quarterly will include:

1. A list of all addresses or location identifiers funded by the BEAD program and the status of deployment to each location, including:
 - i. Identification of any new locations served within the project area and if service was taken;
 - ii. indication of whether the location is residential, commercial, or a community anchor institution;
 - iii. peak and off-peak actual speeds of the broadband service being offered;
 - iv. the maximum advertised speed of the broadband service being offered; and,
 - v. the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered.
2. An overall narrative describing the types of facilities that have been constructed and installed, and any regulatory barriers encountered and the status of those barriers. The narrative report should:
 - i. list all interconnection agreements that were requested, and their current status;
 - ii. report the number and amount of contracts and subcontracts awarded by the subgrantee disaggregated by recipients of each such contract or subcontracts that are Minority Business Enterprises or Woman Business Enterprises; and
 - iii. include any other data that would be required to comply with the data and mapping collection standards at 47 CFR § 1.7004, or any successor regulation for broadband infrastructure projects.
3. Include an SF-425, Federal Financial Report and meet the requirements described in the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020), Section A.01 for Financial Reports.
4. For projects valued over \$5 million based on total cost as provided in the application for the Nebraska BEAD program, provide a certification that all laborers and mechanics directly employed, employed by contractors or subcontractors are paid a prevailing wage as required by Davis-Bacon and related acts, or prevailing wages as determined by the Labor Market Information data from the Nebraska Department of Labor.
5. If the subgrantee does not certify to the use of union labor or the use of a collective bargaining agreement, the subgrantee must provide a Workforce Plan detailing:
 - i. Steps taken and to be taken to ensure the Project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure construction is completed in a competent manner throughout the life of the

- Project (as required in Section IV.C.1.e of the BEAD NOFO), including a description of any required professional certifications and/or in-house training, Registered Apprenticeships or labor-management partnership training programs, and partnerships with entities like unions, community colleges, or community-based groups;
- ii. Steps taken and to be taken to minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the Project;
 - iii. Steps taken and to be taken to ensure a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training required of workers employed by contractors), including issues raised by workplace safety committees and their resolution;
 - iv. The name of any subcontracted entity performing work on the Project, and the total number of workers employed by each such entity, disaggregated by job title; and
 - v. Steps taken and to be taken to ensure that workers on the Project receive wages and benefits sufficient to secure an appropriately skilled workforce in the context of the local or regional labor market.

During the Letter of Intent (LOI) and Application periods, all applicants will be assessed for risk, and be assigned a status of low, medium, or high. Subgrantees that have a status of high will receive more assistance with reporting and compliance. These subgrantees may be required to attend training to understand reporting obligations. All applicants may have their quarterly reimbursement requests reviewed for duplication of benefits. At least once per project year, a random number of subgrantees will be evaluated more completely for duplication of benefits and other compliance items such as Davis-Bacon and the reporting requirements listed above. A failure rate of greater than 20% during these random evaluations may require a more complete audit of the subgrantee at that time or a change to the risk profile. Submission of initial Cybersecurity and Supply Chain Risk Management plans will be required with LOIs. The related attestation, to which applicants must agree and sign, requires that updated plans be submitted to NBO whenever substantive changes are made. As part of subrecipient monitoring, NBO will request copies of the current plans and assess them for compliance.

The NBO reserves the right to conduct onsite monitoring at any time during the BEAD program with 48 hours' notice to the subgrantee. In addition, the NBO may randomly request that locations that have service completed per quarterly report conduct a speed validation test to confirm the speed is consistent with the report.

Civil Rights and Nondiscrimination Certification

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.

All subgrantees must comply with:

- Parts II and III of Executive Order 11246, Equal Employment Opportunity
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
- Executive Order 13798, Promoting Free Speech and Religious Liberty

All subgrantees will agree to comply with the following as part of the subgrant agreement:

- Title VI of the Civil Rights Act
- Title IX of the Education Amendments of 1972
- The Americans with Disabilities Act of 1990
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Any other applicable non-discrimination law(s)

Cybersecurity Compliance Certification

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:

Cybersecurity Plan

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

As part of the LOI process, the NBO will require all applicants to attest to a statement that they have a cybersecurity plan that meets the above requirements. Copies of current cybersecurity plans must be attached to LOIs, to ensure NBO has copies of the plans prior to release of funds. Further, applicants will sign an attestation that they will submit an updated copy of the plan to NBO within 30 days of making any substantive changes. All subgrantees will be asked about their cybersecurity plan at least once per year.

Supply Chain Risk Management (SCRM)

- 1) The prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;
- 2) The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and,
- 4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.

As part of the LOI process, the NBO will require all applicants to attest that they have a SCRM plan that meets the above requirements. Copies of current SCRM plans must be attached to LOIs, to ensure NBO has copies of the plans prior to release of funds. Further, applicants will sign an attestation that they will submit an updated copy of the plan to NBO within 30 days of making any substantive changes. All subgrantees will be asked about their SCRM plan at least once a year. The NBO will provide the SCRM to NTIA upon request.



Appendices

Appendix A: Tribal Coordination Notes

One example of the “Dear Tribal Leader Letter” is contained below. Similar letters were sent to Chairwoman Candace Schmidt of the Ponca Tribe of Nebraska, Chairman Roger Trudell of the Santee Sioux Nation, and Chairwoman Victoria Kitcheyan of the Winnebago Tribe of Nebraska. An example of the notes taken from these tribal engagement meetings is also contained below.

NEBRASKA

PUBLIC SERVICE COMMISSION

COMMISSIONERS:
ERIC KAMLER
CHRISTIAN MIRCH
TIM SCHRAM
KEVIN STOCKER
DAN WATERMEIER



February 8, 2023

Chairman Leander
Merrick Omaha
Tribe of Nebraska
PO Box 368
100 Main Street
Macy, NE 68039

Dear Honorable Tribal Leader:

On behalf of the Nebraska Public Service Commission (Commission) and working in coordination with the Nebraska Information Technology Commission/Office of the CIO (NITC/OCIO) and the Nebraska Broadband Office (Broadband Office), I am initiating a Tribal Consultation request concerning the Broadband Equity Access and Deployment (BEAD) and Digital Equity Act programs administered by the National Telecommunications Information Administration (NTIA). The BEAD program would use funding allocated to the state by the NTIA through the federal Infrastructure Investment and Jobs Act (IIJA). The primary goal of the BEAD program is to bring affordable broadband access to unserved areas lacking broadband at minimum speed of 25/3 Mbps. The Digital Equity Act programs promote digital equity and inclusion aiming to ensure that all people and communities have the skills, technology, and capacity needed to fully benefit from the digital economy. In accordance with the NTIA's process, the Commission and NITC/OCIO, working with the Nebraska Broadband Office are developing a statewide plan for both digital equity

planning and assessing broadband availability and affordability needs and challenges to determine how best to distribute the BEAD funding as well as the development of digital equity projects and implementation of digital equity plans. As part of this process, we are required to file a proposed five-year action plan to address how BEAD funding should be prioritized on or before August 12, 2023.

We are requesting a consultation with you to ensure that your input informs the use and timing of the Digital Equity and BEAD program funding from the IIJA. Through this consultation the Commission, NITC/OCIO, and the Broadband Office will be interested in hearing your perspective on digital equity planning and allocating BEAD program funding to meet the broadband availability and affordability needs which may be of importance to you. We would be very interested in meeting personally with you and/or Tribal representatives with your delegation of authority to seek your advice and insights as we are gathering broadband access and affordability data. We respectfully request a meeting with you at a time and place of your convenience, which hopefully can be held before the end of **March 2023**, so that we can fully integrate your advice and insights into our digital equity plans and our five-year action plan for the use of BEAD funding. We would ask that if this timeframe does not work for you, that you please let us know when you would be available for a consult.

Some topics which might be covered include:

- Current broadband infrastructure and the broadband infrastructure deployment needs in your community;
- Any existing plans you may have for infrastructure upgrades and broadband adoption activities;
- The type of broadband solutions that you believe would be best to address those needs.
- Affordable broadband programs, including:
 - providing free or reduced-cost broadband service;
 - preventing disconnection of existing broadband service;
- Education and distance learning needs;
- Telehealth needs;
- Public Wi-Fi availability; and
- Digital equity and inclusion efforts.

Additional questions we have include:

- Are there any ways in which we can provide assistance where broadband deployment and digital equity and inclusion needs are identified?
- Would you like to be included in state digital equity plan development?
- Would you like to be included in the BEAD five-year action plan development stakeholder process and in the subsequent BEAD program implementation?
- Would you like to be a subgrantee during the implementation of BEAD or

leverage any resources our teams may have available?

We would be happy to discuss any other topics related to digital equity or broadband development and adoption which are of interest to you.

As an alternative to an in-person meeting, we would be happy to work with you to discuss these issues in any way that is convenient for you. We can arrange for a virtual meeting, a telephone conversation, or if you would prefer, written suggestions can be submitted to the undersigned at psc.broadband@nebraska.gov.

Please reach out at your convenience so that we can schedule the consultation and start the discussion process. To schedule this consultation please reach out to Rachael Surmick, our Broadband Outreach Coordinator, at 531-893-1522. If you have any questions regarding this request, or if there is another contact, we should include, please reach out to me at (402) 471-3101. I look forward to meeting with you and to our consultation.

Sincerely,



Dan Watermeier, Chair
Nebraska Public Service Commission



Ed Toner/
Nebraska Chief Information Officer



Patrick Redmond
Interim Director, Broadband Office

cc: Tom Rolfes, NTIA Broadband Program Specialist-Nebraska (trolfes@ntia.gov)
Robyn Madison, NTIA Regional Director, Northern Plains (rmadison@ntia.gov)
Stephanie Henning, NTIA Tribal Liaison, Nebraska (shenning@ntia.gov)

Iowa Tribe of Kansas and Nebraska

Tribal Consultation Notes February 24, 2023

Notes on the agenda/meeting structure:

- Questions included, but not all were posed. Generally asked for feedback about each topic area (infrastructure access, digital equity, and workforce)
- Spent about 30 mins on invocation; welcome/intros; review engagement goals; and discussing KS Broadband program.
- Spent about 15 minutes reviewing BEAD, Digital Equity and TCBP
- Remaining time was spent on discussion.
- They used an app (fireflies.ai) to transcribe the meeting (worth exploring?)
- No handouts provided other than agenda.

General Notes:

- Iowa Tribe has GIS analysts; offered to include their GIS data in the Kansas map.
- They have a need for both wired and wireless connectivity (expressed it as a safety concern)
- Focus on affordability – there were a lot of concerns about the cliff effect for families.
- Large focus on educational training programs
- They are working on a radio station (going through the process with FCC to get an FM license)
 - Motivated by a need to provide public safety and information dissemination in the absence of reliable internet connection (both wired and wireless)
- They are specifically looking for solutions that are vendor agnostic so that they have the right to choose which vendors they do and don't work with
- It is important from sovereignty perspective for them to own the network (focus on last mile)
- They have experienced challenges with ACP awareness.
- Digital Equity:
 - Hard to say what their digital equity needs are.
 - Elders have difficult time finding and using devices; same is true for children.
 - There are both financial and educational/knowledge-based barriers to access.
 - They expressed a need for a digital navigator embedded in the tribe that is already associated with the Tribe to improve credibility and trust among Tribal members.

Nebraska Specific Feedback:

- Challenges between the Sovereignty of the Iowa Tribe and the reality that their Tribe crosses state lines; expressed a desire for creativity and coordination with projects that cross state lines.
 - Three different school districts in their lands (one in Nebraska) – connection to Community Anchor Institution outreach
- Their awareness was on a lot of grants that have focused on the Kansas side...looking to expand infrastructure to Tribal lands and businesses into Nebraska side.
- Working on a Smart Farm Initiative on the Nebraska side, but they don't currently have the connectivity to support that.

Post meeting Debrief on Ride Home:

- Need to connect with Judy Gaiashkibos from the Nebraska Indian Affairs Commission. Need to make an effort to get her involved in Tribal Consultations
- Create and provide Fact Sheets:
 - Current Programs
 - BEAD/DE FAQs
 - Acronym guide/glossary of terms
- Be clear about what it is we are asking of the Tribes and what follow up mechanisms we will use; discuss next steps.
- Make sure we set a realistic agenda; KS did not accomplish everything in two hours.
 - Is two hours the right amount of time; or
 - Make sure we manage discussion to get through everything identified

Appendix B: Local Coordination Tracker

The below encapsulates only the events since the start of the first Public Comment Period. The Full Location Coordination Tracker is available at: broadband.nebraska.gov

Engagement Title/Description	Engagement Date	Engagement Type	Engagement Location	# Engaged
Opportunity for Public Comment Vol. 1	9/25/2023	In-Person	Omaha, NE	8
UNMC Davis Global Center	9/25/2023	In-Person	Omaha, NE	10
Opportunity for Public Comment Vol. 1	9/26/2023	In-Person	Norfolk, NE	17
Opportunity for Public Comment Vol. 1	9/27/2023	In-Person	Grand Island, NE	20
Opportunity for Public Comment Vol. 1	9/28/2023	In-Person	Lincoln, NE	14
League of Nebraska Cities	9/29/2023	In-Person	Lincoln, NE	12
Senator Deboer, Committee Member	9/29/2023	In-Person	Lincoln, NE	2
Vista Beam Communications	10/2/2023	In-Person	Lincoln, NE	2
Opportunity for Public Comment Vol. 1	10/3/2023	In-Person	Valentine, NE	4
Vista Beam Communications	10/4/2023	In-Person	Gering, NE	6

Opportunity for Public Comment Vol. 1	4-Oct	In-Person	Gering, NE	30
Opportunity for Public Comment Vol. 1	10/6/2023	Virtual	Virtual (LONM)	25
Allo Communications	10/6/2023	In-Person	Lincoln, NE	1
Opportunity for Public Comment Vol. 1	10/6/2023	Virtual	Virtual (NACO)	15
Opportunity for Public Comment Vol. 1	10/9/2023	In-Person	North Platte, NE	16
Opportunity for Public Comment Vol. 1	10/10/2023	In-Person	McCook, NE	6
OPPD	10/11/2023	In-Person	Lincoln, NE	1
Opportunity for Public Comment Vol. 1	10/12/2023	Virtual	Virtual (Providers)	9
Tetrad	10/12/2023	In-Person	Omaha, NE	3
NE AARP	13-Oct	Virtual	Virtual	4
NE BB Task Force	13-Oct	In-Person	Lincoln, NE	16
Opportunity for Public Comment Vol. 1	13-Oct	Virtual	Virtual (non-profits)	11
Listening Sessions for Initial Proposal	7-Nov	Listening Session (In-person)	Western Nebraska Community College	
Listening Sessions for Initial Proposal	8-Nov	Listening Session (In-person)	Holiday Inn Express - Chadron	

Listening Sessions for Initial Proposal	9-Nov	Listening Session (In-person)	The Evergreen Independence Center - O'Neill
Listening Sessions for Initial Proposal	13-Nov	Listening Session (In-person)	Union Bank - Fairbury
Listening Sessions for Initial Proposal	14-Nov	Listening Session (In-person)	Springfield Community Center
Listening Sessions for Initial Proposal	15-Nov	Listening Session (In-person)	NDOT HQ - Lincoln
Listening Sessions for Initial Proposal	16-Nov	Listening Session (In-person)	Columbus Area Chamber of Commerce
Listening Sessions for Initial Proposal	20-Nov	Listening Session (In-person)	Holiday Inn - Kearney
Listening Sessions for Initial Proposal	21-Nov	Listening Session (In-person)	Holiday Inn Express - Ogallala

Appendix C: Grant Scoring Rubric

Primary Criteria			
Category	Description	Subcategories And Associated Points	Maximum Category Points
Minimal BEAD Outlay	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.	Applicant Match Minimum - 30 points Applicant Match Greater than 25% - 90 points	120
Affordability	The prospective subgrantee's commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps services in the project area.	Affordable Plan - 75 points Length of Affordable Commitment - 65 points	135
Fair Labor Practices	Applicants must demonstrate record of and plans to be in compliance with federal labor and employment laws. Applicants without a record of labor and employment law compliance may provide forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.	Narrative of Compliance - 25 points Certification from Officer/Director - 5 points Violation Disclosure - 5 points Violation Disclosure (Contractors and Subcontractors) - 5 points Applicable Wages - 2.5 points Health and Safety Committee - 2.5 points	45
Total			300

Secondary Criteria			
Category	Description	Subcategories And Associated Points	Maximum Category Points
Technical Capabilities	Demonstration of strong technical attributes that enable superior performance and long-term viability	Speed of Network - 10 points Open Access - 5 points Expected Latency - 5 points Scalability - 5 points Ease of Scalability - 5 points	30
Service Quality	Demonstration that a prospective subgrantee's ability to build a resilient network and support efficient break/fix operations	Expected Availability - 10 points Expected Mean Time to Repair - 10 points	20
Local and Tribal Coordination	Demonstration that a prospective subgrantee has support from the local and/or Tribal Government with oversight over the location or locations to be served	Community Engagement - 10 points Letters of Support - 10 points	20
Speed to Deployment	Applications that propose planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant	Speed to Deployment - 15 points	15
Life of Assets	Applications that propose to use technologies that demonstrate long term usefulness	Electronics - 5 points Physical Media - 5 points	10
Equitable Workforce Development and Job Quality	Prospective subgrantee's plan for ensuring the project workforce is appropriately skilled and credentialed	Equitable Workforce Development and Job Quality - 5 points	5
Total			100

Appendix D: SFHMP Plan Executive Summary

The full State of Nebraska Flood Hazard Mitigation Plan (SFHMP) is available at: broadband.nebraska.gov

Executive Summary

The State of Nebraska is intimately familiar with the impacts of flooding on its residents, infrastructure, economy, and natural resources. This 2022 update to the State of Nebraska Flood Hazard Mitigation Plan (State FHMP) affirms Nebraska's commitment to continued improvements to its statewide flood mitigation strategy and program. Hazard mitigation helps to reduce or eliminate potential losses from future disaster. Hazard mitigation *planning* helps to establish and maintain a process that leads to the implementation of hazard mitigation actions.

The Nebraska Department of Natural Resources manages our most precious natural resource—water—and protects against flood threats through sound partnerships, cooperation, and science-based decision making. The plan update process began with a series of public meetings to ensure input from stakeholders across the state. The meetings were followed by the launch of a plan development committee to review and advise on initial draft content every two months, as well as provide current data regarding recent flood impacts, critical facilities, and resources available to Nebraskans. The next steps involved detailed analysis of flood risk across the state and an assessment of vulnerabilities to flood risk. A thorough evaluation of the state's current mitigation capabilities was conducted and resulted in an updated flood hazard mitigation strategy for Nebraska. The revised strategy identifies four overarching mitigation goals and related mitigation objectives.

These goals frame Nebraska's path forward in implementing flood hazard mitigation:

- Reduce or eliminate long term flood risk to human life and property.
- Preserve and enhance the natural and beneficial functions of floodplains.
- Promote public awareness of flood hazards and post-flood response.
- Coordinate with federal, state, and local partners for flood mitigation planning and program efforts.

The revised strategy also features several new and ongoing mitigation actions to be implemented in the path forward.

New to the 2022 State FHMP are the results of a GIS-based flood risk assessment. The risk assessment was a collaborative effort and relied on data provided by several collaborating agencies. The risk assessment provides flood risk analyses from across the state at a level never achieved before. Also new to the 2022 State FHMP are a series of mitigation strategy and practice sheets that serve as a detailed and accessible resource to communities in their implementation of mitigation actions.

In summary, this plan aims to represent the most robust evaluation of Nebraska flood risks, the most thorough catalogue of resources available to local jurisdictions, and the most actionable and forward-looking flood hazard mitigation approach the State has yet produced. District 23 Senator Bruce Bostelman and the members of the Natural Resources Committee deserve credit for initiating this important planning effort, recognizing the importance of flood hazard mitigation to Nebraska's citizens, and advancing LB632, 2020, through the Nebraska Legislature.