



**District of Columbia
Office of the Chief Technology Officer
Broadband Equity, Access, and Deployment Program
DRAFT Initial Proposal Volume 2
(Requirements 1, 2, 4, 8 – 19)**

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Introduction

In May 2022, DC Mayor Muriel Bowser created within OCTO the State Broadband and Digital Equity Office (“SBDEO”). This diverse and interdisciplinary team includes digital equity experts, community outreach specialists, and data scientists, and draws on the broad technology expertise of OCTO. Among SBDEO’s core responsibilities is management of DC’s obligations under the federal Broadband Equity, Access, and Deployment (“BEAD”) program.

The BEAD program was created when President Biden signed the Infrastructure Investment and Jobs Act (popularly known as the Bipartisan Infrastructure Law or “BIL”), Pub. L. 117-58, 135 Stat. 429, and is being administered by the United States Department of Commerce’s National Telecommunications and Information Administration (“NTIA”). This program makes available to DC \$100,694,786.93, to administer the program and fund competitive subgrants for the deployment of broadband infrastructure.

In satisfaction of BEAD’s program requirements, and in accord with guidance developed by NTIA, the SBDEO has prepared this **draft** BEAD Initial Proposal Volume 2 for public notice and comment, to satisfy BEAD Initial Proposal Requirements 1, 2, 4, 8 – 19. According to guidance provided by NTIA, the remaining BEAD Initial Proposal Requirements were satisfied by a separate document, the BEAD Initial Proposal Volume 1, which was also made available for public notice and comment.

Pursuant to 47 U.S.C. § 1702(e)(3), this BEAD Initial Proposal Volume 2 will be published in the D.C. Register, and will be made publicly available at techtogether.dc.gov for no less than thirty days before submission to NTIA.

Objectives Requirement 1

Mayor Muriel Bowser’s administration has outlined three long-term **Goals** to guide DC’s State Broadband and Digital Equity Office (“SBDEO”) in its participation in the Biden administration’s broadband and digital equity funding programs. Each of these Goals is supported by highly ambitious, measurable **Objectives**, calculated meaningfully to advance the cause of digital equity Districtwide:

Goal One: Make high-quality, affordable, high-speed internet accessible to all residents of DC, in their homes and local community anchors, and drive equitable adoption of broadband.

Objective One: Ensure every broadband serviceable location (“BSL”) in DC has access to reliable broadband technology capable of providing download speeds of at least 100 Megabits per second (“Mbps”), upload speeds of at least 20 Mbps, with latency below 100 milliseconds.

Objective Two: Increase service availability to any Community Anchor Institutions lacking access to reliable broadband technology capable of providing download speeds of at least 1,000 Mbps, upload speeds of at least 1,000 Mbps, with latency below 100 milliseconds.

Objective Three: Reach at least 95% equitable adoption of broadband internet.

Objective Four: Reach at least 95% adoption among target populations.¹

Objective Five: Reach at least 95% adoption in Wards 5, 7, and 8.²

Objective Six: Ensure every household in DC is within service range of an internet service provider offering at least one affordable internet plan.

Objective Seven: Continued federal funding of the Affordable Connectivity Program (“ACP”) permitting, increase ACP uptake Districtwide.

Goal Two: Provide sustainable, low-cost or no-cost devices, IT-support, and enabling applications to residents.

Objective One: Ensure all residents have access to an internet-ready device.

Objective Two: Provide tech support on DC Government-issued devices.

Objective Three: Ensure residents feel confident using internet-ready devices and know where to go for help when they need it.

¹ Target populations include: racial and ethnic minorities, households below 150% the federal poverty level, veterans, individuals with disabilities, and individuals with language barriers.

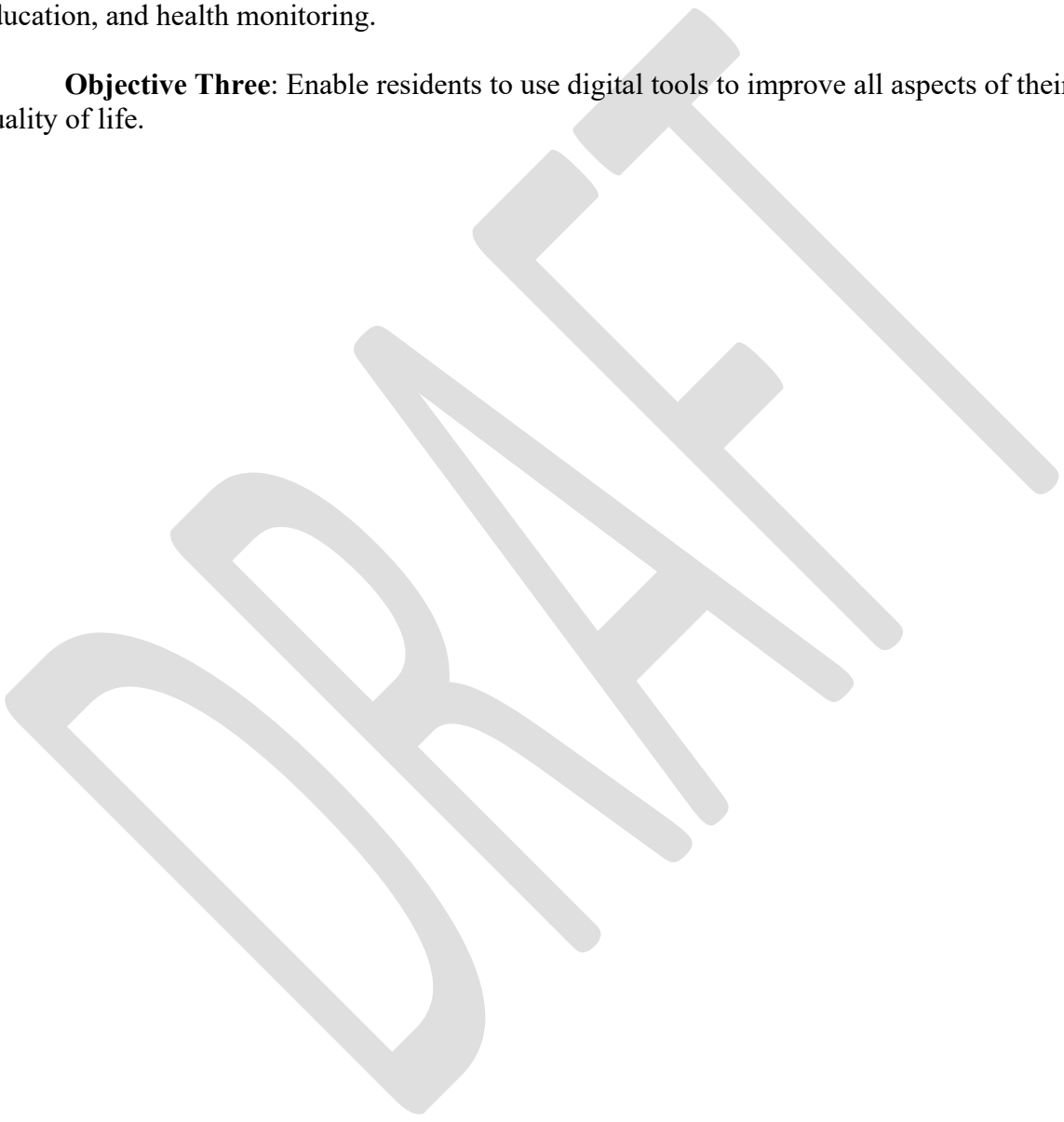
² These Wards represent those with the highest Indicators of Broadband Need, according to NTIA’s Indicators of Broadband Need mapping tool.

Goal Three: Create navigable pathways for DC residents across the spectrum of digital literacy and digital skills.

Objective One: Improve digital literacy in DC so that every resident can safely and proficiently navigate current information technologies.

Objective Two: Enable residents' use of technology, especially concerning work, education, and health monitoring.

Objective Three: Enable residents to use digital tools to improve all aspects of their quality of life.



Local, Tribal, and Regional Broadband Planning Processes Requirement 2

The BEAD Notice of Funding Opportunity (“NOFO”) requires states to identify and outline steps that the state will take to support local, Tribal, and regional broadband planning processes, and ongoing efforts to close the digital divide. Unlike other states, DC operates simultaneously as the state and local government, and as a result does not contain local governments. Additionally, the federal Bureau of Indian Affairs does not recognize Tribes or Tribal lands within the geographic boundaries of DC.

Regarding regional coordination, DC routinely coordinates with its sister states and adjacent counties. In advance of release of the BEAD program, OCTO coordinated with a neighboring state, and a neighboring county, to evaluate potential coordination opportunities in related BIL programs. The SBDEO will continue to engage with its neighbors at the state and local level wherever such coordination would accrue to the benefit of residents.

Local Coordination Requirement 4

The BEAD NOFO requires states to describe how their coordination with local governments has impacted the content of their Initial Proposal Volumes I & II and detail the ongoing coordination efforts. While, as explained in its response to Requirement 2 above, DC does not contain local governments, the SBDEO has engaged in extensive community outreach and coordination activities throughout DC. These outreach activities have included in-person events, virtual webinars, Tech Together sessions, one-on-one interviews, our digital equity survey, and the creation of a dedicated email address, digitalequity@dc.gov, for stakeholders to provide comments, feedback, and questions directly to the SBDEO.

In 2021, the SBDEO started to baseline the needs of DC residents around three action areas: internet access, internet-enabled devices, and digital literacy. Since then, the SBDEO engaged with over 50 Tech Together partners who are actively involved in efforts to close the digital divide. These members include representatives from universities, healthcare facilities, internet service providers, schools, community-based organizations, and those representing specific covered populations. The SBDEO also convened a summit with internet service providers to discuss current digital equity projects happening in DC: residential Wi-Fi, device distribution, senior technology training, and the senior iPad program.

The SBDEO engaged with government agencies directly serving residents in the covered populations (e.g., Mayor's Office on Returning Citizens Affairs) and those prioritizing broadband initiatives (e.g., DC Public Library). The SBDEO partnered with local schools, including Carlos Rosario International Public Charter School, where we held an in-person listening session in four languages to gain insight from adult students currently learning English. The SBDEO maintains close working relationships with these partners, along with the Department of Disability Services (collaborating on their Tech First initiative), DC Public Schools, local nonprofits, and faith groups, and others.

These community engagement activities have impacted the content of DC's Initial Proposal Volumes I & II by highlighting the strong public interest in sustainable solutions to broadband affordability in the areas of DC with the strongest indicators of broadband need, and by highlighting the strong public appetite for continuation of low-cost internet options (e.g., the federal Affordable Connectivity Program), digital workforce development, community outreach, access to low-cost devices, and access to digital literacy training.

DC will continue to hold these community engagement activities as part of OCTO's Tech Together DC initiative. To stay in the know about upcoming community engagement events, visit techtogether.dc.gov.

Deployment Subgrantee Selection Requirement 8

Plan to Competitively Award Subgrants to Last-Mile Broadband Deployment Projects Through a Fair, Open, and Competitive Process

The BEAD NOFO requires DC to describe a detailed plan to award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process. The subgrantee selection process will begin after NTIA has approved DC's Initial Proposal Volumes I & II, after completion of the BEAD Challenge Process, and after publication of a finalized list of Unserved locations, Underserved locations, and Eligible Community Anchor Institutions. If eligible broadband serviceable locations remain, DC will publish a Notice of Funding Availability ("NOFA"), and a Request for Application ("RFA"). Prior to and throughout the application period, the SBDEO will issue clarifying guidance based on guidance outlined in this Initial Proposal to streamline project development and clarify requirements for applicants. Following submission of applications, the SBDEO will begin reviewing all proposals submitted. Following approval by the SBDEO and applicable federal partners, awards will be announced.

Description of the Prioritization and Scoring Process

The BEAD NOFO requires DC to describe how funding projects will be prioritized, and how applications will be scored. To address the challenges associated with DC's unique geography among participating states—specifically, its lack of outlying rural areas—DC intends to make broadband deployment grants according to two separate scoring rubrics.

This split is intended to better incentivize prospective subgrantees to deliver universal service on the most economically efficient terms in those Wards where broadband infrastructure is currently best provided. At the same time, this split is intended to better incentivize prospective subgrantees to commit to constructing durable broadband infrastructure that can easily scale speeds over time to meet the evolving connectivity needs of households and businesses, and to support the deployment of 5G, successor wireless technologies, and other advanced services in Wards 7 and 8, where current broadband infrastructure is most lacking.

The Universal Service Scoring Rubric will apply to broadband deployment projects in Wards 1, 2, 3, 4, 5,³ and 6. DC intends to make one or more fixed-amount subawards to provide last-mile service to all Unserved and Underserved locations in these Wards, strongly incentivizing the factor Minimal BEAD Program Outlay.

The Broadband Infrastructure Deployment Scoring Rubric will apply to broadband deployment projects in Wards 7 and 8. Here, DC intends to make one or more fixed-amount subawards to provide last-mile service to all Unserved and Underserved locations, and may make such awards to connect eligible Community Anchor Institutions, in these Wards through the construction of new underground conduit, along the best paths for easy scalability of speed of service over time,

³ DC intends to provide for increased broadband infrastructure deployment in Ward 5 through a Coronavirus Capital Projects Fund project plan currently under review by the United States Department of the Treasury.

supporting the deployment of 5G and successor wireless technologies, and for supporting other advanced services in Wards 7 & 8.

To maximize efficient use of BEAD funds used in construction of such conduit, successful bidders will also be required to install DC government-supplied conduit, purchased by DC government with non-program funds, wherever the successful bidder opens the right-of-way, under forthcoming Dig Once terms. This will allow DC to expand the scale and usable scope of DC's municipal network, "DC Net," for current and future digital equity programming, as well as network resilience, and capacity, in those Wards most in need of broadband investment.

The Universal Service Scoring Rubric

DC intends to use the scoring criteria and weight of each respective criteria below for the purposes of evaluating proposals of Universal Service broadband deployments. These criteria heavily incentivize Minimal BEAD Program Outlay, in part because DC does not have Tribal or local governments with which to coordinate.⁴ These criteria abide by the guidelines set forth for project scoring in the BEAD NOFO. Evaluation criteria are outlined below each scoring criteria.

Minimal BEAD Program Outlay: 65%

Description: The total BEAD funding that will be required to complete the project, accounting for both total project cost and the applicant's proposed match (which must, absent a waiver, cover no less than 25 percent of this project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases.

Scoring: The most cost-efficient proposal, evaluated by the total funding requested to provide broadband access to a defined application area, will receive full credit under this section. Less cost-efficient proposals will receive a percentage of points available reflective of their percent distance from the most efficient project.

Affordability: 20%

Description: The applicant's commitment to provide the most affordable total price to the customer for 100 Mbps / 20 Mbps service in the project area.

Scoring: If the service package cost of 100 Mbps / 20 Mbps service is at or below \$30 per month, inclusive of all taxes, fees, and charges billed to the customer, the applicant will receive full credit under this section. More expensive packages receive a percentage of points reflective of their percent distance from \$30 per month, inclusive of all taxes, fees, and charges billed to the customer.

⁴ DC chose not to add weight to "Affordability" for projects using the Universal Service Scoring Rubric. As a review of the current FCC broadband data maps demonstrates, the few Unserved and Underserved locations outside Wards 7 & 8 at all likely to survive the Challenge Process are neighbored on all sides by served locations. It would seem inequitable to provide one neighbor with significant affordability protections through BEAD while next-door neighbors lacked any affordability protections whatsoever because they were served on pre-BEAD infrastructure.

Fair Labor Practices: 10%

Description: Applicants must narratively demonstrate a record of and plans to be in compliance with Federal labor and employment laws. Applicants without a record of labor and employment law compliance are permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.

Scoring: DC will evaluate and score narrative responses under this category.

Speed to Deployment: 5%

Description: All subgrantees that receive BEAD program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the Eligible Entity.

Scoring: DC will score committed speed to deployment on a scaled-grading system. Given the uncertainty in broadband supply chains and workforce development, along with the timelines required to ensure compliance with federal regulations imposed by the BEAD program, this grading scale will be designed in a way that minimally differentiates in score based on committed project timelines.

End Scoring Rubric

The Broadband Infrastructure Deployment Scoring Rubric

DC intends to use the scoring criteria and weight of each respective criteria below for the purposes of evaluating Broadband Infrastructure Deployments. To be considered responsive, Broadband Infrastructure Deployments must include both the deployment of new fiber and new underground conduit to serve Unserved, Underserved, and eligible Community Anchor Institutions in Wards 7 & 8. These criteria are more balanced as to the primary factor Minimal BEAD Program Outlay, and introduce the additional prioritization factor Open Access. These criteria abide by the guidelines set forth for project scoring in the BEAD NOFO. Evaluation criteria are outlined below each scoring criteria.

Minimal BEAD Program Outlay: 30%

Description: The total BEAD funding that will be required to complete the project, accounting for both total project cost and the applicant's proposed match (which must, absent a waiver, cover no less than 25 percent of this project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases.

Scoring: The most cost-efficient proposal, evaluated by the total funding requested to provide broadband access to a defined application area, will receive full credit under this section. Less cost-efficient proposals will receive a percentage of points available reflective of their percent distance from the most efficient project.

Affordability: 25%

Description: The applicant's commitment to provide the most affordable total price to the customer for 100 Mbps / 20 Mbps service in the project area.

Scoring: If the service package cost of 100 Mbps / 20 Mbps service is at or below \$30 per month, inclusive of all taxes, fees, and charges billed to the customer, the applicant will receive full credit under this section. More expensive packages receive a percentage of points reflective of their percent distance from \$30 per month, inclusive of all taxes, fees, and charges billed to the customer.

Fair Labor Practice: 20%

Description: Applicants must narratively demonstrate a record of and plans to be in compliance with Federal labor and employment laws. Applicants without a record of labor and employment law compliance are permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded project.

Scoring: DC will evaluate and score narrative responses under this category.

Speed to Deployment: 15%

Description: All subgrantees that receive BEAD program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the Eligible Entity.

Scoring: DC will score committed speed to deployment on a scaled-grading system. Given the uncertainty in broadband supply chains and workforce development, along with the timelines required to ensure compliance with federal regulations imposed by the BEAD program, this grading scale will be designed in a way that minimally differentiates in score based on committed project timelines.

Open Access: 10%

Description: Applicants must address in their applications whether and to what extent they commit to provide open access wholesale last-mile broadband service, wholesale middle-mile broadband service, and wholesale conduit occupancy for the life of the subsidized networks, on fair, equal, and neutral terms to all potential retail providers.

Scoring: DC will issue standardized Open-Access Minimum Terms. DC will score the Open Access commitment by the total fair market value of conduit, fiber, cable, and other broadband infrastructure to be newly constructed or brought into conformity with the standardized Open-Access Minimum Terms if the bid is ultimately successful.

End Scoring Rubric

Prioritization of Unserved Service Projects

Given its unique geography, DC has an extremely low number of Unserved, Underserved, and eligible Community Anchor Institutions. There is, in fact, a non-zero chance that no Unserved or Underserved locations outside Wards 7 & 8 survive the Challenge Process.⁵ A definitive number of total investments required to reach universal broadband access in DC will be finalized when BEAD applications have been submitted by applicants after the Challenge Process.

If at this time, universal service Districtwide is in question, DC will make subawards for Unserved and Underserved locations according to the Universal Service Scoring Rubric in all eight Wards, before moving on to the Broadband Infrastructure Deployment Scoring Rubric for remaining Community Anchor Institutions in Wards 7 & 8, until all BEAD funds are exhausted.

Prioritization of Non-Deployment Projects Prior to, or in Lieu of the Deployment of Services to Eligible CAIs

Not applicable. DC Does not intend to prioritize non-deployment projects prior to, or in lieu of broadband deployments to serve eligible CAIs. Given DC's unique geography, there is very little chance that CAIs exist within its boundaries outside the service range of existing infrastructure.

Environmental and Historic Preservation (“EHP”) and Build America, Buy America Act (“BABA”) Requirements

The BEAD NOFO requires DC to describe how it will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process. DC recognizes the importance of environmental and historic preservation, and the importance of strengthening and growing America's domestic manufacturing capacity, and is committed to ensuring all subgrantees comply fully with EHP and BABA requirements.

DC will incorporate the requirements of BABA into the subgrantee selection process by:

- Informing prospective applicants of BABA requirements in guidance documents;
- Including BABA requirements in grant applications and instructions;
- Including BABA requirements in grant agreement terms and conditions;
- Including BABA requirements in grant monitoring.

DC will incorporate the requirements of EHP by adhering to the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.*, and National Historic Preservation Act, 54 U.S.C. §§ 300101 *et seq.*, requirements to analyze the potential environmental impacts of projects and other eligible activities that utilize BEAD program funds. DC will communicate EHP requirements in pre-application materials, grant agreement terms and conditions, and in grant monitoring, including the following:

⁵ It should be noted too that Ward 5's planned CPF broadband investment will further aid in resolving any Unserved, Underserved, or Eligible Community Anchor Institution locations in Ward 5.

- Proposals for projects containing construction or ground-disturbing activities will be considered non-responsive and will not be scored unless the applicant submits all required environmental EHP materials identified in DC's program documents.
- Projects and other eligible activities are expected to be designed so that they minimize the potential for adverse impacts on the environment.

Proposals for projects which fail to comply with BABA and EHP requirements will be considered non-responsive and will not be scored.

Definition of Project Areas

The BEAD NOFO requires DC to describe how it will define project areas for which it will solicit proposals from prospective subgrantees. DC contains very few Unserved and Underserved locations, and those it does have are geographically tightly clustered.

If Unserved or Underserved locations outside Wards 7 & 8 survive the Challenge Process, DC intends to solicit proposals under the Universal Service Scoring Rubric by Ward. If Unserved or Underserved locations within Wards 7 & 8 survive the Challenge Process, service to these locations will be incorporated into a single project area under the Broadband Infrastructure Deployment Scoring Rubric, with the goal of making a single subaward for construction of new conduit and fiber assets capable of serving all Unserved and Underserved locations in Wards 7 & 8, while prioritizing for easy scalability of speed of service over time, supporting the deployment of 5G and successor wireless technologies, and for supporting other advanced services throughout Wards 7 & 8. DC does not intend to give prospective subgrantees the option to define alternative proposed project areas.

Contingency in the Event No Proposals Are Received For a Given Project Area

The BEAD NOFO requires DC to describe how it will address project areas containing Unserved or Underserved locations if no bids are received. Though such an event is unlikely given DC's compact geography, if any Unserved or Underserved locations are not provided for in the bids received, the locations will be established as their own project areas, and DC will engage directly with the owners of nearby physical broadband infrastructure to determine what challenges are presented by these locations, before re-soliciting.

Tribal Governments' Consent

The BEAD NOFO requires DC to describe how it intends to submit proof of Tribal Governments' consent to deployment of planned projects on Tribal Lands. DC contains no federally recognized Tribal Lands, so this requirement is not applicable.

Extremely High Cost Per Location Threshold

The BEAD NOFO requires DC to detail a process for identifying an Extremely High Cost Per Location Threshold⁶ to be utilized during the subgrantee selection process. This description must include a description of any cost models, including whether DC considers only capital expenditures or includes operation costs for the lifespan of the network.

Because it operates its own end-to-end fiber network Districtwide, with over 800 miles of fiber deployed through its geographic boundaries, DC is well-positioned to develop a meaningful Extremely High Cost Per Location Threshold for projects under both the Universal Service Scoring (which should involve only minimal investment in physical infrastructure), and the Broadband Infrastructure Deployment Scoring Rubric (which will involve significant investment in new physical infrastructure). Utilizing DC Net's expertise in broadband deployment, DC will develop a separate Extremely High Cost Per Location Threshold for projects under each rubric. This threshold will be set in a way which allows as many end-to-end fiber projects to be deployed as possible, which is a goal of the BEAD program.

Utilization of the Extremely High Cost Per Location Threshold

The BEAD NOFO requires DC to outline a plan for how it will utilize the Extremely High Cost Per Location Threshold in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO.

Given DC's unique geography, DC does not expect the deployment of end-to-end fiber to exceed the Threshold, as DC's current Unserved and Underserved locations are already in close geographic proximity to existing fiber assets. If an applicant's proposal to serve an area exceeds the Extremely High Cost Per Location Threshold, DC will engage with all applicants who have submitted responsive proposals and determine if the costs outlined over the Extremely High Cost Per Location Threshold are appropriate and warrant an award over this threshold. If after engaging with all applicants who have submitted responsive proposals, an Unserved or Underserved location cannot be served without exceeding the relevant Extremely High Cost Per Location Threshold, DC will request permission from NTIA to arrange for that location to be served using DC's Community Internet Program's fixed-location wireless technology.

⁶ An "Extremely High Cost Per Location Threshold" is a BEAD subsidy cost per location to be utilized during the subgrantee selection process described in Section IV.B.7 of the BEAD NOFO, above which DC may decline to select a proposal if use of an alternative technology meeting the BEAD Program's technical requirements would be less expensive. DC must establish its Extremely High Cost Per Location Threshold in a manner that maximized use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO. NTIA expects Eligible Entities to set the Extremely High Cost Per Location Threshold as high as possible to help ensure that end-to-end fiber projects are deployed wherever feasible.

Deployment Subgrantee Qualifications

The SBDEO is committed to comprehensive vetting of applicants throughout the selection process to ensure that the applicants seeking to deploy network facilities meet the qualifications for financial capability as defined in the BEAD NOFO.

- The SBDEO will require applicants to certify that they are qualified to meet the obligations associated with a Project, that the applicants will have available funds for all project costs that exceed the amount of the grant, and that the applicants will comply with all Program requirements, including service milestones. To the extent that the SBDEO disburses funding to subgrantees only upon completion of the associated tasks, it will be required that each applicant certifies that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the SBDEO authorizes additional disbursements.
- As part of the grant application, the SBDEO will require applicants to submit a letter from an eligible bank (see 47 C.F.R. § 54.804(c)(2)) in which the bank commits to issuing an irrevocable standby letter of credit to the applicant. The letter must include the dollar amount of the letter of credit and the issuing bank's agreement to adhere to BEAD's model letter of credit terms and conditions.
- Before executing any subgrantee agreements, each applicant must obtain an irrevocable standby letter of credit, which the SBDEO deems acceptable, and amounts to no less than 25% of the subaward amount. An opinion letter from legal counsel must be included with the letter of credit stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the "Bankruptcy Code"), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning subgrantee's bankruptcy estate under Section 541 of the Bankruptcy Code.
- The SBDEO will require Prospective subgrantees comply with the Department of Housing and Community Development's audit policy, which is in compliance with District and federal regulations.
- The SBDEO will require applicants to submit business plans and related analyses that substantiate the sustainability of the proposed project. This can be provided in the form of pro forma statements or analyses, inclusive of cash flow and balance sheet projections and should include at least three years of operating cost and cash flow projections post targeted completion of project.
- The SBDEO will ensure applicants are aware of these regulations prior to and throughout the selection process by conducting information webinars, posting a list of regulations on our website, providing additional information from DC regulations, and including the requirements in grant applications/instructions as well as contract negotiations records, grant agreement subrecipient grant monitoring program requirements.

Additionally, the SBDEO will send a response letter to selected applicants, informing them of their status in the review process and requesting the following supplemental documentation in order to proceed with the grant award.

1. Proof of Insurance – See Article XV.

2. Automated Clearing House (“ACH”) Form – Approved awardees will receive disbursed tranche via an electronic transmission to the bank account designated for this grant. To establish this transfer, approved awardees must fully complete and submit an ACH Form that includes the signature of an authorized representative from their financial institution.

3. EEO Policy Statement – Applicants are required to sign an Equal Employment Opportunity (EEO) Statement with the District’s Office of Human Rights.

4. Grant Agreement – Applicants are required to sign an agreement setting forth the terms and obligations that will serve as conditions for Applicant’s receipt of the applicable grant funds.

5. Ethics and Accountability Statement – The selected applicant is required to sign an affidavit which attests to an absence of any inappropriate contributions.

6. Debarment Affidavit

7. Arrest and Conviction Statement

8. IRS W-9 Form

9. If applicable, the selected applicant will be required to execute a First Source Employment Agreement with the District Department of Employment Services governing certain obligations of grantees regarding job creation and employment generated as a result of the grant under the Workforce Intermediary Establishment and Reform of the First Source Amendment Act of 2011 (D.C. Law 19-84, D.C. Official Code §§ 2-219.01 et seq.) and the rules and regulations promulgated thereunder, and Mayor’s Order 83-265.

10. If applicable, the selected applicant will be required to execute a Subcontracting Plan governing certain obligations of grantees under the Small and Certified Business Enterprise Development and Assistance Act of 2005, as amended (D.C. Law 16-33; D.C. Official Code §§ 2-218.01, et seq.). To remain eligible for this grant, all supplemental documentation must be submitted to the SBDEO within 5 business days of the response letter.

Managerial Capability

The BEAD NOFO requires DC to describe how it will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 and 74 of the BEAD NOFO. DC must detail how it will require prospective subgrantees to submit resumes for key management personnel, and how it will require

prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.

The SBDEO will ensure that all applicants seeking to deploy network facilities comply with the managerial capability requirements outlined in the BEAD NOFO. The SBDEO will require applicants to submit resumes for all key management personnel and any necessary project organizational charts and corporate relationships detailing all parents, subsidiaries, and affiliates. Each applicant must also provide a narrative describing the applicant's readiness to manage a broadband services network. The narrative should describe the experience and qualifications of key management for undertaking this project, its experience undertaking projects of similar size, and scope, recent and upcoming organizational changes including mergers and acquisitions, and relevant organizational policies. DC will not approve any grant for the deployment or upgrading of network facilities unless it determines the documents submitted demonstrate the applicant's managerial capability with respect to the proposed project. DC will share these and other requirements with applicants in program documents, including in guidance, grant agreement terms/conditions, and subrecipient grant monitoring program requirements. Applications that fail to meet the minimum qualifications for managerial capability as outlined on pages 73 and 74 of the BEAD NOFO will be considered non-responsive and will not be scored.

Technical Capability

The BEAD NOFO requires DC to describe how it will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO.

The SBDEO is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted against minimum qualifications for technical capabilities as required in the BEAD NOFO. Applicants will be required to submit certification that they are technically qualified to complete and operate the Project upon which they are bidding, and that they are capable of carrying out the funded activities in a competent manner, including that they will utilize an appropriately skilled and credentialed workforce.

Applicants will be required to submit:

- Network designs;
- Diagrams;
- Project costs;
- Build-out timelines and milestones;
- A capital investment schedule evidencing complete build-out and the initiation of service within four years;
- A certification of all of the above by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations required to be served by the Project.

The SBDEO will share these and other requirements with applicants in program documents, including in guidance, grant agreement terms/conditions, and subrecipient grant monitoring program requirements. DC will review these submissions, and those not conforming to technical requirements will be considered non-responsive and will not be scored.

Compliance with Applicable Law

The BEAD NOFO requires DC to describe how it will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. DC is committed to requiring applicants to demonstrate that they will carry out funded activities in a competent manner and in compliance with all applicable federal and District law. Additionally, DC is committed to requiring prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request. DC will share these and other requirements with applicants in program documents, including in guidance, grant agreement terms/conditions, and subrecipient grant monitoring program requirements. Applications not conforming to these requirements will be considered non-responsive and will not be scored.

Operational Capability

The BEAD NOFO requires DC to describe how it will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO.

DC is committed to ensuring all applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for operational capability as outlined in the BEAD NOFO. DC will require applicants to certify that they possess the operational capability to qualify to complete and operate the Project. Examples of such certification requirements include:

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

If the applicant has provided a voice and/or broadband service it must certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations. Alternatively, an applicant should explain any pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to comply with Commission rules or regulations.

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

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

DC will share these and other requirements with applicants in program documents, including in guidance, grant agreement terms/conditions, and subrecipient grant monitoring program requirements. Applications not conforming to these requirements will be considered non-responsive and will not be scored.

Information on Ownership

The BEAD NOFO requires DC to describe how it will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined in pages 74 and 75 of the BEAD NOFO.

DC is committed to ensuring that prospective subgrantees provide ownership information consistent with the requirements set forth in 4 C.F.R. §§ 1.2112(a)(1) – (7), which requires the following:

(a) Each application to participate in competitive bidding (i.e., short-form application (see 47 CFR § 1.2105)), or for a license, authorization, assignment, or transfer of control shall fully disclose the following:

(1) List the real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant;

(2) List the name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held;

(3) List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses);

(4) List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership;

(5) List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater;

(6) List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage

for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest; and

(7) List any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (a)(1) through (a)(5) of this section, owns 10 percent or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant (e.g., Company A owns 10 percent of Company B (the applicant) and 10 percent of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant).

(b) Designated entity status. In addition to the information required under paragraph (a) of this section, each applicant claiming eligibility for small business provisions or a rural service provider bidding credit shall disclose the following:

(1) On its application to participate in competitive bidding (i.e., short-form application (see 47 CFR § 1.2105)):

(i) List the names, addresses, and citizenship of all officers, directors, affiliates, and other controlling interests of the applicant, as described in § 1.2110, and, if a consortium of small businesses or consortium of very small businesses, the members of the conglomerate organization;

(ii) List any FCC-regulated entity or applicant for an FCC license, in which any controlling interest of the applicant owns a 10 percent or greater interest or a total of 10 percent or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant;

(iii) List all parties with which the applicant has entered into agreements or arrangements for the use of any of the spectrum capacity of any of the applicant's spectrum;

(iv) List separately and in the aggregate the gross revenues, computed in accordance with § 1.2110, for each of the following: The applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests; and if a consortium of small businesses, the members comprising the consortium;

(v) If claiming eligibility for a rural service provider bidding credit, provide all information to demonstrate that the applicant meets the criteria for such credit as set forth in § 1.2110(f)(4); and

(vi) If applying as a consortium of designated entities, provide the information in paragraphs (b)(1)(i) through (v) of this section separately for each member of the consortium.

(2) As an exhibit to its application for a license, authorization, assignment, or transfer of control:

(i) List the names, addresses, and citizenship of all officers, directors, and other controlling interests of the applicant, as described in § 1.2110;

(ii) List any FCC-regulated entity or applicant for an FCC license, in which any controlling interest of the applicant owns a 10 percent or greater interest or a total of 10 percent or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant;

(iii) List and summarize all agreements or instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the applicant's eligibility as a small business under the applicable designated entity provisions, including the establishment of de facto or de jure control. Such agreements and instruments include articles of incorporation and by-laws, partnership agreements, shareholder agreements, voting or other trust agreements, management agreements, franchise agreements, spectrum leasing arrangements, spectrum resale (including wholesale) arrangements, and any other relevant agreements (including letters of intent), oral or written;

(iv) List and summarize any investor protection agreements, including rights of first refusal, supermajority clauses, options, veto rights, and rights to hire and fire employees and to appoint members to boards of directors or management committees;

(v) List separately and in the aggregate the gross revenues, computed in accordance with § 1.2110, for each of the following: the applicant, its affiliates, its controlling interests, and affiliates of its controlling interests; and if a consortium of small businesses, the members comprising the consortium;

(vi) List and summarize, if seeking the exemption for rural telephone cooperatives pursuant to § 1.2110, all documentation to establish eligibility pursuant to the factors listed under § 1.2110(b)(4)(iii)(A).

(vii) List and summarize any agreements in which the applicant has entered into arrangements for the use of any of the spectrum capacity of the license that is the subject of the application; and

(viii) If claiming eligibility for a rural service provider bidding credit, provide all information to demonstrate that the applicant meets the criteria for such credit as set forth in § 1.2110(f)(4).

DC will share these and other requirements with applicants in program documents, including in guidance, grant agreement terms/conditions, and subrecipient grant monitoring program

requirements. Applications not conforming to these requirements will be considered non-responsive and will not be scored.

Information Sharing on Other Public Funding

The BEAD NOFO requires DC to describe how it will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 and 76 of the BEAD NOFO.

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

DC will require each applicant to disclose, for itself and for its affiliates, any application the applicant or its affiliates have submitted or plan to submit, and every broadband deployment project that the applicant or its affiliates are undertaking or have committed to undertake at the time of the application using public funds, including but not limited to funds provided under: the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178); the CARES Act (Public Law 116-136; 134 Stat. 281); the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182); or the American Rescue Plan Act of 2021 (Public Law 117-2; 135 Stat. 4), any federal Universal Service Fund high-cost program (e.g., RDOF, CAF), or any DC or local universal service or broadband deployment funding program.

DC will require disclosure, for each broadband deployment project, as follows:

- (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules;
- (b) the geographic area to be covered;
- (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage);
- (d) the amount of public funding to be used;
- (e) the cost of service to the consumer; and,
- (f) the matching commitment, if any, provided by the applicant or its affiliates.

DC will share these and other requirements with applicants in program documents, including in guidance, grant agreement terms/conditions, and subrecipient grant monitoring program requirements. Applications not conforming to these requirements will be considered non-responsive and will not be scored.

Non-Deployment Subgrantee Selection Requirement 9

The BEAD NOFO requires DC to describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. Given existing inequalities in access to underground, end-to-end fiber broadband infrastructure capable of easy scalability of speed of service over time, supporting the deployment of 5G and successor wireless technologies, and for supporting other advanced services throughout those Wards currently subject to the greatest indicators of broadband need, DC is strongly committed to ensuring all Unserved, Underserved, and eligible Community Anchor Institutions in DC have access to broadband infrastructure.

If, after reaching universal service Districtwide, a portion of DC's BEAD allocation remains unspent, DC will identify potential non-deployment projects similar or identical to those enumerated by NTIA at pages 39 and 40 of the BEAD NOFO, including:

- User training with respect to cybersecurity, privacy, and other digital safety matters;
- Remote learning or telehealth services/facilities;
- Digital literacy/upskilling (from beginner-level to advanced);
- Computer science, coding, and cybersecurity education programs;
- Implementation of DC's forthcoming State Digital Equity Plan, to supplement, but not to duplicate or supplant, Planning Grant funds received by DC in connection with the Digital Equity Act of 2021;
- Broadband sign-up assistance and programs that provide technology support;
- Multi-lingual outreach to support adoption and digital literacy;
- Incarcerated-person education to promote prerelease digital literacy, job skills, online job-acquisition skills, etc.;
- Digital Navigators;
- Direct subsidies for use toward broadband subscription, where DC shows that the subsidy will improve affordability for the end-user population, and to supplement, but not to duplicate or supplant, the subsidies provided by the Affordable Connectivity Program;
- Costs associated with stakeholder engagement, including travel, capacity-building, or contract support; and,
- Other allowable costs necessary to carry out programmatic activities of an award, not to include ineligible costs described in the BEAD NOFO.

DC will ensure that in all subgrantee selection processes for potential BEAD non-deployment programs, applications for funds will go through a competitive process compliant with the regulations found at 1 D.C.M.R. §§ 5000 *et seq.*, and awards will be made in accordance with the results of that process. Additionally, all relevant federal grant requirements and all relevant BEAD-specific program requirements will apply to potential subrecipients in any BEAD non-deployment programs that DC operates. DC will ensure that non-deployment subgrantee programs are conducted via a fair, open, equitable and competitive subgrantee selection process and that adequate safeguards are in place to protect the integrity of the competition, including

safeguards against collusion, bias, conflicts of interest, arbitrary decisions, and other factor that could undermine confidence in the process.

Preferences in Selecting the Type of Non-Deployment Initiatives

DC will prioritize non-deployment subgrant projects, if any, according to the following criteria:

- Transformative – Will the potential non-deployment project make a meaningful difference in the lives of DC residents?
- Equitable – Does the potential non-deployment project enhance equity for DC residents?
- Sustainable – Is the potential non-deployment project sustainable? Will it continue to show a return on investment in the mid to long term?
- Achievable – How likely is the potential non-deployment project to succeed in its transformative, equitable, and sustainable goals?

How Such Initiatives will Address the Needs of Residents within the Jurisdiction

Any non-deployment projects selected by DC to be undertaken with BEAD funds must expressly address a component of the digital divide, as addressed in DC’s forthcoming State Digital Equity Plan.

How Engagement with Local Stakeholders will Inform the Selection of Eligible Non-Deployment Activities

The SBDEO, as part of DC’s long-running Tech Together DC initiative, has a long and continuing track record of direct community engagement. Selection of, and identification of the benefits to residents, of any non-deployment subgrant projects undertaken with BEAD funds will be informed by this strong record of community engagement.

How DC will Determine Whether Other Uses of the Funds Might be More Effective in Achieving the BEAD Program’s Equity, Access, and Deployment Goals

The SBDEO, as part of Tech Together DC, has a strong track record of piloting cost-effective and innovative solutions to the evolving needs of the community. In evaluating potential non-deployment projects to be funded with BEAD funds, DC will consider a broad array of potential technical solutions to each corresponding digital equity need.

How DC will Ensure All Unserved and Underserved Locations will be Covered, Prior to Allocating Funding to Non-Deployment Activities

DC will arrange for service to all Unserved and Underserved locations which survive the Challenge Process, before funding any other broadband infrastructure investment projects. And, DC will ensure adequate funding for its broadband infrastructure investment projects before considering any non-deployment uses.

How DC will Ensure Prospective Subgrantees Meet the General Qualifications Outlined on Pages 71 and 72 of the BEAD NOFO

Prior to entering into any subgrant agreement, DC will ensure the prospective subgrantee:

- Is capable of carrying out activities funded by the subgrant in a competent manner in compliance with all applicable federal and DC law;
- Has the financial and managerial capacity to meet commitments of the subgrantee under the subgrant, the requirements of the Program, and any other requirements proscribed by NTIA or DC;
- Has the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

Applications not conforming to these requirements will be considered non-responsive and will not be scored.

Eligible Entity Implementation Activities Requirement 10

The BEAD NOFO requires DC to describe any initiatives DC proposes to implement as the recipient of grant funds without making a subgrant, and why it proposes that approach.

If significant BEAD grant funds remain after universal service is reached, DC is considering using grant funds to fund some digital equity initiatives it would carry out directly. These might include the acquisition of special purpose community engagement resources like mobile technology venues which would allow the SBDEO to bring training and outreach efforts directly to the populations most in need, the improvement of online government service delivery to make online interface with DC government less daunting and more accessible to residents on the far side of the digital divide, and upscaling of existing digital equity programming including workforce development programs like the DC Infrastructure Academy to better prepare residents to thrive in technology careers. DC is considering these uses because these pressing digital equity concerns may be most efficiently served over the long-term by direct implementation as the recipient of grant funds itself.

Labor Standards and Protection Requirement 11

The BEAD NOFO requires DC to describe the specific information that prospective subgrantees will be required to provide in their applications and how DC will weigh that information in its competitive subgrantee selection processes.

The SBDEO will require applicants to provide the specified details when applying, as part of the competitive subgrantee selection process. Prospective subgrantees must furnish information that meets the specified criteria, including details about their contractors and subcontractors.

Prospective Subgrantees' Past Compliance with Federal Labor and Employment Regulations

1. Applicants must address information on their compliance with federal labor and employment laws on broadband deployment projects in the last three years;
2. Applicants must include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors;
3. Applicants must include written confirmation that the prospective subgrantee has disclosed any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.

Prospective Subgrantees' Compliance Plan for Federal Labor and Employment Laws, which Must Address

Applicants must address how they will ensure compliance in their own labor and employment practices, as well as those of their contractors and subcontractors, including:

1. Providing information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and
2. Providing information on how the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

Throughout the competitive subgrantee selection process, the DC Office of Broadband will assess whether the submitted information meets the federal BEAD requirements.

The SBDEO will require the following protections to be followed around hiring:

1. Use a DC-directly employed workforce;
2. Use a local hire provision to ensure a portion of the workforce are hires from the local community;

3. Use of an appropriately skilled workforce (e.g., through an apprenticeship program, DC Infrastructure Academy, and other training programs serving underrepresented residents).

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Workforce Readiness Requirement 12

The BEAD NOFO requires DC to describe how DC and its subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce.

DC has multiple training programs, including an apprenticeship program that prepares workers for jobs in construction, energy, telecommunications, information technology, and other fields. To ensure subgrantees support the development and use of a highly skilled workforce, the SBDEO will work alongside its education and workforce agency partners at the DC Department of Employment Services, Workforce Investment Council, DC Public Library, Office of the State Superintendent of Education, and the University of the District of Columbia.

DC Department of Employment Services currently has a workforce development strategy where employers of all sizes have an opportunity to train, mentor, and hire candidates as they become fully proficient in a particular skillset or job function. The SBDEO will develop and promote partnerships between existing DC government programs and private industry programs to provide wraparound services to DC workers as they complete training around information technology, healthcare, cybersecurity, and infrastructure.

The SBDEO is committed to developing a highly skilled workforce in DC and is working with the Workforce Investment Council (WIC). WIC promotes equitable on-ramps into broadband-related jobs and ensures a diverse pool of workers who live in DC. The SBDEO plans to encourage partnerships among community-based organizations, employers, and training providers to attract more diverse applicants. The SBDEO will work with WIC and other workforce-focused entities in DC to ensure our subgrantees provide job opportunities through platforms where DC residents can view available job openings and training opportunities.

The BEAD NOFO requires DC to describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce (including contractors and subcontractors) will be an appropriately skilled and credentialed workforce.

The SBDEO will require prospective subgrantees to share a workforce development plan demonstrating their commitment to recruit, hire, train, and retain a diverse and skilled workforce, specifically DC workers and workers from underserved communities. The subgrantees will be required to provide current and future plans around training, certification, and licensure. They will need to share policies that ensure appropriate credentials are maintained by their staff to complete the planned work. The subgrantees will need to provide details on the union status of their workforce. If their workforce is not unionized, the subgrantee will need to provide job titles and size of the workforce required for the proposed work, along with a description of safety training, certification, and/or licensure requirements. The subgrantee will also need to provide details on their workforce development practices, including efforts to diversify their talent pipeline from underserved communities.

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

The BEAD NOFO requires DC to describe the process, strategy, and the data tracking method(s) DC will implement to ensure that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible.

Historically, MBEs and WBEs have encountered disparities in contracting when compared to other entities despite their experience, qualifications, and impact in communities. As major drivers of both economic and employment growth, it's essential that the SBDEO make concerted efforts to engage with underrepresented enterprises when possible. By adhering to Federal guidelines such as 2 C.F.R. § 200.321, the SBDEO will create an environment within their broadband deployment initiative that allows minority-owned businesses, women-owned businesses, and labor surplus area firms to have equality in seeking contracted work while also acting in accordance with State regulations such as the Prevailing Wage Statute.

The SBDEO is committed to ensuring that MBEs and WBEs, and labor surplus area firms are recruited, used, and retained when possible. And will implement the following affirmative steps to ensure MBEs, WBEs, and labor surplus area firms are included in the contract process:

- Place qualified small and minority businesses and women's business enterprises on solicitation lists
- Assure that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources
- Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises
- Establish delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises
- Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce
- Require subgrantees to take the affirmative steps listed above as it relates to its subcontractors.

In addition to the measures that ensure MBEs, WBEs, and LSAs have a level playing field in applying for contract awards the SBDEO will also develop a system to track key metrics on the inclusion of underrepresented enterprises throughout the process, including recruitment, utilization, and retainment.

The SBDEO will ensure applicants are aware of these expectations prior to and throughout the selection process by conducting information webinars, posting a list of regulations and expectations on techtogogether.dc.gov, and including the requirements in grant

applications/instructions as well as grant agreement terms/conditions and subrecipient grant monitoring program requirements.

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Cost and Barrier Reduction Requirement 14

The BEAD NOFO requires DC to identify steps that it has taken or will take to reduce costs and barriers to deployment.

The District of Columbia is committed to improving broadband access and connectivity in the most efficient, cost-effective manner. Over the past decade, DC has been looking for creative solutions to many of the obstacles that broadband expansion may carry. Since then, The SBDEO have taken action and enabled other stakeholders to set themselves up for success.

As an integral component of projects scored under the Broadband Infrastructure Investment Scoring Rubric, if eligible locations remain in Wards 7 & 8 after the completion of the Challenge Process, DC intends to purchase its own conduit and fiber with non-BEAD funds, to be installed by the prevailing sub-recipient to ensure Dig-Once efficiencies maximize the scalability of DC's broadband infrastructure assets in Broadband Infrastructure Investment project areas.

Climate Assessment Requirement 15

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

- Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings;
- Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons;
- Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment;
- Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified; and
- Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.

Severe weather events pose a significant threat to the environment, human health, and the economy, and are projected to increase in occurrence and severity in the future. The BEAD Program is aimed at supporting Eligible Entities in addressing these risks and minimizing their impacts. This proposal outlines a plan for addressing climate threats within the Eligible Entity and proposed mitigation methods while performing BEAD-funded activities.

The SBDEO has utilized the resources and tools defined by NTIA within the Notice of Funding Opportunity to identify the geographic areas that should be subject to an initial hazard screening for current and future weather-related risks. Whole regions of the district are vulnerable to our identified climate risks, though with flooding in our flood zone, that is primarily in the Southeastern quadrant of the city represented primarily in Ward 8.

Low-Cost Broadband Service Option Requirement 16

The BEAD NOFO requires DC to describe the low-cost broadband service option(s) that must be offered by subgrantees, including why the outlined option(s) best service(s) the needs of residents within DC.

As required in the BEAD Notice of Funding Opportunity, subgrantees receiving BEAD funds to deploy broadband infrastructure are required to offer a “low-cost broadband service option” that is available to customers for the useful life of the network assets. The SBDEO defines a low-cost service option as the following:

- The applicant offers a service option that meets, at a minimum, the following criteria:
 - Costs \$30 per month or less, inclusive of all taxes, fees, and charges billed to the customer.
 - Allows the end user to apply the Affordable Connectivity Program and Lifeline program benefit subsidies to the service price and makes a demonstrable effort to inform prospective customers of these programs and the steps necessary to enroll and apply the benefit to the service plan.
 - Consistently and reliably provides download speeds of at least 100 Mbps and typical upload speeds of at least 20 Mbps.
 - Provides typical latency measurements of no more than 100 milliseconds.
 - Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere.
 - In the event the applicant later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at little to no cost.
 - The applicant is required to participate in the Affordable Connectivity Program, and encouraged to ensure that prospective customers are aware of their participation in the ACP. The applicant is encouraged to participate in any successor broadband subsidy programs should funding for the Affordable Connectivity Program be depleted and the Program not renewed.
 - The low-cost broadband service option must be made available to those who qualify for the FCC’s Affordable Connectivity Program. Eligibility criteria for the Affordable Connectivity Program are located at <https://www.affordableconnectivity.gov/do-i-qualify/>. Subgrantees may not impose additional eligibility restrictions beyond those applicable to the Affordable Connectivity Program.
 - The SBDEO strongly encourages the low-cost broadband service option made available to all eligible prospective customers across the subgrantee’s service territory; however, this service option must at least be available to locations within the awarded project areas under the BEAD program.

- Applicants may seek a waiver from the SBDEO to increase the maximum cost of the service plan to \$50, holding all other above-listed requirements of the low-cost service option constant. The waiver must clearly demonstrate that offering a \$30 low-cost service option is cost-prohibitive or not reasonably possible. The SBDEO will evaluate waivers on a case-by-case basis and reserves the right to decline an applicant's waiver should it not clearly demonstrate the need for an increase in the service cost from \$30 to \$50.

The SBDEO proposes this definition for a required low-cost service option after thorough deliberation on how best to achieve the affordability goals of both the BEAD program and the Infrastructure Investment and Jobs Act. The Office's priority in establishing affordability criteria for the BEAD program is to promote awareness of and participation in available broadband subsidy programs, while also accommodating the varying sizes, geographic locations, and service offerings of applicants. Requiring subgrantees to provide a \$30 per month service plan that includes all fees and additional charges aims to enhance the accessibility of broadband services and to increase a critical affordability barrier. Moreover, the potential for a waiver the monthly cost to \$50 provides the Office with the flexibility to make exceptions when necessary.

The SBDEO is committed to ensuring that all subgrantees actively engage in the Affordability Connectivity Program or any successor program that may be implemented in the future. This requirement is a fundamental component of our strategy to promote equitable access to affordable broadband services across a wide range of communities and demographics.

Middle-Class Affordability Plans

The BEAD NOFO introduced an unnumbered requirement to provide for Middle-Class Affordability Plans on BEAD-funded broadband networks. The NOFO requires DC to describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.

The affordability of broadband services from BEAD-funded networks for middle-class households is a priority for the SBDEO. The affordability of internet service plans for middle class households is addressed by the following program elements:

BEAD Proposal Scoring Criteria

The Office's primary means of ensuring affordability is the weight of affordability in the criteria established in this proposal. We will use both the Universal Service Scoring Rubric and the Broadband Infrastructure Deployment Rubric. Affordability will comprise 20% of the scoring criteria the

Office will use to evaluate proposals to serve a location under the BEAD program. Under the scoring criterion, the lowest total cost service package of gigabit symmetrical service will receive full credit. More expensive packages receive a percentage of points reflective of their percent distance from the lowest cost package.

Recommended Service Plan

The SBDEO recommends that subgrantees that are awarded BEAD funds to serve a location adopt the following affordable service option to ensure that BEAD funds are used in a manner that increases the affordability of broadband services for middle-class households:

The affordable service option meets, at a minimum, the following criteria:

- Costs \$50 per month or less, inclusive of all taxes, fees, and charges billed to the customer.
 - Consistently and reliably provides download speeds of at least 100 Mbps and typical upload speeds of at least 20 Mbps.
 - Provides typical latency measurements of no more than 100 milliseconds.
 - Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere.
-
- The affordable service option is made available across the subgrantee's BEAD-funded project areas, with the encouragement the option be made available across an entity's entire service territory.

- Prospective customers are well-informed of the affordable service option. Information about the plan is publicly available and easily accessible.

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Use of 20 Percent of Funding Requirement 17

The BEAD NOFO requires DC to describe its planned use of any funds being requested. If DC is requesting more than 20 percent (up to an allowable 100 percent) of its BEAD funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of this Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all Unserved and Underserved locations, and provide a rationale for requesting funds greater than 20 percent of the funding allocation.

DC is requesting 100% of funding be made available during the Initial Proposal round to provide it with the budgetary certainty necessary to align complimentary efforts to support the BEAD program. As described at greater length in preceding sections of this Proposal, DC intends to mirror its BEAD support in Wards 7 & 8 with a broadband investment made as part of CPF in Ward 5. With these two separate programs administered by two separate federal agencies aimed at addressing the same needs simultaneously in different regions of the city, increased budget certainty is essential.

This need for budget certainty is even greater, should the Challenge Process reveal insufficient Unserved, Underserved, and eligible CAIs to support the broadband investments contemplated by this Proposal, or should the contours of such a planned investment prove unable to be squared with the restrictions of the BEAD program. Such outcomes would require DC to shift its planned BEAD spending entirely to digital equity spending, necessitating greater direct involvement from the SBDEO in performance, and further exacerbating the need for budget certainty.

Regulatory Approach Requirement 18

The BEAD NOFO requires DC to disclose whether it will waive all laws that either preclude certain public sector providers from participation in the subgrant competition or 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 restriction on the services a public sector entity can offer.

DC has no such laws to waive. DC OCTO's DC Net program regularly competes and is often awarded broadband service contracts under the federal eRate program and is a routine last-mile provider to government and some non-profit customers. DC Net is not subject to specific requirements such as limitations on the sources of financing, the required imputation of costs not actually incurred by DC Net, or restrictions on the services DC Net can offer.

Certification of Compliance with BEAD Requirements Requirement 19

The BEAD NOFO requires DC to certify that it intends to comply with all applicable requirements of the BEAD Program, including the reporting requirements. DC does so certify.

The BEAD NOFO requires DC to describe subgrantee accountability procedures, including how DC will, at a minimum, employ the following practices:

The SBDEO is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications regarding compliance with applicable laws as outlined in the BEAD NOFO.

The SBDEO will require applicants to demonstrate that they can carry out funded activities in a competent manner in compliance with all applicable Federal, District of Columbia and local laws.

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

The SBDEO will ensure applicants are aware of these requirements prior to and throughout the selection process by conducting informational webinars, posting a list of requirements on our future website, and including the requirements in grant applications/instructions as well as contract negotiation records, grant agreement terms/conditions, and subrecipient grant monitoring program requirements.

The SBDEO will also make readily available resources for applicants to leverage, such as District of Columbia's Health's website, which includes guides to creating and administering health and safety committees. Applications that fail to meet the minimum qualifications for compliance with applicable laws as will not be considered to receive BEAD funding through DC.

Additionally, The SBDEO will require applicants to submit the following information during the application period of the competitive subgrantee selection process.

- Applicants' record of past compliance with federal labor and employment laws, which:
- Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;
- Should include a certification from an Officer/Director-level employee (or equivalent) of the applicant evidencing consistent past compliance with federal labor and employment laws by the applicant, as well as all contractors and subcontractors; and
- Should include written confirmation that the applicant discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the

Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.

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

During the competitive subgrantee selection process, the SBDEO will make the determination that information submitted suffices for the purposes of the federal BEAD requirements. Provided this requirement is met, applicants will receive full scoring credit under Labor Practices scoring criteria.

The subgrantees must submit routine and on-request reports for project monitoring by the SBDEO. These reports serve to track project progress and signal when technical assistance is necessary.

Scheduled progress reports are mandatory and aim to furnish essential updates on project advancement, obligations, and expenditures to date. They primarily serve to keep both the subgrantee and the SBDEO informed about the project's programmatic and financial status, ensuring there are ample financial resources available to complete project activities.

Progress report include:

- Broadband Quarterly Report
 - A quarterly report summarizes the project's status, encompassing financial spending, project progress, and any flagged issues or needs.
- Closeout Report
 - Once the project is complete, the subgrantee will be required to submit the closeout report, which will confirm that all contractual obligations have been met.

If a subgrantee misses a reporting deadline, they will be marked as non-compliant, and until the issue is rectified, no remittance requests or any other requests will be approved.

Beyond progress reports, the SBDEO will oversee projects by conducting compliance review. These assessments are designed to verify that the project adheres to relevant state and federal guidelines and regulations.

Compliance reviews include:

- Financial and Programmatic Site Visits

- The SBDEO will perform a financial and programmatic site visit a year to verify and document projects progress.
- Desk Reviews
 - The SBDEO will conduct a desk review of the project on alternating quarters as the site visit.
- Internal Compliance Reviews
 - This review will serve to verify the subgrantee's adherence to 2 CFR 200 regulations, as well as the maintenance of internal controls, the implementation of sound financial management procedures, and the currency of the project management plan.
- Final Financial Review
 - Upon project completion, the SBDEO will carry out a Final Financial Review to confirm the project's financial compliance.

The SBDEO will adhere to and fulfill civil rights and nondiscrimination requirements when choosing subgrantees.

The SBDEO hereby certifies that the Eligible Entity will diligently ensure that prospective subgrantees adhere to the cybersecurity and supply chain risk management requirements as outlined on pages 70-71 of the BEAD NOFO, which includes mandating that applicants attest to:

Cybersecurity

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

Supply Chain Risk Management (SCRM)

1. The applicant has a SCRM plan in place that is either: (a) operational, if the applicant is already providing service at the time of the grant; or (b) ready to be operationalized, if the applicant is not yet providing service at the time of grant award;
2. The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and

related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;

3. The plan will be reevaluated and updated on a periodic basis and as events warrant; and
4. The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.

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List of Appendices

Appendix 1: Local Coordination Tracker
For more details, see Requirement 4

Appendix 2: Scoring Rubric
For more details, see requirement 8

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