

**The State of Rhode Island**

Rhode Island Commerce Corporation



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FAST & AFFORDABLE INTERNET FOR ALL

## **Broadband Equity, Access, and Deployment (BEAD) Program**

### **Final Proposal**

August 27, 2025

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## Definitions and Abbreviations

<b>BEAD</b>	Broadband Equity, Access, And Deployment
<b>BoB</b>	Benefit of the Bargain Round
<b>BSL</b>	Broadband Serviceable Location
<b>CAIs</b>	Community Anchor Institution
<b>FCC</b>	Federal Communications Commission
<b>NOFO</b>	Notice of Funding Opportunity
<b>PA</b>	Project Area
<b>PAU</b>	Project Area Unit
<b>PBPs</b>	Priority Broadband Projects
<b>PE</b>	Professional Engineer
<b>PN</b>	Policy Notice
<b>RFC</b>	Request for Clarification
<b>RFP</b>	Request for Proposal
<b>RICC or Corporation</b>	Rhode Island Commerce Corporation
<b>WBE</b>	Women's Business Enterprises

## Requirement 1 – Subgrantee Selection Process Outcomes

*The purpose of this section is for the Eligible Entity to provide data on the allocation of grant funds in adherence with its approved Initial Proposal, as modified by the BEAD Restructuring Policy Notice, and document the outcomes of the Subgrantee Selection Process. It requires the Eligible Entity to provide a transparent and detailed account of how it fulfilled its commitments in a fair, open, and competitive manner. Each Eligible Entity must demonstrate that the outcomes of its process prioritized serving unserved locations first, underserved locations second, and (if applicable) CAIs last. The Eligible Entity must also show that its process aligned BEAD grant funds with other funds for broadband that the Eligible Entity receives from the federal government, an Eligible Entity, or any other source.*

**1.1: Text Box:** Describe how the Eligible Entity's deployment Subgrantee Selection Process undertaken is consistent with that approved by NTIA in Volume II of the Initial Proposal as modified by the BEAD Restructuring Policy Notice.

*The Eligible Entity must execute its deployment Subgrantee Selection Process consistent with its approved Initial Proposal, as modified by the BEAD Restructuring Policy Notice. NTIA will monitor consistency between the Subgrantee Selection Process approved in the Eligible Entity's Initial Proposal and the BEAD Restructuring Policy Notice and the execution of that process. As with any award term, NTIA may impose remedies for noncompliance with the terms of the approved Initial Proposal and BEAD Restructuring Policy Notice, potentially including the disallowance of noncompliant costs incurred by the Eligible Entity.*

*In instances where the Eligible Entity requires a correction to its approved Initial Proposal, beyond the Initial Proposal correction process detailed in the BEAD Restructuring Policy Notice, the Eligible Entity must notify NTIA as soon as possible and adhere to NTIA guidance. Failure to notify NTIA of changes to the process described in its approved Initial Proposal may result in rejection of the Eligible Entity's Final Proposal, among other consequences.*

*To provide an adequate response, the Eligible Entity must consider its deployment subgrantee selection timelines, phases, project area definitions, evaluation procedures, and strategies to ensure universal coverage among other elements of its deployment Subgrantee Selection Process.*

*The Eligible Entity must describe how the Subgrantee Selection Process undertaken was consistent with that approved in the Initial Proposal, as modified by the BEAD Restructuring Policy Notice.*

### **Response:**

The Corporation's subgrantee selection process followed the process approved by NTIA in the Initial Proposal and modified as necessary by the BEAD Restructuring Policy

Notice of June 6<sup>th</sup>, 2025 (“PN”). Specifically, the initial RFP #2508 issued by the Corporation on March 31, 2025, for subgrantee selection was cancelled following the issuance of the PN, and a new RFP (#2517) was issued on July 1, 2025 as part of a Benefit of the Bargain (“BoB”) round.

The Selection Process adhered to the following procurement process using a Request for Proposal (“RFP”).

#### **A. Pre-RFP**

The Corporation commenced the BEAD Challenge process on May 29, 2024, and challenges were accepted starting June 6, 2024 and continued for a 30-day period, ending on July 6, 2024. Prior to the commencement of the BEAD Challenge Process, the Corporation released a broadband map showing all broadband serviceable locations (“BSLs” or “locations”) in the state as well as the quality of broadband service available at those locations (marked as “served,” “unserved,” or “underserved.”) This map allowed all Rhode Islanders to view locations and the quality of service the Corporation believed each location had. Units of local government, non-profits, and Internet Service Providers (“ISPs”) were able to submit challenges to the classification of BSLs on the map. .

Once the BEAD Challenge process completed on July 6, 2024, the Corporation developed a final list of BSLs eligible for BEAD funding to transmit to the NTIA for final approval. This final approval was granted on January 17, 2025. The Corporation then finalized the Rhode Island Broadband Map, and published the map accompanied by the lists of unserved and underserved BSLs . These are available at: <http://commerceri.com/broadband>.

The Corporation also created a cost estimate for constructing facilities for the final list of unserved locations and underserved locations to determine the approximate amount of residual funding it expects to be available, if any, for funding eligible CAIs.

Using the finalized list of unserved locations, underserved locations and eligible CAIs, the Corporation established and publicized a finalized list of Project Area Units (“PAUs”). Proposers could submit proposals for one or more PAUs.

#### **B. RFP process**

The Corporation issued RFP #2517 on July 1, 2025, in line with the Initial Proposal and the BEAD Restructuring Policy Notice. This included the same definitions/descriptions of Eligible Subgrantees, Eligible Costs, and Ineligible Costs as was approved in the IP and published through RFP #2508. RFP #2517 modified the Evaluation Process, the Minimum Requirements, and the Scoring criteria following the PN guidance. Most importantly, the RFP adopted a technology neutral approach for the BEAD subgrantee selection process including the participation of fiber-optic technology, cable modem/hybrid fiber-coaxial technology, terrestrial fixed wireless and low Earth orbit (“LEO”) satellite services, as long as the technologies employed met the technical performance requirements in the NOFO, the PN, and the statute.

**Definitions:** Project Area-related definitions that were used in the RFP included the below:

- “Projects” means broadband infrastructure projects that are eligible under BEAD
- “PA” means a Project Area comprised of one or more PAUs (and the BSLs and/or CAIs contained therein) that a particular proposer plans to serve, as stated in their proposal. PAs are to describe a contiguous set of PAUs or a set of closely proximate PAUs that the proposer plans to serve together using related infrastructure and operations. During the Deployment Subgrantee Selection Process proposers may specify more than one PA within their proposal.
- “PAU” means Project Area Units comprised of contiguous, indivisible geographic units defined by the Corporation and comprise the unserved BSLs and underserved BSLs (and CAIs, if enough funding remains) in that geographic area
- “Priority Broadband Project” (“PBP”) means a project that provides broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency less than or equal to 100 milliseconds, and can easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment of 5G, successor wireless technologies, and other advanced services
- “Period of Performance” – is a maximum period of 4 years from the date of the subaward for all technologies except for LEO providers
- “Unserved” means a BSL that lacks access to 25/3Mbps or a CAI that lacks access to 1000/1000 Mbps.
- “Underserved” means a BSL that lacks access to 100/20Mbps according to the BEAD Program.

**BoB RFP #2517 Subgrantee Selection Timeline**

Milestone	Date
RFP Posted to the Corporation and State of Rhode Island Division of Purchasing website	July 1, 2025
Pre-bid Webinar	July 3, 2025
Final Day for Proposers to submit questions or comments	July 9, 2025
Answers to questions and other addenda posted to the Corporation and	July 14, 2025

State of Rhode Island Division of Purchasing website, as applicable	
Proposal submittal deadline	July 22, 2025

**Minimum Requirements** - This section of the RFP followed and included all the Deployment Subgrantee Qualifications detailed in volume two of the Corporation's Initial Proposal ("IPV2"), except for the following modifications made to align to the PN:

- Deleted non-statutory requirements in the NOFO related to labor, employment, and workforce development., related to "Fair Labor Practices and Highly Skilled Workforce"; "Advancing Equitable Workforce Development and Job Quality Objectives"; and "Civil Rights and Nondiscrimination Law Compliance".
- Deleted previous requirements as articulated in the NOFO related to climate change and replacing them with reliability and resilience of broadband infrastructure risk management plans, including from natural disasters, as well as cybersecurity best practices.

The RFP also included within it a Subgrantee Information Packet consisting of links to various Federal and State requirements, rules, statutes, and regulations.

**Minimum Requirements and Proposal Responsiveness Review** - Prior to scoring Proposals, the Corporation undertook an initial review to determine whether the minimum requirements identified in the table below for each Proposer were met. These requirements describe the minimum qualifications or representations/certifications that must be included in a Proposal for it to be complete and therefore eligible to be evaluated.

	<b>Minimum Requirements / Gating Criteria</b>	<b>Submittal Requirements</b>
<b>1</b>	<b>Financial Capability</b>	Qualifications for Financial Obligations
		Letter of Credit
		Audited Financial Statements
		Required Business Plans and Financial

		Analysis
<b>2</b>	<b>Managerial Capability</b>	Resumes for Key Personnel
		Readiness to Manage Proposed Projects
<b>3</b>	<b>Technical Capability</b>	Implementation and Credentialed Workforce
		Project Management Plan
		Network Performance and Scalability
<b>4</b>	<b>Compliance Evaluation</b>	Compliance with federal, state and local Laws
<b>5</b>	<b>Operational Capability</b>	Operational Qualifications
		Number of Years of Operation
		Compliance with FCC from 477, Rules/Regulations
		Operating and Financial Reports for Electric Transmission of Distribution Services
		Operational Capabilities of New Entrants
<b>6</b>	<b>Ownership</b>	Supporting Ownership Information
<b>7</b>	<b>Public Funding</b>	Disclosure of Existing and Future Publicly Funded Projects
		Detailed Information for Existing and Future Publicly Funded Projects



<b>9</b>	<b>Cybersecurity and Supply Chain</b>	Cybersecurity risk management plan and supply chain risk management plan
<b>10</b>	<b>Certification of Compliance with NTIA Regulations</b>	Certification that the Proposers will adhere to all requirements of the BEAD NOFO, PN, and other applicable published NTIA regulations

**Strategies for Universal Coverage** - The Corporation's RFP process sought proposals for both Priority Broadband Projects ("PBP") as well as proposals for non-PBPs for unserved and underserved locations in order to achieve universal coverage.

The Corporation posted the RFP on the Corporation's website and Rhode Island's Division of Purchasing website.

The Corporation issued a press release to announce the RFP, publicized it on its websites and emailed the announcement to subscribers of the Corporation's newsletter. The Corporation also notified telecommunications providers registered with the Rhode Island Public Utilities Commission and Division of Public Utilities and Carriers and other relevant stakeholders.

Shortly after the RFP was issued, the Corporation hosted a Pre-Bid webinar to ensure that all potential proposers received clear information about the RFP. During this session, the Corporation provided clarifying guidance to potential proposers on application guidelines and requirements. The Corporation also answered questions that potential proposers had. An additional question and answer period followed; the Corporation published answers and additional information through formal addenda for equal awareness by all potential proposers.

Proposers were required to include the following within their proposals:

- Information on their financial, operational, managerial, and technical qualifications, certifications, and compliance with minimum requirements, and
- Information to enable comprehensive evaluation of the proposal based on the stated evaluation criteria.

**Evaluation Process** - The proposals were due 21 days after the RFP was released. The Corporation then proceeded to review and select complete and qualified proposals for all technology types. The Corporation first evaluated all proposals for completeness. Additional clarifications and missing information were rigorously addressed through 2 rounds of Request for Clarifications ("RFCs") and curing, made available to all responsive proposers. Proposals deemed complete were evaluated against required minimum qualifications. The Corporation confirmed the Proposers' commitment to

adherence to various PN related adjustments including the Statute's definition of PBP, the Low-Cost Broadband Service Option Requirement, and all other baseline Statutory requirements. Proposals that complied with the minimum qualifications were scored against the scoring rubric. Based on its assessment of the scoring rubric, the Corporation made provisional selection of successful Proposers using a selection committee comprised of Corporation and State of Rhode Island Executive Office of Commerce employees.

The selected Proposer(s) will enter into a fixed amount subaward agreement with the Corporation. Upon the selection of a Successful Proposer(s) but prior to finalizing a Subaward Agreement, the Corporation may proceed with negotiations in an attempt to finalize a Subaward Agreement with the Successful Proposer(s). Any modifications or clarifications agreed to with the Successful Proposer(s) during Subaward Agreement negotiations shall be incorporated into the final Subaward Agreement. If an Agreement cannot be successfully negotiated within a reasonable period of time, negotiations will be terminated, and negotiations with the next highest-ranking Proposer may commence. The process may continue until a Subaward Agreement is signed.

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

*Final Proposals will be evaluated against the specific steps identified in the Eligible Entity's approved Initial Proposal, as modified by the PN*

*The Eligible Entity must provide a description of the steps that it took to ensure a Subgrantee Selection Process that is **fair, open, and competitive**. This should include a description of the Eligible Entity's state or territory procurement policies and procedures and the internal controls that facilitated the Eligible Entity's oversight of each phase of the process.*

*The Eligible Entity must describe steps it took to ensure a **fair** process, including safeguards against each of the following:*

- *Collusion;*
- *Bias;*
- *Conflicts of interest;*
- *Arbitrary decisions; and*
- *Other actions that would undermine confidence in the process.*

*Examples of steps an Eligible Entity could take to ensure a fair process include, but are not limited to:*

- *Evidence that all applicants had access to the scoring rubric prior to submitting applications;*
- *Evidence of consistent application of scoring criteria by qualified reviewers;*
- *Samples of training materials provided to reviewers, including training on how to report conflicts of interest;*
- *Description of how reviewers documented their review findings to provide a rationale for their scoring assessments;*

- Descriptions of the Eligible Entity’s policy and/or internal controls to identify and mitigate conflicts of interest, including methods to prevent, report, and resolve conflict of interest concerns during application review and award;
- Descriptions of the Eligible Entity’s oversight procedures to ensure application of a consistent standard of review across reviewers;
- Descriptions of the Eligible Entity’s policy and/or internal controls to identify and mitigate instances of collusion, including instances of collusion between potential applicants and collusion between applicants and Eligible Entity staff, contractors, or other persons involved in the deployment Subgrantee Selection Process;
- Descriptions of the use of a pre-application process (if applicable); and/or
- Evidence that all applicants had the same opportunity to cure their applications (if applicable).
- Evidence that applicants were notified and had access to the Eligible Entities updated scoring rubric and other guidance following the release of the BEAD Restructuring Policy Notice and before conducting further rounds of subgrantee selection.

The Eligible Entity must include how the deployment Subgrantee Selection Process was **open** by describing how the Eligible Entity provided adequate public notice to potential subgrantees to facilitate participation by a wide variety of potential applicants, to ensure an open and competitive process, and to prevent favoritism, collusion, and abuse.

Examples of steps an Eligible Entity could take to ensure an open process include, but are not limited to:

- Evidence that all eligible participants defined in the Eligible Entity’s approved Initial Proposal were permitted to participate;
- Evidence that all applicants had the same amount of time to apply between the public notice and deadline (or the Eligible Entity describes instances when application extensions were granted and provides a rationale for this determination), and the deadline did not place an unreasonable burden on applicants to submit an application;
- A communication plan that promotes participation from a wide variety of potential applicants;
- A description of the ways an Eligible Entity removed barriers or provided financial incentives.

The Eligible Entity must also describe how it ensured the deployment Subgrantee Selection Process was **competitive**, such as by using a competitively neutral evaluation criteria that did not favor one type of provider over another, except certain preferences expressed neutrally and in advance.

Examples of steps an Eligible Entity could take to ensure a competitive process include, but are not limited to:

- Evidence that different types of providers were able to submit competitive applications;
- Evidence that the Eligible Entity only engaged in provider-specific outreach after at least one round of applications were submitted (i.e., in the case of areas that received no applications or for the purposes of deconfliction);
- A description that the Eligible Entity’s curing requests did not impose unreasonably burdensome timelines that certain providers would be at a disadvantage to address;
- A description of how the project deconfliction process was transparently communicated to applicants and fairly applied; and/or

- *A description of how the Eligible Entity's process to adjust the scope of submitted applications followed the steps in the approved Initial Proposal and the BEAD Restructuring Policy Notice.*

*Additionally, the Eligible Entity must describe the processes in place to ensure reviewers were trained, qualified, and objective. The Eligible Entity must describe how reviewers were identified, including how the State Broadband Office assessed reviewers' qualifications and potential conflicts of interest (including what it did to avoid even the appearance of conflicts of interest), whether contractors were utilized, and whether different reviewers were used to review individual components of the applications (e.g., certified professional engineers reviewing applicants' network designs). The Eligible Entity must demonstrate that it ensured the quality of each review, including reviewer oversight procedures. If applicable, the Eligible Entity must describe how a review committee or final approval by a governing body factored into the review process.*

### **Response:**

The Corporation wants to foster a strong digital advancement ecosystem built on transparent and clear decision making. The Corporation seeks to achieve the best outcomes for unserved and underserved communities and is committed to awarding subgrants to deploy broadband through a **fair, open, and competitive** process.

The principles of a fair, open, and competitive process allow the Corporation to incorporate key public policy goals into contracts with private partners while increasing choice and competition from service providers.

**Fair.** The Corporation evaluated all respondents against the same minimum criteria detailed in RFP #2517 that were both clear and not overly restrictive in order to ensure that entities of all types and sizes could participate. To safeguard against bias and collusion, the Corporation ensured fairness with a review and scoring process that was transparent, objective, systematic and grounded in data. The Corporation established and clearly communicated evaluation criteria, which were included in RFP #2517 and ensured they were applied consistently to all proposers.

The Corporation created a scoring committee to evaluate proposals, which consisted of individuals with technical, financial and operational management expertise. To safeguard against conflicts of interest and arbitrary decision making, the Corporation required evaluators to disclose any conflicts of interest, asking them to recuse themselves if needed. Each committee member attested to the fact that they did not have a conflict of interest with any of the proposers.

**Open.** The Corporation developed a process that was open and transparent through the BEAD RFP process. The Deployment Subgrantee Selection Process ensured an open and competitive process to prevent bias and collusion. Any type of ISP registered to do business in Rhode Island or any ISP that could become registered in Rhode Island prior to the execution of a subaward and is capable of providing residential internet service in Rhode Island was eligible to submit a proposal including, but not limited to, for-profit entities, public utilities, public utility districts, local governments, non-profit organizations, co-operatives, and public-private partnerships.

The following types of entities were eligible to apply for BEAD grants:

- Private companies (e.g., corporations, limited liability companies, general partnerships, limited partnerships, etc.)
- Local governmental entities (e.g., municipalities or municipal light plants that offer broadband service)
- Tribal Governments
- Nonprofit Organizations
- Co-operatives, electric co-operatives, and public or private utilities
- Public utility districts
- Other entities that develop and/or operate broadband networks and could demonstrate the experience, capacity, and financial resources and stability to satisfy the grant obligations.

**Competitive.** To ensure the Deployment Subgrantee Selection Process was competitive the Corporation posted the BEAD RFP on its web page and the web page of the Division of Purchasing, sent emails to relevant contacts to inform prospective proposers of the Deployment Subgrantee Selection Process, and advertised the RFP in advance of posting to ensure maximum visibility and time to respond. The Corporation designed the RFP for the Deployment Subgrantee Selection Process with reasonable timelines to allow all proposers to construct quality proposals. Additionally, the Corporation provided all proposers with the same information and selected and established secondary evaluation criteria so as not to favor or unfairly advantage one proposer over another.

**Training, qualifications, and objectiveness of reviewers.** As stated above, and in alignment with Rhode Island procurement requirements, the Corporation created a Review Committee that was comprised of individuals with expertise in broadband technology, finance, and operational management. Committee members were provided an initial training on the goals of the BEAD program and scoring requirements, as outlined in the PN. Each Review Committee member attested to their understanding of the BEAD program, the BEAD scoring criteria, and their ability to remain objective. The Review Committee had two meetings to review and evaluate proposals, with the final determinations unanimous among the members. As required by policy, the scores were finalized and are maintained by the Corporation's Assistant Controller.

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

*When there were initially no applications to serve a location or group of locations that are unserved and underserved, the Eligible Entity must affirm that it followed a procedure consistent with the process approved in the Initial Proposal, as modified by the BEAD Restructuring Policy Notice.*

**Response:**

Not Applicable. Proposals were received for all unserved and underserved locations.

**1.4: Text Box:** If applicable, describe the Eligible Entity's methodology for revising its eligible CAI list to conform with section 4 of the BEAD Restructuring Policy Notice.

*If applicable, Eligible entity must describe its methodology for revising its list of eligible CAIs to conform with the statutory definition of a CAI as established by the Infrastructure Act. The Eligible Entity shall not propose to serve a CAI that does not meet the statutory definition (i.e. a CAI that fits an additional category that was approved in the Eligible Entity's Initial Proposal Volume I).*

*If the Eligible Entity is not proposing to fund any CAIs, it may note 'Not Applicable.'*

**Response:**

Corporation staff modified the CAI list in alignment with the PN by removing CAIs that did not meet the statutory definition of a CAI as established by the Infrastructure Bank.

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

*The Eligible Entity must certify that it will retain all subgrantee records for a period of at least three (3) years from the date of closeout of the relevant subgrant and in accordance with 2 C.F.R. § 200.334. This should include all subgrantee network designs, diagrams, project costs, build-out timelines and milestones for project implementation, and capital investment schedules submitted as a part of the application process.*

*If the Eligible Entity cannot certify this, the Eligible Entity should contact its assigned Federal Program Officer. The Eligible Entity should note that responding 'No' for this question may result in an extended timeline for NTIA's review and approval of the Final Proposal through curing.*

**Response:**

Yes, the Corporation certifies that our office will retain all subgrantee records in accordance with 2 C.F.R. § 200.334 at all times, including retaining subgrantee records for a period of at least three (3) years from the date of submission of the subgrant's final expenditure report. These records will include all subgrantee network designs, diagrams, project costs, build-out timelines and milestones for project implementation, and capital investment schedules submitted as a part of the application process.

## Requirement 2 - Removed

N/A per Revised PN

## Requirement 3 – Timeline for Implementation

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

**47:** The Final Proposal must include...:

3. A timeline for implementation of the detailed plan and completion of each project and other eligible activity to be funded.

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

Prospective subgrantees must submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project. An Eligible Entity shall not approve any grant for the deployment or upgrading of network facilities unless it determines that the materials submitted to it demonstrate the prospective subgrantee's technical capability with respect to the proposed project.

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

As established in [47 U.S.C. § 1702(h)(4)(C)], subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband service within the project area not later than four years after the date on which the subgrantee receives the subgrant from the Eligible Entity.

3.1: Has the Eligible Entity taken measures to:

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

*The Eligible Entity must affirm that it will ensure that each BEAD subgrantee will begin to provide services to customers that desire broadband service within the project area not later than four years after the date on which the subgrantee receives the subgrant.*

*The Eligible Entity also must affirm that it will ensure that all BEAD-funded subgrant activities are completed at least 120 days prior to the end of the Eligible Entity's period of performance. For example, each Eligible Entity can satisfy this requirement by explaining its monitoring process, highlighting its speed to deployment commitments in its Subgrantee Selection Process, or creating binding agreements with its subgrantees. All of the Eligible Entity's subgrants must end at least 120 days prior to the end of the Eligible Entity's own period of performance, to allow sufficient time for the Eligible Entity to close out all of its subgrants in an orderly fashion prior to the end of its own period of performance. In that connection, the Eligible Entity also must clearly articulate that it will ensure that all BEAD grant activities that it has undertaken itself (including via contract) are completed by the end of its own period of performance.*

*The Eligible Entity must affirm that it will ensure each subgrantee reaches key milestones in their submitted proposals/documentation. In doing so, the Eligible Entity affirms that it will ensure subgrantees that made specific commitments in response to the "speed to deployment" scoring criteria meet the timelines stated in their applications. Each Eligible Entity must affirm that it will ensure the completion of all*



*BEAD activities within the mandated timeframes, which may include the Eligible Entity's requirements for subgrantee reporting and accountability.*

**Response:**

- (a) The Corporation affirms that it will ensure that each BEAD subgrantee will begin to provide services to customers that desire broadband service within the project area not later than four years after the date on which the subgrantee receives the subgrant.

Pursuant to 47 U.S.C. § 1702(h)(4)(C), the BEAD NOFO, the Corporation's IPv2 , and supplementary NTIA guidance and the PN, the Corporation's RFP #2517 required all bidders to ensure that they deploy their Funded Networks and begin providing broadband service to each customer that desires broadband service no later than four years after the date on which the Subgrantee receives the subgrant for the applicable network. Further, the Corporation mandated the Grantee to establish interim buildout milestones as part of their Project Delivery Schedule, enforceable as conditions of the subgrant, sufficient to ensure that subgrantees are making reasonable progress toward meeting the four-year deployment deadline.

- (b) The Corporation affirms that the following actions were taken by the Corporation to ensure that all BEAD subgrant activities are completed at least 120 days prior to the end of the Corporation's period of performance, in accordance with 2 C.F.R. 200.344.

Prospective subgrantees are required to submit a Project Delivery Schedule showing complete build-out and initiation of service, all certified by a professional engineer ("PE"), within four (4) years of the date on which the Proposer receives the subgrant. The Project Delivery Schedule is required to detail various cost components, such as design, engineering, procurement, mobilization, civil works, structural, mechanical, electrical works, testing, and commissioning. The build-out timeline includes key milestones for Project preparation and implementation including network design and engineering, aerial or buried rights of way licensing and permitting, construction and providing services to subscribers.

The Corporation further affirms it will employ a robust subgrantee monitoring program that will consist of risk assessments, quarterly subgrantee reporting, random sampling of subgrantee files, corrective action policies and post-contracting support to ensure subgrantees can meet all required BEAD compliance reporting and activities. Such a process will ensure each subgrantee reaches key milestones in their submitted proposals/documentation.

The Corporation intends to engage in the following monitoring activities for subgrantee activities including, but not limited to:

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

- Reviewing financial and programmatic reports including invoices and progress and outcome reports in alignment with contractual obligations.
- Conducting an annual Subgrantee Assessment, verifying that every subgrantee is audited as required by 2 CFR Part 200, Subpart F.
- Conducting follow-up to ensure that the subgrantee takes timely and appropriate action on all deficiencies pertaining to the federal award through audits, on-site reviews, and other means.

Through active subgrantee monitoring, as outlined in the BEAD Program Monitoring Plan, and frequent engagement with Subgrantees, the Corporation will ensure that all BEAD subgrant activities are completed at least 120 days prior to the end of the Corporation's period of performance, in accordance with 2 C.F.R. 200.344. The Corporation affirms that it will prepare a closeout agreement and submit it to all subgrantees for execution and ensure that all BEAD-funded subgrant activities are completed at least 120 days prior to the end of the Corporation's period of performance, in accordance with 2 C.F.R. 200.344; and ensure that all programmatic BEAD grant activities undertaken by RICC are completed by the end of its own period of performance, in accordance with 2 C.F.R. 200.344.

- (c) The Corporation affirms that it will ensure all programmatic BEAD grant activities undertaken by the Corporation are completed by the end of the period of performance for its award, in accordance with 2 C.F.R. 200.344.

## Requirement 4 – Oversight and Accountability Processes

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

The Final Proposal must include...:

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

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

In addition to demonstrating how it expects to satisfy the subrecipient monitoring and management requirements identified in 2 C.F.R. Part 200 Subpart D, each Eligible Entity must include sufficient accountability procedures within its program to ensure subgrantee compliance with all applicable Program requirements. Each Eligible Entity must, at a minimum, include in any subgrant agreement reasonable provisions allowing for recovery of funds in the event of a subgrantee's noncompliance with the BEAD Program's requirements, including but not limited to failure to deploy network infrastructure in accordance with mandated deadlines. Each Eligible Entity must, at a minimum, employ the following practices: (1) distribution of funding to subgrantees for, at a minimum, all

deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize); (2) the inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee; (3) timely subgrantee reporting mandates; and (4) robust subgrantee monitoring practices. NTIA will review proposed subgrant processes during the Initial Proposal and Final Proposal review phases and will reject Proposals that fail to provide sufficient recourse against subgrantees that do not fulfill their legal and contractual responsibilities. NTIA likewise will pursue clawback of funds directly from Eligible Entities that fail to ensure subgrantee accountability to the fullest extent of the law.

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

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

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

To that end, NTIA and Eligible Entities shall:

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

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

1. Comply with the reporting requirements set forth in Section I.E of this NOFO.
2. Comply with the obligations set forth in 2 C.F.R. Part 200 and the Department of Commerce Financial Assistance Standard Terms and Conditions.
3. Establish and widely publicize telephone numbers and email addresses for the Eligible Entity's Office of Inspector General (or comparable entity) or subgrantees' internal ethics office (or comparable entity) for the purpose of reporting waste, fraud or abuse in the Program. Eligible Entities and subgrantees shall produce copies of materials used for such purpose upon request of the Federal Program Officer.

**4.1 Question (Y/N):** Does the Eligible Entity have a public waste, fraud, and abuse hotline, and a plan to publicize the contact information for this hotline?

*The Eligible Entity does not need to have a waste, fraud, and abuse hotline specific to its broadband office – any statewide hotline is sufficient. If the Eligible Entity does not have a public hotline at the time of its Final Proposal submission, the Eligible Entity should respond 'No' and contact its Federal Program Officer.*

**Response:**

*The Eligible Entity should understand that responding 'No' for this question may result in an extended timeline for NTIA's review and approval of its Final Proposal.*

Yes. the Corporation adheres to the state's fraud, waste and abuse policies and procedures. The Rhode Island Office of Management and Budget through its Office of Internal Audit and Program Integrity receives and investigates allegations of fraud, waste and abuse made through the Fraud Hotline. The Corporation will publish this hotline information on its ConnectRI website.

**4.2 Attachments:** Upload the following two required documents:

- 1) BEAD program monitoring plan;
- 2) Agency policy documentation which includes the following practices:
  - a. Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize) or on a basis determined by the terms and conditions of a fixed amount subaward agreement; and
  - b. Timely subgrantee (to Eligible Entity) reporting mandates.

*The Eligible Entity must upload the required documents listed above. The Eligible Entity must describe a robust and timely monitoring plan, detailing how it will ensure subgrantee accountability for the BEAD funding subgrantees receive through at least semiannual reporting for the duration of the subgrant.*

*The Eligible Entity should note that under the BEAD Uniform Guidance exceptions, commercial entity subgrantees are **not** subject to 2 C.F.R. 200.501(f) but are subject to 2 C.F.R. 200.501(g), which establishes the pass-through entity as responsible for subgrantee audit compliance. In other words, non-federal entities must comply with the single audit requirement (spending \$750,000 of federal grants in a year) but commercial entities do not have such requirement **unless** that Eligible Entity requires it. The Eligible Entity should consider these standard requirements in developing the requirements for its subgrantees.*

[[Attachments uploaded separately]]

### ***BEAD Program Monitoring Plan***

*Examples of details in a BEAD program monitoring plan include, but are not limited to:*

- *Detailing how subgrantees will comply with the terms and conditions of the award including the Infrastructure Act, BEAD NOFO, the terms of the Eligible Entity's specific BEAD award including any Specific Award Conditions (SACs), the BEAD Program General Terms and Conditions, award amendments, and applicable laws and regulations;*
- *Detailing how the Eligible Entity will ensure subgrantees implement projects on schedule and make adequate progress toward achieving identified metrics, milestones, goals, objectives, and planned outcomes;*
- *Detailing how the Eligible Entity will ensure subgrantees meet financial and programmatic reporting requirements, adhere to submission deadlines, and provide accurate information;*
- *Detailing how the Eligible Entity will ensure subgrantees expend Federal funds as authorized within the period of performance; and/or*
- *Detailing how the Eligible Entity will monitor subgrantees to ensure the project is completed on time, and limit potential waste, fraud, and abuse of federal funding.*

*The Eligible Entity should refer to forthcoming NTIA guidance on completing its BEAD Program Monitoring Plan.*

### ***Agency Policy Documentation***

*Within its agency policy documentation, the Eligible Entity must detail its reimbursement policy for deployment and non-deployment projects, or in the case of fixed amount subawards, its disbursement agreement based on milestone met, unit built, or project complete. Additionally, the Eligible Entity must include clawback provisions to which subgrantees will be subject. The Eligible Entity must also include the reporting cadence in which subgrantees will be required to submit materials to the Eligible Entity.*

*Examples of details that can be in the agency policy documentation include, but are not limited to:*

- *The timeline for how the Eligible Entity will distribute funds to the subgrantee for all deployment projects consistent with specific deadlines established by its award;*
- *The timeline for how subgrantees will report progress to the Eligible Entity;*
- *Established justifications the Eligible Entity may use to withhold reimbursement of funding to the subgrantee, or in the case of fixed amount subawards, to clawback funding; and/or*
- *Which entity within the state/territory is responsible for determining when the Eligible Entity can clawback funding (i.e., the state's Chief Information Office).*

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

- a. Compliance with Section VII.E of the BEAD NOFO, including timely subgrantee reporting mandates, including at least semiannual reporting, for the duration of the subgrant to track the effectiveness of the use of funds provided;
- b. Compliance with obligations set forth in 2 C.F.R. Part 200 and the Department of Commerce Financial Assistance Standard Terms and Conditions;
- c. Compliance with all relevant obligations in the Eligible Entity's approved Initial and Final Proposals, including the BEAD General Terms and Conditions and the Specific Award Conditions incorporated into the Eligible Entity's BEAD award;
- d. Subgrantee accountability practices that include distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis;
- e. Subgrantee accountability practices that include the use of clawback provisions between the Eligible Entity and any subgrantee (i.e., provisions allowing recoupment of funds previously disbursed);
- f. Mandate for subgrantees to publicize telephone numbers and email addresses for the Eligible Entity's Office of Inspector General (or comparable entity) and/or subgrantees' internal ethics office (or comparable entity) for the purpose of reporting waste, fraud or abuse in the Program. This includes an acknowledge of the responsibility to produce copies of materials used for such purposes upon request of the Federal Program Officer; and
- g. Mechanisms to provide effective oversight, such as subgrantee accountability procedures and practices in use during subgrantee performance, financial

management, compliance, and program performance at regular intervals to ensure that subgrantee performance is consistently assessed and tracked over time.

The Eligible Entity has already agreed to all of these conditions in its BEAD grant agreement. This includes the responsibility under 2 C.F.R. § 300.332 to ensure that all necessary BEAD conditions are included in each subgrant agreement. The Eligible Entity must certify, by selecting ‘Yes,’ that its subgrant agreements will include all required components to comply with the BEAD NOFO. Prior to provisionally selecting subgrantees, each Eligible Entity must publicly post a template/draft of its broadband deployment subgrant agreement for transparency purposes, to demonstrate that all required components are included.

## **Requirement 5 – Local Coordination**

### **Response:**

[to be added after public comment window]

## **Requirement 6 – Challenge Process Results**

### *Challenge Process Results (Requirement 6)*

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

### **Response:**

Yes. The Corporation certifies that it successfully completed the BEAD Challenge Process and received approval of the results from NTIA.

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

### **Response:**

Following approval of the Challenge Process by NTIA and the required public comment period, the Corporation publicly posted the final location classifications on their website (<https://connectri-ricom.hub.arcgis.com/pages/state-challenge-process>) on April 17, 2025

## Requirement 7 – Unserved and Underserved Locations

### Coverage of Unserved Locations

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

**Response:**

Yes. The Corporation certifies that it will ensure coverage of broadband service to all unserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2).

**7.2 Text Box:** If the Eligible Entity does not serve an unserved location because it is either financially incapable or has determined that costs to serve the location would be unreasonably excessive, explain and include a strong showing of how the Eligible Entity made that determination.

**Response:**

Not applicable.

**7.3 Attachment (Optional):** If applicable to support the Eligible Entity's response to Question 7.2, provide relevant files supporting the Eligible Entity's determination.

**Response:**

Not applicable.

### Coverage of Underserved Locations

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

**Response:**

Yes. The Corporation certifies that it will ensure coverage of broadband service to all underserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2).

**7.5 Text Box:** If the Eligible Entity does not serve an underserved location because it is either financially incapable or has determined that costs to serve the location would be unreasonably



excessive, explain and include a strong showing of how the Eligible Entity made that determination.

**Response:**

Not applicable.

**7.6 Attachment (Optional):** If applicable to support the Eligible Entity's response to Question 7.5, provide relevant files supporting the Eligible Entity's determination.

**Response:**

Not applicable.

**7.7 Question (Y/N):** Certify that the Eligible Entity has utilized the provided reason codes to investigate and account for locations that do not require BEAD funding, that the Eligible Entity will utilize reason codes 1, 2, and 3 for the entire period of performance, and that the Eligible Entity will maintain documentation, following the guidelines provided by NTIA, to justify its determination if there is a reason to not serve any unserved or underserved location on the NTIA-approved final list of eligible locations through a BEAD project. The documentation for each location must be relevant for the specific reason indicated by the Eligible Entity in the *fp\_no\_BEAD\_locations.csv* file. The Eligible Entity shall provide the documentation for any such location for NTIA review, as requested during Final Proposal review or after the Final Proposal has been approved.

**Response:**

Yes. The Corporation certifies that it will maintain documentation, following the guidelines provided by NTIA, to justify its determination if there is a reason to not serve any unserved or underserved location on the NTIA-approved Challenge Process list through a BEAD project.

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

**Response:**

Yes. The Corporation certifies that it has accounted for all enforceable commitments after the submission of its challenge results, including state enforceable commitments and federal enforceable commitments that the Corporation was notified of and did not object to, and/or federally funded awards for which the Corporation has discretion over where they are spent, in its list of proposed projects.

## **Requirement 8-10 – Removed**

N/A per Revised PN

## **Requirement 11 – Implementation Status**

(BEAD NOFO, Section IV.B.5.b.11-13, pg. 32, and BEAD NOFO, Section IV.B.9.b.11.b-c, pg. 48 and BEAD NOFO, Section VII.E.2.9,12, pgs. 90-92). The “Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms” section is also eliminated (BEAD NOFO, Section VII.D.7, pgs. 88-89).

#### **Low-Cost Service Option**

**Relevant Instructions from the Infrastructure Act, 47 U.S.C. § 1702 (h)(4)(B):**

(4) DEPLOYMENT AND PROVISION OF SERVICE REQUIREMENTS. – An entity that receives a subgrant under subsection (f)(1) for the deployment of a broadband network—...

(B) shall offer not less than 1 low-cost broadband service option for eligible subscribers, as those terms are defined in paragraph (5) of this subsection;

#### **Relevant Instructions from the BEAD Restructuring Policy Notice Section 7, Pages 6-8:**

NTIA hereby eliminates the non-statutory requirements in the NOFO related to the BEAD low-cost broadband service option (LCSO). Specifically, NTIA hereby eliminates the “Affordability and Low-Cost Plans” section of the NOFO and the related Initial Proposal and Final Proposal requirements to the extent they are inconsistent with this Policy Notice (BEAD NOFO, Section IV.C.2.c.i, pg. 66-68 and BEAD NOFO, Section IV.B.5.b.16, pg. 32 and BEAD NOFO, Section IV.B.9.b.11.d, pg. 48).

BEAD subgrantees must still comply with the statutory provision to offer at least one LCSO, but NTIA hereby prohibits Eligible Entities from explicitly or implicitly setting the LCSO rate a subgrantee must offer (Subgrantees must also still comply with the statutory and NOFO requirements pertaining to service level.) To be clear, NTIA will only approve Final Proposals that include LCSOs proposed by the subgrantees themselves. Finally, NTIA also hereby modifies the eligible subscriber definition (below) to align it with the Federal Communications Commission’s (FCC) Lifeline Program and other Federal assistance programs.

##### **a. LCSO Service Requirements**

Consistent with IIJA, Eligible Entities shall require potential BEAD subgrantees to propose an LCSO as part of their applications that meets certain speed and performance criteria. As required by IIJA and the NOFO, the

LCSO must offer speeds of at least 100/20 Mbps and latency performance of no more than 100 milliseconds. Applicants that already offer a low-cost plan that meets these service requirements may satisfy the LCSO requirement by proposing to offer their existing low-cost plan to eligible subscribers.

#### **b. Eligible Subscriber Definition**

IJJA directs NTIA to define “eligible subscriber” for the BEAD low-cost broadband service option. The NOFO adopted the eligibility requirements of the FCC’s Affordable Connectivity Plan which is no longer operational. Accordingly, NTIA hereby redefines “eligible subscriber” to match the eligibility criteria for the FCC’s Lifeline Program. This eligibility change aligns the BEAD LCSO requirement with an existing communications affordability program as well as other Federal benefit qualifications for low-income Americans. The definition of an Eligible Subscriber for the LCSO stated in the NOFO is hereby stricken and is replaced with the following:

Eligible Subscriber–The term “Eligible Subscriber” means any household seeking to subscribe to broadband internet access service that is eligible for the FCC’s Lifeline Program (Lifeline eligible criteria are defined in 47 C.F.R. §54.409).

BEAD subgrantees are responsible for verifying LCSO eligibility and may ask potential subscribers to provide the same documentation necessary to confirm eligibility as is required under the Lifeline program.

#### **Network Reliability and Resilience**

##### **Relevant Instructions from the Infrastructure Act, 47 U.S.C. § 1702**

(1) SUBGRANTEE OBLIGATIONS. - A subgrantee, in carrying out activities using amounts received from an eligible entity under this section—...

(C) shall incorporate best practices, as defined by the Assistant Secretary, for ensuring reliability and resilience of broadband infrastructure;

##### **Relevant Instructions from the BEAD Restructuring Policy Notice Section 2.2, Pages 4-5:**

NTIA hereby eliminates the requirements in the NOFO related to climate change, which prioritized the prior Administration’s radical environmental social agenda at the expense of swift and efficient broadband deployment. Specifically, NTIA hereby eliminates the “Climate Resilience” section of the NOFO (NOFO, Section IV.C.1.h,

**Cost and Barrier Reduction:****Relevant Instructions from BEAD NOFO Section IV.B.9.b, Page 48:**

The Final Proposal must include...

**11. Implementation status of plans described in the Initial Proposal related to:**

- a. Steps that the Eligible Entity has taken or intends to take to promote streamlined permitting processes and cost-effective access to poles, conduits, easements, and rights of way, including the imposition of reasonable access requirements;

**Compliance with Labor Laws**

Relevant Instructions from the Infrastructure Act, 47 U.S.C. § 1702 (h)(1)(A)(iv)(IV)

(A) IN GENERAL. - An eligible entity, in awarded subgrants for the deployment of a broadband network using grant funds received under this section, as authorized in subsection (f)(1) - ...

(iv) shall give priority to projects based on- ...

(IV) a demonstrated record of and plans to be in compliance with Federal labor and employment laws.

**Relevant Instructions from the BEAD Restructuring Policy Notice Section 2.1, Page 4:**

NTIA hereby eliminates the non-statutory requirements in the NOFO related to labor, employment, and workforce development... Specifically, NTIA hereby eliminates the following sections of the NOFO: “Fair Labor Practices and Highly Skilled Workforce”; “Advancing Equitable Workforce Development and Job Quality Objectives”; and “Civil Rights and Nondiscrimination Law Compliance” (BEAD NOFO, Section IV.C.1.e-g, pgs. 56-62). The related Initial Proposal and Final Proposal requirements and the corresponding reporting requirements are also eliminated

pgs. 62-64.) and the related Initial Proposal and Final Proposal requirements (NOFO, Section IV.B.5.b.15, pg. 32, and NOFO, Section IV.B.9.b.11.e, pg. 48).

Subgrantees shall satisfy the statutory requirement to incorporate best practices defined by NTIA for ensuring reliability and resilience of broadband infrastructure by establishing risk management plans that account for technology infrastructure reliability and resilience, including from natural disasters (e.g., wildfires, flooding, tornadoes, hurricanes, etc.), as applicable, as well as cybersecurity best practices (See, e.g., National Institute of Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations, NIST 800- 161 Rev.1 and Key Practices in Cyber Supply Chain Risk Management: Observations from Industry, NIST IR 8276).

The purpose of this requirement is to ensure the Eligible Entity is making progress towards the implementation of plans approved in its Initial Proposal, as modified by incorporating the BEAD Restructuring Policy Notice. This requirement also aims to ensure each Eligible Entity is continuing to implement plans to reduce costs and barriers to deployment, account for network reliability and resilience, and address eligible subscribers' access to affordable broadband service options.

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

The Eligible Entity will respond by indicating either: 'Complete,' 'In Progress,' or 'Not Started' to describe the implementation of its plans regarding reducing costs and barriers to deployment.

The Eligible Entity can refer to the permitting resources on the [NTIA BEAD website](#), including the [Permitting Best Practices: Case Studies](#) for additional information to incorporate in its response.

The [Permitting Best Practices: Case Studies](#) outlines case studies and examples of streamlining permitting, including Broadband Ready Communities, E-Permitting, and Rights-of-Way.

The [Permitting Needs Assessment](#) contains a checklist of four major permitting categories, including Rights-of-Way, Pole Attachments, Conduit Access, and Environment Planning/Historic Preservation.

**Response:**

The Corporation is undertaking a number of efforts to streamline and support the permitting process, as outlined in the Initial Proposal. The below provides status of these efforts:

Completed: The Corporation created Project Areas to ease, as possible, permitting barriers.

In progress: Further, as outlined in the Initial Proposal, the Corporation has met with many and continues to meet with local officials and state authorities to understand permitting processes. These stakeholders include municipality leaders, the State Historic Preservation Office (SHPO), RI Energy, RIDOT, RI Turnpike and Bridge Authority, and other entities that will control the review and approval of permits.

Not started: The Corporation has not yet deployed the municipal help desk; this will follow on from our initial conversations with local authorities and will begin once subgrantee selections have been finalized. plans to begin complying with permitting.

In progress: The Corporation has compiled a map of pole location data throughout the state in order to streamline the cost-effective access to poles, conduits, and easements. After subgrantee selection, the Corporation will work with subawardees to aggregate requests for pole access to Rhode Island Energy.

In progress: The Corporation has compiled a list of relevant broadband infrastructure suppliers through our SupplyRI program in order to mitigate supply chain disruptions

for selected vendors, as applicable.

**11.2 Question (Y/N):** Affirm that the Eligible Entity required subgrantees to certify compliance with existing federal labor and employment laws.

The Eligible Entity must certify, by selecting 'Yes,' that it required subgrantees to certify compliance with federal labor and employment laws.

If the Eligible Entity indicates 'No,' the Eligible Entity must answer Intake Question 11.3, and provide an explanation for this response. The Eligible Entity should note that responding 'No' to this question will result in an extended timeline for NTIA's review of the Final Proposal.

**Response:**

Yes, the Corporation certifies that subgrantees were required to certify compliance with existing federal labor and employment laws.

**11.3 Text Box (Optional - Conditional on a 'No' Response to Intake Question 11.2):** If the Eligible Entity does not affirm that subgrantees were required to certify compliance with federal labor and employment laws, explain why the Eligible Entity was unable to do so.

*Intake Question 11.3 will only appear in NGP if the Eligible Entity responds 'No' to Intake Question 11.2.*

If all subgrantees will not be required to offer a low-cost broadband service option for the duration of the federal interest period, please select 'No.' The Eligible Entity should note that responding 'No' to this question will result in an extended timeline for NTIA's review of the Final Proposal.



**Response:**

Not Applicable.

**11.4 Question (Y/N):** Certify that all subgrantees selected by the Eligible Entity will be required to offer a low-cost broadband service option for the duration of the 10-year Federal interest period.<sup>6</sup>

If all subgrantees will be required to offer a low-cost broadband service option for the duration of the Federal interest period, please select 'Yes.'

**Response:**

Yes, the Corporation certifies that all subgrantees selected will be required to offer a low-cost broadband service option for the duration of the 10-year Federal interest period.

**11.5 Text Box (Optional – Conditional on a 'No' Response to Intake Question 11.4):** If the Eligible Entity does not certify that all subgrantees selected by the Eligible Entity will be required to offer a low-cost broadband service option for the duration of the 10-year Federal interest period, explain why the Eligible Entity was unable to do so.

*Intake Question 11.5 will only appear in NGP if the Eligible Entity responds 'No' to Intake Question 11.4.*

**Response:**

Not applicable.

**11.6 Question (Y/N):** Certify that all subgrantees have planned for the reliability and resilience of BEAD-funded networks.

The Eligible Entity must certify, by selecting 'Yes,' that it focused on ensuring the reliability and resilience of BEAD-funded broadband infrastructure when selecting subgrantees.

If the Eligible Entity indicates ‘No,’ the Eligible Entity must answer Intake Question 11.7, and provide an explanation for this response. The Eligible Entity should note that responding ‘No’ to this question will result in an extended timeline for NTIA’s review of the Final Proposal.

**Response:**

Yes, the Corporation certifies that all subgrantees have planned for the reliability and resilience of BEAD-funded networks.

**11.7 Text Box (Optional – Conditional on a ‘No’ Response to Intake Question 11.6):** If the Eligible Entity does not certify that subgrantees have planned for the reliability and resilience of BEAD-funded networks in their network designs, explain why the Eligible Entity was unable to do so.

*Intake Question 11.7 will only appear in NGP if the Eligible Entity responds ‘No’ to Intake Question 11.6.*

**Response:**

Not applicable.

## **Requirement 12 – Substantiation of Priority Broadband Projects**

**12.1 Text Box:** Describe how the Eligible Entity applied the definition of Priority Project as defined in the Infrastructure Act and the BEAD Restructuring Policy Notice.

The Corporation defined Priority Broadband Project” (“PBP”) in its RFP #2517 as a “project that provides broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency less than or equal to 100 milliseconds, and can easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment of 5G, successor wireless technologies, and other advanced services.”

The Corporation considered any qualified proposal, irrespective of technology, that met all conditions (Speed & Latency and Scalability) of this definition as a Priority Broadband Project. As a result of the Corporation's application of this definition, the Corporation was able to achieve outstanding results for Rhode Islanders and all Americans:

- Service to all BEAD-eligible BSLs in Rhode Island using a technology-neutral approach, which will create jobs and promote long-term economic development
- An 86% reduction in BEAD outlays – In the prior iteration of the program, the Corporation estimated spending approximately \$108.7M on deployment; the Corporation now anticipates spending approximately \$16M on deployment.
- Support for emerging technologies and new entrants – The Corporation awarded subgrants to emerging low-earth orbit satellite and terrestrial fixed wireless providers, in addition to established wireline providers.

### **Speed & Latency**

*“Broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency less than or equal to 100 milliseconds.”*

To apply the Speed & Latency requirements of a Priority Broadband Project, the Corporation:

- Confirmed that proposers demonstrated the ability to provide broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads
- Confirmed that proposers demonstrated the ability to provide broadband service with a latency less than or equal to 100 milliseconds
- Confirmed that proposers can provide the required speeds and latencies to a new broadband subscriber without negatively impacting existing subscribers.

### **Scalability**

*“Can easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment of 5G, successor wireless technologies, and other advanced services.”*

To apply the Scalability requirements of a Priority Broadband Project, the Corporation confirmed that proposers demonstrated the ability to easily and economically scale capacity to meet the growth in broadband demand expected over the next 10 years.

As Rhode Island is the second most densely populated state in the Union, the Corporation particularly noted that project area density impacts ease of scalability. In high density areas, a BEAD Priority Broadband Project should demonstrate the ability to deliver the required speeds and latencies to all BSLs simultaneously, as well as the ability to scale these speeds over time to support the “evolving connectivity needs of households and

businesses.”

The Corporation also considered:

- The proposer’s history in providing scalable broadband service,
- The proposer’s dependency on emerging and/or unproven technologies, which could require additional regulatory approvals, such as zoning, spectrum, or orbital clearances, that introduces uncertainty,
- The operational lifespans of the proposed network, which could pose replacement risks, impacting long-term reliability and cost-effectiveness, and
- The ability of a proposer’s network to reliably provide broadband service within a project area, given its topology, geography, weather, and other considerations (this included an assessment of tree canopy and other obstructions that can degrade signals, reduce bandwidth, increase latency, and impact reliability).

When evaluating both the Speed & Latency and the Scalability requirements of a Priority Broadband Project for a particular proposal, the Corporation considered both the proposer’s RFP response, as well as the proposer’s response to the Corporation’s subsequent Request for Clarification (RFC), which was used to ascertain missing information and provide all proposers additional opportunities to substantiate that their proposal would meet the requirements of a Priority Broadband Project.

**Relevant Instructions from the Infrastructure Act, 47 U.S.C § 1702(a)(1)(I):**

(I) PRIORITY BROADBAND PROJECT.–The term “priority broadband project” means a project designed to–

- (i) provide broadband service that meets speed, latency, reliability, consistency in quality of service, and related criteria as the Assistant Secretary shall determine; and
- (ii) ensure that the network built by the project can easily scale speeds over time to–
  - (I) meet the evolving connectivity needs of households and businesses; and
  - (II) support the deployment of 5G, successor wireless technologies, and other advanced services.

**Relevant Instructions from the Infrastructure Act, 47 U.S.C. § 1702 (h)(1)(A)(ii):**

...in providing funding under .., [Eligible Entity] shall prioritize funding for deployment of broadband infrastructure for priority broadband projects

Relevant instructions from the BEAD Restructuring Policy Notice Section 3.1, Pages 8-10:

IIJA requires Eligible Entities to prioritize funding for “priority broadband projects.”

The statute defines a priority broadband project as one designed to:

- (i) provide broadband service that meets speed, latency, reliability, consistency in quality of service, and related criteria as the Assistant Secretary shall determine; and
- (ii) (ii) ensure that the network built by the project can easily scale speeds over time to -
  - a. meet the evolving connectivity needs of households and businesses; and
  - b. support the deployment of 5G, successor wireless technologies, and other advanced services

Any applicant may seek to have the Eligible Entity treat its application as a Priority Broadband Project regardless of the technology used. The applicant’s project, however, must still meet the required speed and latency standards set forth in the

statute and the NOFO and demonstrate that it meets the additional statutory criteria, including that the project can easily scale speeds over time to support evolving connectivity needs and the deployment of 5G and successor wireless technologies. Applicants must provide supporting documentation sufficient for the Eligible Entity to assess the network application and determine that the proposed network architecture for each specific project area meets this standard.

Eligible Entities may not categorically exclude any given technology and may only reject treatment of an application as a Priority Broadband Project if the project could not meet the statutory definition for a specific project area. As discussed in Section 3.4 below, NTIA reserves the right to reverse an Eligible Entity's determination that a project does or does not meet the standard for a Priority Broadband Project if such determination is unreasonable.

**12.1 Text Box: Describe how the Eligible Entity applied the definition of Priority Project as defined in the Infrastructure Act and the BEAD Restructuring Policy Notice.**

The Eligible Entity must describe its methodology for determining whether a project is a Priority Broadband Project, and how it applied this methodology consistently across all applications.

The Eligible Entity will note which projects are identified as Priority Broadband Projects in the *fp\_deployment\_projects.csv* file.

In line with the PN, the Corporation defined Priority Broadband Project” (“PBP”) in its RFP #2517 as a “project that provides broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency less than or equal to 100 milliseconds, and can easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment of 5G, successor wireless technologies, and other advanced services”.

**Response:**

The Corporation considered all qualifying proposals per the above definition, as a Priority Broadband Project, irrespective of the technology used. The Corporation prioritized such PBP projects for awards. A Request for Clarification (“RFC”) process was used to elicit missing information and gain additional clarifications to make sure that the expected requirements would be fully met in the future, irrespective of conditions on the ground. For example, to review a technology’s ability to scale, the Corporation considered the currently served speeds of 100/20 Mbps, the proposal’s stated network capacity, the project area’s number of BSLs, the project area’s geographic area, current customer base (as applicable), and future demand.

Further, the Corporation also took into consideration the applicant’s track record of meeting comparable levels of demand relative to the number of BSLs applied to. If a direct example could not be reviewed, the Office looked for examples of the applicants scaling their technology at the required pace.

Finally, if the performance history did not have an example of the level of scale needed for the BEAD program, the Corporation considered if future scalability would depend on emerging technologies. Emerging technology could require additional regulatory approvals, such as zoning, spectrum, or orbital clearances, which may introduce uncertainty. Additionally, technologies with shorter operational lifespans may pose replacement risks that could impact long-term reliability and cost-effectiveness.

Through the RFC process, the Corporation evaluated topography and common line of sight barriers like trees. Tree canopy impacts the deployment of broadband technology requiring direct line-of-sight. LEO performance is more reliable with an unobstructed sky view, while fixed wireless signals degrade when traveling through vegetation. We also took into consideration Rhode Island’s experiences in such areas as well as experiences of other States with line-of-sight limitations.

Such a detailed consideration of aspects of the PBP definition allowed the state to fully implement a successful Benefit of the Bargain Round.

## Requirement 13 – Subgrantee Selection Certification

Relevant Instructions from the BEAD Restructuring Policy Notice Section 3.4, Page 12:

Eligible Entities shall score competing applications using the following criteria:

**Primary Criteria.** In deciding among competing applications covering the same general project areas, Eligible Entities must choose the option with the lowest cost based on minimal BEAD Program outlay.

**Minimal BEAD Program Outlay.** The Eligible Entity must select the combination of project proposals with the lowest overall cost to the Program. This may involve selecting a proposal that is not the lowest-cost option for a given set of BSLs but is part of the combination of selected projects with the lowest overall cost to the Program. When comparing competing proposals, Eligible Entities shall assess the total BEAD funding that will be required to complete the project (i.e., the total project cost minus the applicant's proposed match) and the cost to the Program per location (i.e., the total BEAD funding that will be required to complete the project divided by the number of BSLs the project will serve).

**Secondary Criteria.** If an application to serve the same general project area proposes a project cost within 15% of the lowest-cost proposal received for that same general project area on a per BSL basis, the Eligible Entity must evaluate such competing applications based on the following three criteria. The relative weighting of these three criteria shall be at the discretion of the Eligible Entity:

**Speed to Deployment.** The prospective subgrantee's binding commitment to provision service by a date certain that is earlier than four years after the date on which the subgrantee will receive the subgrant from the Eligible Entity subject to contractual penalties to the Eligible Entity. Greater consideration can be awarded to prospective subgrantees promising an earlier service provision date.

**Speed of Network and Other Technical Capabilities.** Eligible Entities may weigh the speed, latency, and other technical capabilities of the technologies proposed by prospective subgrantees.



**Preliminary/Provisional Subgrantees.** For locations where Eligible Entities have already identified preliminary or provisionally selected subgrantees, Eligible Entities may give additional weight to those applications in the Benefit of the Bargain Round.

The purpose of this section is to ensure the Eligible Entity followed the BEAD Restructuring Policy Notice to award subgrants through a fair, open, and competitive process. This section also aims to ensure that the level of benefits (i.e., a particular score, additional points in scoring criteria, lowest cost) given to provisionally selected subgrantees align with the commitments the prospective subgrantees provided the Eligible Entity.

**13.1 Text Box:** Provide a narrative summary of how the Eligible Entity applied the BEAD Restructuring Policy Notice's scoring criteria to each competitive project application and describe the weight assigned to each Secondary Criteria by the Eligible Entity. Scoring criteria must be applied consistent with the prioritization framework laid out in Section 3.4 of the BEAD Restructuring Policy Notice.

The Eligible Entity must describe the following:

1. A summary of how the Eligible Entity applied the “Minimal BEAD Program Outlay” scoring criteria to each competitive application
2. If secondary criteria were applicable according to the BEAD Restructuring Policy Notice, a summary of how the Eligible Entity applied the criteria, (i.e., how points were assigned within each criterion) and identify the corresponding weights assigned to each criterion:
  - Speed to deployment; and
  - Speed of network and other technical capabilities as defined by the Eligible Entity;For locations where Eligible Entities have already completed their subgrantee selection process and identified preliminary or provisionally selected subgrantees, Eligible Entities will give additional weight to Preliminary/Provisional Subgrantees.

**Response:**

The Corporation evaluated subgrantee proposals according to the prioritization framework in Section 3.4 of the PN. These criteria allowed the Office of Broadband to assess competing Priority Broadband Project applications (as defined in Section 12.1), as well as competing Non-Priority Broadband Project applications. Specific adjustments based on PN guidance included a mandatory Low-Cost Service Option from the subgrantees instead of the requirements for the Middle-Class Affordability Plan of the NOFO.

After the Corporation established that a proposal meets the gating criteria, it evaluated the proposal using two sets of Scoring Criteria, Primary, and Secondary, per the revised scoring rubric from the PN. The Corporation prioritized proposals that met the definition of a PBP. However, in the absence of any qualifying PBP proposals, the Corporation considered the competing non-PBP proposal(s). The evaluation criteria remained the same for non-PBP proposals.

The Primary evaluation criteria was Minimal BEAD Outlay, and Corporation chose Speed of Network and Other Technical Capabilities amongst the allowable Secondary criteria. Per the PN, the Secondary Criteria were only applied if a Proposer's BEAD outlay was within 15 percent from the Proposer with the lowest BEAD outlay on a per BSL basis, for the same general project area.

The scoring criteria as set forth in the RFP included bonus points for companies that qualified as inclusive small business enterprises ("ISBEs"), as required under Rhode Island law. This bonus was included while the Corporation's request for a waiver to incorporate the ISBE bonus in the scoring criteria was pending before NTIA. NTIA subsequently denied that waiver request. No proposer qualified for ISBE bonus points, thus rendering the ISBE bonus irrelevant.

**Priority and Non-Priority Broadband Projects Scoring Criteria**

#	Primary Criteria (Required by NTIA)	Points	Weighting Criteria
P1	Minimum BEAD Program Outlay	100	100%
P2	ISBE Participation <sup>1</sup>	6.0	Bonus
	<b>Primary Criteria Subtotal</b>	<b>106</b>	<b>100%</b>

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<sup>1</sup> Ultimately, the ISBE participation scoring bonus was not utilized, though it was included in the published RFP #2517.

	<b>Secondary Criteria</b>		
S1	Speed of Network and Other Technical Capabilities	100	100%
	<b>Secondary Criteria Subtotal</b>	<b>100</b>	<b>100%</b>

The Corporation awarded the maximum points to proposal/s that resulted in the lowest total BEAD outlay. When comparing proposals, the Corporation evaluated both the total BEAD funding requested (i.e., the total cost of a PAU minus the proposer's required match) and the BEAD cost per location (i.e., the total BEAD funding divided by the number of BSLs the proposal will serve). This analysis determined which PAU proposals are most cost-effective.

As required by the PN, the Corporation reviewed the submittals for this evaluation in conjunction with the business plan (in the case of all terrestrial providers) and related proforma or cash flow analysis, and the Project Management Plan including a narrative, which must detail the project's quality, design, scalability, and specific sources of matching funds, to justify the costs proposed. This review was done for reasonableness using available benchmarks. Wherever the Corporation was not satisfied with the Proposer's submittals in certain areas, it requested clarifications from Proposers. The primary criteria allowed the Corporation to prioritize the most cost-efficient and effective priority broadband projects for each location across the state.

The Secondary Scoring Criteria as stipulated in the RFP is as below:

### **Secondary Scoring Criteria**

<b>Description</b>	<b>Maximum Points</b>
Proposer's network can currently offer: <ul style="list-style-type: none"> <li>Consistent, symmetric speeds of at least 2 Gbps upload and 2 Gbps download to all BSLs simultaneously.</li> <li>Consistent latency under 25 milliseconds</li> </ul>	50
Proposer's network has at least a 20-year-lifespan without requiring substantial infrastructure replacement (apart from regular maintenance and upgrades)	12.5
Proposer's network has the ability to meet increasing connectivity demand	12.5
Proposer's network is not substantially impacted by congestion or oversubscription	25

<b>Secondary Criteria Subtotal</b>	<b>100</b>
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## **Requirement 14 – Environmental and Historic Preservation Documentation**

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

The Final Proposal must include...:

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

### **Relevant Instructions from BEAD Restructuring Policy Notice Section 6, Page 15:**

To support NTIA’s goal of issuing National Environmental Policy Act (NEPA) approvals within two weeks for an estimated 90 percent of BEAD projects and eliminate approximately 3-6 months of environmental processing per project, all Eligible Entities are hereby required to use the Environmental Screening and Permitting Tracking Tool (ESAPTT) within the NTIA Grants Portal. ESAPTT will help Eligible Entities serve as joint lead agencies for NEPA reviews by identifying applicable categorical exclusions and enabling paperless transmission of environmental documents and generation of draft and final NEPA documents. NTIA will generate ESAPTT project records from BEAD subgrant award data, which must identify any awards containing multiple NEPA project areas. Eligible Entities are further encouraged to use ESAPTT’s permitting tracking capacity to evaluate and track subrecipient NEPA milestone schedules and escalate Federal right-of-way permitting issues to NTIA for interagency resolution.

The purpose of this section is to ensure that the Eligible Entity provides information on how it will ensure subgrantees will comply with environmental and historic preservation requirements including but not limited to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) (NEPA), Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*) (NHPA), Section 7 of the Endangered Species Act (16 U.S.C. 1521, *et seq.*), Section 404 of the Clean Water Act (33 U.S.C. 1251, *et seq.*), and all other applicable Federal, state, and local environmental laws and regulations.

It is a BEAD program imperative to ensure that projects are in environmental compliance and a condition of the award that each Eligible Entity is a joint lead agency for NEPA.

**14.1 Attachment (Required):** Submit a document which includes the following:

- Description of how the Eligible Entity will comply with applicable environmental and historic preservation (EHP) requirements, including a brief description of the methodology used to evaluate the Eligible Entity's subgrantee projects and project activities against NTIA's National Environmental Policy Act (NEPA) guidance. The methodology must reference how the Eligible Entity will use NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) to create NEPA project records, evaluate the applicability of categorical exclusions, consider and document the presence (or absence) of Extraordinary Circumstances, and transmit information and draft NEPA documents to NTIA for review and approval.

Description of the Eligible Entity's plan to fulfill its obligations as a joint lead agency for NEPA under 42 U.S.C. 4336a, including its obligation to prepare or to supervise the preparation of all required environmental analyses and review documents.

Evaluation of the sufficiency of the environmental analysis for your state or territory that is contained in the relevant chapter of the FirstNet Regional Programmatic Environmental Impact Statement (PEIS), available at <https://www.firstnet.gov/network/environmental-compliance/projects/regional->



- project activities against NTIA's National Environmental Policy Act (NEPA) guidance. The methodology must reference how the Eligible Entity will use
- NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) to create NEPA project records, evaluate the applicability of categorical exclusions, consider and document the presence (or absence) of Extraordinary Circumstances, and transmit information and draft NEPA documents to NTIA for review and approval.

**Joint Lead Agency Responsibility Summary:** A statement of the Eligible Entity's understanding of its obligations as a joint lead agency to implement NEPA requirements under 42 U.S.C. 4336a and a description of the Eligible Entity's plan to prepare and/or supervise the preparation of all required environmental analyses and review documents.

- **Description of FirstNet Regional PEIS Evaluation:**
  - Identification of the relevant First Responder Network Authority
  - (FirstNet) PEIS chapter pertinent to the Eligible Entity, and a concise evaluation of the sufficiency of the environmental analysis contained in the relevant FirstNet Regional PEIS (see [Sample evaluation memo](#)), updating any information necessary for the NEPA analysis contained in the FirstNet Regional PEIS to apply to the Eligible Entity's subgrant broadband deployment projects.

**Specific Award Conditions (SACs) Description:** A description of the Eligible Entity's current or planned use of SACs and/or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects are awaiting final NEPA approval. For example, this may include utilizing an EHP-focused SAC attached to subgrantee awards that are anticipated to require ground-disturbing activities.

[[See attachment uploaded separately]]

## Requirement 15 – Consent from Tribal Entities

**Relevant Instructions from NOFO Section IV.B.9.b, Page 48:** The Final Proposal must include...:

15. To the extent an Eligible Entity's Final Proposal includes plans to deploy broadband to Unserved Service Projects or Underserved Service Projects on Tribal

Lands, the Eligible Entity must submit a Resolution of Consent from each Tribal Government, from the Tribal Council or other governing body, upon whose Tribal Lands the infrastructure will be deployed.

The purpose of this section is to ensure that proper guidelines, regulations, and Tribal consent with respect to Tribal Lands were followed for deployment projects on Tribal Lands. For the program's specific instructions on obtaining Tribal consent in the case of consortia, projects in Hawaii, and projects in Alaska, please refer to footnote 70 on page 48 of the BEAD NOFO.

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

*If the Eligible Entity did not have any cases where deployment on Tribal Lands is to take place, the Eligible Entity will not upload a document for this Intake Question in NGP.*

*If the Eligible Entity has any deployment project taking place on federally recognized Tribal Lands the Eligible Entity must provide a Resolution of Consent (in PDF format) from each Tribal Government whose Land the deployment project will be taking place upon. Projects that intersect with Tribal Lands should be indicated in the Deployment Project CSV (submitted in the [Final Proposal Data Submission](#) with a 'Y' in the "Intersect with Tribal Lands" column.*

*The Resolution of Consent may follow the Tribal Government's standard format; NTIA will not provide a standard template for this requirement. The Eligible Entity must ensure that each certification document has the following:*

- *The appropriate Authorized Organization Representative signatures;*
- *Come from each Tribal Government governing authority (i.e., the Tribal Council), and/or other governing body, upon whose Tribal Lands the infrastructure will be deployed;*
  - *Applies to tribes specified in the Federally Recognized Indian Tribal List Act of 1994.*



- *Reference the BEAD NOFO and be dated after the approval of the Eligible Entity's Initial Proposal;*
- *The relevant context on the planned (f)(1) broadband deployment including:*
  - *The entities that will deploy and operate the network;*
  - *The broadband technologies that will be deployed on Tribal Lands;*
  - *The timeframe of the agreement; and*
- *A description of the land proposed for use as part of the proposed project;*
  - Identify whether the land is owned, held in Trust, land held in fee simple by the Tribe, or land under a long-term lease by the Tribe;*
  - *If owned, identify the landowner; and*
  - *Provide a commitment in writing from the landowner authorizing the applicant's use of that land for the propose project;*
- *Appears complete; and*
- *The name of the Resolution of Consent PDF is included in the deployment Project Data.*

**Response:**

Not applicable. Rhode Island does not have any locations on tribal lands.

## **Requirement 16 – Report of Unsuccessful Application due to Eligible Entity Regulations**

**Relevant Instructions from NOFO Section IV.B.9.b,**  
**Page 49:** The Final Proposal must include...:

16. A description of (1) each unsuccessful application that was affected by laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act, that the Eligible Entity did not waive for purposes of BEAD Program project selection and that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources

of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer; and (2) how those laws impacted the decision to deny each such application.

The purpose of this section is to disclose whether the laws the Eligible Entity **did not** waive concerning broadband, utility services, or similar subjects that either preclude certain public sector providers from participation in the subgrant process or impose specific requirements and limitations on public sector entities impacted the Eligible Entity's Subgrantee Selection Process.

This could include laws that have the effect of excluding providers from offering broadband service or rendering them incapable of effectively competing for subgrants. The Eligible Entity must not have excluded cooperatives, nonprofit organizations, public-private partnerships, public or private utilities, public utility districts, or local governments ("potential providers") from eligibility for BEAD Program funds. An example of such law could include a ban on municipal broadband or co-op providers.

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

*If the Eligible Entity had any applications that were unsuccessful due to laws within its jurisdiction concerning broadband, utility services, or similar subjects, it must indicate 'Yes.' The Eligible Entity must include all laws within its jurisdiction that directly resulted in unsuccessful applications, regardless of whether the law predates or was enacted after the passage of the Infrastructure Act in November 2021.*

*If the Eligible Entity did not have any cases where subgrant applications for projects were unsuccessful due to Eligible Entity laws, the Eligible Entity must select 'No.'*

*This question is not asking if there are any state or territory laws or regulations surrounding broadband, utility services, etc., but only about the scenario in which a state or territory law or regulation prevented a subgrantee's application from being provisionally awarded for a project.*

**Response:**

No.

**16.2 Attachment (Required – Conditional on a 'Yes' response to Intake Question)**

**16.1):** As a required attachment only if there were unsuccessful applications due to laws of the Eligible Entity, submit a completed “Regulatory Barriers for Applicants” template.

*Intake Question 16.2 will only appear in NGP if the Eligible Entity responds ‘Yes’ to Intake Question 16.1.*

*If the Eligible Entity selected ‘Yes’ for Intake Question 16.1, it must submit a completed “Regulatory Barriers for Applicants” template.*

*If the Eligible Entity did not have any cases where applications were unsuccessful due to Eligible Entity Regulations, please note ‘Not applicable’ in this text box.*

***To download a copy of the NTIA Template for Report of Unsuccessful Applications due to Eligible Entity Regulations, please navigate to the [BroadbandUSA website](#).***