



**HIGH  
SPEED NV**

# ***BEAD Initial Proposal Volume II***

***As Approved by NTIA***



Nevada Governor's  
Office of Science,  
Innovation and  
Technology

## Nevada BEAD Initial Proposal Volume II – Approved by NTIA

### Message from the OSIT Director

Dear Fellow Nevadans,

The Nevada Governor's Office of Science, Innovation and Technology (OSIT) is excited to publish this draft of Nevada's BEAD Initial Proposal Volume II for submission to NTIA. The BEAD Program is a vital part of the [High Speed Nevada Initiative](#) and critical to achieving Nevada's broadband vision: every Nevadan has a high speed internet connection that is affordable, reliable, and scalable. OSIT will deploy over \$416 million for infrastructure to unserved, underserved, and Community Anchor Institution locations throughout the state.

Volume II of Nevada's Initial Proposal focuses on the details on how OSIT will administer the BEAD program, including a subgrantee selection process, as well as compliance with other BEAD Program requirements, including labor standards, climate and affordability. Volume I, which was released previously, focused on identifying available funding for broadband, the locations of unserved, underserved, and community anchor institution locations without gigabit service, and the process to submit challenges to the location lists. Volume I can be found here: <https://osit.nv.gov/Broadband/BEAD/>

This Initial Proposal resulted from feedback and insights gleaned from conversations with Nevadans from all corners of the state. Once approved by National Telecommunications and Information Administration (NTIA), OSIT will begin to implement the strategies and activities we describe in our [Five-Year Action Plan](#) and more specifically in these two proposals.

Your partnership was essential in completing this proposal. OSIT wishes to thank the many stakeholders who lent their voices and expertise to the crafting of this proposal. OSIT is committed to continuing conversations and partnerships in support of our common goals of universal access to high-speed internet that is affordable, reliable, and scalable, and closing the digital divide. Our success is Nevada's success!

Please contact OSIT [HighSpeedNV@gov.nv.gov](mailto:HighSpeedNV@gov.nv.gov) with any questions.

Cheers,



Brian Mitchell

Director, OSIT

## Overview of the Broadband Equity, Access, and Deployment (BEAD) Program

Created by the Infrastructure Investment and Jobs Act (IIJA), the Broadband Equity, Access, and Deployment (BEAD) program provides federal funding to all fifty states for broadband planning, deployment, mapping, equity, and adoption activities. The National Telecommunications and Information Administration (NTIA) is the federal agency responsible for administering the BEAD Program. The IIJA allocated \$42.5 billion to the BEAD Program and Nevada was allocated \$416 million. To read the BEAD Notice of Funding Opportunity, which establishes the rules for the BEAD Program, click [here](#).

The Nevada Governor's Office of Science, Innovation and Technology (OSIT) is responsible for realizing Nevada's broadband vision: every Nevadan has access to high-speed internet that is affordable, reliable, and scalable. Part of OSIT's work to realize that vision is administering the BEAD Program in Nevada. The BEAD Program is an important part of the [High Speed Nevada Initiative](#). More information about the BEAD Program in Nevada can be found [here](#).

The BEAD Program NOFO requires OSIT to submit an Initial Proposal in two volumes that describes in detail how OSIT will administer the BEAD Program in Nevada. This is Nevada's Initial Proposal Volume II. OSIT has created this document to meet the requirements as directed by NTIA. Nevada's Initial Proposal Volume II was approved by NTIA on April 17, 2024.

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## Volume II Initial Proposal Requirements

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### 2.1 Objectives (Requirement 1)

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

Nevada's vision for Broadband Equity, Access and Deployment is that every Nevadan has access to a high-speed internet connection that is affordable, reliable, and scalable.

The substantial benefits of high-speed internet to individuals, families, and communities are well established. Broadband has the power to deliver to all Nevadans access to learning, healthcare, information, and economic and workforce opportunity, including enhancing economic growth and job creation, previously only available to the wealthiest individuals living in the largest cities across the globe. Needs for new, modern connectivity infrastructure throughout Nevada to achieve our universal access mandate are significant. Growth and improvements in infrastructure will increase network capacity, speed, reliability, redundancy, and resiliency. Infrastructure investments will also reduce costs and single points of failure, making it possible to offer reliable internet service in markets and locations that are unserved today.

However, infrastructure enhancements alone are insufficient to bridge the digital divide and truly achieve a connected Nevada. We will not realize our vision if Nevadans cannot afford newly constructed high-speed internet connections or don't have access to affordable connected devices or are unable to acquire needed digital skills to confidently and safely use the internet. These three concepts - affordability, device access, and digital skills - define digital equity and are essential elements of Nevada's broadband strategy and efforts. Digital equity will be addressed more completely in Nevada's Statewide Digital Equity Plan.

Nevada's State Broadband Office, the Governor's Office of Science, Innovation and Technology (OSIT), is charged with the realization of the broadband vision put forward above. Created in 2015, OSIT has a long history of interaction with communities in all corners of the state. Building on this history, OSIT embarked on a comprehensive and statewide listening and community engagement tour in preparation for the writing of this Five-Year Action Plan. The State's broadband vision above and the goals and objectives below were derived from hundreds of community and stakeholder meetings in every county, an examination of best practices, a thorough review of the state's challenges, barriers, opportunities, assets and values, and an alignment with the purposes put forward by Congress and NTIA. The goals and objectives below are a refinement and an update to goals and objectives the State set in its last broadband plan that was written during the height of the pandemic. These objectives will not only advance Nevada's connectivity goals but also contribute to the advancement of other State priorities in education, workforce development and advancement, economic development, healthcare and healthy living, public safety, environmental protection, and civic engagement. OSIT is committed to continued and ongoing community and stakeholder engagement over the next five years and beyond for refinements to our efforts and course corrections.

**Goal 1: Universal Access to Modern Broadband Infrastructure**

**Objective 1:** Bring modern, scalable broadband infrastructure to communities that lack it.

**Objective 2:** By 2029, deploy modern, scalable broadband infrastructure to unserved and underserved residential and business locations within communities so that all Nevadans have access to affordable, reliable and scalable high-speed internet access with minimum speeds of 100/20 Mbps scaling beyond 100/100 Mbps.

**Goal 2: Universal Access to Digital Equity**

**Objective 1:** Develop and execute a multi-pronged low-income and middle-class affordability and access strategy that leads to increased adoption and residential broadband subscription rates.

**Objective 2:** Develop a plan to increase access to affordable connected devices and appropriate tech support with a particular focus on the needs of covered populations that is ready for execution before network construction is complete.

**Objective 3:** Develop and provide opportunities for all Nevadans to attain the skills, support, and security awareness to use reliable, high-speed broadband service and connected devices for robust participation in our society, democracy, and economy.

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

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

**Tribal Broadband:** Nevada has 28 federally recognized Tribes and OSIT also has a long history of working with its Tribal Nations. Nevada's Governor wrote a letter offering a formal government-to-government consultation. This letter was mailed physically and electronically to all Tribal Chairs and other points of contact, and OSIT staff followed up with additional outreach via email and phone. OSIT also distributed a paper survey to Tribal Nations. In the engagement process, OSIT was assisted by the Nevada Indian Commission and the Inter-Tribal Council of Nevada (ITCN).

Since the start of the pandemic, OSIT has worked very closely with the ITCN to help Tribes apply for and draw down federal dollars for connectivity. ITCN and OSIT have worked together to survey Tribes and understand the digital equity needs, assets, and barriers. ITCN has a digital equity plan to leverage NTIA's Tribal Broadband Connectivity Grant (TBCP) funds for adoption and use activities on Tribal lands following construction of new broadband infrastructure.

OSIT will seek to leverage NTIA's Tribal Broadband Connectivity Program (TBCP) to increase connectivity, affordability, adoption, and digital equity on Nevada's Tribal lands. OSIT provided technical assistance to 15 Tribes to help them apply for TBCP Round I, who subsequently were awarded over \$31 million to connect 1,899 households. During Round II of TBCP, OSIT again will provide technical assistance to Tribal participants and will continue to assist Tribes that won infrastructure grants in Round I to apply for adoption and use funding, to assist Tribes that won planning grants in Round I to apply for infrastructure and adoption and use grants, and to assist Tribes that have not applied yet to apply for both infrastructure and adoption and use grants. OSIT is actively supporting and working with the ITCN and interested Tribal Nations to develop a consortium to apply for TBCP Round II funding.

At the time of publication, OSIT had conducted 16 Tribal consultations. Additionally, 9 Tribal Nations that did not participate in a consultation were among those that OSIT previously successfully assisted to apply for the NTIA Tribal Broadband Connectivity Grant. In total, OSIT has made contact with 25 of Nevada's 28 Tribes during the last two years. During the consultations, OSIT and Tribal representatives discussed existing infrastructure, infrastructure needs, both for residential and for Tribal Community Anchor Institutions (CAIs), and their interest in collaborating with the State to pursue broadband funding from the Tribal Broadband Connectivity Program administered by NTIA. Efforts continue to connect with the remaining Tribal Nations. While five Tribes declined a consultation and seven others did not respond, all but three received technical assistance from OSIT and was a part of the ITCN consortium that was awarded a TBCP grant described above and will have all Tribal residential and business locations connected to high-speed internet, along with additional funding for adoption activities. Thus far, no Tribal Nations have stated to OSIT they do not want broadband on their lands. A list of Tribal Nations to accept a formal consultation is listed as a part of the attached Local Coordination Tracker Tool, along with evidence that a formal process was conducted.

**Local and County Broadband:** Over the last six years, OSIT has established Broadband Action Teams (BATs) in every county throughout Nevada. BATs differ in membership county to county but are generally comprised of county, municipal, civic, CAI and other community leaders and representatives, including elected officials and staff.

Local and county governments play an important part in Nevada's broadband ecosystem. Since the start of the pandemic, OSIT has engaged with local government and other community leaders in each county to identify and prioritize connectivity needs. BATs were a part of the planning process for the 5-Year Action Plan and the Statewide Digital Equity Plan. Most local governments in Nevada are not pursuing their own broadband planning processes and are instead opting to participate in the State's planning process.

The only local government in Nevada developing its own broadband deployment plan is Clark County, which is located in Southern Nevada. OSIT has been working closely with Clark County throughout both the County's and State's planning processes. OSIT has participated in County planning and stakeholder meetings to offer ideas and provide the State perspective and updates on the State's planning and implementation processes. Likewise, Clark County has shared ideas and contributed to the development of the State's infrastructure deployment plans. OSIT and Clark County leaders and staff meet regularly to discuss

coordination, deduplication of efforts, and alignment of goals between the two plans. OSIT and Clark County are currently collaborating on two infrastructure deployment initiatives using American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF) that will bring fiber to underserved locations county-wide.

During the BEAD deployment phase, OSIT wants local governments to be informed and involved, and to have a stake in the success of broadband initiatives within their jurisdictions. Informed local governments will play a role in informing their communities about deployments and opportunities to subscribe to broadband service and enroll in the Affordable Connectivity Program (ACP) or participate in other digital equity-related programming. Involved local governments will have greater confidence in OSIT's efforts and goals and can help smooth permitting and other processes required for deployment. OSIT will partner with local governments and County Broadband Action Teams (BATs) to drive ongoing accountability between providers and local communities for quality of service following the completion of network deployment.

## 2.3 Local Coordination (Requirement 4)

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

**Summary of Coordination Conducted:** OSIT is charged with the realization of the broadband vision put forward in the State's Five-Year Action Plan. Created in 2015, OSIT has always prioritized in-person interactions with communities in all corners of the state. Starting in 2017, OSIT created the Whole Community Connectivity program and created Broadband Action Teams (BATs) in every county of the state.

Building on this history and in preparation for creating the Initial Proposal, Five-Year Action Plan, and the Statewide Digital Equity Strategy, OSIT embarked on a comprehensive and statewide community outreach and engagement tour. Local coordination for the three efforts was conducted in tandem as one cohesive effort. The purpose of the tour was twofold: first, to listen and learn more about the infrastructure and digital equity needs faced by Nevadans; and second, to offer information about the planning and forthcoming implementation processes.

During the eight months prior to the submission of the Initial Proposal, OSIT conducted outreach and held public in-person and virtual meetings with stakeholders and members of the public in communities throughout the state. Attendees included community-based organizations, non-profits, internet service providers, labor, local governments, local associations, Tribal governments, leaders from Community Anchor Institutions (CAIs), other stakeholders, and the public, including members of historically underrepresented and marginalized groups and communities. OSIT sought to listen and understand connectivity needs and barriers and existing broadband infrastructure assets, including the capacity of existing infrastructure to scale to meet present and future needs. To ensure full geographic coverage, OSIT visited every county in Nevada twice, traveled over 4,000 miles in April 2023 alone, held over 130 meetings with nearly 1,000 Nevadans. Additionally, OSIT distributed surveys in both online and paper formats and captured responses from nearly 800 additional Nevadans. OSIT also developed a detailed Request for Information (RFI) targeted at internet



service providers, labor, workforce and higher education, and other organizations. The RFI asked 61 questions regarding 5 topics related to topics in the BEAD Notice of Funding Opportunity (NOFO). OSIT received 18 detailed responses to the RFI that have contributed to the development of this Initial Proposal.

During facilitated stakeholder meetings, feedback and responses to questions were anonymously compiled and inputted into a database and results were aggregated. In total, OSIT met with or received survey responses from over 1,700 Nevadans.

OSIT made dedicated efforts towards a diverse engagement approach. This approach included reaching out individually to covered populations and the organizations that serve them. It also included a diversity of outreach mediums:

1. In-person public meetings in community centers, libraries, senior centers, and government facilities, offered in the morning, afternoon and evening.
2. Online options including multiple webinars targeted at specific stakeholders.
3. Opportunities to comment directly on the OSIT website.
4. Direct mail.
5. Surveys distributed online and printed in multiple languages. CAIs assisted in the distribution of the surveys.

OSIT worked in close partnership with Nevada's two workforce development boards, Workforce Connections and Nevadaworks, which are focused on developing innovative workforce development programs aligned with Nevada's high growth, high demand Industries. Recently, OSIT and Nevadaworks met individually with internet service providers, labor, and contractors to discuss and understand workforce needs and potential workforce development strategies as the telecommunications talent pipeline is developed in Nevada.

OSIT also met with CAIs in every county, including libraries, community centers, senior centers, Boys and Girls Clubs, health clinics, public housing, education, government, and community support organizations, regarding their needs for broadband infrastructure and digital equity initiatives. In addition to discussing needs, OSIT also learned about community needs, barriers, and assets and how these CAIs could play an important role in realizing the State's broadband vision.

#### **By the Numbers:**

- 132 stakeholder and community meetings
- Stakeholders included community-based organizations, non-profits, and other organizations representing all 8 covered populations defined in the Digital Equity Act
- Multiple in-person public meetings in all 17 of Nevada's counties
- 916 total meeting participants
- 781 survey participants
- 3 internet service provider webinars
- 9 workforce development meetings with internet service providers, labor organizations, and contractors
- 16 Tribal consultations

The following are a few common themes OSIT heard across geographies and stakeholder types during its outreach and engagement efforts.

1. OSIT heard overwhelmingly that the State should define the success of the BEAD program as providing high-speed internet service to all unserved and underserved locations and that available funding from the BEAD program should be prioritized and utilized to connect as many locations as possible to high-speed, reliable, scalable infrastructure.
2. The lack of high-speed and reliable internet service is a major barrier to residents and businesses alike in many communities. Residents in all parts of the state reported unreliable, inconsistent internet service that was unable to support multiple users. Some residents were forced to rely on hotspots or mobile data, which, due to limited availability, data caps, or throttling, made some high-bandwidth tasks difficult.
3. While most survey respondents had home internet access, over 1/3 of respondents with internet access reported not having reliable internet service. Covered populations reporting the lowest rates of access to reliable internet service included individuals with disabilities, unhoused individuals, individuals living in tribal communities, and low-income respondents. During in-person community meetings across the state, members of covered populations expressed frustration at paying high costs for unreliable internet service and feeling they had no recourse or alternatives.
4. There is a need for laborers, fiber splicers, foremen, workers who can operate heavy or specialized machinery, installation and field technicians, and workers who will show up on time and drug free. The State should create a workforce pipeline to help address these needs.
5. Over 64% of survey respondents spend more than \$75 on monthly internet costs. The high cost of broadband service is difficult for members of covered populations generally and aging individuals specifically, who are more likely to have fixed incomes. Furthermore, 70% of veterans reported paying more than \$75/month for internet service, the largest share among all covered populations.

The local coordination process shaped the development of the following six priorities for the BEAD and Digital Equity programs OSIT included in both its Five-Year Action Plan and Statewide Digital Equity Plan, as well as the contents of this Initial Proposal presented hereafter.

Priority	Description
Broadband Infrastructure Deployment	Deploy modern, scalable broadband infrastructure to unserved and underserved residential and business locations within communities so that all Nevadans have access to affordable, reliable and scalable high-speed internet access with minimum speeds of 100/20 Mbps scaling beyond 100/100 Mbps.
Adoption	More Nevadans, including those identifying as members of a covered population and the general population have a home internet subscription and use the internet for education, healthcare, workforce development, work, civic

	engagement, business, and keeping in touch with family and friends.
Affordability	Provide resources and execute strategies that help more Nevadans afford the internet.
Device Access	Provide Nevadans the opportunity to access to affordable, quality connected devices.
Digital Literacy	Provide Nevadans access to opportunities to increase their digital skills, including cybersecurity, and access to the tech support needed to use the internet and a connected device.
Awareness and Sustainability	Ensure that leaders across Nevada understand what digital equity is, the challenge of the digital divide, and that funding and capacity is in place long-term to close it.

**Ongoing Coordination:** Many of the stakeholders contacted during the statewide outreach and engagement process were already a part of OSIT's Broadband Action Teams (BATs) in each county. Other stakeholders were introduced to OSIT through the community engagement and asset mapping processes. In both cases, OSIT will continue to coordinate with stakeholders during the plan's implementation.

**Public Comment:** OSIT welcomes the opportunity to present this Initial Proposal to the public for comment, refinement, and revisions. OSIT will publicly post the Initial Proposal on its website and in public and community locations throughout the state, share the Initial Proposal with partners and stakeholders, encourage these partners to share the Initial Proposal with their communities, and distribute the Initial Proposal through various channels and methods to ensure wide distribution. OSIT plans to hold presentations and engagement sessions to solicit feedback on the Initial Proposal. After approval from NTIA, OSIT will continue to engage its community partners leading up to the soliciting applications for BEAD funding.

**Ongoing Engagement:** OSIT plans to continue regular engagement and coordination meetings throughout Nevada, leveraging County Broadband Action Teams, community anchor institutions, county and municipal governments, our K12 system and the Nevada System of Higher Education (NSHE), Tribes, non-profit organizations, civil rights organizations, workforce development programs, workforce boards, state agencies, and public housing authorities located in the south, north, and rural areas of Nevada. OSIT will continue disseminating information through its distribution list, its website, in-person engagements, and the local media. Through these means, OSIT can ensure that the public will continue to be informed and be a valuable partner in our digital equity and broadband deployment.

OSIT is developing a public dashboard on its website to ensure stakeholders and the public are able to follow where awards are made and then track the progress of the construction process.

**Coordination with Final Proposal:** Once the Initial Proposal has been approved by NTIA, OSIT will continue the same model of coordination throughout the process of carrying out the activities required by the Initial Proposal. OSIT will leverage its Broadband Action Teams (BATs) in each county and will also coordinate with

individual stakeholder groups, including internet service providers, labor, community organizations, Tribal governments, and other groups consistent with the requirements of the BEAD NOFO. OSIT will seek to both inform existing stakeholders as well as seek out new stakeholders during this time period. The impact of this coordination on the Final Proposal will be detailed in the Final Proposal.

**2.3.1.1 Attachment:** As a required attachment, submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations, and other groups.

Attached.

**2.3.2 Text Box:** Describe the formal tribal consultation process conducted with federally recognized Tribes.

Nevada has 28 federally recognized Tribes and OSIT also has a long history of working with its Tribal Nations. In the five years prior to the passage of the IIJA, OSIT assisted 12 Tribes in bringing fiber to Tribal libraries using Universal Service funds. These CAIs provided vital connectivity during the Pandemic. Nevada's Governor wrote a letter offering a formal government-to-government consultation. This letter was mailed physically and electronically to all Tribal Chairs and other points of contact, and OSIT staff followed up with additional outreach via email and phone. OSIT also distributed a paper survey to Tribal Nations. In the engagement process, OSIT was assisted by the Nevada Indian Commission and the Inter-Tribal Council of Nevada. At the time of publication of this report, OSIT had made contact with 21 Tribes and completed 16 consultations. Efforts continue to connect with the remaining Tribal Nations.

During these consultations, OSIT learned that each Tribe has leadership that cares deeply about internet connectivity and digital equity. Prior to holding the consultation, OSIT sent Tribal leaders a comprehensive list of infrastructure and digital equity-related questions and discussion topics. Some Tribes provided written answers in advance of the meetings and others brought Tribal members that could speak to the topics identified in the questions. OSIT also provided a forum to talk about topics that were a priority for Tribes and many Tribes brought other topics to the meetings, including mapping and Tribal-owned infrastructure.

Since the start of the Pandemic, OSIT has worked very closely with the Inter-Tribal Council of Nevada (ITCN) to help Tribes apply for and draw down federal dollars for connectivity. ITCN and OSIT have worked together to survey Tribes and understand the digital equity needs, assets, and barriers. ITCN has an infrastructure and digital equity plan to leverage NTIA's Tribal Broadband Connectivity Grant (TBCP) funds to bring fiber to the home service to unserved and underserved Tribal residential locations and for adoption and use activities on Tribal lands following construction of new broadband infrastructure. OSIT has provided technical assistance to ITCN and other Tribes to obtain \$31 million in TBCP funds that will be used for affordability, device access, and digital literacy, among other adoption activities. Other Tribes have applied on their own and have secured additional TBCP funds. 5 Tribes declined a consultation with OSIT, although, as mentioned above, each was a recipient of a TBCP grant through the consortium OSIT assisted, and no Tribes have declined internet infrastructure on their land.

**2.3.2.1 Optional Attachment:** As a required attachment only if the Eligible Entity encompasses federally recognized Tribes, provide evidence that a formal tribal consultation process was conducted, such as meeting agendas and participation lists.

OSIT has provided documentation of the Tribal Consultation meetings already conducted in the Local Coordination Tracker Tool. A copy of the “Dear Tribal Leader” Letter sent to Tribes to request engagement is also attached. Also attached is the list of questions OSIT sent to Tribes that was used as a meeting agenda and discussion tool.

## **2.4 Deployment Subgrantee Selection (Requirement 8)**

### ***Deployment Projects Subgrantee Selection Process & Scoring Approach***

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

Nevada’s vision for broadband equity, access, and deployment is that every Nevadan has access to a high-speed internet connection that is affordable, reliable, and scalable. A subgrantee selection process that is fundamentally fair, open, and competitive is essential to realizing that vision.

OSIT is committed to a fair, open, and competitive subgrantee selection process for deployment activities that is free from collusion, bias, conflicts of interest, arbitrary decisions, and allows for awards to be established equitably in an open and transparent environment. OSIT has existing, developed, comprehensive subgrant award policies and procedures that meet all federal and State requirements for competitive subgrant solicitation. Further, OSIT has substantial experience as a grant making and grant monitoring organization. Since 2015, OSIT has funded more than 100 broadband, education, and workforce development grants totaling over \$100 million. The following is a brief summary of the subgrantee selection process:

- 1. Request for Applications (RFA) pre-solicitation planning and RFA development:** Among the elements to be included, the RFA will have clear information about the funding source and program; a description of the requested results, work product, and objectives<sup>1</sup>; the goals<sup>2</sup> and priorities in making the award(s); desired outcomes, eligibility criteria, amount of funding and any allocation requirements and/or limitations<sup>3</sup>; matching fund requirements, if any; requirements for proposal format and attachments; application submission instructions; clearly defined information on the competitively neutral scoring and evaluation criteria and weight provided in a rubric<sup>4</sup>; administrative and reporting requirements; federal and State award guidelines; and, expected date of awards. OSIT will also provide realistic timelines for

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<sup>1</sup> See [https://osit.nv.gov/Broadband/HighSpeedNV\\_Initiative/](https://osit.nv.gov/Broadband/HighSpeedNV_Initiative/)

<sup>2</sup> See OSIT’s High Speed Nevada Five-Year Action Plan

[https://osit.nv.gov/uploadedFiles/ositnvgov/Content/Broadband/BEAD\\_Five%20Year%20Action%20Plan-V5C-9.14.23.pdf](https://osit.nv.gov/uploadedFiles/ositnvgov/Content/Broadband/BEAD_Five%20Year%20Action%20Plan-V5C-9.14.23.pdf)

<sup>3</sup> Described in greater detail below and in the BEAD NOFO

<sup>4</sup> See 2.4.2 below

potential bidders to develop and submit competitive proposals, and within the RFA provide a chart of key deadline dates and events pertinent to the application process.

2. **Applicant pre-qualification process:** Prior to submitting an application, potential subgrantees must become pre-qualified. OSIT will open a pre-qualification window for potential subgrantees. Interested applicants must provide required information in a format prescribed by OSIT, totaling about two pages. OSIT may request information regarding company ownership, current management, location and date of incorporation or number of years providing service both nationally and in Nevada, number of current employees in Nevada, number of current subscribers in Nevada and nationally, counties where the potential subgrantee may be interested in bidding, evidence of Nevada State Business License and State Vendor ID Number, whether the company is a certified Minority Business Enterprise, Women Owned Business, or Labor Surplus Area Firm, agreement with the terms and conditions of the High Speed Nevada Phase III BEAD program, other company biographical-related information, and other similar information. OSIT may also require prospective subgrantees to commit, if awarded BEAD funding, to providing OSIT with copies of the subgrantee's required progress reports for broadband deployment projects in Nevada funded by other public funds. OSIT will not require financial reports or other confidential business information. Information submitted will be kept confidential as per Nevada's Open Records Statute. OSIT will notify applicants that have been pre-qualified to participate in Phase III as well as provide notification to applicants that have failed to qualify. OSIT will only accept applications from applicants that have been pre-qualified. OSIT does not intend to use the pre-qualification process to limit the number of potential subgrantees. All pre-qualified potential subgrantees will be permitted to submit applications.
3. **RFA public announcement:** The RFA will be distributed as widely as possible in order to reach the most potential bidders, such as with public posting on the OSIT website, distributed via OSIT's email distribution lists, via press release, via public posting, and through channels of partners, such as local governments, NTIA, industry associations, and others. Particular effort will be made to ensure that underrepresented organizations, organizations that serve specifically targeted covered populations, minority-owned businesses, minority-serving institutions, women-owned businesses, and labor area surplus firms will be made aware of funding opportunities.
4. **Technical Assistance:** OSIT will provide technical assistance to interested applicants via live and recorded webinar, posting the webinars on the OSIT website for reference and for those that were unable to attend live. The webinars will cover all aspects of the solicitation and process. OSIT will solicit all questions in writing and will publicly post anonymized questions and answers to questions in a written Frequently Asked Questions (FAQs) document on the OSIT website. OSIT will also provide written technical assistance, including submission instructions, and submission templates.
  - **Calendar of Activity:** OSIT will publish a calendar of activity associated with the RFA process that outlines dates for the webinars, a deadline date to submit FAQs; dates when OSIT will post updated FAQ documents and the deadline date and time for

responses. OSIT expects to provide a minimum of 45 days for potential subgrantees to submit applications.

- **Fairness:** OSIT will not meet with or communicate individually with applicants regarding the BEAD Program during the solicitation process from the release of the RFA to the announcement of award decisions. No applicant will receive answers to questions individually. OSIT will establish a single point of contact for all questions that is not a member of any evaluation committee. Evaluation committee members are comprised of a diverse group of qualified individuals, who are highly trained in various aspects of the project activities and administrative process.
- **Neutrality:** OSIT will develop neutral scoring and evaluation criteria in accordance with the BEAD NOFO, which will be included in the RFA. Applicants will be made aware of the established scoring and evaluation criteria through the OSIT webinars, responses to FAQs, and in the solicitation.

5. **Public Bid Opening:** OSIT will conduct a public bid opening at the designated date and time.

6. **Evaluation Process:** OSIT will conduct an evaluation of all applications from qualified applicants. The evaluation process will have 3 steps described below:

- a. **Initial Review:** OSIT will conduct an initial review of applications to determine eligibility and that applicants are eligible and have submitted all the necessary information for their applications to be scored. OSIT, in its sole discretion, may allow an applicant to cure any defects in its submission. The initial review will be focused on the content of the response rather than information already submitted in the prequalification stage of the RFA process described in Step 2 above.
- b. **Technical Review:** OSIT will conduct a technical review of all applications done by a Technical Review Committee made up of subject matter experts (SMEs), including licensed professional engineers, that will evaluate whether the technical aspects of the proposed project are feasible and meet the minimum standards that will be clearly outlined in the RFA. The focus of the technical review will be details such as: the plan and timing of environmental review; the plan for obtaining permitting; new broadband infrastructure construction; the practicality of construction timelines; the capacity of last mile networking equipment; the capacity of proposed upstream network pathways and other key factors.
- c. **Final Review:** OSIT will conduct an evaluation of all applications that progress past the initial review and technical review according to established practice. OSIT will convene an evaluation committee of subject matter experts (SMEs). The evaluation committee will make subgrant award recommendations to OSIT which will make the final decision.

In all cases, OSIT will ensure that SMEs in the evaluation process will be free from bias and will sign an evaluator agreement in which they certify, among other things, that:

- **Conflicts of Interest:** the evaluator has no financial interest in any proposal, there are no conflicts of interest, will not engage in any action, communication, or relationship that compromises their ability to reach a fair and impartial decision, that all actions



with regard to the solicitation will be conducted with the highest professional ethics and personal integrity, that no action will compromise or give the appearance of compromising their ability to reach a fair and impartial decision regarding the solicitation. OSIT will confirm, in writing, that no conflicts exist.

- **Confidentiality:** all evaluators will be required to maintain confidentiality during the selection process, all proposals and evaluations are confidential until a contract has been awarded, including from State employees or contractors that are not members of the evaluation committee, any confidential information that may be considered a trade secret or confidential business information reviewed during the evaluation process must be kept confidential indefinitely in accordance with the Nevada Public Records Act, and evaluators will practice safe document storage practices.
- **Evaluation and Scoring:** proposals must be consistently evaluated only in accordance with evaluation factors disclosed in the solicitation. OSIT has developed a format and process for scoring from previous RFA/RFP evaluations that will be used for this evaluation.

**Risk-Assessment:** Prior to issuing an agreement, contract or subaward, OSIT conducts a risk assessment of the potential awardee to assess the vendor's ability to comply with Federal and state policies, statutes, regulations, project deliverables, fiscal capacity, responsibility and internal controls, administrative and reporting requirements, and to help define any additional terms and frequency of appropriate subrecipient monitoring, as well as technical assistance and outreach conducted by OSIT staff to the subrecipient. While part of the risk assessment process occurs concurrently during the evaluation process, final risk assessment documents will be time stamped, signed by the OSIT staff member(s) completing the risk assessment and incorporated into a risk assessment file for the vendor.

**Suspension/Debarment:** OSIT contracting staff will complete a review for applicant and organizational suspension or debarment from state, local government, or federal entities. The search documents will be timestamped and signed by the OSIT staff member conducting the search and also made part of the subrecipient's risk assessment file.

**Collusion:** OSIT will require all prospective subgrantees to attest in writing that the prospective subgrantee has not colluded with any entities or persons, either through public statements or private communications, regarding any BEAD program submission.

7. **Selection and Notice:** OSIT will ensure the selection of subgrantees is transparent, with clear communication to all applicants. OSIT will publish a list of awarded subgrants on its website.
8. **Appeals Process:** OSIT will establish an appeals process that allows applicants to appeal or protest an award decision on the basis of procedural errors in the solicitation process or errors in the evaluation process. This appeals process will mirror established State protest procedure as established in Nevada Revised Statutes (NRS). OSIT will receive advisory support from Nevada State Purchasing and the Nevada Attorney General's Office.

The process outlined above will ensure an **open, competitive, and fair** process free from favoritism,



collusion, and abuse.

### **Subgrantee Selection Process**

The High Speed NV Initiative Phase III Subgrantee Selection Process (Phase III) will begin following the approval of Volume II of Nevada's BEAD Initial Proposal and the completion of the challenge process and the publishing of a final list of eligible unserved, and underserved locations and eligible Community Anchor Institutions (CAIs). The process will begin with the posting of Volume I and Volume II for public comment, the subsequent submission of Volume I and II for NTIA to approval, the publication of the Request for Applications (RFA), publication of the Regional Project Areas (RPAs- described below), and publication of subgrantee qualification requirements.

For the Phase III subgrantee selection process, OSIT will take a similar approach as it did in Phase I of the High Speed NV Initiative. OSIT will organize BEAD-eligible locations, including eligible CAIs, into "Regional Project Areas" (RPAs). RPAs may be different sizes geographically or have a different number of locations within them and will be designed to maximize the attractiveness of the bidding opportunity, ensure competitive neutrality, and maximize the number of applicants, taking into consideration geography, terrain, proximity to infrastructure, proximity to other unserved and underserved locations, and other factors. Note- RPAs will be smaller than the regions used in Phase I of the High Speed NV Initiative. OSIT will issue a single RFA with common application requirements, including narrative questions, across all RPAs. However, applicants will bid on RPAs individually. In essence, each RPA is its own RFA and all applications for that RPA will be scored separately from other RPAs, with one awardee selected for each RPA. Applicants must provide a plan to serve every location included within the RPA. Applications that do not propose to serve every location within the RPA will not be considered. Applicants may propose all-fiber solutions (priority projects), solutions that utilize a hybrid approach or a mix of other technologies, or solutions that utilize only a non-fiber technology (collectively non-priority projects). In keeping with the BEAD NOFO, applications that propose to serve every location in the RFP with fiber at a cost below the Extremely High Cost per Location Threshold (EHCPLT) will be given priority consideration over all-fiber applications that exceed the EHCPLT and applications that do not propose an all-fiber solution. Additional detail on priority and non-priority projects and subgrantee prioritization can be found in Section 2.4.2.

OSIT will publish a separate RFA for each RPA. The RFA will include the following elements:

- The application questions that are common across all RFAs;
- The list of locations contained within the specific RPA in CSV and KMZ formats;
- Any RPA-specific questions;
- Existing infrastructure that has been funded in High Speed Nevada (HSNV) Phase I and HSNV Phase 2
- The results of OSIT's cost modeling and business case analysis specific to the RPA;
- OSIT will provide an estimated total cost to connect each location in each RPA as well as OSIT's proposed Target BEAD Subsidy percentage and dollar amount for the RPA that is based on the results of OSIT's cost modeling and business case analysis. OSIT will employ GIS and cost modeling tools from CostQuest Associates that provide the following: location of existing open access fiber routes in the region; longitudinal construction cost data that has been adjusted for inflation; permit costs; climate, plant, species, and waterway data that could impact environmental assessment costs and topography and soil analysis data. (note- applicants who propose a lower BEAD subsidy level will

receive greater points in scoring. Applicants may propose higher subsidy levels than the OSIT-proposed subsidy levels. See section 2.4.2 for more details);

- Any other pertinent information needed for the bidding process.

Following the application submission deadline, OSIT will follow Step 6 of the application evaluation process described above to select subgrantees. OSIT will employ a three-step evaluation process:

1. In Step 6.a - OSIT will conduct an **Initial Review** of applications to ensure that all required information has been submitted and applications are complete. OSIT, in its sole discretion, may allow curing.
2. In Step 6.b - OSIT will conduct a **Technical Review** of the applications to ensure that they meet the minimum requirements required for Final Review. Applications that do not meet the minimum gating requirements as described below will not be considered for BEAD Funding and will not proceed to Final Review.
3. In Step 6.c – For applicants that have met the gating requirements, OSIT will assemble an Evaluation Committee that will conduct a **Final Review** and score applications according to the scoring criteria described in scoring rubric described in 2.4.2 and will select a winning applicant for the RPA.

In Sections 2.4.3 - 2.4.17 below, OSIT describes how it will comply with mandatory BEAD Program requirements. OSIT will indicate whether given requirements will be reviewed under Step 6.b (and designated as a Technical Review Requirement) or Step 6.c (and designated as a Final Review Requirement). Only Final Review Requirements that fall under review for Step 6.c will be evaluated under the scoring criteria outlined in Section 2.4.2.

- **Step 6.b Technical Review Requirements<sup>5</sup>**
  - Compliance with EHP and BABA 2.4.5
  - Financial Capacity 2.4.11
  - Managerial Capacity 2.4.12
  - Technical Capacity 2.4.13
  - Feasibility and Reasonableness of technical proposal, including cost and reporting 2.4.13
  - Use of an Appropriately Skilled and Credentialed Workforce 2.4.13
  - Compliance with Applicable Laws 2.4.14
  - Operational Capacity and feasibility and reasonableness of operational proposal 2.4.15
  - Provision of Required Ownership Information 2.4.16
  - Provision of Required Information on Other Public Funding 2.4.17
  - Labor Standards and Protection 2.7
  - Compliance with the requirement to offer a Low-Cost Broadband Service Option 2.12
- **Step 6.c Final Review Requirements**
  - Minimal BEAD Outlay
  - Affordability
  - Fair Labor Practices

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<sup>5</sup> All elements of Step 6.b are gating criteria and applicants must meet minimum standards in each to proceed to Step 6.c. The following elements are gating criteria only and will not be rescored in Step 6.c: 2.4.5, 2.4.16, 2.4.17. For applications that are scored in Step 6.c using the scoring criteria found in 2.4.2, 2.4.13, 2.4.14, and 2.7 will be evaluated and scored under Fair Labor Practices. 2.4.11, 2.4.12, and 2.4.15 will be evaluated and scored under Capacity Review and 2.4.13 will be evaluated and scored under Technical Review.

- Speed to Deployment
- Capacity Review Score
- Technical Review Score

Applicants may submit applications for as many RPAs as they have the technical, operational, managerial, and financial capacity to complete. Applicants may repurpose common narrative elements for multiple applications for different RPAs unless they choose to modify the narrative elements to better suit a different region. However, applicants should be prepared to propose technical specifications and pricing that are unique to the specific RPA. OSIT has structured the RFA process in order to minimize the burden on potential applicants as many of the application sections will only have to be completed once no matter how many RPAs the prospective subgrantee chooses to apply for.

OSIT considered other methods of executing the subgrantee selection process, such as allowing applicants to define their own project areas down to the individual location level, and make their own proposals to OSIT. However, OSIT decided to move forward with this proposed approach as it allows for fair “apples to apples” comparisons across applications. OSIT believes this methodology and process provides for the best opportunity for competition among applicants, eliminates the possibility of multiple applications overlapping on a few locations but otherwise serving different groups of locations, and mitigates the possibility of some of the hardest-to-serve locations receiving no proposals.

Once Step 6 has been completed, OSIT will proceed to Steps 6 and 7- selection, notice, and appeals.

OSIT will follow established subgrantee accountability procedures from Phase I of the High Speed NV Initiative and other non-IIJA grant programs, including:

- Distribution of funding to subgrantees for all projects, including both deployment and non-deployment projects, on a reimbursable basis (which would allow OSIT to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize);
- The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the OSIT and any subgrantee;
- Timely subgrantee reporting mandates- OSIT will require weekly construction progress reports and quarterly progress and fiscal reports;
- Robust subgrantee monitoring practices, including an assigned OSIT project manager for each project that will monitor weekly reports and make regular site visits; and,
- Provision of an award package that includes notification of: (1) the Uniform Administrative Requirements, Cost Principles, and Audit Requirements of 2 CFR Part 200 that are incorporated by reference into the award, (2) allowable uses of funds and ineligible costs, (3) any other funding limitations, (4) instructions for when and how to request any award modifications, (5) information on the prevention of waste, fraud, and abuse, and (6) information on the protection of whistleblowers.

#### 2.4.2 **Text Box:** Describe how the prioritization and scoring process will be conducted and is

consistent with the BEAD NOFO requirements on pages 42 – 46.

During its outreach and engagement efforts, the most common response from all stakeholders, including consumers, businesses, CAIs, providers, non-profits, Tribal Nations, and governments, regarding how the success of the BEAD program in Nevada should be judged, was whether it delivers reliable high-speed internet to every Nevadan that lacks it. Nevada's vision for broadband equity, access, and deployment is that every Nevadan has access to a high-speed internet connection that is affordable, reliable, and scalable. To realize this vision, OSIT will select subgrantees that have the technical, operational, managerial, and financial capacities necessary to complete projects within the confines of the State and federal rules for this program. Projects that meet these qualifications will be prioritized and scored according to the rules set forth in the BEAD NOFO.

**Subgrantee Prioritization:** OSIT will first assess which RPAs under consideration are subject to one or more proposals that (1) constitute Priority Broadband Projects<sup>6</sup> and (2) satisfy all other requirements set out in the BEAD NOFO with respect to subgrantees. In the event there is just one proposed Priority Broadband Project in a location or set of locations, the application meets all of the gating criteria, the application proposes to serve every location in the RPA, and the application does not exceed OSIT's Extremely High Cost Per Location Threshold (EHCPLT), that application is the default winner, unless OSIT requests, and the Assistant Secretary grants, a waiver allowing OSIT to select an alternative project. To the extent there are multiple proposals in a location or set of locations that (1) constitute Priority Broadband Projects and (2) satisfy all other requirements with respect to subgrantees, OSIT must competitively select a project based on the criteria set by the BEAD NOFO and described in Section 2.4.2.1 below. If no applications meeting the criteria for a Priority Broadband Project are submitted or all applications that are Priority Broadband Projects exceed the EHCPLT, OSIT will first consider whether to waive the EHCPLT and then consider applications that meet the minimum criteria that are not Priority Broadband Projects. In deciding among competing projects that are not Priority Broadband Projects covering the same RPA, OSIT will use the same scoring criteria for Priority Broadband Projects as outlined in 2.4.2.1.

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<sup>6</sup> The term "Priority Broadband Project" means a project that will provision service via end-to-end fiber-optic facilities to each end-user premises. An Eligible Entity may disqualify any project that might otherwise qualify as a Priority Broadband Project from Priority Broadband Project status, with the approval of the Assistant Secretary, on the basis that the location surpasses the Eligible Entity's Extremely High Cost Per Location Threshold (as described in Section IV.B.7 of the BEAD NOFO), or for other valid reasons subject to approval by the Assistant Secretary.

**2.4.2.1 Scoring Criteria for Priority Broadband Projects:** The following table provides an overview of the scoring matrix for Broadband Priority Projects. This scoring matrix was developed based on feedback from stakeholders collected during the public outreach and engagement process.

Primary Scoring Criteria		Maximum Points Available	Description
<b>Minimal BEAD Outlay</b>		25	The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost).
<b>Affordability</b>		30	The prospective subgrantee's commitment to provide an affordable total price to the customer for 1 Gbps/1 Gbps service in the project area.
<b>Fair Labor Practices</b>		20	Prospective subgrantee's demonstrated record of and plans to be compliant with federal labor and employment laws.
Secondary Scoring Criteria		Maximum Points Available	Description
<b>Speed to Deployment</b>		1	Prospective subgrantee's binding commitment to provide service by an earlier date certain, subject to contractual penalties to OSIT, with all points available in this section awarded to the applicant promising the earliest service provision date.
<b>Capacity Review</b>		8	Applications that meet the minimum Technical Review requirements outlined in Step 6.2 of Section 2.4.1 will be scored and receive a Capacity Review score. The Capacity Review criteria are detailed below in 2.4.2.2.
<b>Secondary Technical Review</b>		8	Applications that meet the minimum Technical Review requirements outlined in Step 6.2 of Section 2.4.1 will be scored and receive a Technical Review score. The Secondary Technical review criteria are detailed below in 2.4.2.2.
<b>Lower Bandwidth Affordability</b>		5	The prospective subgrantee's commitment to provide the most affordable total price to the customer for 100 Mbps/100 Mbps (or the lowest symmetrical bandwidth service offering available) service in the project area.
<b>Low-Cost Broadband Service Option</b>		3	The prospective subgrantee's commitment to provide the most affordable total price to low-income customers that are eligible for ACP.
<b>Total</b>		100	

**Scoring Criteria for Non-Priority Broadband Projects:** The following table provides an overview of the scoring matrix for Broadband Non-Priority Projects. This scoring matrix was developed based on feedback from stakeholders collected during the public outreach and engagement process.

Primary Scoring Criteria	Maximum Points Available	Description
<b>Minimal BEAD Outlay</b>	25	The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost).
<b>Affordability</b>	30	The prospective subgrantee's commitment to provide an affordable total price to the customer for 100 Mbps/20 Mbps service in the project area.
<b>Fair Labor Practices</b>	20	Prospective subgrantee's demonstrated record of and plans to be compliant with federal labor and employment laws.
Secondary Scoring Criteria	Maximum Points Available	Description
<b>Speed to Deployment</b>	1	Prospective subgrantee's binding commitment to provide service by an earlier date certain, subject to contractual penalties to OSIT, with all points available in this section awarded to the applicant promising the earliest service provision date.
<b>Capacity Review</b>	12	Applications that meet the minimum Technical Review requirements outlined in Step 6.2 of Section 2.4.1 will be scored and receive a Capacity Review score. The Capacity Review criteria are detailed below in 2.4.2.2.
<b>Secondary Technical Review, Including Speed of Network</b>	12	Applications that meet the minimum Technical Review requirements outlined in Step 6.2 of Section 2.4.1 will be scored and receive a Technical Review score. The Secondary Technical review criteria are detailed below in 2.4.2.2.
<b>Total</b>	100	

**2.4.2.2 Scoring Criteria Detail- Priority Broadband Projects:** The following section describes how scores for each criterion will be calculated for Priority Broadband Projects.

- **Primary Criteria**

- **Minimal BEAD Outlay (25 points):** As described in Section 2.4.1 above, OSIT will provide an estimate of the total cost to reach each BEAD-eligible location in each RPA and each RPA will be given a Target BEAD Subsidy level based on the results of OSIT's cost and business case modeling. Thus, OSIT will provide an estimated total cost and a Target BEAD Subsidy dollar amount and Target BEAD Subsidy percentage (Target BEAD Subsidy dollar amount divided

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

Note- Scores will be calculated based on a comparison of the Target BEAD Subsidy dollar amount proposed by OSIT and the BEAD subsidy dollar amount proposed by the applicant rather than the percentage of BEAD subsidy requested by the applicant based on the applicant's calculation of the total cost to connect every location in the RPA that is different from OSIT's estimated total cost. In other words, an applicant that proposes either a higher or lower BEAD subsidy dollar amount and total cost than the Target BEAD Subsidy dollar amount and total cost will be scored based on the percentage of the BEAD subsidy requested divided by OSIT's estimated total cost and that percentage compared to the Target BEAD Subsidy percentage. See Example 4.

Note 2- Applicants may not request greater than a 75% subsidy without submitting a waiver request to OSIT as a part of the application process. If an application is selected for funding, OSIT would then request a waiver from NTIA, which must be granted prior to award. Only the Assistant Secretary of NTIA may grant waivers of the minimum match requirement.



The following examples are for an RPA with a Target BEAD Subsidy level of 50% of the estimated total cost to build provided by OSIT. Percentages are based on OSIT's estimated total cost.

- **Example 1:** An applicant that proposes no BEAD subsidy would receive 25 points ( $0.00 / 2 = 0$  |  $0 \times 25 = 0$  (Reduction Score) |  $25 - 0 = 25$  (Final Score))

Subsidy Score = Percentage of Target BEAD Subsidy requested divided by 2	Reduction Score = Subsidy Score multiplied by 25	Final Score = 25 - Reduction Score
$0.00 / 2 = 0$	$0 \times 25 = 0$	$25 - 0 = 25$

- **Example 2:** An applicant that proposes the exact Target BEAD Subsidy level of 50% of the total project cost (also equal to the Target BEAD Subsidy dollar amount) would receive 12.5 points ( $1.00/2 = .5$  |  $.5 \times 25 = 12.5$  (reduction score) |  $25 - 12.5 = 12.5$  (Final Score))

Subsidy Score = Percentage of Target BEAD Subsidy requested divided by 2	Reduction Score = Subsidy Score multiplied by 25	Final Score = 25 - Reduction Score
$1.00 / 2 = .5$	$.5 \times 25 = 12.5$	$25 - 12.5 = 12.5$

- **Example 3:** An applicant that proposes a higher Target BEAD Subsidy level of 75% (a dollar amount equal to 75% of OSIT's estimated total cost and 25% higher than OSIT's Targeted BEAD subsidy dollar amount) would receive 6.25 points ( $1.50/2 = .75$  |  $.75 \times 25 = 18.75$  (Reduction Score) |  $25 - 18.75 = 6.25$  (Final Score))

Subsidy Score = Percentage of Target BEAD Subsidy requested divided by 2	Reduction Score = Subsidy Score multiplied by 25	Final Score = 25 - Reduction Score
$1.50 / 2 = .75$	$.75 \times 25 = 18.75$	$25 - 18.75 = 6.25$

- **Example 4:** OSIT's estimated total cost to reach all locations for an RPA is \$100 and Target BEAD subsidy is 50% (\$50). An applicant proposes a total estimated cost for the RPA as \$140 and a proposed BEAD subsidy amount of 50% (\$70). OSIT would treat this as an application requesting a 70% subsidy (not a 50% subsidy) for the purpose of calculating a score and the applicant would receive 7.5 points ( $1.40/2 = .70$  |  $.7 \times 25 = 17.5$  (Reduction Score) |  $25 - 17.5 = 7.5$  (Final Score))

Subsidy Score = Percentage of Target BEAD Subsidy requested divided by 2	Reduction Score = Subsidy Score multiplied by 25	Final Score = 25 - Reduction Score
$1.40 / 2 = .7$	$.7 \times 25 = 17.5$	$25 - 17.5 = 7.5$



- **Affordability (30 points):** Described in greater detail in Section 2.13, affordability is crucial to the overall success of the BEAD program. Through the High Speed Nevada Initiative, OSIT is taking steps to ensure that last-mile providers in unserved and underserved areas have greater access to affordable upstream bandwidth in order to offer lower pricing for retail, mass-market service offerings. As required by the BEAD NOFO, points for the affordability criterion will be awarded based on the price for the prospective subgrantee's proposed 1 Gbps/1 Gbps service offering. OSIT does not prescribe a set dollar amount, nor does it require a given rate in order to receive BEAD funding. Instead, OSIT asks potential subgrantees to share with OSIT their proposed pricing, whatever it is, for the purposes of scoring applications in compliance with BEAD rules required by NTIA. Providing information in this section represents a voluntary commitment on behalf of the applicant to offer the pricing the applicant proposes in BEAD-funded locations.
  - For the purposes of awarding points for this scoring criterion, OSIT will utilize the FCC's Urban Rate Study and the provider's own 1Gbps symmetrical service plan offering.
  - Applicants will be asked to certify that, for the first five years following completion of the network, they will either:
    - Offer a price for a 1Gbps symmetrical service plan at a price that is no higher than the total charge of a 1Gbps symmetrical fiber service offered by the median provider in Nevada in the previous year's FCC Urban Rate Study; or
    - Offer a price for a 1Gbps symmetrical service plan at a price that is no higher than the total charge of a 1Gbps symmetrical fiber service offered by the median provider in Nevada over the three years of the FCC Urban Rate Study prior to the release of the RFA. The monthly total charge of a 1Gbps symmetrical fiber service by the median provider over the last three years in Nevada is \$95; or
    - Offer the same price for a 1 Gbps symmetrical service plan the applicant offers in non-BEAD-funded areas if the price of a 1 Gbps symmetrical service plan offered in non-BEAD-funded areas is lower than the median price of a 1 Gbps symmetrical fiber service in the previous year's FCC Urban Rate Study or is lower than the 3-year median.
  - Within 30 business days of the release of the results of the FCC's Urban Rate Study, OSIT will publish the price of the median plan for 1Gbps symmetrical service that will be applicable for the following year. Providers choosing to base their 1Gbps/1Gbps service on the last year's FCC Urban Rate Study median plan that complete a network and begin offering service would then base their compliance obligations based on that year's published price. For example, a network that is completed in the year 2027 would use the price OSIT publishes from the FCC's Urban Rate Study in 2026 to determine compliance with the published plan price. As a part of their grant obligations, awarded subgrantees that submit a certification committing to compliance with the affordability requirements of this section will be required to submit to OSIT an annual certification of compliance with their affordability obligation. Providers that fail to meet their affordability obligation will be subject to contractual penalties. If the FCC Urban Rate Study survey results for any year do not

contain any service tiers at 1 Gbps/1Gbps, the survey results for the next closest service tier will be used.

- Applicants that voluntarily certify that their 1 Gbps symmetrical plan offerings will meet the criteria outlined in this section will receive 30 points. Applicants that are unable or choose not to certify that their 1 Gbps symmetrical plan offerings will meet the criteria outlined in this section will receive 0 points.
- **Fair Labor Practices (20 points):** Scoring for Fair Labor Practices will be evaluated based on the criteria described in greater detail in Section IV.C.1.e of the BEAD NOFO: 1) evidence of past compliance with applicable labor laws and 2) plans for ensuring future compliance with federal labor laws. Sections 2.4.14 and 2.7 describe the information prospective subgrantees will be required to provide as a part of their responses to the RFA.
  - **Evidence of Past Compliance (10 Points):** Any applicant that certifies full compliance in the past with all applicable labor laws will receive 10 points. Applicants unable to certify past full compliance with applicable labor laws will be required to provide details of the past violations, remediation steps taken and the results, and a specific, future-focused plan to ensure full compliance. Applications that meet the minimum gating criteria will be scored on a 0-9 point scale.
    - **New Entrants:** In accordance with the BEAD NOFO, “Eligible Entities must give priority to projects based on a prospective subgrantee’s demonstrated record of and plans to be in compliance with Federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.” A new entrant without an organizational record of labor and employment law compliance may submit evidence of past compliance by senior executives in previous roles at other organizations as evidence of past compliance and will be scored as indicated in Evidence of Past Compliance. New entrants that are unable to produce any evidence of past compliance with federal labor or employment law, either as an organization or from senior executives within the organization, will receive zero points for this section because the BEAD NOFO requires OSIT to prioritize funding based on a prospective subgrantee’s record of compliance and therefore, some evidence of past compliance is required to score points. Consistent with how prospective subgrantees will be evaluated in other scoring criteria, such as technical, managerial, and operational capabilities, applicants with strong prior records of performance will be scored higher than those with little to no prior record of performance. New entrants without evidence of past compliance with federal labor law may mitigate, or lessen the negative impact of their lack of prior record of compliance, this fact by making specific, forward-looking commitments to strong labor and employment standards and protections in their plans for future compliance with federal labor laws. In this case, such an applicant could receive up to 10 points for

future compliance (and up to 10 points total for this scoring criterion) as is described in the section below.

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

- **Secondary Scoring Criteria**

- **Speed to Deployment (1 point):** All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from OSIT. OSIT must give secondary criterion prioritization weight to the prospective subgrantee's binding commitment to provide service by an earlier date certain, subject to contractual penalties to the OSIT, with greater benefits awarded to applicants promising an earlier service provision date. The applicant that provides the earliest commitment to provide service to all locations with the RPA will receive all points for this section. Technical Review will confirm the viability of the deployment schedule.
- **Capacity Review (8 points):** All applications for a BEAD Program subgrant will undergo a Technical Review outlined in Step 6.2 of Section 2.4.1. Those applications that do not meet the minimum Technical Review requirements will not proceed to Step 6.3 of the evaluation process and will not be considered for funding. Those applications that meet the minimum Technical Review requirements will undergo a Capacity Review and have their applications scored and that score added to the Mandatory and Secondary Criteria above and below. Beyond the minimum technical gating criteria, OSIT will ask a number of questions related to the capacity of applicants to successfully complete their proposed project. The Capacity Review will allow OSIT to compare and differentiate the relative capacity of multiple applicants which all meet the minimum gating technical criteria. Applicants will be scored on a 0–12-point scale with applicants providing the most comprehensive evidence and explanation of their capacity and experience in the three categories below receiving the highest scores. Additional details about how OSIT will conduct the Capacity Review, including what elements and factors OSIT will base scoring upon, can be found in the following sections. Below are additional details about the information that will be reviewed and scored by OSIT for this criterion.
  - **Financial Capacity 2.4.11**
    - An analysis of the source(s) of funding available to complete the project.
    - Evidence of past financial capacity that resulted in completion of past projects of similar size and scope.
    - Financial statements that demonstrate greater financial capacity to complete the project.
    - Depth and quality of the pro forma and business plans that demonstrate a greater probability for sustainability.
  - **Managerial Capacity 2.4.12**

- Expertise of key management personnel dedicated to the project based on resumes submitted and responses to questions regarding applicant's experience and the applicant's capacity to successfully manage the project to successful completion and successful provision of ongoing services.
- Quality of references and past successfully completed projects.
- Expertise and ability of the applicant to carry out the work required by the RFP, including:
  - Prior experience managing engineering and construction. Provide examples of previous projects of similar size and scope.
  - Prior experience managing and operating a network and providing services to a similar number of locations in the application.
  - Prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.
  - State whether the applicant is a party in any current litigation related to the construction or operation of telecommunications networks. Provide a list of all contracts funded in whole or in part by the federal government or any state or local government in the previous five years that resulted in litigation or arbitration proceedings and briefly summarize the matters in dispute, the disputed amount, the parties involved, and the outcome.
  - State whether the applicant has, in the last five years, defaulted on, returned awarded funding, or otherwise not successfully completed any contract or award funded in whole or in part by the federal government or any state or local government for the construction or operations of a telecommunications network.
  - State whether the applicant has, in the last five years, not successfully completed on-time, or on-budget, the construction of a telecommunications project funded in whole or in part by the federal government or any state or local government.
- Applicant Capacity
  - Experience and capacity of the Applicant's proposed management team in successfully managing engineering, design, construction, and operations of similar projects.
  - Experience and capacity of the Applicant's proposed team to carry out engineering, permitting, construction, and maintenance.
  - Ability to recruit and train engineering, design and construction labor.
  - Applicant's financial strength, sustainability, and investment potential to support scope of work/project.
  - The Applicant's capacity to complete the project given its other projects and workload.

- Experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.
  - Upcoming Changes
    - Describe recent and known upcoming changes, including mergers and acquisitions.
- Operational Capacity and feasibility and reasonableness of operational proposal
- 2.4.15
- OSIT will require prospective subgrantees to submit the following information in response to specific questions asked in the RFA:
    - Years providing internet service;
    - Number of current subscribers: total; in Nevada; in the county where the RPA is located;
    - Resumes of key operations personnel that will oversee operations for this project upon completion;
    - Network uptime, latency, packet loss, throttling and oversubscription statistics for the last year for operations in Nevada;
    - An overview of the personnel, processes and systems that comprise the prospective subgrantees technical support operation.
    - An overview of the technical support statistics such as tickets opened, mean time to respond, mean time to repair, customer satisfaction for the customers operation for the last 5 years.
    - Current litigation or any litigation in the prior 5 years where the prospective subgrantee was a defendant in any federal or state criminal or civil proceeding.
    - Plan submitted in application to operate the network including marketing and outreach to general subscribers and ACP subscribers.
  - OSIT will require prospective subgrantees to submit the following information in response to specific questions asked in the RFA:
    - Evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. Sufficient evidence may include resumes of key Nevada-based personnel currently employed by the prospective subgrantee with significant operational experience who would oversee the new network, commitments from capable contractors, subcontractors, or other partners to perform the engineering, design, environmental, and construction work, MOUs or other written evidence of partnerships with more experienced internet service providers, existing agreements in place for backhaul, and the managerial, technical, and financial capability to operate the network once completed.

- Evidence sufficient to demonstrate that the newly formed entity has the licensure and has met other requirements necessary to operate a business in the State of Nevada.
- **Secondary Technical Review (8 points):** All applications for a BEAD Program subgrant will undergo a Technical Review outlined in Step 6.2 of Section 2.4.1. Those applications that do not meet the minimum Technical Review requirements will not proceed to Step 6.3 of the evaluation process and will not be considered for funding. Those applications that meet the minimum Technical Review requirements will undergo a Secondary Technical Review and have their applications scored and that score added to the Mandatory and Secondary Criteria above. Beyond the minimum technical gating criteria, OSIT will ask a number of questions related to the capability of applicants to successfully deploy and operate the network facilities needed to offer affordable, reliable high-speed internet service. The Secondary Technical Review will allow OSIT to compare and differentiate the relative capability of multiple applicants which all meet the minimum gating technical criteria. Applicants will be scored on a 0–12-point scale with applicants providing the most comprehensive and technically sound application receiving the highest scores. Additional details about how OSIT will conduct the Technical Review, including what elements and factors OSIT will base scoring upon, can be found in the following sections:
  - Technical Capacity 2.4.13
    - Expertise and technical ability of the applicant to carry out the work required by the RFP, including:
    - Resumes and years of equivalent experience for key technical personnel, including the project manager and superintendents, foremen or other personnel responsible for major components, such as engineering, permitting, trenching, boring, conduit and fiber placement, splicing, etc.
    - Documentation of current licensing as applicable.
    - Prior experience executing engineering and construction work of a size, complexity, nature, and value similar to the RPA in question. Provide examples of previous projects of similar size and scope.
    - Prior experience executing the volume of work required to complete the project in a similar timeline and at a level of quality required by the BEAD program while maintaining a strong safety record.
    - Prior experience operating a network and providing services to a similar number of locations proposed in the application.
    - Prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.
    - An assessment of the prospective subgrantee's ability to collect and report on the granular level of detail of materials and labor tracking.
    - Applicant Capacity
      - Experience and capacity of the Applicant's proposed on-site technical team in successfully planning engineering, design, construction, and operations of similar projects.

- Experience and capacity of the Applicant's proposed on-site team to carry out engineering, permitting, construction, and maintenance.
- Ability to recruit and train engineering, design and construction labor.
- The Applicant's capacity to complete the project given its other projects and workload, including other RPAs bid upon.
- A list of all existing and ongoing telecommunications network construction projects funded in whole or in part by federal, state, or local government funds both in Nevada and in all other states.
- A list of all current and planned applications for federal, state, or local funding for telecommunications network construction projects.
- Prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.
- An assessment of the prospective subgrantee's capacity to collect and report on the granular level of detail of materials and labor tracking.
- Technical plan addresses all fiscal, construction, design and engineering standards in a manner that meets or exceeds OSIT's expectations.
- Applicant's proposed construction of the network results in affordable, reliable, scalable internet service for locations identified in the RPA that meets standards set by OSIT in the RFA and the BEAD Program.
- Reasonableness and commitment to accountability for engineering, design and construction timeline:
- Comprehensive timeline for engineering, design and construction phase submitted with proposal.
- Adherence to OSIT reporting standards for design, engineering and construction progress reports.
- Comprehensiveness of plan to deploy last mile infrastructure to identified locations in the RPA.
- Plan to complete construction of the network within a timeframe and budget proposed by the applicant that meets the standards set forth by the RFA and the BEAD Program.
- OSIT understands that a skilled and qualified workforce is essential to meeting its universal access goals and to the success of the High-Speed Nevada Initiative Phase III, just as it was in Phases I and II. A skilled and qualified workforce translates into successfully meeting infrastructure buildout timelines and ensuring high-quality work is performed. As with HSNV Phase I and HSNV Phase II, for HSNV Phase III, OSIT will require



prospective subgrantees to provide the following information in the applications:

- Indicate whether the construction workforce will be directly employed or whether work will be performed by a subcontracted workforce. If the workforce is subcontracted, the applicant will respond to the questions below for each subcontractor.
- Please provide, in a table format, the total number of FTE positions organized by job title and employer, including for contractors and subcontractors, required to carry out all work over the course of the project.
- For each job title, indicate what percentage of the workers will be from Nevada.
- For each job title, provide the applicable wage scales.
- For each job title, provide the applicable overtime payment practices.
- For each job title required to carry out the proposed work (including contractors and subcontractors), provide a description of safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work).
- For each training, certification, or licensure, describe where and how the necessary training, certification, or licensure is provided or obtained, including whether training is provided in-house, by contract, or if employees are expected to obtain the training, certification, or licensure on their own.
- Describe how the Applicant will ensure the use of an appropriately skilled workforce.
- Describe how the Applicant will ensure that all members of the project workforce will have appropriate credentials and licensure.
- Describe how the Applicant, and all its subcontractors, will ensure proper workplace safety and that all members of the project workforce are authorized to and understand how to raise health and safety concerns in connection with the completion of the project.
- Describe any employee development programs that assist workers progress along a career path to higher wages and higher skilled positions.
- Describe whether the company participates in apprenticeship programs or hiring programs that include outreach to non-traditional workers.
- Indicate whether the workforce is unionized.
- Feasibility and Reasonableness of technical proposal, including cost and reporting 2.4.13



- OSIT will evaluate the feasibility and reasonableness of applicants' technical proposals by reviewing applicants' budget, timeline, and specific narrative related to engineering, design, environmental review, construction, and operation of the network and evidence that the proposed network can deliver the proposed broadband service that meets all performance requirements to all locations included in the RPA. OSIT will also evaluate the personnel, processes and systems that comprise the prospective subgrantees technical support operation.
- Plans for ensuring an appropriately skilled and credentialed workforce. OSIT will also evaluate applicants' plans for ensuring an appropriately skilled workforce, including:
  - Commitment and Plan for hiring Nevada-based personnel for engineering, design, construction, and marketing of the network.
  - Commitment to meeting labor workforce requirements, payment, and training standards.
  - Commitment to hiring and subcontracting programs that include outreach to women, underrepresented, and non-traditional workers and firms.
  - Commitment to compliance with workplace safety standards and safety training standards.
  - Demonstration of career ladders and/or company-funded training and education opportunities that allow workforce to advance and reskill themselves.
  - Commitment to working with the State on workforce development initiatives to ensure a diverse pipeline of skilled broadband workers in Nevada.
- **Lower Bandwidth Affordability (5 points):** Described in greater detail in Section 2.13, affordability is crucial to the overall success of the BEAD program. Points for the affordability criterion will be awarded for the prospective subgrantee's proposed general 100 Mbps/100 Mbps service offering as follows:

In alignment with the BEAD NOFO, points for this section will be awarded based on the prospective subgrantee's commitment to provide the most affordable total price to the customer for an entry-level, lower-bandwidth service offering. All Priority Broadband Projects (all-fiber solutions) must be able to scale to over 1Gbps symmetrical speeds. A 100 Mbps symmetrical plan is closer to an entry-level fiber package that meets basic needs for most Nevadans and is closer to what a lower-income or price conscious first-time subscriber might select. 1Gbps symmetrical plans are premium products in the market today and subscribers that desire that much bandwidth can be expected to pay for it. An "affordable" 1Gbps symmetrical plan offering may still be too expensive for many in the middle class and only scoring on a 1Gbps symmetrical plan will not measure affordability for lower speed plans that are crucial offerings when considering how to ensure higher adoption rates. Especially given the uncertainty surrounding the future of the Affordable Connectivity Program, it is important that entry-level service offerings are affordable and accessible to consumers.

Therefore, in addition to measuring affordability at the 1Gbps tier, OSIT determined it would also measure affordability based on the price for an entry-level plan with the goal that an affordable high-speed plan is available in BEAD-funded areas.

Crucially, OSIT does not prescribe a set dollar amount, nor does it require a given rate in order to receive BEAD funding. Instead, OSIT asks potential subgrantees to share with OSIT their proposed pricing, whatever it is, which OSIT will score by comparing to a reference plan. For example, applicants that use national or uniform pricing may submit the pricing they offer in non-BEAD areas, applicants may propose specific or unique pricing for this RFA, or applicants may reference specific dollar amounts found in the FCC's Urban Rate Study they will use. Note that OSIT will require specific dollar amounts in the responses.

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

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

OSIT will provide a template in the RFA applicants will be required to use to detail their pricing over the five years. OSIT will compare the potential subgrantee's submitted price in comparison to the reference plan in order to generate a score for this section. The maximum number of points in this Criterion is 5. Applicants that offer a price equal to the model plan will receive 2.5 points. Applicants that propose a price at \$40 or lower will receive the maximum 5 points. Applicants that propose a price of \$60 or higher will receive 0 points. Applicants that propose a price lower than that of the model plan will receive more than 2.5 points and up to 5 points. Applicants that propose a price higher than that of the model plan will receive fewer than 2.5 points. In other words, plans between \$40 and \$60 will receive decreasing points, with plans above \$60 receiving no points. Scores will be calculated on an exact mathematical scale with each \$1 increase or decrease in the price reducing or increasing the score by .25 points. Note - applicants that receive a waiver to offer a plan at a higher price than the model plan will have their scoring adjusted accordingly.

**Reference Plan/Model Package Criteria:**

- i. Consistently and reliably provides at least 100 Mbps symmetrical service;

- ii. \$50 per month inclusive of all taxes, fees, and charges;
- iii. No activation, installation, or security deposit fees;
- iv. Provides typical latency measurements of no more than 100 milliseconds; and
- v. 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.

Applicants whose lowest 100 Mbps symmetrical package that meets the criteria above and costs \$60 per month inclusive of all taxes, fees and charges or higher will receive 0 points for this scoring criteria. In other words, available points for affordability will phase out completely for packages higher than \$60 per month. Affordability is but one of the scoring criteria and OSIT will make awards based on the total score across all criteria. Applicants that do not plan to offer a plan that meets all of the criteria above will receive no points. In other words, if all plans have data caps or cannot meet latency requirements, etc., the applicant will receive 0 points for this section.

Waiver: Applicants proposing to serve locations located more than 30 miles from Interstate 80, Interstate 580, Interstate 15, or US Highway 93 may seek a waiver to raise the \$60 per month maximum threshold for points to \$70 per month. These applicants must clearly demonstrate with specific evidence that the \$60 per month threshold is cost prohibitive. Specific evidence must include:

- i. Average revenue per customer estimates
- ii. Average fixed costs

#### Scoring examples

- **Example 1:** An applicant that proposes a five-year average monthly price without installation, equipment rental fees and is inclusive of all charges and taxes at \$45 per month will receive 3.75 points
  - **Example 2:** An applicant that proposes a five-year average monthly price without installation, equipment rental fees and is inclusive of all charges and taxes at \$57 per month will receive .75 points.
- **Low-Cost Broadband Service Option** (3 points)- In alignment with the BEAD NOFO, points for this section will be awarded based on the prospective subgrantee's commitment to provide the most affordable total price to low-income customers that are eligible for ACP. The BEAD NOFO requires all prospective subgrantees to offer a Low-Cost Broadband Service Option (low-cost plan) that meets the criteria in Section 2.12 below. The scoring for this section will be as follows:
- A prospective subgrantee that offers a low-cost plan that meets the criteria in Section 2.12 at \$30 per month will receive 3 points.
  - A prospective subgrantee that offers a low-cost plan that meets the criteria in Section 2.12 at \$50 per month will receive 0 points.
  - Points will be awarded on a mathematical scale between \$30 and \$50 with .15 points

awarded for every \$1 lower than \$50.

**2.4.2.2 Scoring Criteria Detail – Non-Priority Broadband Projects:** The following section describes how scores for each criterion will be calculated for Non-Priority Broadband Projects.

- **Primary Criteria**

- **Minimal BEAD Outlay (25 Points):** As described in Section 2.4.1 above, OSIT will provide an estimate of the total cost to reach each BEAD-eligible location in each RPA and each RPA will be given a Target BEAD Subsidy level based on the results of OSIT's cost and business case modeling. Thus, OSIT will provide an estimated total cost and a Target BEAD Subsidy dollar amount and Target BEAD Subsidy percentage (Target BEAD Subsidy dollar amount divided by the estimated total cost) for each RPA. Each application will be scored by formula based on the percentage of the Target BEAD Subsidy requested (represented as a number where 1.00 = 100% of the Target BEAD Subsidy amount is requested by the bidder) divided by 2, resulting in the Subsidy Score (a decimal). The resulting Subsidy Score decimal is multiplied by the total points available to determine a Reduction Score. The Reduction Score would then be subtracted from the total points available, resulting in the Final Score for this Criterion. Thus, an applicant proposing the Target BEAD Subsidy amount will receive half of the available points for Minimal BEAD Outlay. Applicants that propose a lower BEAD subsidy amount will receive a higher score and applicants that propose a higher BEAD subsidy amount will receive a lower score.

Note- Scores will be calculated based on a comparison of the Target BEAD Subsidy dollar amount proposed by OSIT and the BEAD subsidy dollar amount proposed by the applicant rather than the percentage of BEAD subsidy requested by the applicant based on the applicant's calculation of the total cost to connect every location in the RPA that is different from OSIT's estimated total cost. In other words, an applicant that proposes either a higher or lower BEAD subsidy dollar amount and total cost than the Target BEAD Subsidy dollar amount and total cost will be scored based on the percentage of the BEAD subsidy requested divided by OSIT's estimated total cost and that percentage compared to the Target BEAD Subsidy percentage. See Example 4.

Note 2- Applicants may not be funded an amount greater than a 75% subsidy without a waiver approved by the Assistant Secretary of NTIA. Applicants seeking a greater subsidy than 75% should include a waiver request in their application and, if the project is selected for funding by OSIT, OSIT will seek waiver approval from NTIA.

The following examples are for an RPA with a Target BEAD Subsidy level of 50% of the estimated total cost to build provided by OSIT. Percentages are based on OSIT's estimated total cost.

- **Example 1:** An applicant that proposes no BEAD subsidy would receive 25 points  
 $(0.00 / 2 = 0 \mid 0 \times 25 = 0 \text{ (Reduction Score)} \mid 25 - 0 = 25 \text{ (Final Score)})$

Subsidy Score = Percentage of Target BEAD Subsidy requested divided by 2	Reduction Score = Subsidy Score multiplied by 25	Final Score = 25 – Reduction Score
$0.00 / 2 = 0$	$0 \times 25 = 0$	$25 - 0 = 25$

- **Example 2:** An applicant that proposes the exact Target BEAD Subsidy level of 50% (also equal to the Target BEAD Subsidy dollar amount) would receive 12.5 points ( $1.00/2 = .5$  |  $.5 \times 25 = 12.5$  (reduction score) |  $25 - 12.5 = 12.5$  (Final Score))

Subsidy Score = Percentage of Target BEAD Subsidy requested divided by 2	Reduction Score = Subsidy Score multiplied by 25	Final Score = 25 – Reduction Score
$1.00 / 2 = .5$	$.5 \times 25 = 12.5$	$25 - 12.5 = 12.5$

- **Example 3:** An applicant that proposes a higher Target BEAD Subsidy level of 75% (a dollar amount equal to 75% of OSIT's estimated total cost and 25% higher than OSIT's Targeted BEAD subsidy dollar amount) would receive 6.25 points ( $1.50/2 = .75$  |  $.75 \times 25 = 18.75$  (Reduction Score) |  $25 - 18.75 = 6.25$  (Final Score))

Subsidy Score = Percentage of Target BEAD Subsidy requested divided by 2	Reduction Score = Subsidy Score multiplied by 25	Final Score = 25 – Reduction Score
$1.50 / 2 = .75$	$.75 \times 25 = 18.75$	$25 - 18.75 = 6.25$

- **Example 4:** OSIT's estimated total cost to reach all locations for an RPA is \$100 and Target BEAD subsidy is 50% (\$50). An applicant proposes a total estimated cost for the RPA as \$140 and a proposed BEAD subsidy amount of 50% (\$70). OSIT would treat this as an application requesting a 70% subsidy (not a 50% subsidy) for the purpose of calculating a score and the applicant would receive 7.5 points ( $1.40/2 = .70$  |  $.7 \times 25 = 17.5$  (Reduction Score) |  $25 - 17.5 = 7.5$  (Final Score))

Subsidy Score = Percentage of Target BEAD Subsidy requested divided by 2	Reduction Score = Subsidy Score multiplied by 25	Final Score = 25 – Reduction Score
$1.40 / 2 = .7$	$.7 \times 25 = 17.5$	$25 - 17.5 = 7.5$

- **Affordability (30 points):** Described in greater detail in Section 2.13, affordability is crucial to the overall success of the BEAD program. Points for the affordability criterion will be divided between the prospective subgrantee's proposed 100 Mbps/20 Mbps service offering to the general public, and its proposed low-cost plan available to low-income customers as follows:

**General Public Plan (20 points)-** In alignment with the BEAD NOFO, points for this section will be awarded based on the prospective subgrantee's commitment to provide the most affordable total price to the customer.

Crucially, OSIT does not prescribe a set dollar amount, nor does it require a given rate in order to receive BEAD funding. Instead, OSIT asks potential subgrantees to share with OSIT their proposed pricing, whatever it is, which OSIT will score by comparing to a reference plan. For example, applicants that use national or uniform pricing may submit the pricing they offer in non-BEAD areas, applicants may propose specific or unique pricing for this RFA, or applicants may reference specific dollar amounts found in the FCC's Urban Rate Study they will use. Note that OSIT will require specific dollar amounts in the responses.

In their response to the RFA, applicants will be required to submit their pricing for a 100 Mbps/20 Mbps plan they will commit to for five years. Applicants are not required to keep the price flat over the five years and may detail built-in increases or specify a specific inflationary number. In the event applicants submit pricing that changes year-to-year, OSIT will use the average price across the five years to calculate a score for this section.

OSIT will provide a template in the RFA applicants will be required to use to detail their pricing over the five years. OSIT will compare the potential subgrantee's submitted price in comparison to the reference plan in order to generate a score for this section. The maximum number of points in this Criterion is 20. Applicants that offer a price equal to the model plan will receive 10 points. Applicants that propose a price at \$40 or lower will receive the maximum 20 points. Applicants that propose a price of \$60 or higher will receive 0 points. Applicants that propose a price lower than that of the model plan will receive more than 10 points and up to 20 points. Applicants that propose a price higher than that of the model plan will receive fewer than 10 points. In other words, plans between \$40 and \$60 will receive decreasing points, with plans above \$60 receiving no points. Scores will be calculated on an exact mathematical scale with 1 point awarded per dollar lower than \$60 until the 20 points are reached at \$40. Note - applicants that receive a waiver to offer a plan at a higher price than the model plan will have their scoring adjusted accordingly.

**Reference Plan/Model Package Criteria:**

- vi. Consistently and reliably provides 100 Mbps/20 Mbps service;
- vii. \$50 per month inclusive of all taxes, fees, and charges;
- viii. No activation, installation, or security deposit fees;
- ix. Provides typical latency measurements of no more than 100 milliseconds; and
- x. 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.

Applicants are not required to modify their existing service plan offerings in the event they do not plan to offer a 100 Mbps/20 Mbps plan. In this case, applicants should submit the pricing of their lowest speed tier that offers a minimum of both 100 Mbps/20 Mbps.

Additionally, applicants whose lowest 100 Mbps/20 Mbps package that meets the criteria

above and costs \$60 per month inclusive of all taxes, fees and charges or higher will receive 0 points for the affordability scoring criterion described in 2.4.2. In other words, available points for affordability will phase out completely for packages higher than \$60 per month. Affordability is but one of the scoring criteria and OSIT will make awards based on the total score across all criteria.

Waiver: Applicants proposing to serve locations located more than 30 miles from Interstate 80, Interstate 580, Interstate 15, or US Highway 93 may seek a waiver to raise the \$60 per month maximum threshold for points to \$70 per month. These applicants must clearly demonstrate with specific evidence that the \$60 per month threshold is cost-prohibitive. Specific evidence must include:

- iii. Average revenue per customer estimates
- iv. Average fixed costs

#### Scoring examples

- **Example 1:** An applicant that proposes a five-year average monthly price without installation, equipment rental fees and is inclusive of all charges and taxes at \$45 per month will receive 15 points
  - **Example 2:** An applicant that proposes a five-year average monthly price without installation, equipment rental fees and is inclusive of all charges and taxes at \$57 per month will receive 3 points.
- **Low-Cost Broadband Service Option (10 points)-** In alignment with the BEAD NOFO, points for this section will be awarded based on the prospective subgrantee's commitment to provide the most affordable total price to low-income customers that are eligible for ACP. The BEAD NOFO requires all prospective subgrantees to offer a Low-Cost Broadband Service Option (low-cost plan) that meets the criteria in Section 2.12 below. The scoring for this section will be as follows:
  - A prospective subgrantee that offers a low-cost plan that meets the criteria in Section 2.12 at \$30 per month will receive 3 points.
  - A prospective subgrantee that offers a low-cost plan that meets the criteria in Section 2.12 at \$50 per month will receive 0 points.
  - Points will be awarded on a mathematical scale between \$30 and \$50 with .15 points awarded for every \$1 lower than \$50.
- **Fair Labor Practices (20 points):** Scoring for Fair Labor Practices will be evaluated based on the criteria described in greater detail in Section IV.C.1.e of the BEAD NOFO: 1) evidence of past compliance with applicable labor laws and 2) plans for ensuring future compliance with federal labor laws. Sections 2.4.14 and 2.7 describe the information prospective subgrantees will be required to provide as a part of their responses to the RFA.
  - **Evidence of Past Compliance (10 Points):** Any applicant that certifies full compliance in the past with all applicable labor laws will receive 10 points. Applicants unable to certify past full compliance with applicable labor laws will be required to provide details of the past violations, remediation steps taken and the results, and a specific,



future-focused plan to ensure full compliance. Applications that meet the minimum gating criteria will be scored on a 0-9 point scale.

- **New Entrants:** In accordance with the BEAD NOFO, “Eligible Entities must give priority to projects based on a prospective subgrantee’s demonstrated record of and plans to be in compliance with Federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.” A new entrant without an organizational record of labor and employment law compliance may submit evidence of past compliance by senior executives in previous roles at other organizations as evidence of past compliance and will be scored as indicated in Evidence of Past Compliance. New entrants that are unable to produce any evidence of past compliance with federal labor or employment law, either as an organization or from senior executives within the organization, will receive zero points for this section because the BEAD NOFO requires OSIT to prioritize funding based on a prospective subgrantee’s record of compliance and therefore, some evidence of past compliance is required to score points. Consistent with how prospective subgrantees will be evaluated in other scoring criteria, such as technical, managerial, and operational capabilities, applicants with strong prior records of performance will be scored higher than those with little to no prior record of performance. New entrants without evidence of past compliance with federal labor law may mitigate, or lessen the negative impact of their lack of prior record of compliance, this fact by making specific, forward-looking commitments to strong labor and employment standards and protections in their plans for future compliance with federal labor laws. In this case, such an applicant could receive up to 10 points for future compliance (and up to 10 points total for this scoring criterion) as is described in the section below.
  - **Plans for Future Compliance with Federal Labor Laws (10 points):** Applicants will also be required to describe in detail well-designed plans for ensuring future compliance with federal labor laws during the project period. OSIT will evaluate the completeness of and effectiveness of these plans on a 0-10 scale.
- **Secondary Scoring Criteria**
- **Speed to Deployment (1 point):** All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from OSIT. OSIT must give secondary criterion prioritization weight to the prospective subgrantee’s binding commitment to provide service by an earlier date certain, subject to contractual penalties to the OSIT, with greater benefits awarded to applicants promising an earlier service provision date. The applicant that provides the earliest commitment to provide service to all locations



in the RPA will receive all points for this section. Technical Review will confirm the viability of the deployment schedule.

- **Capacity Review (8 points):** All applications for a BEAD Program subgrant will undergo a Technical Review outlined in Step 6.2 of Section 2.4.1. Those applications that do not meet the minimum Technical Review requirements will not proceed to Step 6.3 of the evaluation process and will not be considered for funding. Those applications that meet the minimum Technical Review requirements will undergo a Capacity Review and have their applications scored and that score added to the Mandatory and Secondary Criteria above and below. Beyond the minimum technical gating criteria, OSIT will ask a number of questions related to the capacity of applicants to successfully complete their proposed project. The Capacity Review will allow OSIT to compare and differentiate the relative capacity of multiple applicants which all meet the minimum gating technical criteria. Applicants will be scored on a 0–12-point scale with applicants providing the most comprehensive evidence and explanation of their capacity and experience in the three categories below receiving the highest scores. Additional details about how OSIT will conduct the Capacity Review, including what elements and factors OSIT will base scoring upon, can be found in the following sections. Below are additional details about the information that will be reviewed and scored by OSIT for this criterion.

- **Financial Capacity 2.4.11**

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

- **Managerial Capacity 2.4.12**

- Expertise of key management personnel dedicated to the project based on resumes submitted and responses to questions regarding applicant's experience and the applicant's capacity to successfully manage the project to successful completion and successful provision of ongoing services.
- Quality of references and past successfully completed projects.
- Expertise and ability of the applicant to carry out the work required by the RFP, including:
  - Prior experience managing engineering and construction. Provide examples of previous projects of similar size and scope.
  - Prior experience managing and operating a network and providing services to a similar number of locations in the application.
  - Prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.
  - State whether the applicant is a party in any current litigation related to the construction or operation of telecommunications networks. Provide a list of all contracts funded in whole or in part

by the federal government or any state or local government in the previous five years that resulted in litigation or arbitration proceedings and briefly summarize the matters in dispute, the disputed amount, the parties involved, and the outcome.

- State whether the applicant has, in the last five years, defaulted on, returned awarded funding, or otherwise not successfully completed any contract or award funded in whole or in part by the federal government or any state or local government for the construction or operations of a telecommunications network.
- State whether the applicant has, in the last five years, not successfully completed on-time, or on-budget, the construction of a telecommunications project funded in whole or in part by the federal government or any state or local government.

- Applicant Capacity

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

- Upcoming Changes

- Describe recent and known upcoming changes, including mergers and acquisitions.

- Operational Capacity and feasibility and reasonableness of operational proposal 2.4.15

- OSIT will require prospective subgrantees to submit the following information in response to specific questions asked in the RFA:
  - Years providing internet service;
  - Number of current subscribers: total; in Nevada; in the county where the RPA is located;
  - Resumes of key operations personnel that will oversee operations for this project upon completion;
  - Network uptime, latency, packet loss, throttling and oversubscription statistics for the last year for operations in Nevada;

- An overview of the personnel, processes and systems that comprise the prospective subgrantees technical support operation.
- An overview of the technical support statistics such as tickets opened, mean time to respond, mean time to repair, customer satisfaction for the customers operation for the last 5 years.
- Current litigation or any litigation in the prior 5 years where the prospective subgrantee was a defendant in any federal or state criminal or civil proceeding.
- Plan submitted in application to operate the network including marketing and outreach to general subscribers and ACP subscribers.
- OSIT will require prospective subgrantees to submit the following information in response to specific questions asked in the RFA:
  - Evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. Sufficient evidence may include resumes of key Nevada-based personnel currently employed by the prospective subgrantee with significant operational experience who would oversee the new network, commitments from capable contractors, subcontractors, or other partners to perform the engineering, design, environmental, and construction work, MOUs or other written evidence of partnerships with more experienced internet service providers, existing agreements in place for backhaul, and the managerial, technical, and financial capability to operate the network once completed.
  - Evidence sufficient to demonstrate that the newly formed entity has the licensure and has met other requirements necessary to operate a business in the State of Nevada.
- **Secondary Technical Review- Including Speed of Network (8 points):** All applications for a BEAD Program subgrant will undergo a Technical Review outlined in Step 6.2 of Section 2.4.1. Those applications that do not meet the minimum Technical Review requirements will not proceed to Step 6.3 of the evaluation process and will not be considered for funding. Those applications that meet the minimum Technical Review requirements will undergo a Secondary Technical Review, including an evaluation of the speed of the network, and have their applications scored and that score added to the Mandatory and Secondary Criteria above. Beyond the minimum technical gating criteria, OSIT will ask a number of questions related to both the speed of the network and the capability of applicants to successfully deploy and operate the network facilities needed to offer affordable, reliable high-speed internet service. The Secondary Technical Review will allow OSIT to compare and differentiate the relative capability of multiple applicants which all meet the minimum gating technical criteria. Applicants will be scored on a 0–12-point scale with applicants providing the most comprehensive and technically sound application receiving the highest scores. Additional details about how OSIT will conduct the Technical Review, including what

elements and factors OSIT will base scoring upon, can be found in the following sections:

- Speed of Network and Other Technical Capabilities. OSIT will weigh the speeds, latency, and other technical capabilities of the technologies proposed by prospective subgrantees seeking to deploy projects that are not Priority Broadband Projects. Applications proposing to use technologies that exhibit greater ease of scalability with lower future investment and whose capital assets have longer useable lives should be afforded additional weight over those proposing technologies with higher costs to upgrade, shorter capital asset cycles and lesser ease of future scalability.
- Technical Capacity 2.4.13
  - Expertise and technical ability of the applicant to carry out the work required by the RFP, including:
  - Resumes and years of equivalent experience for key technical personnel, including the project manager and superintendents, foremen or other personnel responsible for major components, such as engineering, permitting, trenching, boring, conduit and fiber placement, splicing, etc.
  - Documentation of current licensing as applicable.
  - Prior experience executing engineering and construction work of a size, complexity, nature, and value similar to the RPA in question. Provide examples of previous projects of similar size and scope.
  - Prior experience executing the volume of work required to complete the project in a similar timeline and at a level of quality required by the BEAD program while maintaining a strong safety record.
  - Prior experience operating a network and providing services to a similar number of locations proposed in the application.
  - Prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.
  - An assessment of the prospective subgrantee's ability to collect and report on the granular level of detail of materials and labor tracking.
  - Applicant Capacity
    - Experience and capacity of the Applicant's proposed on-site technical team in successfully planning engineering, design, construction, and operations of similar projects.
    - Experience and capacity of the Applicant's proposed on-site team to carry out engineering, permitting, construction, and maintenance.
    - Ability to recruit and train engineering, design and construction labor.
    - The Applicant's capacity to complete the project given its other projects and workload, including other RPAs bid upon.
    - A list of all existing and ongoing telecommunications network construction projects funded in whole or in part by federal, state, or local government funds both in Nevada and in all other states.

- A list of all current and planned applications for federal, state, or local funding for telecommunications network construction projects.
- Prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.
- An assessment of the prospective subgrantee's capacity to collect and report on the granular level of detail of materials and labor tracking.
- Technical plan addresses all fiscal, construction, design and engineering standards in a manner that meets or exceeds OSIT's expectations.
- Applicant's proposed construction of the network results in affordable, reliable, scalable internet service for locations identified in the RPA that meets standards set by OSIT in the RFA and the BEAD Program.
- Reasonableness and commitment to accountability for engineering, design and construction timeline:
- Comprehensive timeline for engineering, design and construction phase submitted with proposal.
- Adherence to OSIT reporting standards for design, engineering and construction progress reports.
- Comprehensiveness of plan to deploy last mile infrastructure to identified locations in the RPA.
- Plan to complete construction of the network within a timeframe and budget proposed by the applicant that meets the standards set forth by the RFA and the BEAD Program.
- OSIT understands that a skilled and qualified workforce is essential to meeting its universal access goals and to the success of the High-Speed Nevada Initiative Phase III, just as it was in Phases I and II. A skilled and qualified workforce translates into successfully meeting infrastructure buildout timelines and ensuring high-quality work is performed. As with HSNV Phase I and HSNV Phase II, for HSNV Phase III, OSIT will require prospective subgrantees to provide the following information in the applications:
  - Indicate whether the construction workforce will be directly employed or whether work will be performed by a subcontracted workforce. If the workforce is subcontracted, the applicant will respond to the questions below for each subcontractor.
  - Please provide, in a table format, the total number of FTE positions organized by job title and employer, including for contractors and subcontractors, required to carry out all work over the course of the project.

- For each job title, indicate what percentage of the workers will be from Nevada.
- For each job title, provide the applicable wage scales.
- For each job title, provide the applicable overtime payment practices.
- For each job title required to carry out the proposed work (including contractors and subcontractors), provide a description of safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work).
- For each training, certification, or licensure, describe where and how the necessary training, certification, or licensure is provided or obtained, including whether training is provided in-house, by contract, or if employees are expected to obtain the training, certification, or licensure on their own.
- Describe how the Applicant will ensure the use of an appropriately skilled workforce.
- Describe how the Applicant will ensure that all members of the project workforce will have appropriate credentials and licensure.
- Describe how the Applicant, and all its subcontractors, will ensure proper workplace safety and that all members of the project workforce are authorized to and understand how to raise health and safety concerns in connection with the completion of the project.
- Describe any employee development programs that assist workers progress along a career path to higher wages and higher skilled positions.
- Describe whether the company participates in apprenticeship programs or hiring programs that include outreach to non-traditional workers.
- Indicate whether the workforce is unionized.
- Feasibility and Reasonableness of technical proposal, including cost and reporting 2.4.13
  - OSIT will evaluate the feasibility and reasonableness of applicants' technical proposals by reviewing applicants' budget, timeline, and specific narrative related to engineering, design, environmental review, construction, and operation of the network and evidence that the proposed network can deliver the proposed broadband service that meets all performance requirements to all locations included in the RPA. OSIT will also evaluate the personnel, processes and systems that comprise the prospective subgrantees technical support operation.
- Plans for ensuring an appropriately skilled and credentialed workforce. OSIT will also evaluate applicants' plans for ensuring an appropriately skilled workforce, including:
  - Commitment and Plan for hiring Nevada-based personnel for engineering,

design, construction, and marketing of the network.

- Commitment to meeting labor workforce requirements, payment, and training standards.
- Commitment to hiring and subcontracting programs that include outreach to women, underrepresented, and non-traditional workers and firms.
- Commitment to compliance with workplace safety standards and safety training standards.
- Demonstration of career ladders and/or company-funded training and education opportunities that allow workforce to advance and reskill themselves.
- Commitment to working with the State on workforce development initiatives to ensure a diverse pipeline of skilled broadband workers in Nevada.

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

**2.4.3 Text Box:** Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.

Nevada's vision for broadband equity, access, and deployment is that every Nevadan has access to a high-speed internet connection that is affordable, reliable, and scalable. This Initial Proposal includes a plan to ensure deployment of broadband to all unserved and underserved locations. OSIT intends to submit a Final Proposal that ensures deployment of broadband to all unserved and underserved locations.

OSIT's subgrantee selection process is designed to ensure that every unserved and underserved location in Nevada is included in an RPA, receives an application, and broadband service that meets the criteria outlined in this Initial Proposal and the BEAD NOFO is deployed to every unserved and underserved location within that RPA service within 48 months of the execution of a subgrant agreement.

Following the submission deadline, if every RPA has received at least one application evaluated and scored as meeting the requirements for funding, OSIT will review the applications for subawards and available funding and will ensure that all RPAs with unserved locations are prioritized first for funding. If OSIT determines that sufficient funding is available to complete deployment for all RPAs with unserved locations, OSIT will do the same analysis for RPAs consisting of only underserved locations, and then CAIs.

If, after the submission deadline, one or more RPAs have not received at least one application that meets the requirements for funding, OSIT will directly engage with internet service providers to expand into



areas without initial applications.

If OSIT determines that there are insufficient funds available to fund deployment to all unserved, underserved, or eligible CAI locations, OSIT will prioritize projects within each of those categories based on a strong preference for projects in high poverty areas or persistent poverty counties. The BEAD NOFO defines high poverty areas as areas in which the percentage of individuals with a household income that is at or below 150 percent of the poverty line applicable to a family of the size involved (as determined under Section 673(2) of the Community Services Block Grant Act (42 U.S.C. § 9902(2)) is higher than the national percentage of such individuals. Persistent poverty counties are counties that have had poverty rates of 20 percent or greater for at least 30 years as calculated by the Economic Research Service in the Department of Agriculture.

OSIT will not engage in any non-deployment activities until it has ensured that all unserved and underserved locations, and CAIs, have a plan for service. OSIT understands that the BEAD NOFO's requirement to have a plan to serve all unserved locations prior to considering non-deployment activities is not a temporal restriction on the order in which BEAD-funded projects are started or completed. To the extent that funding is available for non-deployment activities, OSIT will begin implementation while deployment projects are underway.

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

Not Applicable.

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

### Step 6.2 Technical Review Requirement

OSIT will undertake a comprehensive evaluation of prospective subgrantees, including ensuring that prospective subgrantees meet the minimum qualifications for EHP and BABA compliance as outlined in the BEAD NOFO. OSIT will include response requirements for Section 2.4.5 in the RFA and these responses will be evaluated during Step 6.2- Technical Review by qualified evaluators. OSIT will ensure that all prospective subgrantees are aware of the requirements through the means outlined in 2.4.1 and 2.4.5. Applicants that do not meet the minimum requirements outlined in the RFA for this section

will not be considered to receive BEAD funding.

The BEAD Program establishes several priorities that OIST will emphasize and require compliance with during the subgrantee selection process. Specifically, OSIT will require subgrantees to demonstrate compliance with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA) requirements for their respective project or projects. OSIT will communicate requirements stipulated in the Build America, Buy America Act (BABA) to all applicants prior to the selection process.

OSIT will specifically communicate the following information:

- Requirement that all iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States unless a waiver is granted.
- In determining whether a product is produced in America, subrecipients must comply with definitions included in Section 70912 of the Build America, Buy America Act, which provides that a manufactured product is considered produced in the United States if the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- In addition to the provisions above, subgrantees may not use BEAD funding to purchase or support any covered communications equipment or service, as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608).
- The Infrastructure Act expressly prohibits subgrantees from using BEAD funding to purchase or support fiber optic cable and optical transmission equipment manufactured in the People's Republic of China unless a waiver of this requirement is received from the Assistant Secretary.

OSIT will incorporate the requirements of the Build America, Buy America Act into the subgrantee selection process by conducting regulations information webinars, posting a list of regulations on the OSIT website, and including the requirements in grant applications/instructions as well as grant agreement terms/conditions and subgrantee grant monitoring program requirements. Any application that does not show intent to abide by BABA or explicitly violates the requirements will not be considered to receive BEAD funding.

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

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

OSIT will incorporate the requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.) into the subgrantee selection process by conducting regulations information webinars, posting a list of regulations on the OSIT website, and including the requirements in grant applications/instructions as well as contract negotiation records, grant agreement terms/conditions and subrecipient grant program and/or fiscal monitoring requirements. Projects that fail to comply with EHP regulations will not be considered to receive BEAD funding.

#### ***Last-Mile Broadband Deployment Project Areas***

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

To ensure every location is served, OSIT will define Regional Project Areas (RPAs) from which it will solicit proposals from prospective subgrantees. OSIT considered a number of approaches to the designation of last-mile project areas, such as allowing applicants to define their own project areas down to the individual location level and make their own proposals to OSIT to serve a given number of locations. However, OSIT decided to move forward with its proposed approach as it allows for fair “apples to apples” comparisons across applications for a defined group of locations. OSIT believes this methodology and process is most fair to applicants and provides for the best opportunity for competition among applicants, eliminates the possibility of multiple applications overlapping on a few locations but otherwise serving different groups of locations, mitigates the possibility of some of the hardest-to-serve locations receiving no proposals, and avoids a complicated and lengthy deconfliction process that may introduce bias and the risk of applicants withdrawing applications if not awarded all sought after locations. Therefore, OSIT will not give prospective subgrantees the option of defining alternative proposed project areas and will instead organize BEAD-eligible locations, including eligible CAIs, into “Regional Project Areas” (RPAs).

RPAs will be determined following the conclusion of the Challenge Process once the number and location

of BEAD-eligible locations is determined. OSIT acknowledges that in a state as geographically large as Nevada, too few total RPAs would result in individual RPAs that are too geographically large for any given provider to serve economically and effectively, resulting in higher deployment expense and worse service. However, too many RPAs in a solicitation process would create difficulties in project selection and award administration. Instead, OSIT will seek a middle ground with smaller, geographically compact RPAs that will result in competitive bids and universal service. OSIT will use the following criteria as factors in the creation of RPAs. RPAs may be of different sizes geographically or have a different number of locations within them. RPAs will be designed to maximize the attractiveness of the bidding opportunity, ensure competitive neutrality, and maximize the number of applicants. RPA design will apply vector quantization and k-means clustering as a means of designing cost-effective geographies that minimize distances between all locations in the cluster and will take into consideration topography, geography, terrain, proximity to existing or planned infrastructure, proximity to other unserved and underserved locations, community contiguity, and other factors to modify RPA boundaries where appropriate.

RPAs will be created by combining locations together using the factors above rather than using pre-defined geographic units like Census Blocks or Census Block Groups. Census-designated geographies or political geographies like counties or school districts (Nevada only has 17 counties and school districts with many being larger geographically than several east-coast states) are unsuited to solve for universal access. Census blocks and groups unnecessarily divide communities and may include locations on the other side of a mountain range that would otherwise be unfeasible to serve in a single build or in multiple builds by a single provider. County-based project areas would be too large in size to serve in a single project with some locations hundreds of miles apart within a single county. OSIT has successful past experience with the approach outlined here of creating State-defined project areas. In Phase I of the High Speed Nevada Initiative, OSIT created project geographies called “regions” that made sense for the goals of Phase I and received bids in each. Note- the regions used in Phase I would not be appropriate for BEAD and the RPAs to be created will be smaller geographically than the regions used in Phase I of the High Speed NV Initiative.

OSIT is sensitive to the effort required to submit applications for funding. Therefore, OSIT will issue a single RFA with common application requirements, including narrative questions, across all RPAs. To the extent the prospective subgrantee feels it appropriate, it may use the same responses to common questions in multiple applications with the details of how it will serve the locations in the region different RPA to RPA. However, applicants will bid on RPAs individually. In essence, each RPA is its own RFA and all applications for that RPA will be scored separately from other RPAs, with one awardee selected for each RPA. Applicants must provide a plan to serve every location included within the RPA. Applications that do not propose to serve every location within the RPA will not be considered. Applicants may propose all-fiber solutions (priority projects), solutions that utilize a hybrid approach or a mix of other technologies, such as licensed fixed wireless, or solutions that utilize only a non-fiber technology (collectively non-priority projects). In keeping with the BEAD NOFO, applications that propose to serve every location in the RFP with fiber at a cost below the Extremely High Cost per Location Threshold (EHCPLT) will be given priority consideration over all-fiber applications that exceed the EHCPLT and applications that do not propose an all-fiber solution. Additional detail on priority and non-priority

projects and subgrantee prioritization can be found in Section 2.4.2.

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

OSIT has designed the High Speed NV Phase III RFA process to ensure all locations in Nevada are served. OSIT will design the RPAs to maximize the attractiveness of the bidding opportunity to potential subgrantees. OSIT plans to seek every possible opportunity to ensure that each unserved and underserved location is served by a reliable broadband technology. Many locations in Nevada are very rural and remote, making service by reliable broadband technology difficult. Therefore, OSIT is constructing thousands of miles of open access middle mile fiber in rural Nevada to facilitate greater access by potential subgrantees to reliable, affordable upstream bandwidth. Thus, OSIT will be able to serve more unserved and underserved locations with a reliable broadband technology and will reduce spending on costly middle mile infrastructure to do so, leaving more funds for last-mile deployments. This effort speaks to OSIT's commitment and efforts to ensure all Nevadans have access to modern, affordable, reliable, scalable broadband service.

If an RPA receives no applications during the standard RFA solicitation period, OSIT will proceed in a transparent manner to further solicit applications from potential subgrantees that will serve unserved or underserved locations with a reliable broadband technology. In the event any RPA receives no applications, OSIT will proceed to solicit applications and offer inducements in a manner permitted by the BEAD NOFO. Specifically, OSIT will engage in direct negotiations with interested potential subgrantees as outlined below. Note- OSIT will only engage in provider-specific outreach or discuss potential inducements after it has solicited proposals and failed to obtain one or more proposals to serve the locations in the RPAs at issue with a reliable broadband technology. All provider-specific outreach and discussion of potential inducements will occur exclusively with the intention of securing a reliable broadband technology for the RPAs in question.

Process to secure a prospective subgrantee serving an RPA with a reliable broadband technology:

- Following the close of the RFA application window, OSIT will post a list of RPAs that received no applications on its website and will, in the manner described in Section 2.4.1, conduct general outreach to all potential subgrantees to ensure they are aware of the RPAs in question and the potential for inducements.
- OSIT will also conduct targeted individual outreach to any provider that submitted an application for another RPA within the county or a neighboring county to make them aware of the opportunity. To the extent that there is a winning bidder nearby, or an incumbent provider providing existing services nearby, OSIT will also conduct targeted individual outreach to these

entities.

- OSIT will give prospective subgrantees that are potentially interested in serving these RPAs a defined number of business days to request a one-on-one meeting with OSIT to discuss the opportunity to serve the RPA.
- During these one-on-one meetings, OSIT would discuss any potential inducements OSIT may offer, such as subsidy levels greater than the 75% cap (contingent on a waiver from NTIA if using BEAD funds and if the area is not a High-Cost Area), to serve the RPA in question. Inducements may cover all locations in an RPA or a subset of locations. OSIT may also investigate any inducements local governments, communities, or other private entities may be able to offer, including those that are financial in nature, those related to permitting or easement access, or those related to the assessment of any local taxes. Any inducements offered will be specific to the RPA in question.
- Irrespective if one or if multiple potential subgrantees offering service via a reliable broadband technology become interested, OSIT will conduct a back-and-forth negotiation process for the RPAs without bids to solicit offers and make counteroffers to ensure the best application is selected. OSIT may also consider an additional round of bidding.
- Following negotiations with interested potential subgrantees, OSIT will require the winning bidder to submit the application information, including technical information for review and approval before formally awarding the RPA.
- If negotiations are not successful and OSIT has exhausted all options for reliable technology alternatives, OSIT will review and follow forthcoming guidance on alternative technologies.

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

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

***Extremely High Cost Per Location Threshold***

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

The objective of the High Speed Nevada Initiative is that all Nevadans have access to high-speed internet that is affordable, reliable, and scalable. OSIT seeks to extend the reach of fiber as much as is possible. OSIT will not identify the Extremely High Cost Per Location Threshold (EHCPLT) until the application process has



concluded. Consistent with its universal service goal, OSIT will prioritize an EHCPLT as high as possible to ensure greater fiber coverage while also enabling the use of well-designed applications using alternative technology types where the cost to deploy fiber is prohibitive. Once all applications, priority and non-priority alike, are received, OSIT will take the following steps:

- Calculate the total BEAD subsidy requests from Priority Projects and non-Priority Projects.
  - o If all RPAs receive a Priority Project application and the BEAD deployment subsidy amount requested in the highest rated applications is less than OSIT's BEAD funding allocation, OSIT will still set an EHCPLT as required by the BEAD NOFO at an amount so that the threshold will not be triggered.
  - o If all RPAs receive an application and no RPA receives both a Priority and non-Priority Project application, and the BEAD deployment subsidy amount requested by the highest rated application in each RPA is less than OSIT's BEAD funding allocation, OSIT will set an EHCPLT at an amount so that the threshold will not be triggered.
  - o If, after identifying the highest rated application in each RPA, the amount of BEAD deployment subsidy requested exceeds OSIT's BEAD funding allocation, OSIT will set the EHCPLT so as to maximize the number of unserved and underserved locations that are served by fiber, including possibly funding applications that exceed the EHCPLT.

OSIT will utilize a variety of data, tools, and other means in its process for determining the EHCPLT. Those include:

- Use of the Eligible Entity Planning Tool provided by NTIA;
- Chart distances from the nearest HSNV Phase I and High Speed NV Phase II Open Access middle mile fiber routes;
- Use of proprietary OSIT data based on costs of previous broadband projects;
- Use of a proprietary OSIT cost modeling and business case tool prepared by Cost Quest Associates.

This tool will use, among other things, the following:

- o Greenfield and brownfield capital costs for fiber to the premise and fixed wireless investments, including investment to acquire, engineer, and install a new GPON fiber access network or fixed wireless broadband network;
- o Net present value of a 20-year cash flow accounting for revenue, operating expense, capital expenses, and initial capex;
- o Build complexity data including linear density, density per square mile terrain, cost differentials, large area density, and distance to central core;
- o Other data including median income, average household size, age and education demographics, existing service options, etc.

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

- a. The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.



- b. The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.
- c. The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.

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

In keeping with OSIT's dual objectives of universal service and maximizing fiber coverage, OSIT will determine whether to fund subgrantee proposals that exceed the EHCPLT where a non-Priority Broadband Project that meets the minimum standards is available after examining all proposals and comparing the requested funding with available funding. If, after this examination, it is determined that the total cost of the highest rated applications in every RPA exceeds the total funding OSIT has available, OSIT will ask the highest rated applicants to revise their proposals so as to not exceed the EHCPLT. In cases where an RPA received a Priority Broadband Project application, OSIT will first offer for the applicant that submitted the highest rated Priority Broadband Project to revise its proposal so that it does not exceed the EHCPLT. If the applicant is unable to reduce its cost per location below the EHCPLT and sufficient funding exists, OSIT will fund the Priority Broadband Project. If sufficient funding is not available and there exists another application that proposes an alternative technology that does not exceed the EHCPLT, OSIT will evaluate applications where an alternative technology is proposed and is less expensive. In RPAs where no application proposing a Priority Broadband Project was submitted and the highest rated applicant exceeds the EHCPLT, OSIT will first offer for the highest rated applicant proposing to use technology considered Reliable Broadband to revise its proposal so that it does not exceed the EHCPLT. If the applicant does not, OSIT will evaluate applications where alternative technologies are less expensive. OSIT's goal is to bring fiber to as many locations as possible. Where this is not possible due to cost or lack of a Priority Broadband Project application, OSIT will consider the highest rated Non-Priority Broadband Project application, including applications that propose to use technologies that do not meet the definition of Reliable Broadband, as described below in 2.4.10.c.

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

As described in 2.4.7 2.4.9, and 2.4.10a above, OSIT seeks to maximize the reach of fiber, subject to sufficient funding. If the total amount of requested funding in all of the highest rated Priority Broadband Projects in RPAs that received a Priority Broadband Project application, and all of the highest rated Non-Priority Projects in RPAs that do not receive a Priority Project, exceeds the total amount of funding OSIT has available in its BEAD program, OSIT will first define the EHCPLT as described in 2.4.9. Note- OSIT wishes to acknowledge the possibility that, given Nevada's rugged terrain, lack of existing available fiber, and the great distances between unserved locations, some applications proposing Non-Priority Broadband Priority Projects may exceed the EHCPLT. Next, OSIT will inform the highest rated applicant that submitted an application that exceeds the EHCPLT, whether it is a Priority or a Non-Priority Broadband Project application in an RPA without a Priority Broadband Project, of the EHCPLT amount, and will offer the opportunity for the applicant to revise the costs of its proposal so that its cost per location does not exceed the EHCPLT. If the highest rated applicant chooses not to reduce its per location cost below the EHCPLT, OSIT reserves the right to offer the

opportunity for a lower rated applicant(s), either proposing a Priority or Non-Priority Broadband Project, that also has costs above the EHCPLT to revise its costs so that its per location cost is below the EHCPLT. This process may result in the selection of the applicant that was originally rated lower than the first. It could also result in the funding of an application that exceeds the EHCPLT. As OSIT's goal is to extend the reach of fiber to as many locations as possible, applications that propose end-to-end fiber will be prioritized as much as is possible given the funding available. It is possible that some applications, including those that propose end-to-end fiber, those that propose other technologies that meet the definition of Reliable Broadband, or those that propose a hybrid of the two, that exceed the EHCPLT, may be funded.

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

OSIT will consider applications that propose a Non-Priority Broadband Project using technology that does not meet the definition of Reliable Broadband. In so doing, OSIT will follow the selection criteria outlined in Section 2.4.3 above, meaning that applications proposing end-to-end fiber will always receive first consideration and priority in selection, followed by applications not proposing to use end-to-end fiber but using technologies that meet the definition of Reliable Broadband. These will be followed by applications that propose to use technologies that do not meet the definition of Reliable Broadband. This third category includes unlicensed fixed wireless and low earth orbiting satellite. Non-Priority Broadband Project applications that propose to use technologies that do not meet the definition of Reliable Broadband will be considered if an RPA receives no Priority Broadband Project applications or Non-Priority Broadband Project applications that propose to use technologies that meet the definition of Reliable Broadband, or if these applications all exceed the EHCPLT.

***Deployment Subgrantee Qualifications***

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

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

connection with the Rural Digital Opportunity Fund (RDOF).

- c. Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.
- d. Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.

### Step 6.2 Technical Review Requirement

OSIT will undertake a comprehensive evaluation of prospective subgrantees, including ensuring that prospective subgrantees meet the minimum qualifications for financial capacity as outlined in the BEAD NOFO. OSIT will include response requirements for Section 2.4.11.a-d in the RFA and these responses will be evaluated during Step 6.2 - Technical Review by qualified evaluators. OSIT will ensure that all prospective subgrantees are aware of the requirements through the means outlined in 2.4.1. Applicants that do not meet the minimum requirements outlined in the RFA for this section will not be considered to receive BEAD funding.

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

OSIT will require prospective subgrantees to certify in their applications each of the following: that they are qualified to meet the obligations associated with a Project, will have funds available for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all BEAD Program requirements, including service milestones. As described above, OSIT will only distribute funding on reimbursement after completion of designated milestones agreed to by OSIT and the subgrantee. OSIT will also require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as OSIT authorizes additional disbursements. OSIT will verify the requirements above prior to issuing a subgrant and will continuously monitor by including a required certification for each requirement on each quarterly fiscal report.

OSIT will assign a Project Manager who will be the OSIT representative for each RPA subgrantee. The

Project Manager will work to ensure milestones and requirements are met and fiscal reports are accurate.

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

Similar to the model letter of credit established with the Rural Digital Opportunity Fund (RDOF), OSIT will require prospective subgrantees 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 prospective subgrantee. The letter must include the dollar amount of the letter of credit and the issuing bank's agreement to adhere to the model letter of credit terms and conditions. Before executing any subgrantee agreements, each prospective subgrantees must obtain an irrevocable standby letter of credit, which OSIT deems acceptable, and amounts to no less than 25 percent of the subaward amount. An opinion letter from its 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.

OSIT will also allow prospective subgrantees to utilize a waiver to the Letter of Credit requirement above that aligns with NTIA's BEAD Letter of Credit (LOC) Waiver guidelines detailed below.<sup>7</sup>

The LOC Requirement is waived only to the extent to and as described below:

**2.1 Subgrantee Option to Use Credit Unions**

That portion of the LOC Requirement that requires the use of a bank that meets the eligibility requirements of 47 C.F.R. § 54.804(c)(2) is waived where the subgrantee otherwise meets the LOC Requirement using:

Any United States credit union that:

(a) is insured by the National Credit Union Administration;

and

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<sup>7</sup> <https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>

(b) has a credit union safety rating issued by Weiss of B– or better.

## 2.2 Subgrantee Option to Use Performance Bonds

That the LOC Requirement is waived where:

(a) During the application process, prospective subgrantees are required to submit a letter from a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the Department of Treasury Circular 570 committing to issue a performance bond to the prospective subgrantee. The letter shall at a minimum provide the dollar amount of the performance bond.

(b) Prior to entering into any subgrantee agreement, each prospective subgrantee obtains a performance bond, acceptable in all respects to the Eligible Entity and in a value of no less than 100 percent of the subaward amount.

Where a subgrantee chooses to exercise the option to obtain a performance bond under this waiver, the requirement that the subgrantee “provide with its letter of credit an opinion letter from legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning subgrantee’s bankruptcy estate under Section 541 of the Bankruptcy Code” is waived.

## 2.3 Reduction of LOC/Performance Bonds Upon Completion of Milestones

The requirement that “In no event, however, shall the letter of credit have a value of less than 25 percent of the subaward amount” is waived, conditioned on the requirement that the subgrantee obtain a new a letter of credit in a reduced amount upon achievement of specific deployment milestones that are publicly specified by the Eligible Entity and applicable to all subgrantees subject to the LOC Requirement. Where a subgrantee chooses to utilize a performance bond in lieu of a letter of credit under section 2.2 above, Eligible Entities shall also have the option to reduce the amount of the performance bond by a commensurate amount as subgrantees meet the same service milestones.

By way of example, an Eligible Entity could specify that a subgrantee may obtain a new letter of credit or renew its existing letter of credit to reduce its value in accordance with the following limitations:

Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 40 percent of locations to be served by the project, a subgrantee may obtain a new letter of credit or

renew its existing letter of credit so that it is valued at no less than 20 percent of the award amount. Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 60 percent of locations to be served by the project, a subgrantee may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 15 percent of the award amount. Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 80 percent of locations to be served by the project, a subgrantee may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 10 percent of the award amount. Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 100 percent of locations to be served by the project, a subgrantee may terminate its letter of credit under the terms set forth therein.

#### 2.4 Subgrantee Option for Alternative Initial LOC or Performance Bond Percentage

The requirement that the initial letter of credit be for 25% of the subaward amount, or in the case where a subgrantee chooses to utilize a performance bond consistent with section 2.2 above, allow the initial amount of the performance bond to be lower than 100% of the subaward amount, where:

- (a) The Eligible Entity issues funding on a reimbursable basis consistent with Section IV.C.1.b of the NOFO;
- (b) Reimbursement is for periods of no more than six months; and
- (c) The subgrantee commits to maintain a letter of credit or performance bond in the amount of 10% of the subaward until it has demonstrated to satisfaction of the Eligible Entity that it has completed the buildout of 100 percent of locations to be served by the project or until the period of performance of the subaward has ended, whichever occurs first.

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

OSIT will require that each prospective subgrantee submit financial statements from the prior three fiscal years that are audited by an independent certified public accountant. If the prospective subgrantee has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the prior three fiscal years and certify that it will provide financial statements from the prior three fiscal year that are audited by an independent certified public accountant. OSIT will not approve any grant for the deployment or upgrading of network facilities unless it is determined that the documents submitted to it demonstrate the prospective subgrantee's financial capability with respect to the proposed project.

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

OSIT will require prospective subgrantees to submit forward-looking business plans and related analyses such as a pro forma including balance sheets, income statements, and statement of cash flows for eight years, that substantiate the sustainability of the proposed project. An eight-year pro forma will allow a potential subgrantee to demonstrate that its proposed deployment and service delivery plan makes financial sense and will give OSIT a view into how the applicant proposes to develop revenue streams that will ensure the sustainability of the proposed project. Evaluation will be conducted by qualified personnel at OSIT or its contractors to ensure that OSIT has a thorough understanding of the application's viability, the project is likely to succeed, and that the investment the State makes is one that will have a lasting impact on unserved and underserved communities. OSIT will provide an optional template that potential subgrantees may use.

**2.4.11.1 Optional Attachment:** As an optional attachment, submit application materials related to the BEAD subgrantee selection process, such as drafts of the Requests for Proposals for deployment projects, and narrative to crosswalk against requirements in the Deployment Subgrantee Qualifications section.

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

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

**Step 6.2 Technical Review Requirement**

OSIT will undertake a comprehensive evaluation of prospective subgrantees, including ensuring that prospective subgrantees meet the minimum qualifications for managerial capacity as outlined in the BEAD NOFO. OSIT will include response requirements for Section 2.4.12.a-b in the RFA and these responses will be evaluated during Step 6.2 - Technical Review by qualified evaluators. OSIT will ensure that all prospective subgrantees are aware of the requirements through the means outlined in 2.4.1. Applicants that do not meet the minimum requirements outlined in the RFA for this section will not be considered to receive BEAD funding.



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

OSIT will proscribe a format within the RFA for prospective subgrantees to submit resumes for key management personnel. OSIT will require prospective subgrantees to specify whether key management personnel will be based in Nevada or out-of-state.

Beyond resumes, OSIT will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided. Included in that narrative will be questions related to the applicant's experience and the applicant's capacity to successfully manage the project to successful completion and successful provision of ongoing services. OSIT will ask for references from prior projects with a similar scope. OSIT's technical review team will assess the responses to these questions and determine whether the management capability of the applicant has the capacity to successfully complete and operate the proposed project.

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

**Applicant Experience**

- Expertise and ability of the applicant to carry out the work required by the RFP, including:
  - Prior experience managing engineering and construction. Provide examples of previous projects of similar size and scope.
  - Prior experience managing and operating a network and providing services to a similar number of locations in the application.
  - Prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.
  - State whether the applicant is a party in any current litigation related to the construction or operation of telecommunications networks. Provide a list of all contracts funded in whole or in part by the federal government or any state or local government in the previous five years that resulted in litigation or arbitration proceedings and briefly summarize the matters in dispute, the disputed amount, the parties involved, and the outcome.
  - State whether the applicant has, in the last five years, defaulted on, returned awarded funding, or otherwise not successfully completed any contract or award funded in whole or in part by the federal government or any state or local government for the construction or operations of a telecommunications network.
  - State whether the applicant has, in the last five years, not successfully completed on-time, or on-budget, the construction of a telecommunications project funded in whole or in part by the federal government or any state or local government.

**Applicant Capacity**

- Experience and capacity of the Applicant's proposed management team in successfully managing engineering, design, construction, and operations of similar projects.

- Experience and capacity of the Applicant's proposed team to carry out engineering, permitting, construction, and maintenance.
- Ability to recruit and train engineering, design and construction labor.
- Applicant's financial strength, sustainability, and investment potential to support scope of work/project.
- The Applicant's capacity to complete the project given its other projects and workload.
- Experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.

### Upcoming Changes

- Describe recent and known upcoming changes, including mergers and acquisitions.

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

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.
- b. Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

### Step 6.2 Technical Review Requirement

OSIT will undertake a comprehensive evaluation of prospective subgrantees, including ensuring that prospective subgrantees meet the minimum qualifications for technical capacity as outlined in the BEAD NOFO. OSIT will include response requirements for Section 2.4.13.a-b in the RFA and these responses will be evaluated during Step 6.2 - Technical Review by qualified evaluators. OSIT will ensure that all prospective subgrantees are aware of the requirements through the means outlined in 2.4.1. Applicants that do not meet the minimum requirements outlined in the RFA for this section will not be considered to receive BEAD funding.

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

### **skilled and credentialed workforce.**

OSIT will require prospective subgrantees to certify that prospective subgrantees are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce. Beyond resumes of key personnel, OSIT will require prospective subgrantees to provide a narrative describing their technical capacity to successfully complete their proposed project and ongoing services provided. Included in that narrative will be questions related to the applicant's experience and the applicant's capacity. OSIT will ask for references from prior projects with a similar scope. OSIT will also assess technical capacity by asking detailed questions about the prospective subgrantee's technical plan and construction approach for engineering, design, environmental, and construction of the network, which will be assessed as a part of the technical review. OSIT's technical review team will assess the responses to these questions and determine whether the applicant has the technical capability and capacity, and the well designed, reasonable plan, to successfully complete and operate the proposed project.

#### **Applicant Experience**

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

#### **Applicant Capacity**

- Experience and capacity of the Applicant's proposed on-site technical team in successfully planning engineering, design, construction, and operations of similar projects.
- Experience and capacity of the Applicant's proposed on-site team to carry out engineering, permitting, construction, and maintenance.
- Ability to recruit and train engineering, design and construction labor.
- The Applicant's capacity to complete the project given its other projects and workload,

including other RPAs bid upon.

- A list of all existing and ongoing telecommunications network construction projects funded in whole or in part by federal, state, or local government funds both in Nevada and in all other states.
- A list of all current and planned applications for federal, state, or local funding for telecommunications network construction projects.
- Prior experience including the presence of personnel, processes, and systems to respond to network performance impairments or outages.
- An assessment of the prospective subgrantee's capacity to collect and report on the granular level of detail of materials and labor tracking.
- Technical plan addresses all fiscal, construction, design and engineering standards in a manner that meets or exceeds OSIT's expectations.
- Applicant's proposed construction of the network results in affordable, reliable, scalable internet service for locations identified in the RPA that meets standards set by OSIT in the RFA and the BEAD Program.
- Reasonableness and commitment to accountability for engineering, design and construction timeline:
  - Comprehensive timeline for engineering, design and construction phase submitted with proposal.
  - Adherence to OSIT reporting standards for design, engineering and construction progress reports.
- Comprehensiveness of plan to deploy last mile infrastructure to identified locations in the RPA.
- Plan to complete construction of the network within a timeframe and budget proposed by the applicant that meets the standards set forth by the RFA and the BEAD Program.

OSIT understands that a skilled and qualified workforce is essential to meeting its universal access goals and to the success of the High-Speed Nevada Initiative Phase III, just as it was in Phases I and II. A skilled and qualified workforce translates into successfully meeting infrastructure buildout timelines and ensuring high-quality work is performed. As with HSNV Phase I and HSNV Phase II, for HSNV Phase III, OSIT will require prospective subgrantees to provide the following information in the applications:

- 1) Indicate whether the construction workforce will be directly employed or whether work will be performed by a subcontracted workforce. If the workforce is subcontracted, the applicant will respond to the questions below for each subcontractor.
- 2) Please provide, in a table format, the total number of FTE positions organized by job title and employer, including for contractors and subcontractors, required to carry out all work over the course of the project.
  - a. For each job title, indicate what percentage of the workers will be from Nevada.
  - b. For each job title, provide the applicable wage scales.
  - c. For each job title, provide the applicable overtime payment practices.
  - d. For each job title required to carry out the proposed work (including contractors and subcontractors), provide a description of safety training, certification, and/or licensure

- requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work).
- 3) For each training, certification, or licensure, describe where and how the necessary training, certification, or licensure is provided or obtained, including whether training is provided in-house, by contract, or if employees are expected to obtain the training, certification, or licensure on their own.
  - 4) Describe how the Applicant will ensure the use of an appropriately skilled workforce.
  - 5) Describe how the Applicant will ensure that all members of the project workforce will have appropriate credentials and licensure.
  - 6) Describe how the Applicant, and all its subcontractors, will ensure proper workplace safety and that all members of the project workforce are authorized to and understand how to raise health and safety concerns in connection with the completion of the project.
  - 7) Describe any employee development programs that assist workers progress along a career path to higher wages and higher skilled positions.
  - 8) Describe whether the company participates in apprenticeship programs or hiring programs that include outreach to non-traditional workers.
  - 9) Indicate whether the workforce is unionized.

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

The RFA will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project. OSIT will require budget, timeline, and specific narrative related to engineering, design, environmental review, construction, and operation of the network and evidence that the proposed network can deliver the proposed broadband service that meets all performance requirements to all locations included in the RPA. Finally, OSIT will require an overview of the personnel, processes and systems that comprise the prospective subgrantees technical support operation.

OSIT will also require prospective subgrantees deploying network facilities to demonstrate they meet the minimum qualifications for technical capacity by requiring the following information as a part of an application:

- Evidence of current licensure of key personnel;
- Evidence of a process of installation that employs stringent safety and safety training guidelines including, at a minimum: prospering unpacking of the device; safety training for the components and tools required for installation; safety training regarding the powering and testing of the equipment; any necessary hazardous materials handling training; and training on post - installation clean-up.
- License information of the professional engineer who certifies the design, diagram, project costs and other project proposal information.

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

- a. Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable federal, state, territorial, and local laws.
- b. Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.

#### Step 6.2 Technical Review Requirement

OSIT will undertake a comprehensive evaluation of prospective subgrantees, including ensuring that prospective subgrantees meet the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. OSIT will include response requirements for Section 2.4.14.a-b in the RFA and these responses will be evaluated during Step 6.2- Technical Review by qualified evaluators. OSIT will ensure that all prospective subgrantees are aware of the requirements through the means outlined in 2.4.1. Applicants that do not meet the minimum requirements outlined in the RFA for this section will not be considered to receive BEAD funding.

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

OSIT will require prospective subgrantees to provide the following as a part of their response to the RFA:

- A detailed history of compliance with all applicable federal, State, and local laws for previous broadband projects funded by federal and state programs;
- Evidence of current compliance policies and procedures for relevant laws referenced above.

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

OSIT will require prospective subgrantees to provide the following as a part of their response to the RFA:

- Evidence of policies and procedures that allow for the formation of worker-led health and safety committees that management will meet with upon reasonable request. Evidence of compliance with this section provided in applications will be compared to industry best practices, including those found in the NTIA Internet For All: Workforce Planning Guide. OSIT will require certification of compliance with this section in quarterly fiscal and progress reports submitted by awarded subgrantees.
- Submission of any recent, in the past 36 months, workplace safety violations for which a citation was issued to the potential subgrantee or its named subcontractors.
- Provide access to any workplace safety manuals that govern the potential subgrantee's work during the engineering, design, permitting, environmental review, construction/splicing, testing, provisioning, and ongoing support of the broadband infrastructure.

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

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.
- b. Detail how the Eligible Entity will require prospective subgrantees to submit a certification that they have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of their application submission or that they are a wholly owned subsidiary of such an entity and attest to and specify the number of years the prospective subgrantee or its parent company has been operating.
- c. Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.
- d. Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.



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

### Step 6.2 Technical Review Requirement

OSIT will undertake a comprehensive evaluation of prospective subgrantees, including ensuring that prospective subgrantees meet the minimum qualifications for operational capacity as outlined in the BEAD NOFO. OSIT will include response requirements for Section 2.4.15.a-e in the RFA and these responses will be evaluated during Step 6.2- Technical Review by qualified evaluators. OSIT will ensure that all prospective subgrantees are aware of the requirements through the means outlined in 2.4.1. Applicants that do not meet the minimum requirements outlined in the RFA for this section will not be considered to receive BEAD funding. OSIT

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

OSIT will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project. In addition, OSIT will require prospective subgrantees to submit the following information in response to specific questions asked in the RFA:

- Years providing internet service;
- Number of current subscribers: total; in Nevada; in the county where the RPA is located;
- Resumes of key operations personnel that will oversee operations for this project upon completion;
- Network uptime, latency, packet loss, throttling and oversubscription statistics for the last year for operations in Nevada;
- An overview of the personnel, processes and systems that comprise the prospective subgrantees technical support operation.
- An overview of the technical support statistics such as tickets opened, mean time to respond, mean time to repair, customer satisfaction for the customers operation for the last 5 years.
- Current litigation or any litigation in the prior 5 years where the prospective subgrantee was a defendant in any federal or state criminal or civil proceeding.
- Plan submitted in application to operate the network including marketing and outreach to general subscribers and ACP subscribers.

**B. Detail how the Eligible Entity will require prospective subgrantees to submit a certification that they have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of their application submission**

**or that they are a wholly owned subsidiary of such an entity and attest to and specify the number of years the prospective subgrantee or its parent company has been operating.**

OSIT will require prospective subgrantees to submit the following information in response to specific questions asked in the RFA:

- a certification that they have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of their application submission or that they are a wholly owned subsidiary of such an entity and attest to and specify the number of years the prospective subgrantee or its parent company has been operating.
- C. Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.**

OSIT will require prospective subgrantees to submit the following information in response to specific questions asked in the RFA:

- Certification and evidence of timely filings of Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.
- D. Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.**

OSIT will require prospective subgrantees to submit the following information in response to specific questions asked in the RFA:

- Qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period; and
  - A certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.
- E. In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.**

OSIT will require prospective subgrantees to submit the following information in response to specific questions asked in the RFA:

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

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

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

#### Step 6.2 Technical Review Requirement

OSIT will undertake a comprehensive evaluation of prospective subgrantees, including ensuring that prospective subgrantees meet the minimum qualifications for provision of ownership information as outlined in the BEAD NOFO. OSIT will include response requirements for Section 2.4.16.a in the RFA and these responses will be evaluated during Step 6.2- Technical Review by qualified evaluators. OSIT will ensure that all prospective subgrantees are aware of the requirements through the means outlined in 2.4.1. Applicants that do not meet the minimum requirements outlined in the RFA for this section will not be considered to receive BEAD funding.

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

OSIT will require prospective subgrantees to submit the following information in response to specific questions asked in the RFA:

- Ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).

The following are the ownership disclosure requirements for applications:

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\(f\)\(4\)](#).

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

- a. Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.
- b. At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.

## Step 6.2 Technical Review Requirement

OSIT will undertake a comprehensive evaluation of prospective subgrantees, including ensuring that prospective subgrantees meet the minimum qualifications for provision of information on other public funding as outlined in the BEAD NOFO. OSIT will include response requirements for Section 2.4.17.a-b in the RFA and these responses will be evaluated during Step 6.2 - Technical Review by qualified evaluators. OSIT will ensure that all prospective subgrantees are aware of the requirements through the means outlined in 2.4.1. Applicants that do not meet the minimum requirements outlined in the RFA for this section will not be considered to receive BEAD funding.

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

OSIT will require each applicant to disclose in its response to the RFA, 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 of 2021 (Public Law 117-2; 135 Stat. 4), any federal Universal Service Fund high-cost program (e.g., RDOF, CAF, ACAM), or any Eligible Entity or local universal service or broadband deployment funding program. An applicant may use the same response to this information disclosure requirement across multiple applications for different RPAs.

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

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

## **2.5 Non-Deployment Subgrantee Selection (Requirement 9)**

### **2.5.1 Text Box: Describe a fair, open, and competitive subgrantee selection process for eligible non-**



deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.

OSIT's first priority with the BEAD program realizing the vision stated in our Five-Year Action Plan: that all Nevadans have access to a high-speed internet connection that is affordable, reliable, and scalable. Therefore, OSIT will first ensure every unserved and underserved location, and each Community Anchor Institution (CAI) without a gigabit connection have access to a service that meets the definition in the BEAD NOFO. OSIT is not yet able to determine if it will have sufficient funds to engage in non-deployment activities after completing deployment activities to achieve universal coverage. The following is OSIT's plan for non-deployment subgrantee selection and activities should BEAD Program funding remain following deployment.

OSIT values alignment of this BEAD Program Initial Proposal with its Statewide Digital Equity Plan. Thus, any non-deployment uses of BEAD Program funds will comply with the Infrastructure Act's requirements for eligible non-deployment activities, the Act's requirements for a subgrantee selection process that is fair, open, and competitive, and will align with the Goals, Objectives, Strategies, and Core Activities in the Statewide Digital Equity Plan. In agreement with the BEAD NOFO, OSIT may consider funding the following non-deployment activities with BEAD Program funding to the extent they align with the Statewide Digital Equity Plan:

1. Digital navigators.
2. Promoting the Affordable Connectivity Program or other affordability enrollment assistance.
3. Promoting community WiFi and computer labs at community anchor institutions.
4. Establishing programs to support device distribution to members of covered populations as defined by the Digital Equity Act of 2021.
5. Providing device technical support.
6. Programs that promote and provide digital literacy, digital skills, and other related training, including remote learning and telehealth.
7. Providing cybersecurity and related training.
8. Multi-lingual outreach to support adoption and digital literacy.
9. Prisoner education to promote pre-release digital literacy, job skills, online job acquisition skills.
10. Reporting and evaluation of funded programs and initiatives, including creation of measurement tools.
11. Costs associated with stakeholder engagement, including travel, capacity-building or contract support.
12. Other allowable costs necessary to carrying out programmatic activities of an award, not to include ineligible costs described in Section V.H.2 of the NOFO.

OSIT is committed to a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. OSIT acknowledges that non-deployment projects using BEAD funds cannot be approved until NTIA approves OSIT's non-deployment subgrantee selection criteria, which are not included in this initial proposal. OSIT has chosen not to include its subgrantee selection criteria at this time so as to ensure that the subgrantee selection criteria across BEAD and Digital Equity State Capacity Grant funded programs is aligned. Instead, OSIT will submit its subgrantee selection criteria with its Final Proposal and make its selection of subgrantees after approval of the Final Proposal. In so doing, OSIT will utilize the following comprehensive grant policies and procedures that meet all federal and State requirements for competitive subgrant solicitation and mirror, where appropriate, those used by OSIT in solicitations using other federal funds. The following is a brief summary of the process:

1. **Request for Applications (RFA) pre-solicitation planning and RFA development:** Among the elements to be included, the RFA must have clear desired outcomes, eligibility criteria, submission instructions, scoring and evaluation criteria, reporting requirements, and federal and State award guidelines.
2. **RFA public announcement:** The RFA should be publicly posted on the OSIT website, distributed via OSIT's email distribution lists, via press release, via public posting, and through channels of partners. OSIT will accept responses for a minimum of 45 days. Particular effort will be made to ensure that underrepresented organizations, organizations that serve specifically targeted covered populations, minority-owned businesses, minority-serving institutions, women-owned businesses, and labor area surplus firms will be made aware of funding opportunities.
3. **Public Bid Opening:** OSIT will conduct a public bid opening at the designated date and time.
4. **Initial Review:** OSIT will conduct an initial review of applications to determine eligibility and that applications and applicants meet minimum criteria.
5. **Evaluation Process:** OSIT will conduct an evaluation of the applications that progress past the initial review according to established practice. OSIT will convene an evaluation committee of subject matter experts (SMEs). SMEs will be free from bias and will sign an evaluator agreement in which they certify, among other things, that:
  - **Conflicts of Interest:** the evaluator has no financial interest in any proposal, there are no conflicts of interest, will not engage in any action, communication, or relationship that compromises their ability to reach a fair and impartial decision, that all actions with regard to the solicitation will be conducted with the highest professional ethics and personal integrity, that no action will compromise or give the appearance of compromising their ability to reach a fair and impartial decision regarding the solicitation. Evaluators will certify their compliance with this conflict-of-interest standard.
  - **Confidentiality:** all evaluators will be required to maintain confidentiality during the selection process, all proposals and evaluations are confidential until a contract has been awarded, including from State employees or contractors that are not members of the evaluation committee, any confidential information that may be considered a trade secret or confidential business information reviewed during the evaluation

- process must be kept confidential indefinitely, and evaluators will practice safe document storage practices.
- **Evaluation and Scoring:** proposals must be consistently evaluated in accordance with evaluation factors disclosed in the solicitation.
- 6. Selection and Notice:** OSIT will ensure the selection of subgrantees is transparent, with clear communication to all applicants. OSIT will publish a list of awarded subgrants on its website.
- 7. Appeals Process:** OSIT will establish an appeals process that allows applicants to appeal or protest an award decision on the basis of procedural errors in the solicitation process or errors in the evaluation process. This appeals process will mirror established State protest procedure as established in Nevada Revised Statutes.

Objective means for selecting subgrantees for non-deployment BEAD Program funds, along with other aspects of the RFA as described in #1 above, will be developed concurrently with the OSIT's application for State Digital Equity Capacity Grant Program. This approach will ensure that solicitation, evaluation, and funding distribution are aligned across the two programs and the requirements of each.

#### 2.5.2 Text Box: Describe the Eligible Entity's plan for the following:

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

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

Specific evaluation criteria used to evaluate applications for subgrants will be developed at a later time in close coordination with the State Digital Equity Capacity Grant Program. Preferences in selecting the type of non-deployment initiatives OSIT intends to support using BEAD Program funds will align with the Statewide Digital Equity Plan. In that Plan, OSIT established six priorities for federal funding:

- Infrastructure Deployment
- Adoption
- Affordability
- Device Access
- Digital Literacy

- Awareness and Sustainability

Initiatives aligned with one or more of the priorities established above will generally fall into one of two categories:

1. The initiative meets an acute need identified in the Statewide Digital Equity Plan.
2. The initiative will invest in communities and systems so as to build a lasting and sustainable foundation for future digital equity efforts.

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

Many rural and urban residents alike encounter barriers such as inadequate broadband availability, affordability challenges, device accessibility limitations, and foundational digital skills gaps. The absence of technical support, cybersecurity awareness, and confidence in navigating digital resources further deepens inequities too many Nevadans experience. Consequently, vital functions such as completing job applications, accessing online DMV services, submitting documentation needed for employment and social services, accessing educational resources, inquiring about public services, researching health information access, and maintaining social connections are all more difficult to perform. Covered populations, defined in the Digital Equity Act as aging individuals, individuals with disabilities, rural residents, English language learners, racial/ethnic minorities, low-income households, veterans, and incarcerated individuals, are disproportionately impacted by the economic and societal toll of the digital divide.

Non-deployment activities identified as eligible in the BEAD NOFO and aligned with the Statewide Digital Equity Plan will meet adoption and digital inclusion-related needs identified by OSIT during the needs assessment process. Pending the availability of funds after unserved and underserved communities have been prioritized, non-deployment initiatives could assist both newly connected Nevadans and those with existing connections access the internet, afford a monthly residential broadband service, obtain a connected device, and attain the digital skills and support needed to safely and securely work, learn, and thrive. As is outlined in the Statewide Digital Equity Plan, needs of Nevadans vary by geography and by covered population. Therefore, all non-deployment activities will be tailored to the needs of the community receiving funding.

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

Everything in this proposal can be accomplished with robust and dedicated support and buy-in from the many broadband stakeholders that exist in Nevada. During the eight months prior to the publication of this Initial Proposal, OSIT conducted outreach to and met with communities in public settings, community-based organizations, non-profits, internet service providers, labor, local governments, Tribal governments, and other stakeholders to understand digital equity needs and the existing digital equity ecosystem, including the capacity of existing programs to scale to meet present and future needs. In total, OSIT visited every county in Nevada twice, traveled over 4,000 miles in April 2023 alone, and held over 130 meetings with nearly 1,000

Nevadans. Additionally, OSIT distributed surveys in both online and paper formats and captured responses from nearly 800 additional Nevadans. OSIT made a particular effort to have a diverse engagement approach. This approach included specifically reaching out to covered populations and the organizations that serve them. The coordination and outreach strategy was designed to ensure that OSIT engaged with all covered populations, organizations that serve each of the covered populations, and organizations that serve multiple covered populations. It also included a diversity of outreach mediums.

The feedback and comments obtained from stakeholders during stakeholder engagement activities outlined in above and in Section 2.3 has informed the selection of eligible non-deployment activities. OSIT incorporated that feedback into the creation of this Proposal and the Statewide Digital Equity Plan and the priorities and preferences outlined above in 2.5.2.A. The forthcoming public comment process will allow OSIT to further refine its process for selecting eligible non-deployment activities based on the input of localities and stakeholders.

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

OSIT will allocate BEAD Program funding for non-deployment activities in alignment with the BEAD NOFO and the Statewide Digital Equity Plan. During grant period, OSIT will continuously evaluate the performance of subgrantees and strategies employed in achieving the BEAD Program's equity, access, and deployment goals and make course corrections as needed. All potential subgrantees will be required to articulate goals and metrics in their applications for funding and, once funded, all subgrantees will be subject to regular monitoring and site visits, in addition to quarterly progress and fiscal reporting. Each subgrantee will be assigned an OSIT team member who will oversee compliance. OSIT will also continuously conduct community engagement and outreach to ensure that needs are met and subgrantees are achieving their stated goals. OSIT does not intend to fund non-deployment activities that are not outlined in the BEAD NOFO.

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

OSIT's first priority is to deploy BEAD Program funds to reach every unserved and underserved location with affordable, reliable, scalable broadband infrastructure followed by every CAI without access to gigabit symmetrical service. OSIT is not yet able to determine if it will have sufficient funds to engage in non-deployment activities after completing deployment activities to achieve universal coverage. Therefore, OSIT will conduct its subgrantee selection process for deployment to unserved locations, underserved locations, and CAIs concurrently with its subgrantee selection process for the Statewide Capacity Grant Program. OSIT expects there to be unmet need for BEAD Program-eligible non-deployment needs that the Statewide Capacity Grant Program will be unable to fund. OSIT will make award decisions in its infrastructure subgrantee process prior to allocating funding to non-deployment activities.

Should excess funding from the BEAD Program remain following certification that all unserved locations, underserved locations, and CAIs have coverage, OSIT acknowledges that non-deployment projects using

BEAD funds cannot be approved until NTIA approves OSIT's non-deployment subgrantee selection criteria, which are not included in this initial proposal. OSIT has chosen not to include its subgrantee selection criteria at this time so as to ensure that the subgrantee selection criteria across BEAD and Digital Equity State Capacity Grant funded programs is aligned. Instead, OSIT will submit its subgrantee selection criteria with its Final Proposal and make its selection of subgrantees after approval of the Final Proposal. In so doing, OSIT will utilize the following comprehensive grant policies and procedures that meet all federal and State requirements for competitive subgrant solicitation and mirror, where appropriate, those used by OSIT in solicitations using other federal funds.

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

OSIT is not yet able to determine if it will have sufficient funds to engage in non-deployment activities after completing deployment activities to achieve universal coverage. If OSIT funds non-deployment activities, it will ensure that prospective grantees meet the three general qualifications below:

- The subgrantee is able to carry out activities funded by the subgrant in a competent manner in compliance with all applicable federal, Eligible Entity, and local laws;
- The subgrantee has the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the Program and such other requirements as have been prescribed by the Assistant Secretary or the Eligible Entity; and
- The subgrantee has the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

OSIT is well positioned to ensure prospective grantees meet the general qualifications outlined in the BEAD NOFO. OSIT's departmental mission includes a focus on Science, Technology, Engineering, and Mathematics (STEM) education and workforce development related to technology and skills training. State funding accompanies this mission. Since 2015, OSIT has funded more than 100 education and workforce development grants totaling over \$40 million to create in-demand training programs. As a part of these grant programs, OSIT has defined minimum standards to determine compliance with program requirements, methods to determine a prospective subgrantee meets the necessary standards, and evidence to determine if a subgrantee is meeting expectations.

For non-deployment activities, OSIT will use the minimum standards, methods, and evidence being developed for the State Capacity Grant Program. These qualifications are still being developed but the following describes OSIT's approach:

- **The subgrantee is able to carry out activities funded by the subgrant in a competent manner in compliance with all applicable federal, Eligible Entity, and local laws;**
  - o Minimum Standards to Determine Compliance: Sufficient expertise of key staff dedicated to the subgrant, applicant has sufficient capacity to carry out the work given other projects, availability of key staff for the subgrant, applicant has past experience successfully carrying out a similar scope of work, applicant must demonstrate past compliance with applicable federal, State, and local laws or a plan for compliance.

- Methods Used to Determine a Prospective Subgrantee Meets Necessary Standards: Evaluation of responses to specific questions in the RFA dedicated to the topics above, including proposed approach to carrying out the subgrant, evaluation of past performance in similar projects. Interviews of finalists if necessary. Investigation into past compliance with federal, State, and local laws.
- Evidence OSIT Will Accept in Making Its Determination: Resumes of staff, annual reports, programmatic-specific reports, answers to questions in the RFA, reference questionnaires.
- **The subgrantee has the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the Program and such other requirements as have been prescribed by the Assistant Secretary or the Eligible Entity; and**
  - Minimum Standards to Determine Compliance: Sufficient expertise of key staff dedicated to the subgrant, applicant has successfully completed other projects of similar size and scope, reasonableness and quality of the proposed budget, applicant's financial strength.
  - Methods Used to Determine a Prospective Subgrantee Meets Necessary Standards: Evaluation of responses to specific questions in the RFA dedicated to the topics above. Interviews of finalists if necessary.
  - Evidence OSIT Will Accept in Making Its Determination: Resumes of staff, annual reports, answers to questions in the RFA, reference questionnaires, profit and loss statements and balance statements for the last three years from a certified public accountant, Dun and Bradstreet report.
- **The subgrantee has the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.**
  - Minimum Standards to Determine Compliance: Sufficient expertise of key staff dedicated to the subgrant, applicant has sufficient capacity to carry out the work given other projects, availability of key staff for the subgrant, applicant has past experience successfully carrying out a similar scope of work.
  - Methods Used to Determine a Prospective Subgrantee Meets Necessary Standards: Evaluation of responses to specific questions in the RFA dedicated to the topics above, including proposed approach to carrying out the subgrant, evaluation of past performance in similar projects. Interviews of finalists if necessary.
  - Evidence OSIT Will Accept in Making Its Determination: Resumes of staff, annual reports, answers to questions in the RFA, reference questionnaires.

Note that applicants requesting larger subgrants will be subject to a more rigorous evaluation of qualifications.

## 2.6 Eligible Entity Implementation Activities (Requirement 10)

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

OSIT may implement some initiatives and carry out some activities related to the BEAD program without making a subgrant. These initiatives and activities can be divided into two categories: administrative



activities and non-deployment activities related to digital equity. OSIT will not implement any deployment-related activities as the recipient without making a subgrant.

Administrative activities may include the following:

1. Implementation of the challenge process;
2. Implementation of the subgrantee selection process;
3. Activities related to RFA outreach, such as webinars for prospective subgrantees;
4. Activities related to subgrant agreement, contracting, funding disbursement;
5. Activities related to subgrantee monitoring, reporting, and compliance;
6. Activities related to program evaluation and public outreach; and
7. Activities related to program closeout.

Digital equity-related activities are more specifically enumerated in the Nevada's Statewide Digital Equity Plan. In the plan, OSIT describes Core Activities that it will fund with State Capacity Grant dollars. Some Core Activities will be performed by OSIT. Others will be subgranted. Depending on funding available following deployment to unserved and underserved locations, and community anchor institutions, OSIT may supplement the Core Activities performed by OSIT funded by the State Capacity Grant. These activities may include the following:

1. Deploying digital navigators
2. Promoting ACP awareness and enrollment
3. Public and community engagement around digital equity, including reports, dashboards, and presentations
4. Conducting program evaluation

OSIT believes administrative duties are best performed by the Eligible Entity.

No single funding source will close the digital divide. OSIT will leverage funding from multiple sources to carry out various initiatives, including those listed above. Braiding funding from BEAD, if available after addressing unserved, underserved, and CAI locations, with other funding sources will lead to greater program outcomes. In some cases, OSIT is already or will be implementing some non-deployment activities itself and adding BEAD Program funds, if available, will allow OSIT to scale and broaden impacts of existing programs.

## **2.7 Labor Standards and Protection (Requirement 11)**

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

- a. Prospective subgrantees' record of past compliance with federal labor and employment laws, which:
  - i. Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;
  - ii. Should include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and
  - iii. Should include written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.
- b. Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:
  - i. How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:
    1. Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and
    2. How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

#### Step 6.2 Technical Review Requirement

OSIT will undertake a comprehensive evaluation of prospective subgrantees, including ensuring that prospective subgrantees meet the minimum qualifications for provision of information on other public funding as outlined in the BEAD NOFO. OSIT will include response requirements for Section 2.7 in the RFA and these responses will be evaluated during Step 6.2-Technical Review by qualified evaluators. OSIT will ensure that all prospective subgrantees are aware of the requirements through the means outlined above in Section 2.4.1. Applicants that do not meet the minimum requirements outlined in the RFA for this section will not be considered to receive BEAD funding.

OSIT will require applicants to submit the following information as a part of their applications for BEAD funding during the competitive subgrantee selection process.

- Prospective subgrantees' 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 prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and
- Should include written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years. Also enumerate any improvement plan that the cited entity implemented as a result of the citation.
- Should include links to any reference materials the entity uses for workplace safety training, hazardous materials handling and other workplace safety training documentation (at a minimum OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work).
- Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:
  - How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, 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 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.

Evidence of past compliance with federal labor laws and a plan for ensuring future compliance with federal labor and employment laws as well as a plan to comply with its own labor and employment practices will be assessed as a part of the gating criteria for consideration of a subaward. Applicants that meet this and other gating criteria will move forward to the competitive criteria scoring process. Applicants whose applications cannot demonstrate past compliance with federal labor laws and/or do not have a plan for ensuring future compliance will fail this gating criteria at the technical or initial review stage of the review process, will not have their applications competitively scored, and will not be considered for a subaward.

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

- a. Using a directly employed workforce, as opposed to a subcontracted workforce;
- b. Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;
- c. Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);
- d. Use of local hire provisions;
- e. Commitments to union neutrality;
- f. Use of labor peace agreements;
- g. Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);
- h. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and
- i. Taking steps to prevent the misclassification of workers.

OSIT does not plan to incorporate any of the following items into legally binding commitments for subgrantees (including contractors and subcontractors) outside of what is explicitly required in the BEAD NOFO:

- a. Using a directly employed workforce, as opposed to a subcontracted workforce.
- b. Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Related Acts requirements, where applicable, and collecting the required certified payrolls.
- c. Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project).
- d. Use of local hire provisions.
- e. Commitments to union neutrality.
- f. Use of labor peace agreements.
- g. Use of an appropriately skilled workforce (e.g., through registered apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded).
- h. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification and licensure).
- i. Taking steps to prevent the misclassification of workers.

## 2.8 Workforce Readiness (Requirement 12)

### 2.8.1 Text Box: Describe how the Eligible Entity and their subgrantees will advance equitable workforce

development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response must clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:

- a. A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective;
- b. A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (such as child care, transportation, mentorship, etc.), to attract, train, retain, or transition to meet local workforce needs and increase high-quality job opportunities;
- c. A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process; and
- d. A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers.

Developing the broadband workforce for BEAD will support the broader State economic and workforce development, education, healthcare, and digital equity goals. The State of Nevada believes that an educational pipeline is needed to create a skilled, diverse workforce. The State is committed to furthering policies and supporting curriculum development that will sustain a workforce with 'quality jobs' that can build and maintain broadband networks in a safe and effective manner. The State will facilitate programs that develop strong, diverse, and inclusive workforces.

Currently, the State has a number of workforce development partners that provide workforce development, including certificate, credential, degree, pre-apprenticeship, and apprenticeship programs. Among these partners are the Nevada System of Higher Education, including community colleges, private non-profit workforce partners, and unions.

The State has several funding mechanisms to create new or augment existing workforce development programs that provide in-demand training needed by employers. OSIT will develop a workforce that can complete the project in a safe and effective manner by conducting outreach to employer and labor partners and examining relevant workforce data to determine needed skills and competencies, regions of the state where workers are needed relative to where projects are located, and the best curriculum and training methods.

OSIT is uniquely positioned to lead the way in advancing broadband workforce development in Nevada. At

the heart of OSIT's mission lies a dedication to enhancing technology-related skills through workforce development initiatives, bolstered by state funding. Since 2015, OSIT has allocated more than \$40 million to support over 100 education and workforce development grants, all geared towards establishing highly sought-after training programs. Building upon this successful track record, OSIT will collaborate with state workforce agencies, partners, employers, labor stakeholders, and others to establish inclusive pathways to broadband-related employment. In particular, OSIT will ensure that the job opportunities stemming from this award and other broadband funding initiatives are accessible to a diverse range of workers and will provide training funding to Nevadans who are prepared and eager to contribute to the workforce.

To ensure workforce development goals specific to this project are met, OSIT is contributing \$150,000 per year in State funds for the next five years (\$750,000) to fund innovative broadband workforce development programs that provide education and training for in-demand, high-skill jobs that meets both the short- and long-term needs of employers.<sup>8</sup> These programs will be in partnership with higher education institutions, labor groups, construction firms, and last-mile service providers. OSIT has had initial conversations with each of these workforce stakeholder groups and has examined national workforce survey data and best practices. The details regarding the type of workforce programs, where they are located, and the specific occupations, skills and credentials provided are still in development. OSIT describes actions taken and next steps in more detail below.

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

In previous grant rounds, including the High Speed NV Initiative, OSIT has been committed, to the greatest extent possible, to allocating funds to subgrantees that use Nevada workers through use of a scoring preference. OSIT believes it is vital that subgrantees participate in the development and subsequent use of a Nevada-based and grown highly skilled workforce capable of carrying out the work required by BEAD. One of the objectives of OSIT's monthslong outreach and engagement effort, was to determine how to ensure subgrantee support in its workforce development efforts. OSIT solicited ideas and feedback from potential subgrantees, as well as workforce system stakeholders and the general public, including higher education, labor organizations, employers and contractors, and workforce development organizations. OSIT's outreach came in a variety of methods, including in-person meetings, public events, focus groups, and surveys.

Based on the outreach and engagement conducted, as well as the research described in 2.8.1.b, OSIT will employ the following strategies to ensure subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective.

- OSIT remains committed to actively engaging with the subgrantee community. To further enhance coordination, OSIT will create a broadband workforce industry sector council. This council will play a vital role in aligning the State's workforce development initiatives with the training and skills required to meet the demands of employers. This topic is covered in more detail in 2.8.1.b.
- OSIT will design an RFA for BEAD that prioritizes in scoring 1) demonstrated subgrantee support for

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<sup>8</sup> OSIT committed these funds as part of its successful application to the NTIA's Enabling Middle Mile Grant Program. OSIT expects the programs created, in part, with these funds will also benefit BEAD deployment activities.

Nevada's workforce development efforts (such as, but not limited to, participation in the broadband industry sector council, participation in local career fairs, plans for hiring local workers, lending expertise in the design of workforce training programs, etc.), and 2) specific subgrantee plans to use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective.

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

**Research and Data Gathering:** In addition to outreach and engagement, OSIT, in collaboration with State workforce system partners conducted extensive research to determine current and emerging needs for talent development in the field of telecommunications and broadband infrastructure expansion. Investigation involved:

- Quantitative data gathering,
- Previously issued RFAs that inquired about workforce development needs and willingness to participate in a workforce program design,
- A BEAD-focused Request for Information (RFI)<sup>9</sup> that included a section dedicated to workforce,
- A series of qualitative employer interviews to validate occupational demand and identify nuanced skills needs for entry level and middle skilled jobs.

The research and data gathering process resulted in the draft of a workforce development strategic plan. This research and data gathering effort informed the strategies below.

**Creation of a Broadband Industry Sector Council:** OSIT has secured commitments from a number of employer and labor partners to participate on a statewide Industry Sector Council with education and training providers, the public workforce system, and community-based organizations that provide relevant training and wrap-around services. The goals of the Sector Council are as follows:

- **Assess Current Workforce:** Together with workforce agencies, labor organizations, higher education, and community-based organizations, conduct a comprehensive analysis of the existing telecommunications workforce in Nevada to identify skill gaps, shortage areas, and future workforce needs. The findings from this assessment will serve as the foundation for developing targeted strategies and initiatives to address the identified skill gaps, attract and retain a diverse workforce, and ensure the availability of a highly skilled workforce for the telecommunications pipeline in Nevada. This assessment should include:
  - o **Skill Gap Analysis:** Evaluate the current skill set of the telecommunications workforce in

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[https://osit.nv.gov/uploadedFiles/ositnvgov/Content/Broadband/BEAD%20Request%20for%20Information%20\(RFI\)%20No.%202003-001\(1\).pdf](https://osit.nv.gov/uploadedFiles/ositnvgov/Content/Broadband/BEAD%20Request%20for%20Information%20(RFI)%20No.%202003-001(1).pdf)



- Nevada and identify areas where there is a shortage of specific skills required for the industry. This analysis should consider both technical skills and soft skills.
- Future Workforce Needs: Anticipate the future demands of the telecommunications industry in Nevada and identify the skills that will be needed to meet those demands. This should take into account emerging technologies, construction automation, industry trends, and potential growth areas. This should also take into consideration needs for and partnerships to provide wrap-around services, such as child and elder care, transportation, assistance with substance abuse, and scheduling.
  - Training and Education Evaluation: Assess the effectiveness of existing training and education programs in preparing individuals for careers in the telecommunications industry. Identify best practices, areas of improvement and opportunities to enhance the alignment between training programs and industry needs.
  - Workforce Diversity Assessment: Evaluate the diversity and inclusivity of the telecommunications workforce in Nevada. Identify any barriers or challenges that may exist and develop strategies to promote diversity and equal opportunities within the industry.
  - Develop specialized telecommunications programs.
    - Work with institutions to align curriculum with industry needs, ensuring graduates are equipped with relevant skills – both hard and soft skills.
    - Apprenticeship programs that provide on-the-job training and mentorship opportunities for individuals interested in pursuing a career in telecommunications. These programs should be designed to develop a pipeline of skilled workers by combining classroom instruction with hands-on experience.
    - Offer continuous training and upskilling opportunities for existing employees to keep up with technological advancements in the telecommunications industry. This can be achieved through workshops, seminars, online courses, and certifications.
    - Develop and share core curricula in key fields and promote certification – which would lead to higher wages.
    - Identify and develop example career paths that can lead to long term careers while managing turnover in critical functions.
  - Ensure high quality programs.
    - Collaborate with subgrantees, contractors, and sub-contractors to share best practices and leverage existing in-house skills training programs. This can include knowledge exchange, joint training initiatives, and secondment opportunities.
    - Partner with reputable training providers to enhance the quality and availability of workforce training programs. Conduct regular evaluations of training providers to ensure the programs meet industry standards and provide relevant skills.
  - Continually track progress and bottlenecks and assess success of previous and current initiatives and adjust as needed.

The Sector Council will also assist in the creation of equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector, continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process, and ensure job opportunities are available to a diverse pool of workers. These items are discussed in greater detail in 2.8.1.c and 2.8.1.d

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

The State believes that a range of short- and medium-term strategies are needed to create equitable on-ramps to broadband related jobs. The following strategies will be refined over time as OSIT engages with stakeholders.

- The Broadband Industry Sector Council will serve as a means for employers and the workforce development community to develop pathways and strategies that lead to careers in the broadband industry. Many pathways and strategies will focus on entry-level positions. In initial interviews with OSIT, employers have communicated that entry-level positions are among the most difficult to fill. Other pathways and strategies will focus on higher-level positions or those that require specific skills. In the design of these pathways and strategies, employer and worker voice will be sought to inform the work of the education partners. OSIT does not want to create training programs that do not meet the needs of employers.
- Refine and share best practices within industry regarding attraction, retention, or transition of skilled workers.
  - o Encourage employers to offer competitive salaries, benefits packages, childcare, transportation, healthcare, and career advancement opportunities to attract and retain skilled workers. Conduct regular market research to ensure compensation remains competitive with industry standards.
  - o Employee Development and Retention Programs: Implement programs that focus on the professional growth and development of employees. This can include mentorship programs, leadership training, and career advancement pathways.
  - o Training Programs: Collaborate with subgrantees, contractors, and sub-contractors to share best practices and leverage existing in-house skills training programs. This can include knowledge exchange, joint training initiatives, and secondment opportunities.
- Continual engagement with industry, labor and community-based organizations to maintain worker voice is essential to ensuring the impacts of this program are as wide as possible. OSIT will use the Sector Council as a vehicle for these conversations.
  - o One effective mechanism is to design an RFP process with diverse worker voices at the table. OSIT has a strong and recent track record of doing just this as recently as the High Speed NV Phase I solicitation which was released in fall of 2022. During the Request for Applications (RFA) development process, OSIT met regularly with labor, community, and employer groups. The result was an RFA that was met by universal approval.
- Following planning and into implementation, OSIT project managers will work with the winning bidders, their subcontractors (if any), and worker and workforce organizations to ensure that worker voice continues to be prioritized during implementation in areas such as safety, wages, career advancement, training programs, wrap around services and other considerations raised during the engagement process.

- OSIT construction project managers will act as liaisons and resources to winning bidders to ensure that safety training protocols are implemented and safety standards (.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work) are being rigorously followed on job sites.
- OSIT compliance managers will review quarterly progress reports and meet with winning bidders throughout the project period on topics including wages, career advancement, and participation in workforce development initiatives.
- Prioritize in scoring bidders that demonstrate they have career ladders and/or company-funded training and education opportunities that allow their workforce to advance and reskill themselves.

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

A comprehensive strategy is required to ensure that job opportunities created by this and other broadband funding programs can be filled by a Nevada-based highly skilled workforce that reflects Nevada's diversity. OSIT undertook a statewide comprehensive public engagement initiative to ensure broad reach in its planning process. OSIT brought its workforce development experience, relationships and more to engage with both industry and labor representatives to come to a common understanding of the need for broadband workforce training and need for a plan to create an equitable pipeline of highly skilled workers. The following strategies will be refined over time as OSIT engages with stakeholders.

- Partner with Nevada's minority serving institutions to ensure broad demographic reach in workforce programming.
- In close collaboration with OSIT's Digital Equity initiative, establish career pathways for newly connected Nevadans from covered populations to receive foundational digital skills trainings and then scaffolded supports that advance them into entry-level jobs.
- Actively engage with community anchor institutions that serve diverse communities to advertise training and job opportunities and attract individuals from nontraditional backgrounds to broadband careers.
- Work with ISPs to develop outreach campaigns targeting minority, women, veterans, rural, retired and other nontraditional workers.
- Collaborate with Tribal TERO offices to enhance existing training programming and integrate new industry credentials on Tribal lands.
  - Partner with the Inter-Tribal Council of Nevada (ITCN) to leverage broadband infrastructure funding and project services through ITCN's TBCP funding.
  - Partner with Nevadaworks' Indian Workforce Development Committee, inclusive of ITCN and the Nevada Indian Commission (NIC), to coordinate regional trainings and identify workers for job placement.
  - Partner with ITCN and NIC to ensure there are culturally appropriate support services available for Tribal workers.
- Prioritize in scoring bidders that hiring programs that include outreach to nontraditional workers.

**2.8.2 Text Box:** 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. These plans should include the following:

- The ways in which the prospective subgrantee will ensure the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers;
- The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
- Whether the workforce is unionized;
- Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

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

- The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;
- For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
  - Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
  - Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

The State of Nevada understands that a skilled and qualified workforce is essential to meeting its universal access goals and to the success of the High-Speed Nevada Initiative, including meeting infrastructure buildout timelines and ensuring high-quality work is performed. OSIT will require applicants for subawards to submit the following information in their applications during the application process:

- The ways in which the prospective subgrantee will ensure the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers;
- The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training,

- certification, and licensure;
- Whether the workforce is unionized;
- Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

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

- The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;
- For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
  - Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and,
  - Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

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

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

OSIT is committed to ensuring that MBEs, WBEs, and LSA firms are aware of opportunities, actively recruited, used, and retained where possible. OSIT will undertake the following strategies:

- a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;**
  - OSIT will work with Nevada State Purchasing to obtain existing solicitation lists of MBEs, WBEs, and LSA firms to add to OSIT's existing solicitation lists.
  - OSIT will conduct outreach to local chambers of commerce, including Urban, Latin, and Asian Chambers of Commerce, local and national business and industry associations, minority serving institutions, faith-based organizations, and other groups to help OSIT add MBEs,

WBEs, and LSA firms to its solicitation lists.

- The State of Nevada participates in the National Diversity 2000 program and is registered with [DiversityBusiness.com](https://diversitybusiness.com). OSIT will also use this resource.
- b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;**
- When opportunities are available, OSIT will conduct outreach to local chambers of commerce, including Urban, Latin, and Asian Chambers, local and national business and industry associations, minority serving institutions, faith-based organizations, and other groups as a part of the solicitation process and request help in conducting outreach to MBEs, WBEs, and LSA firms.
  - The State of Nevada participates in the National Diversity 2000 program and is registered with [DiversityBusiness.com](https://diversitybusiness.com). OSIT will also use this resource.
  - OSIT will solicit, via a variety of outreach means, bids from MBEs, WBEs, and LSA firms via its own lists.
  - OSIT will require subawardees, to the extent they use subcontractors, to certify outreach to MBEs, WBEs, and LSA firms. OSIT will require evidence of compliance in the appropriate quarterly progress reports. OSIT will provide subawardees with links to solicitation lists to assist with compliance.
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;**
- When economically feasible, OSIT will divide total requirements into smaller tasks to permit maximum participation by MBEs, WBEs, and other small businesses.
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;**
- Where the requirement permits, OSIT will establish delivery schedules which encourage participation by MBEs, WBEs, and other small businesses.
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and**
- OSIT will explore partnerships with the organizations listed above and any other organization able to assist OSIT in fulfilling its commitment.

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

- During the subgrantee selection process, OSIT will incentivize applicants through the scoring process to articulate a plan to affirmatively take the steps above as it relates to subcontractors.
- After award, OSIT will require subawardees, to the extent they use subcontractors, to certify they have taken the steps above as it relates to soliciting qualified subcontractors that are MBEs, WBEs, and LSA firms. OSIT will require evidence of compliance in the appropriate quarterly progress reports. OSIT will provide subawardees with links to solicitation lists to assist with compliance.

Beyond its own efforts, OSIT will leverage the following partnerships in fulfilling this commitment.

- The Governor's Office of Economic Development's procurement technical assistance center offers technical assistance to small businesses, including MBEs and WBEs with federal contracting.
- The Nevada Department of Business and Industry's Ombudsman of Consumer Affairs for Minorities is responsible for implementation of the Department's education and outreach activities within the State's minority communities and will assist in the adding of MBEs and WBEs to solicitation lists.
- Nevada's Regional Development Authorities can both offer technical assistance as well as assist with outreach.
- Nevada's only LSAs are in Clark County. OSIT will work with Clark County government, the Cities of Las Vegas, North Las Vegas, and other smaller cities in the balance of Clark County to make firms located therein aware of opportunities.
- The Business Development Advisory Council assists MBEs, WBEs, and small businesses seeking to do business with government.
- The Nevada MBDA Business Center assists minority business owners with finding access to capital and contracts and increasing profitability thereby facilitating scaled growth of their businesses.
- Nevada Women's Business Center (NWBC) is a leading innovative statewide economic development corporation that assists entrepreneurs in their development through training, counseling, and coaching and assisting clients with referrals when necessary.
- POWHer of WE is a Nevada based women entrepreneur group that connects women business owners and entrepreneurs to the resources they need.
- National Minority Supplier Development Council can assist with outreach and certification as an MBE in Nevada.



- National Women's Business Council can assist with outreach and certification as an WBE in Nevada.

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

- a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- f. Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.

The Nevada Governor's Office of Science, Innovation and Technology (OSIT) certifies that it will take all necessary affirmative steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

## **2.10 Cost and Barrier Reduction (Requirement 14)**

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

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

OSIT is committed to ensuring that all Nevadans have access to a high speed internet connection that is

affordable, reliable, and scalable. Due to Nevada's mountainous terrain, vast distances between population centers, rocky soil, high percentage of land managed by the federal government, harsh winter climate in most of the State limiting construction windows, and sensitive environmental areas, costs for deployment of broadband infrastructure are significantly higher than other places in the US. Therefore, OSIT must take steps to reduce costs and barriers to effective and efficient deployment in order to ensure broadband infrastructure funding, including BEAD funds, is sufficient to accomplish our goal. OSIT has taken the following steps to reduce costs and barriers to deployment.

- A) Promoting the Use of Existing Infrastructure:** OSIT designed the entire High Speed Nevada (HSNV) Initiative so that BEAD program could leverage existing infrastructure to facilitate affordable, reliable, scalable last-mile connectivity to unserved and underserved residential and business locations and CAIs. Knowing many unserved communities and underserved regions were without scalable upstream bandwidth, OSIT in Phases I and II of the HSNV focused on building middle mile infrastructure. OSIT will build a nearly 1,000-mile open access and invest nearly a quarter Billion dollars in non-discriminatory middle mile network facilities that will bring affordable bandwidth to last-mile providers and create a business case to serve previously underserved and unserved markets. Middle mile segments will traverse the state providing both North/South and East/West routes along Interstate, US and State highways. The result is a interconnected series of middle mile segments that pass through many heretofore unconnected towns and cities. These interconnected routes will connect rural and frontier Nevada towns and cities with Internet Exchange (IXC) Facilities in Las Vegas, Reno, Salt Lake City, Boise, Portland, Sacramento, Los Angeles and others across the country. OSIT secured letters of support from a dozen last-mile internet service providers indicating that this type of middle-mile infrastructure was needed and would make reaching many underserved and unserved areas of Nevada financially possible. OSIT will also bring fiber to over 700 underserved CAIs that will further extend fiber deeper into the last-mile ecosystem. Potential BEAD subgrantees will have access to existing infrastructure which will minimize BEAD expenditure and allow OSIT to connect more locations.
- B) Promoting and Adopting Dig-Once Policies:** In 2017, OSIT wrote Nevada's dig-once legislation, which was enacted in 2017 as Senate Bill 53. The Nevada Department of Transportation (NDOT) was a key supporter of the bill, and the legislation has since become the foundation of NDOT's fiber infrastructure sharing program in State rights-of-way. NDOT has dedicated resources to assist subgrantees and coordinate projects to minimize digging and reduce costs.
- C) Streamlining Permitting Processes:** Broadband infrastructure projects often must obtain federal, State, and local permits before proceeding. Since 2017, OSIT has funded over 40 broadband infrastructure projects that have all required some level of permitting. Permitting can be a lengthy and complex process. OSIT has worked diligently to understand that process, build relationships with permitting agencies, and develop resources that will help subgrantees. Important in this process is to help permitting agencies understand OSIT's vision for broadband infrastructure deployment and digital equity, the timelines associated with the varying funding sources, the volume of permit applications expected over the next five years, and the resources and assistance OSIT brings to the table. Each project will have an OSIT assigned project manager that function as a liaison to permitting agencies. OSIT will track permit applications and offer assistance when needed.
  - a. Federal -** OSIT has established relationships with the State BLM and USFS offices, the two largest landowners in the State, and is working together to streamline permitting processes

to the extent allowed. For example, OSIT staff spent time with BLM permitting officials to better understand the federal permitting process. OSIT has agreed to require all subawardees to participate in a pre-permit application conference with BLM staff to ensure the subawardees understands the permitting process, BLM understands the scope of the project, and BLM can provide initial helpful suggestions on route design to avoid environmentally sensitive areas.

- b. State** - The Nevada Department of Transportation (NDOT) is an essential partner in all broadband infrastructure work. Because 86 percent of Nevada's land is managed by the federal government, NDOT's rights-of-way are crucial assets for broadband expansion. During the last 6 years, OSIT and NDOT have developed a strong working relationship and NDOT stands ready to assist subgrantees that need access to rights-of-way. Since the passage of SB53, NDOT has developed an infrastructure sharing program for telecommunications providers and has established processes to streamline access to the rights-of-way. As a part of the High Speed NV Initiative, NDOT has established dedicated project management resources to assist subgrantees with the right-of-way permitting process.
- c. Local** - OSIT works closely with local governments through our Broadband Action Teams, all of which have local government representation. Nevada has Broadband Ready Communities legislation that instructs OSIT to develop resources and suggested best practices in local permitting that are voluntary for local governments to adopt to speed deployment and the provision of internet services to constituents. OSIT will partner closely with subgrantees and local governments to develop the resources and suggested best practices for use by local governments.

#### **D) Streamlining cost-effective access to poles, conduits, and easements**

- a. Utility Poles** - In addition to highway and roadway rights-of-way, electric utility corridors, both for transmission and distribution, are important assets for broadband infrastructure deployment. Nevada has a large investor-owned utility as well as several smaller electric cooperatives. Each entity has an established pole attachment process. OSIT has established relationships with these entities and is able to assist subgrantees make connections to learn the requirements of attaching to existing poles. Placing fiber on poles has added benefits for rate payers as fiber is needed for efficient and effective grid monitoring which can increase efficiencies and reduce outage restoration timeframes.
- b. Conduits** - In Nevada's more urban areas, State and local governments, including quasi-government entities like regional transportation commissions and water, sewer, and other wet utility authorities, have placed conduit for their own purposes. OSIT has had conversations with these entities regarding the use of their existing infrastructure. Some of these entities are also working to map existing infrastructure and understand whether, and under what circumstances, existing conduit could be leveraged to assist subgrantees in deployments of last-mile broadband service. These efforts are ongoing.
- c. Easements** - Aside from the utilities' pole attachment requirements, in some cases subgrantees may also be required to obtain a permit or easement from the underlying private or federal landowner. OSIT staff have experience in securing easements and will provide assistance and advice to subgrantees.

## 2.11 Climate Assessment (Requirement 15)

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

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

Nevada is in the southwest climate region, dominated by impacts of drought, rising urban temperatures, and increasing wildfire events. Needed fiber builds may traverse key regional groundwater resources as well as some of the State's most vulnerable areas for fire and flash flooding. The compound risk of post-wildfire debris flows from flash flooding is well known, and groundwater management and intensifying weather events creating greater threats for both flooding and drought, are perhaps the key climate issue for the region. Broadband construction projects will experience increased infrastructure climate risk but also provide additional resilience opportunities through expansion of Nevada's middle mile which will support regional redundancy as well as local/state monitoring/communications network partnerships.

Data shows that temperatures in Nevada have risen almost 2.4°F since the beginning of the 20<sup>th</sup> Century. Unprecedented warming is projected to continue through this century, with associated increases in heat wave intensity and decreases in cold wave intensity. Nevada, as the driest state in the United States, is heavily dependent annual precipitation, which faces uncertainty. In the southern portion of the state, rising temperatures due to global warming, land cover changes due to the rapid urban expansion of Las Vegas have pose threats to annual precipitation, and water supply. Unpredictable weather patterns and declining precipitation threaten the state with increased risks of wildfires, generation of hydro-electric power, and flash flooding. These events will dominate the southern half of the state (combined risk index of 38.5), requiring siting and construction mitigation in areas such as flood zones associated with the Las Vegas Wash, Meadow Valley Wash, and White River drainages. Above-ground infrastructure is particularly prone in the north to wildfire risk in mid-elevations associated with pinyon-juniper woodlands and heavy sagebrush cover.

OSIT has collaborated extensively with several organizations, many of whom are affiliated with the Nevada System of Higher Education to understand Nevada's unique climate risks and develop strategies to mitigate these risks. OSIT will share these strategies and organizational contacts with potential subgrantees. A strategy of how OSIT will coordinate the sharing of this climate risk assessment information with potential subgrantees follows.

In order to mitigate climate risk to infrastructure, evolve disaster response capability, and strengthen local communities, OSIT will leverage partnerships with the Nevada System of Higher Education's (NSHE) science-based public services that rely on connections through and partnership with NevadaNet. Key science-based public services connected through NevadaNet include the Nevada Seismological Laboratory (NSL) wide-area microwave network for wildfire and earthquake monitoring, the NSHE Nevada Climate-ecohydrology Assessment Network (NevCAN), the Nevada State Climate Office (NCSO), and the Western Regional Climate Center (WRCC). These entities have a history of cooperation on cutting-edge technology applications to climate hazards associated with science-focused grant funding, and OSIT's broadband infrastructure construction project offers the opportunity to evolve and formalize critical infrastructure monitoring in Nevada driven by climate/environmental science expertise as outlined in the NSHE Science and Technology Plan. Core work in assessing long-term patterns as well as immediate climate hazards is ongoing in Spring Valley and the Las Vegas area, and extension of NevCAN, NSL, WRCC, and NCSO real-time monitoring capability via NevadaNet along this project corridor will be essential to detecting and communicating hazards and improving infrastructure resiliency in the face of rapid changes to flash flood event intensity, snow drought, and extreme wildfires in the local watersheds. Co-location of sensor platforms on key breakout sites, as well as strategic backhaul to the NSL microwave WAN, will evolve network resiliency for community hazard response along the corridor in case of primary service disruption.

NevadaNet, the State of Nevada's Research and Education Network that is operated by NSHE, is also engaged in pilot planning for regional climate/hydrology/wildfire monitoring and communication applications overlaid on State research and education networks, with stakeholders in the Arizona Sun Corridor Network, Utah Education and Telehealth Network, NASA, and USGS. This project will provide upgraded and diverse connectivity for planned regional climate and fire sensor networks, filling a major spatial gap in sensor coverage and connectivity in rural Nevada.

Hazard screenings for the Great Basin Desert and Mojave Desert ecosystems will take place in two stages: (1) an initial screening for climate, hydrological, wildfire, and ecological hazards by regional subject-matter-experts, performed during the first 1-4 months of the project in order to inform construction and procurement planning; and (2) a longer-term study over the project duration that integrates refined local modeling and in-situ sensing efforts with the as-built construction plans in order to provide more accurate risk estimations for long-term planning and hazard response logistics. For example, the assessment process may recommend appropriate technology or mitigation measures such as retrofitting or hardening of assets such as huts or co-location structures. The risk assessment may assess the long-term risks associated with underground versus aerial construction. In order to accomplish this, OSIT, on behalf of subgrantees, will engage the Nevada science community and related State and federal agencies. The assessment process should leverage the Nevada State Climatologist and the Western Regional Climate Center, who in turn can leverage the appropriate hydrologists, meteorologists, geologists, and ecologists for specific landscape hazards on the corridor.

For ongoing and periodic risk mitigation, there are currently three Nevada-based networks of in-situ climate and hazard monitoring systems that will be most useful to integrate into broadband infrastructure resiliency planning: the NSL earthquake and wildfire monitoring network; the NevCAN climate and ecohydrology monitoring network; and the regional meso-net maintained by WRCC. OSIT will help bring these closer together as an integrated infrastructure rather than distributed ad-hoc efforts.

The risks identified are based on scientific studies and mapping resources (see below citations) that incorporate between 10-500 years of regional climate, hydrology, and ecology data. Modeling scenarios used in the National Climate Assessment and other tools encompass 20-50 years of predictions. These data and models are the best available science for estimating 20 years of future natural hazards risk.

Climate, hydrology, and ecology monitoring networks operated by the Western Regional Climate Center and the Nevada System of Higher Education already exist in the project area and could be expanded to represent all geographic and topographic zones traversed by the infrastructure. Regionally optimized and fine-scale assessment and modeling workflows that ingest locally observed variables in the proposed service corridor could be developed as part of the initial project construction, and these hazard event probability and impact products could be continuously updated based on these long-term observations. Periodic mitigation assessment reports would be able to leverage these up-to-date maps and statistics on any time interval.

Mitigation measures include regular identification of those geographic areas most vulnerable to climate-related threats and would benefit from an initial hazard screening for current and future weather and climate-related risks. Location climate screenings, particularly with reference to construction of middle mile infrastructure passing through BLM lands, would be a precursory requirement in the pre-construction planning of any new fiber build. Prioritization of underground placement of fiber optic cable at proper depths with proper protections, unless such placement would be extraordinarily cost prohibitive, will also minimize exposure to climate events and expand the fiber infrastructure lifespan. Finally, climate assessment of the statewide infrastructure should occur over the life of the project to ensure that evolving risks are investigated, understood and addressed.

The following resources were used in assessing and constructing the Climate Resiliency Narrative:

1. National Climate Assessment 2018, Chapter 25. <https://nca2018.globalchange.gov/>
2. Nevada State Climate Summary 2022. <https://statesummaries.ncics.org/chapter/nv/>
3. Nevada Wildfire Risk Map 2022. <https://www.ncei.noaa.gov/access/billions/mapping>
4. The Nevada State Climate Office. <https://extension.unr.edu/climate/>
5. Western Regional Climate Center. <https://wrcc.dri.edu/>
6. FEMA's National Risk Index. <https://hazards.fema.gov/nri/learn-more>
7. Climate Resiliency Toolkit. <https://crt-climate-explorer.nemac.org/>
8. 5<sup>th</sup> National Climate Assessment: <https://data.globalchange.gov/figure/land-cover-change-nevada>

Additional resources:

1. USDA Wildfire Risk to Communities Maps 2020. <https://wildfirerisk.org/download/>



2. Nevada Division of Water Resources Flood Risk Portfolio Maps 2013. <http://water.nv.gov/programs/flood/hazards.pdf>
3. Clark County Wildfire and Flooding Risk Map 2022. <https://www.ncei.noaa.gov/access/billions/mapping>
4. The Nevada Climate and ecohydrology Assessment Network (NevCAN). <https://nevcan.dri.edu/>
5. The Nevada Seismological Laboratory. <http://www.seismo.unr.edu/>
6. Nevada System of Higher Education Science and Technology Plan 2020. <https://epscorspo.nevada.edu/wp-content/uploads/2020/06/NSHE-S-T-Plan-Final-6-12-20.pdf>

Locally-specific scientific papers and federal agency reports:

1. Schmidt, D. L., & Dixon, G. L. (1995). Geology and aquifer system of the Coyote Spring Valley area, southeastern Nevada. US Department of the Interior, US Geological Survey.
2. Eakin, T. E. (1966). A regional interbasin groundwater system in the White River area, southeastern Nevada. *Water Resources Research*, 2(2), 251-271.
3. Huntington, J., McGwire, K., Morton, C., Snyder, K., Peterson, S., Erickson, T., Niswonger, R., Carroll, R., Smith, G. and Allen, R. (2016). Assessing the role of climate and resource management on groundwater dependent ecosystem changes in arid environments with the Landsat archive. *Remote sensing of Environment*, 185, 186-197.
4. Cannon, S. H., Gartner, J. E., Wilson, R. C., Bowers, J. C., & Laber, J. L. (2008). Storm rainfall conditions for floods and debris flows from recently burned areas in southwestern Colorado and southern California. *US Geological Survey, Geomorphology*, 96(3-4), 250-269.
5. Mensing, S., Strachan, S., Arnone, J., Fenstermaker, L., Biondi, F., Devitt, D., Johnson, B., Bird, B. and Fritzinger, E. (2013). A network for observing Great Basin climate change. *Eos, Transactions American Geophysical Union*, 94(11), 105-106.
6. Strachan, S., Biondi, F., & Leising, J. (2012). 550-Year reconstruction of streamflow variability in Spring Valley, Nevada. *Journal of Water Resources Planning and Management*, 138(4), 326-333.
7. Devitt, D., Bird, B., Lyles, B., Fenstermaker, L., Jasoni, R., Strachan, S., Arnone III, J., Biondi, F., Mensing, S. and Saito, L. (2018). Assessing near surface hydrologic processes and plant response over a 1600 m mountain valley gradient in the Great Basin, NV, USA. *Water*, 10(4), 420.
8. Strachan, S., Mensing, S. A., Devitt, D. A., Fenstermaker, L., Lyles, B. F., & McCurdy, G. (2016, December). Observing hydroclimatic variability during the 2012- 2015 drought using a Great Basin mountain transect: elevation matters!. In *AGU Fall Meeting Abstracts* (Vol. 2016, pp. GC13E-1240).
9. Staley, D. M., Kean, J. W., & Rengers, F. K. (2020). The recurrence interval of post-fire debris-flow generating rainfall in the southwestern United States. *US Geological Survey Geomorphology*, 370, 107392.
10. Hatchett, B. J., Rhoades, A. M., & McEvoy, D. J. (2022). Monitoring the daily evolution and extent of snow drought. *Natural Hazards and Earth System Sciences*, 22(3), 869-890.

**2.11.1.1 Optional Attachment:** As an optional attachment, submit any relevant reports conducted within the past five years that may be relevant for this requirement and will be referenced in the text narrative above.

## **2.12 Low-Cost Broadband Service Option (Requirement 16)**

**2.12.1 Text Box:** Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of



residents within the Eligible Entity's jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO:

- a. All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs);
- b. The plan's basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices);
- c. Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan's rate; and
- d. Any provisions regarding the subscriber's ability to upgrade to any new low-cost service plans offering more advantageous technical specifications.

Affordability is a central tenant of OSIT's broadband deployment and digital adoption goals and strategies. If Nevadans cannot afford the monthly recurring costs of internet service, building new last-mile infrastructure is of little effect. During the planning process for the High Speed Nevada Initiative, OSIT conducted outreach and held public in-person and virtual meetings with stakeholders and members of the public in communities throughout the state, as described above in 2.3. In total, OSIT visited every county in Nevada twice, traveled over 4,000 miles in April 2023 alone, held over 130 meetings with nearly 1,000 Nevadans. Additionally, OSIT distributed surveys in both online and paper formats and captured responses from nearly 800 additional Nevadans.

Among the most common themes OSIT staff heard during the listening tour and from surveys is that the high cost of broadband service is a major adoption barrier for many Nevada residents, particularly members of covered populations. Low-income residents, who make up over 20% of Nevada households, are less likely than the general population to subscribe to a home broadband service.

Data OSIT gathered mirrors national data that indicate that cost is a primary barrier to internet adoption among low-income households. According to research from the Pew Research Center, 14 percent of US adults with incomes below \$30,000 do not use the internet at all and 43 percent of US adults with household income below \$30,000 do not have a home broadband connection.<sup>10</sup> When asked why, cost was cited as the primary barrier to having a home broadband connection.<sup>11</sup>

OSIT also asked internet service providers about affordability. Over a dozen last-mile internet service providers reported that the lack of available backhaul in many unserved and underserved markets and the high cost of backhaul where it is available were the largest impediments to offering and expanding affordable, reliable, scalable internet last-mile service to unserved and underserved regions of the State.

As a result of this feedback from providers, OSIT is investing a quarter billion dollars in thousands of miles of new middle mile network infrastructure in unserved and underserved regions of Nevada so that last-mile

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<sup>10</sup> <https://www.pewtrusts.org/en/research-and-analysis/articles/2022/04/29/how-can-the-united-states-address-broadband-affordability>

<sup>11</sup> Ibid.

internet service providers have access to affordable, reliable, scalable upstream bandwidth. Phases I and II of the High Speed Nevada Initiative are largely dedicated to expanding fiber infrastructure deeper and throughout the state.<sup>12</sup> Much of the new middle mile infrastructure will be available to providers on an open access, non-discriminatory basis at very attractive rates in order to encourage and facilitate high-speed last-mile infrastructure where it does not exist today.

Because providers will have greater access to low-cost upstream bandwidth, OSIT expects that awarded subgrantees will be able to in turn offer affordable plans to residential and business subscribers in areas funded by BEAD Program funds in order to drive adoption and uptake rates. OSIT understands that affordability is but one component of an individual decision to adopt; network reliability, access to a device, and digital literacy are all also important parts of the adoption equation. OSIT commits to working closely with awarded subgrantees to drive adoption and uptake rates with non-deployment wrap around services, including, but not limited to, Affordable Connectivity Program (ACP) enrollment assistance, digital navigator support, device access support, and digital literacy and skills trainings.

The goal of the High Speed Nevada Initiative is that every Nevadan has access to high-speed internet that is affordable, reliable and scalable. In simple terms, our universal access mandate can only be achieved when the internet services offered to consumers are affordable and desirable, and when offering those services makes business sense for a provider. OSIT is required by the IJA and the BEAD Program NOFO to define the parameters of a low-cost option, including the specific price and details of the service plan, that all subgrantees will be required to offer to residents of Nevada that qualify.<sup>13</sup> NTIA reminds states that “access to *affordable* broadband is among the Infrastructure Act’s objectives.”<sup>14</sup> The process for determining the parameters of the low-cost option consisted of conversations with Nevada residents, including those that are unserved and members of covered populations, consumer advocates, internet service providers, NTIA, and other stakeholders. The low-cost option OSIT proposes to adopt seeks to balance the needs of consumers and providers in order to successfully achieve the High Speed Nevada Initiative goal stated above.

As a first step, OSIT looked to the FCC’s affordability goal that 2% of disposable income represented the upper limit of affordability for a low-income household for broadband service, a goal that the FCC notes is similar to those of other affordability measures.<sup>15</sup> However, the FCC makes the ACP available to households with incomes up to 200 percent of the Federal Poverty Level (FPL), using household income to calculate eligibility rather than disposable income. Disposable income for a given family is reduced by taxes and is augmented by cash transfers, vouchers, and other public benefits and may therefore be difficult to accurately calculate. Eligibility for many other federal programs, including Medicaid, SNAP, TANF, WIC, Pell Grants, is based on household income. Given the ACP’s use of household income and for consistency across eligibility requirements, OSIT will use household income to determine the cost of the low-cost option. OSIT believes that using the upper income limit of the ACP to consider whether an internet service offering meets the

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<sup>12</sup> [https://osit.nv.gov/Broadband/HighSpeedNV\\_Initiative/](https://osit.nv.gov/Broadband/HighSpeedNV_Initiative/)

<sup>13</sup> <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf> See pages 66-68.

<sup>14</sup> Ibid.

<sup>15</sup> <https://docs.fcc.gov/public/attachments/FCC-16-38A1.pdf> See page 151.

definition of a “low-cost plan” would not be an accurate measure of whether the offering is affordable across the lower end of the income distribution. Thus, OSIT selected the midpoint of the 0 – 200 percent FPL distribution as the point from which to make its calculation. 100 percent of the FPL for a family of four equals \$30,000.<sup>16</sup> This dollar figure is nearly equal to the upper income limit of Nevada’s bottom household income quintile.<sup>17</sup> Using the FCC’s goal of broadband service accounting for no more than 2 percent of a low-income household’s disposable income as a guide and applying the percentage used by the FCC to the household income at 100 percent of the FPL for a family of four equals a not-to-exceed amount of \$50 per month.

Therefore, OSIT proposes to adopt the following low-cost broadband service option. All providers accepting BEAD funding, and their successors, will be required to offer the following low-cost plan to subscribers that meet the qualifications for the Affordable Connectivity Program as enacted, or its successor programs who are served with BEAD-funded infrastructure.

- **Cost**

- On Tribal Lands or in high-cost areas as determined by the FCC: \$75 per month or less, inclusive of all taxes, fees, and charges with no additional non-recurring costs or fees to the consumer.
- In all other areas, the lower of the following:
  - The cost of an existing, designated low-income plan offered by the subgrantee in non-BEAD markets that is eligible for the ACP benefit, that meets, at a minimum, all other criteria below, including speed and latency requirements, and that is inclusive of all taxes, fees, and charges if the subscriber does not reside on Tribal Lands or in a high-cost area as defined by the FCC for the purposes of the ACP, with no additional non-recurring costs or fees to the consumer; or
  - \$50 per month or less, inclusive of all taxes, fees, and charges if the subscriber does not reside on Tribal Lands or in a high-cost area as defined by the FCC for the purposes of the ACP, with no additional non-recurring costs or fees to the consumer.
- The subgrantee must commit to offer a low-income plan at this price for the useful life of the network as defined by NTIA.
- If the Affordable Connectivity Program is not reauthorized by Congress, the monthly-recurring charge for the low-cost plan for subscribers on Tribal Lands and high-cost areas must mirror those of subscribers not on Tribal Lands or high-cost areas. Under the following circumstances, the subgrantee may notify OSIT of an increase to the price of the low-cost plan:
  - If the subsidy amount of the Affordable Connectivity Program, or its successor programs, are increased by Congress, the FCC, or a successor federal agency, the

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<sup>16</sup> <https://www.hudexchange.info/programs/home/home-income-limits/>

<sup>17</sup>

<https://data.census.gov/table/ACSDT1Y2022.B19080?q=B19080:%2BHOUSEHOLD%2BINCOME%2BQUINTILE%2BUPPER%2BLIMITS&g=040XX00US32> The US Census Bureau in the most recent American Community Survey calculated the upper limit for the lowest household income quartile as \$31,463.

- subgrantee may increase the cost of the low-cost plan to match the subsidy amount.
  - Given that the monthly cost of the low-cost plan must be inclusive of all taxes and fees, if the federal, state, or local taxes imposed upon the subgrantee increase during the low-cost period, the subgrantee may notify OSIT of plans to increase the price of the low-cost plan by the amount of the tax increase.
  - Once per year, the subgrantee may notify OSIT of plans to increase the price of the low-cost plan to match an inflationary rate equal to the Consumer Price Index.
- **Other Required Low-Cost Plan Criteria**
  - Allows the end user to apply the Affordable Connectivity Benefit, or its successor programs, subsidy to the service price;
  - Provides the greater of (a) typical download speeds of at least 100 Mbps and typical upload speeds of at least 20 Mbps, or the fastest speeds the infrastructure is capable of if less than 100 Mbps/20 Mbps or (b) the performance benchmark for fixed terrestrial broadband service established by the Federal Communications Commission pursuant to Section 706(b) of the Communications Act of 1934, as amended;
  - Provides typical latency measurements of no more than 100 milliseconds; and
  - Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere;
  - In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost.

Since its inception, the Affordable Connectivity Program has helped over 252,494 households in every county in Nevada afford their monthly internet service. About 48% of eligible households have enrolled in the program, higher than the national average of 37%. Subgrantees will be required to participate in the Affordable Connectivity Program, or any successor program for any locations funded by BEAD Program funds.

The BEAD NOFO requires that subgrantees take steps to ensure that prospective customers are aware of the opportunity to participate in the ACP. These steps should be outlined in applicants' applications to OSIT for BEAD Program funds and applicants' proposed ACP awareness efforts will be among the aspects scored. Possible awareness activities include advertising (TV, radio, print, billboard, bus/taxi, mail, web, social media, etc.), ACP information prominently displayed on the homepage of the provider's website, information about ACP prominently placed on the provider's e-bills or paper bills, training for call center staff and dedication of specific staff for ACP enrollment, and participation in community events.

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

The Nevada Governor's Office of Science, Innovation and Technology (OSIT) certifies that it will adhere to BEAD Program requirement regarding mandatory subgrantee participation in the Affordable Connectivity

Program or any successor program.

## 2.13 Middle-Class Affordability Plans

**2.13.1 Text Box:** 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.

Middle-class affordability is also a central tenant of OSIT's broadband deployment and digital adoption goals and strategies. If Nevadans cannot afford the monthly recurring costs of internet service, building new last-mile infrastructure is of little effect. OSIT described its significant statewide outreach and engagement efforts above in Sections 2.3 and 2.12.1. Affordability was one of the most frequently raised topics amongst Nevadans who did not identify as low-income. As a part of its outreach and discussed in greater detail in 2.12, OSIT also met with providers regarding the lack of affordable and available backhaul and solicited written comments from providers regarding the required middle class affordability plan through its Request for Information (RFI).

As a result of this feedback from consumers and providers, OSIT developed a comprehensive middle-class affordability strategy with the following elements. OSIT believes that these three strategies will result in affordable internet service in BEAD funded areas and beyond.

- **Middle Mile:** OSIT is investing a quarter billion dollars in thousands of miles of new middle mile network infrastructure in unserved and underserved regions of Nevada so that last-mile internet service providers have access to affordable, reliable, scalable upstream bandwidth. Phases I and II of the High Speed Nevada Initiative are largely dedicated to expanding fiber infrastructure deeper and throughout the state. Much of the new middle mile infrastructure will be available to providers on an open access, non-discriminatory basis at very attractive rates in order to encourage and facilitate high-speed last-mile infrastructure where it does not exist today. Because all providers will have access to low-cost upstream bandwidth, OSIT expects that awarded subgrantees will in turn offer lower cost, more affordable plans to residential and business subscribers in areas funded by BEAD Program funds, as well as adjacent areas that are already served, in order to drive adoption and uptake rates.
- **Adoption:** OSIT commits to working closely with awarded subgrantees to drive adoption and uptake rates with non-deployment wrap around services, including, but not limited to, ACP enrollment assistance, digital navigator support, device access support, and digital literacy and skills trainings.
- **Scoring Criteria:** As outlined in Section 2.4 above and as is required by the BEAD NOFO<sup>18</sup>, OSIT will allocate points based on subgrantees' commitment to provide the most affordable price. More and less expensive packages will receive additional or fewer points based on their percentage difference from the reference package cost.

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<sup>18</sup> <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf> See page 43.

Applicants will also be required to detail how they will advertise service availability in newly connected areas.

In addition to community meetings with consumers, OSIT received robust responses to its Request for Information (RFI) regarding the BEAD program wherein OSIT inquired about the low-cost and middle-class affordability plans. OSIT also met with providers regarding affordability during the public comment process for this volume of the Initial Proposal.

OSIT is required by the BEAD program to propose a definition for a low-income plan and to propose a plan to address middle-class affordability. While the BEAD NOFO requires OSIT to define specific characteristics of the low-cost plan, such as recurring and non-recurring charges, the plan's basic service characteristics like speeds, and latency, ACP eligibility, and ability to upgrade, the NOFO does not require OSIT to define a "middle class affordability service plan offering" or prescribe a specific cost to such a plan, and OSIT has not chosen to do so. Instead, the Middle Class Affordability Plan could be termed as a strategy to meet the IJJA's affordability objective. OSIT understands clearly it does not have the authority to regulate broadband rates. The required low-cost plan detailed in 2.12 and the middle-class affordability strategy proposed above are not rate regulations but rather program requirements. OSIT setting a condition for the receipt of a grant is not rate regulation. Participation in the BEAD Program is voluntary. OSIT proposes these plans after careful consideration about how to best achieve the dual aims of robust affordability and adoption and ensuring healthy and robust markets for broadband services.

## **2.14 Use of 20 Percent of Funding (Requirement 17)**

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

- a. If the Eligible Entity does not wish to request funds during the Initial Proposal round, it must indicate no funding requested and provide the rationale for not requesting funds.
- b. If the Eligible Entity is requesting less than or equal to 20 percent of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, and how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations.
- c. If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations, and provide rationale for requesting funds greater than 20 percent of the funding allocation.

- A. OSIT is requesting 100% of Nevada's BEAD allocation be made available to Nevada.
- B. N/A- OSIT is requesting 100% of the funds.



C. Project Plan/Narrative for requesting 100 percent of Nevada's funding allocation during the Initial Proposal Round:

After significant consultation with internet service providers and other stakeholders in Nevada, OSIT requests 100 percent of Nevada's BEAD funding allocation. In order to inspire the most confidence in prospective subgrantees in the BEAD Program and High Speed Nevada Initiative, Nevada believes it needs to have the funds in its account. OSIT believes it will have a healthier and more robust, fair and competitive subgrantee selection process if prospective subgrantees have the assurance that funding will be available following award and throughout the deployment process. Further, given the short timeline to expend federal funding and complete deployments, OSIT believes that having the funds in-place upon approval of its Final Approval will expedite deployment timelines and bring better connectivity to unserved and underserved Nevadans faster than would otherwise be possible.

Use of Funds:

OSIT was awarded a \$5,000,000 planning grant (FEDERAL AWARD #32-20-B090). OSIT will not use any BEAD funding beyond its already approved initial planning funding for: administration, administrative purposes, the challenge process and/or subgrantee selection process, last-mile deployment projects, or non-deployment uses prior to the approval of Nevada's Final Proposal. OSIT accepts that NTIA will place special award conditions and restrictions on expenditure of Nevada's BEAD funding allocation and OSIT commits to abiding by those conditions and restrictions until they are lifted following the approval of Nevada's Final Proposal.

Remaining IPFR Funding Request

Given that Nevada has already received \$5,000,000, OSIT requests the remaining \$411,666,229.74 in Nevada's BEAD funding allocation.

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

Given that Nevada has already received \$5,000,000, OSIT requests the remaining \$411,666,229.74 in Nevada's BEAD funding allocation.

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

The Nevada Governor's Office of Science, Innovation and Technology (OSIT) certifies that it will adhere to BEAD Program requirements regarding Initial Proposal funds usage.



## 2.15 Eligible Entity Regulatory Approach (Requirement 18)

### 2.15.1 Text Box:

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

Nevada Revised Statutes (NRS) 268.086 and 710.147 prohibit the sale of telecommunication service to the general public by municipalities with more than 25,000 inhabitants or counties by more than 50,000 inhabitants. These statutes were enacted in 1997 and predate the passage of the IIA. As an executive branch agency under the Office of the Governor, OSIT does not have the statutory authority to waive or ignore laws enacted by the Legislature.

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

OSIT has identified the statutes it cannot waive in Attachment 2.15.1.1. With regard to how NRS 268.086 and 710.147 will be applied, municipalities and counties that do not meet the population requirements for offering telecommunication service to the general public will not be eligible to compete for subgrants. Cooperatives, nonprofit organizations, public-private partnerships, public or private utilities, public utility districts or other non-traditional providers will not be excluded from eligibility for BEAD program funds.

- 2.15.1.1 Optional Attachment:** As a required attachment only if the Eligible Entity will not waive laws for BEAD Program project selection purposes, provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the Eligible Entity Regulatory Approach template provided.

Attached.

## 2.16 Certification of Compliance with BEAD Requirements (Requirement 19)

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

The Nevada Governor's Office of Science, Innovation and Technology (OSIT) certifies that it intends to comply with all applicable requirements of the BEAD program, including the reporting requirements.

**2.16.2 Text Box:** Describe subgrantee accountability procedures, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO:

- a. Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize);
- b. The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;
- c. Timely subgrantee reporting mandates; and
- d. Robust subgrantee monitoring practices.

OSIT will follow established subgrantee accountability procedures from Phase I of the High Speed NV Initiative and other non-IIJA grant programs, including:

- Distribution of funding to subgrantees for all projects, including both deployment and non-deployment projects, on a reimbursable basis (which would allow OSIT to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize). Prior to the issuance of a reimbursement, a subgrantee completes the required reimbursement request form with all appropriate documentation and that request undergoes several layers of review by both fiscal staff and construction project management staff before a final review and approval by the OSIT Director. Thus, funding will only be approved for verified expenses directly related to work that is completed for the given project.
- In its award agreements with subgrantees, OSIT will clearly articulate performance expectations, remediation and corrective action procedures, and clear penalties for non-performance, up-to and including contract termination and clawback of funds. Subgrantees that fail to deliver the agreed upon deliverables, including connecting all required locations and meeting network speed and performance expectations will be subject to clawback penalties up to the entire amount of matching funds contributed to the project by OSIT, BEAD or otherwise. The subgrantee that fails to perform and is subject to clawback penalties shall reimburse the State the amount determined by OSIT, in its discretion. If a subgrantee fails to perform and fails to return the amount required by OSIT, the State shall assume ownership of the all funded infrastructure.
- Timely subgrantee reporting mandates- OSIT requires weekly construction progress reports, quarterly progress reports, quarterly labor requirements reports, quarterly fiscal reports, and a quarterly broadband location report in accordance with 2 CFR 200.
- OSIT will also employ robust subgrantee monitoring practices. All recipients of federal grant funding are accountable for how funds are expended, including funds that are granted to subrecipients (2 CFR 200.332). OSIT is responsible for monitoring to ensure compliance with all State and federal rules and regulations, including assigning an OSIT construction project manager for each project that will monitor weekly reports and make regular site visits as well as a fiscal manager for each project to review and confirm fiscal documentation conforms with state and federal rules. Prior to issuing an

agreement, contract or subaward, OSIT will conduct a risk assessment of the potential awardee to assess the vendor's ability to comply with Federal and state policies, statutes, regulations, project deliverables, fiscal capacity, responsibility and internal controls, administrative and reporting requirements, and to help define any additional terms and frequency of appropriate subrecipient monitoring, as well as technical assistance and outreach conducted by OSIT staff to the subrecipient. While part of the risk assessment process occurs concurrently during the evaluation process, final risk assessment documents will be time stamped, signed by the OSIT staff member(s) completing the risk assessment and incorporated into a risk assessment file for the vendor. Subgrantees will be sorted into low, medium, and high-risk categories with monitoring plans customized to the level of risk of each subgrantee. Monitoring will include frequent communication with the subgrantee, both formally during the reporting process and informally in between scheduled reports. OSIT fiscal and construction project management staff will collaborate to review requests for reimbursement with progress towards milestones verified by site visits and review of documentation of services rendered (such as invoices and receipts), completed payment by subgrantee, and comparison to the approved budget. At such time as the subgrantee considers the agreed upon project is complete and ready for provisioning of intended services, subgrantee will notify the OSIT Project Manager in writing that the final construction phase is substantially complete, submit a Final Construction Report, and request that the OSIT Project Manager issue a Certificate of Substantial Completion. OSIT Project Manager will review the Final Construction Report and may, at its discretion, conduct through an independent third party speed verification tests or other on-site inspections of construction and deployment of equipment. Following review, OSIT's Project Manager will issue a Certificate of Substantial Completion, or, if the OSIT Project Manager does not consider the work complete, said Manager will notify Subgrantee in writing giving the reasons therefor and provide a list of items to be completed or corrected.

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

The Nevada Governor's Office of Science, Innovation and Technology (OSIT) certifies that it will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

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

The Nevada Governor's Office of Science, Innovation and Technology (OSIT) certifies that it will ensure subgrantee compliance with cybersecurity and supply chain risk management requirements contained in the BEAD NOFO.

*Cybersecurity*

- 1) The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to

- the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
- 2) The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;
  - 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; 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 prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;
- 2) The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.

## 2.17 Volume II Public Comment

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

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

### **Volume II Public Comment Period**

The public comment period for Nevada's Initial Proposal Volume II lasted 30 days from September 22nd, 2023 through October 22nd, 2023.

### **Volume II Public Comment Outreach and Engagement for Public Comment Period**

Nevada's Initial Proposal Volume II was posted on the OSIT website with an overview of its contents and clear instructions for comment submission. Immediately upon posting on the website, OSIT emailed an announcement to all stakeholders notifying them of the posting and requesting comment. OSIT posted a notice of public comment in State Offices in Carson City and Las Vegas. OSIT also posted notice of the public comment period on social media. OSIT met with commenters and stakeholders upon request. OSIT also gave an overview of the proposal during various stakeholder gatherings.

OSIT accepted written comments online via an online portal posted on the OSIT website and via mail. OSIT received 20 public comments. OSIT thoroughly reviewed each comment it received. Comments included support for OSIT's proposed approach as well as suggestions for modifications. Among the topics that included both expressions of support and suggested modifications were the Low-Cost Option, the subgrantee selection process, the scoring rubric, and labor requirements. For example, some comments praised OSIT's approach to the Low Cost option and affordability scoring while others encouraged OSIT to raise the amount of the Low-Cost option or not include a dollar amount at all. Some commenters encouraged different weights for the primary scoring criteria, suggesting OSIT raise one and lower another. One commenter requested greater clarification regarding labor requirements. Commenters were more unified in their requests for changes to the Letter of Credit requirement and the requirement that plans be certified by a professional engineer.

OSIT carefully considered and weighed the suggestions against those of other commenters as well as the comments received during OSIT's community outreach and engagement during the past year. As a result of the comments received, OSIT revised the criteria for the Low-Cost option and affordability scoring, clarified the labor requirements, and added other clarifying language regarding the subgrantee selection process, middle class affordability plan, and Letter of Credit requirement. OSIT reaffirms its commitment to follow federal guidelines while conducting a fair, open, and competitive BEAD Program.