

Pre-registration Portal Questions

Question: When you upload something, you can't download and view what you've uploaded. Which makes checking your work challenging. Otherwise, it's straightforward with no errors or technical issues.

Answer: To view uploaded files, click on the Files option on the Application Workspace.

If you are using Chrome as your web browser and do not see uploaded files listed on this screen, please access the grant portal and your application through a different web browser. If you still do not see your files, please email KDC_Salesforce.Admin@ks.gov for assistance.

IA-0000000145

Application Number	Application Status	Requested Amount	Applying Organization
145	Draft		BEAD Account

Application Workspace

Files



Complete Your BEAD Pre-Registration

This is your workspace for preparing your application. Complete each section in order to submit a compliant request.

BEAD Pre-registration
Administrative

SECTION STATUS:
In Progress

Continue

BSLs/Project Funding/Eligible Locations

Question: Are you using School Districts as PFAs?

Answer: The basis for Project Funding Areas (PFAs) began with unified school districts. These have since been refined based on natural and man-made barriers, as well as feedback received on IP – Volume 2. PFAs are now lists of BSLs divided into smaller areas to facilitate more manageable and competitive applications.

Question: In the application we will need to identify these locations as non-BSL locations with no associated cost. With approximately half of the identified locations non-BSL, how does this affect the 80% rule of unserved or underserved areas? In addition, will the application be accepted with this many non-BSL locations in the proposed PFA?

Answer: Non-BSL locations are not included in the calculation of the 80/20 Rule for your applications. Non-BSL locations are not considered unserved, underserved, or served.

Question: Do you have a timeline for your BSLs?

Answer: Once NTIA approves KOBD's Challenge results, KOBD will complete deduplication. KOBD is unable to proceed until NTIA provides approval on the Challenge results.

Question: Does high cost mean the whole PFA or just a specific section is considered "high cost"?

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Answer: High Cost as designated by the FCC and the NTIA are only for specific sections of Miami and Wilson counties.

Question: With approximately half of the identified locations non-BSL (no cost), how does this affect the 80% rule of unserved or underserved areas? In addition, will the application be accepted with this many non-BSL locations in the proposed PFA?

Answer: Non-BSL locations are not included in calculating the 80/20 Rule for your applications. Non-BSL locations are not considered unserved, underserved, or served.

Question: Was there a determination on BSLs within a CAF BLS study area that are now required to build to 100/20? Will they be removed in the deduction process?

Answer: All CAFII awards were committed to the 100/20 or greater level. You can review specific locations on the [FCC map](#) and it will share what the FCC commitment was.

Question: When will the BEAD PFA/locations list and the CAI list be published?

Answer: Per Volume 2, Eligible PFA/locations list and a CAI list will be published no later than 14 days before the Technical Applications opening for applicant input.

Question: Will these PFAs and associated addresses be revised to account for the latest BDC reporting version, before the application opening?

Answer: Yes. V4 of the BDC NBM data will be used based on 12/31/2023 FCC BDC to revise eligible locations and evaluate PFA design.

Question: Will PFAs account for and remove addresses that have already been funded by prior state broadband grants?

Answer: Yes. Addresses under contract and funded by prior Kansas grant programs with a service commitment of 100/20Mbps or greater will be identified as “served” and not eligible for BEAD funding.

Question: For the census blocks used for the PFAs, are they 2010 or 2020 Census Blocks? Are the unserved and underserved BSL locations based upon the 3.2 or 4.0 release of the BDC Fabric?

Answer: V4 of the BDC NBM data will be used based on 12/31/2023 FCC BDC to revise Eligible Locations and evaluate PFA design. 2020 Census Blocks were used to assist in designing PFAs. It's important to note that while Census blocks were used to help create PFAs, they are not the PFAs themselves. PFAs are made up of unserved/underserved broadband serviceable locations.

Question: In the preliminary PFA location list, there are four columns: PFA Number, Census Block, Location ID, and BSL Classification. How can we identify the County, USD, etc.?

Answer: The Census Block field on the PFA location list can be used to identify the County and associated eligible locations. The first two positions in the Census Block field are the State code (KS=20). The next three positions identify the County.

Question: Will KOBD provide GIS files for the PFAs?

Answer: KOBD will provide GIS files for PFA boundaries with the publication of the final eligible locations list.

Question: Some of the eligible locations have been identified as barns or secondary buildings on

the property that is already served by a provider. What can be done?

Answer: Non-BSLs require a location challenge to be filed in the FCC BDC process. The NTIA and KOBD are not permitted to remove or add BSLs to the National Broadband Map. In the grant application process, applicants can identify non-BSLs and provide evidence of their FCC BDC location challenge to KOBD for evaluation. KOBD will be using v4 of the FCC BDC for publishing the eligible location list.

Question: Can you please provide me with the process to remove line connections for location IDs from the eligible location listing?

Answer: The NTIA and KOBD are not permitted to remove or add BSLs to the National Broadband Map. In the grant application process, applicants identify line connection BSLs and the associated cost to serve. Minimal BEAD outlay is the dominant scoring criterion (50%) in the scoring of applications. KOBD anticipates line connections funded through BEAD will be lower cost per BSL than extensions to more distant unserved and underserved BSLs.

Question: After reviewing the current (not final PFA list), there are several of the areas that we have built to serve that are still showing as unserved. Is there anything we can do to change the eligibility status of these locations?

Answer: The NTIA and KOBD are not permitted to change the status of BSLs within the National Broadband Map after final list of locations is released. The status of the area/location should be updated through the FCC BDC process.

Question: Are you going to publish the final list of BEAD-eligible locations in a CSV as well as in a GIS format?

Answer: Yes. We will publish a CSV file as well as a GIS file.

Question: Are the PFA maps more than 20 percent served?

Answer: PFAs are designed around unserved and underserved locations to achieve universal service mandates. Applications need to consider the 20% served locations. To maximize Minimal BEAD Outlay and minimize overbuilding of served locations, KOBD developed the 3 scenarios presented in the webinar. Please review them in the PPT linked [here](#).

Question: How will you handle updates to the FCC BDC fabric data going forward for eligible locations?

Answer: KOBD will be updating eligible locations with FCC BDC v4 fabric data before the application window opens.

Question: Is the currently available KS challenge map showing eligible locations updated to reflect the draft published PFA eligible locations?

Answer: No. The KS Challenge Map only reflects eligible locations that were published entering the Challenge Process and at this time, the data and tool would be considered out of date.

Question: Can a location in the PFA list that is showing as un/underserved, but believed to be served skew or distort the project cost?

Answer: The Grant Application requires identification of the project costs in a PFA between unserved, underserved, line connections, and served and non-BSLs to minimize distortion of project costs.

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Question: When will we know the BAG4 awards? We are working on pre-engineering some PFAs right now based on the preliminary PFA data, but one of the PFAs we are looking at could change significantly when BAG4 is awarded.

Answer: BAG 4.0 awards are targeted to be announced by the end of July 2024. KOBD will give 14 days for BEAD applicants to revise or resubmit their BEAD application because of new enforceable commitments.

Question: Is there any possibility to have the BEAD application open after the BAG 4 grants are awarded?

Answer: We are expecting Technical Applications to be open by mid-August, pending approval of KOBD's Challenge results from the NTIA.

Question: Are PFAs broken up due to features such as rivers and having to go around served areas?

Answer: Yes. In the design of the preliminary PFAs, KOBD considered obstacles such as rivers, highways, bridges, or railroads.

Question: Can you tell me what the process is if an area is built out without grant money, and we want to show that area as served?

Answer: Yes, that process was completed with Challenge. Enforceable commitments could have been shared via the Challenge Process as a "Planned Service". Any remaining locations cannot be removed. Applicants can note them in their submission for review, but they will not be considered for elimination from the PFAs.

Question: Will KOBD be doing further deduplication of Kansas' provisional lists of BEAD-eligible locations to remove previously unserved and underserved location IDs that are now served on the new map?

Answer: KOBD will be using v4 NBM for the final production of eligible locations. This map version should include FCC BDC updates through the end of 2023.

Question: Are all locations identified as line connections in the PFA zero distance from the same provider? If so, is that provider the only one who is expected to bid?

Answer: The line connection distance is measured without taking into account who the provider is. In many cases, multiple providers can provide the line connection, especially in urban areas. Any eligible entities can bid on any PFA.

Question: Do you expect to use the December 2023 data from the BDC as your final data, or is it anticipated that the next submission will be available before final awards are made?

Answer: The December 2023 FCC BDC data is the basis for the eligible location list that will be used for Volume 1 processes such as deduplication and applying NTIA-approved challenges.

Question: Will there be a further challenge process where new builds will be eliminated from eligible BSLs?

Answer: NTIA does not allow a further challenge process to update for new builds. As the FCC BDC data is updated and NTIA makes the data available, KOBD will evaluate these updates throughout the BEAD award and contract process to avoid overbuild.

Question: What are the penalties if we do not have the locations submitted under the BEAD challenge process by the completed mandated planned service date?

Answer: If locations do not fall under the definition of served by the mandated planned service date, they will be eligible for BEAD funding. When a Planned Service Challenge was submitted, the Challenger was required to certify “By signing this challenge, I certify to the best of my knowledge and belief that the challenge is true, complete, and accurate. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).” Notice should be given to KOBD immediately if the locations submitted under a Planned Service Challenge were not service-ready by 6/30/24.

Question: If I apply for three contiguous PFAs in one application, will I be able to milestone by PFA or only by the full application geography?

Answer: Milestones for each PFA. Volume 2 section 2.4.11.a., “KOBD anticipates using the forms and processes for disbursement it has utilized in previous grants including the Capital Project Fund (CPF) familiar to both KOBD and prospective subgrantees” and “KOBD will only disburse funds to a prospective subgrantee when they complete service milestones and their associated tasks for each Project Funding Area.”

Costs

Question: Can applicants purchase materials before build/award:

Answer: Applicants are allowed to purchase materials prior to the build/award, but they would assume all financial risk if the grant is not awarded.

Question: Can applicants transfer predesign costs from BAG 4 to BEAD?

Answer: Unfortunately, predesign costs are not an allowable expense for the BEAD program.

Grant Registration/Application/Reporting

Reminder: Unfortunately, answers will vary based on requirements. In some cases, you must attest to a policy, in others you need to show historical issues and resolutions. Specific questions will require the line number for an answer.

Question: Will our financial information be held confidential?

Answer: Information will be held as confidential under a completed non-disclosure agreement with KOBD.

Question: What data is posted publicly and made available once round 1 applications are submitted? What is the process once that detail is made publicly available?

Answer: The entire round 1 application will be publicly available subject to an approved non-disclosure agreement whereby confidential information will be redacted. The application will be available until awards are approved by the NTIA in the Final Proposal. There is no public comment for applications.

Question: Is your Pre-Registration portal open and when will it close or need to be completed?

Answer: The portal is open and linked [here](#). Registration is open throughout the BEAD Sub-grantee

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Application period which closes 45 days after the Technical Application opens tentatively scheduled for mid-August.

Question: Does pre-qualification require very detailed information, or is there an opportunity in the application to flush out additional details? Are all the expectations from OBD for all details in pre-registration?

Answer: The pre-qualification process does not allow for an opportunity to flush out additional details. In addition to the pre-registration details, a project specific technical application is required.

Question: Can you please confirm that #64 (Subgrantee Information, Evidence of Sufficient Operational Capabilities is applicable only if the Lead Applicant and/or Consortium Member(s) are a new broadband service provider in Kansas? In other words, is Upload #64 only required if the answer to #36 is “yes”?

Answer: You are correct, Upload #64 is only required if the answer to #36 is yes.

Question: Given that an applicant may have over 50 regulated FCC subsidiaries, can we submit an org chart that explains the holding company structure and the regulated entities?

Answer: Disclosure of FCC subsidiaries is required only if they are doing business in Kansas. FCC subsidiaries not doing business in Kansas are not required unless they are contributing resources such as labor or materials to your application. An organization chart could be supporting documentation but the information in the Pre-Registration portal is required. An organization chart can be provided as supporting documentation in addition to the portal requirements.

Question: On question 40-41 – Public Funding: Can we combine that into a single listing, or do we need to split those out per state?

Answer: Disclosure of Public Funding is only required for Kansas. Projects in other states do not require disclosure and will not be reviewed by KOBD. If you have multiple grants in Kansas, they must be listed separately.

Question: On question 41-42, previous public funding: What can we use for completion date on opportunities that are on-going, such as CAFII and RDOF, or should those not be included?

Answer: The completion date should be the projected date of completion or the due date when the award must be closed out.

Question: Question #81- When referring to the documentation of appropriate and relevant pre-existing occupational training, certification, and licensure, is KOBD looking for the actual credentialed documents or more about the process of ensuring those required credentials are obtained?

Answer: Question #81 is asking for a narrative response documenting that all members of the project workforce will have appropriate credentials, e.g., appropriate, and relevant pre-existing occupational training, certification, and licensure. This narrative should be specific to the staffing on the proposed project and exclude management.

Question: On question 107 – Does the lead organization and consortium member organizations agree to comply with relevant Executive Orders? Does this need to be Federal or State Executive

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Order?

Answer: The relevant list of Executive Orders is documented in the Pre-Registration User Guide.

Question: On question 111 – Does the lead organization and consortium member organizations agree to comply with applicable federal, state, territorial, and local wireless infrastructure siting laws and regulations? Can you please clarify what this means?

Answer: If new wireless infrastructure is deployed (for example, towers), then all applicable siting laws and regulations and the requisite approvals are required.

Question: Volume II states that a Certified Professional Engineer must certify the project capabilities with the application. Can the same Certified Professional Engineering firm project manage and oversee construction if the applicant is awarded a BEAD grant?

Answer: Yes, if awarded, the same Certified Professional Engineering firm may certify the project's capabilities for BEAD applications as well as manage and oversee the project and construction.

Question: How can I register multiple companies under my portal account?

Answer: You can use your one portal account to submit multiple registrations so that each company becomes an individual Lead Organization. This process will assign a unique registration number to each company. You will then use the unique registration number to identify which company is applying for BEAD funding as the Lead Organization when it comes time to complete the technical application.

Alternatively, if multiple companies will be applying for BEAD funding as a consortium, please only register the lead company and add any other companies as consortium members.

Question: When you go to the last link, Attestations from Consortium Members Document, it is the same document linked under the Attestation from Lead Organization. Are these meant to be the same documents?

Answer: No: They are different, but the ONLY place they are different is in **BOLD** below.

Attestation: I, [Company Contact], duly authorized by [Company Name], attests that all entries in the application **submitted by the lead organization on our behalf** are true and accurate and accepts responsibility for all commitments expressed or implied and understands any aspect of the application that is not true and accurate in any respect may preclude the applicant from receiving an award under this program.

Lead Organization copy:

Attestation: I, [Company Contact], duly authorized by [Company Name], attests that all entries in the **application are true and accurate and accepts responsibility** for all commitments expressed or implied and understands any aspect of the application that is not true and accurate in any respect may preclude the applicant from receiving an award under this program.

Question: Can you clarify #41 and 42 of the financial portions in the pre-registration?

1. Is the reference number simply any number I choose at this time, or do I need to reference something else to determine what the number is?
2. For the geography award, is there a map of the geographic areas so that this can be labeled accordingly? And is this essentially just a screenshot of the service areas?

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Answer: 1. Yes, the Geography of Award Attachment Reference Number is a 3-digit number that you choose in naming the file that shows the geographic area to be covered by the project.
2. For the geography of award for broadband (infrastructure) deployment projects, a PDF upload of the geography of each award, showing the geographic area to be covered by the infrastructure project, is required. A screenshot of service areas may be used if it meets these criteria.

Question: Please elaborate on the authorization forms we are required to sign for the labor violations disclosure. What needs to be presented and what data should be disclosed?

Answer: Please disclose any labor violations that are reported with the NLRB or any kind of financial injunctions or penalties related to labor practices

Question: Are the disclosures limited to labor violations or legal actions?

Answer: Every disclosure question is specific to the functional area. For labor, you must report filings, violations found, and settlements.

Question: What is the timeline for the disclosures?

Answer: The time period goes back 3 years.

Question: Can we go over audited financial statements? Or more so, if someone was interested in a waiver?

Answer: You must provide a document signed by a third party. Private companies should have something that indicates that these financial statements are accurate from a third party (not CFO/CPO). Page 13 of the Guide provides additional information on Audited Financial Statements.

Question: On Kansas approved IP V2, on page 44, “Pricing plans which commit to not raising rates for at least five years from the date of infrastructure deployment.” Does this mean a 5-year price freeze on all of our rate plans in Kansas? Answer: No. Pricing Plans are only applicable to BEAD-funded locations and only for the Low-Cost Option and Middle-Class Affordability pricing plans. For both pricing plans the commitment is for 2 years of price commitment with an additional 3 years with price increases not to exceed the CPI (See Section 2.12.1, pg. 85 and Section 2.13.1 pgs. 100-101 in IP – Volume 2).

Question: What is the process if an applicant who has been awarded a project under BEAD decides not to accept the award?

Answer: If an applicant decides to decline the award, KOBD will first evaluate whether another qualified application presented in the current grant round can be awarded to satisfy service in the declined PFAs. If no other qualified application is available, then the PFAs that were declined will be available in the next grant round.

Question: Are fiber IRU(s) considered capital investment and included in the grant request?

Answer: If the IRU(s) are booked as a capital cost and not an operating expense, IRU(s) may be considered in the grant request. However, BEAD mandates focus on last-mile infrastructure and not middle-mile, which we assume is the fiber IRU referenced here. At a minimum, evidence in the application must support the underlying cost of the IRU. IRUs between affiliated entities may require further investigation.

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Question: There was a reference to multiple application rounds – can you elaborate further on this concept?

Answer: BEAD mandates universal service. If all unserved/underserved BSLs are not contracted in the first round and funds are still available, subsequent rounds may be opened to fulfill universal service as well as 1G symmetrical service to CAIs.

Question: How does CAI Participation in the FCC E-Rate or Rural Health Care programs get indicated during registration?

Answer: In the Public Funding subsection, if the dropdown for CAI Participation appears, select any of the three options available. Regardless of which is selected, if any CAIs subscribing to service from the applicant participate in either of the FCC E-Rate or Rural Health Care programs, then the applicant must upload a CSV of the CAI locations indicating which ones participate in which programs, as one of the Operational Capability uploads.

Question: If there are various CAIs, some participate in E-Rate, some in Rural Health Care... How do we navigate that drop-down? We have some that include both.

Answer: In the Public Funding subsection, if the drop-down for CAI Participation appears, select any of the three options available. Regardless of which is selected, if any CAIs subscribing to service from the applicant participate in either of the FCC E-Rate or Rural Health Care programs, then the applicant must upload a CSV of the CAI locations indicating which ones participate in which programs, as one of the Operational Capability uploads.

Question: Are dollars spent before the grant applications are filed in PFA's recoverable in the grant applications?

Answer: If the dollars are spent on the preparation of the grant application, no, they are not recoverable through BEAD.

Question: If a company bids on multiple PFAs on a single application, but is only awarded one, can the company turn down the one that is awarded?

Answer: Yes. If an applicant decides to decline the award, KOBD will first evaluate whether another qualified application presented in the current grant round can be awarded to satisfy service in the PFAs that were declined. If no other qualified application is available, then the PFAs that were declined will be available in the next grant round.

Question: The cost breakdown is for all four categories, correct?

Answer: Correct

Question: Is a letter of credit required for each application or at the time of award? If at the time of application, is a "blanket" LoC for all applications acceptable?

Answer: Commitments for a Letter of Credit or Performance Bond on issuers' letterhead are required at the time of application and a letter of credit is required for each application per the NTIA. When BEAD awards are contracted, an executed Letter of Credit or Performance Bond is required. See 2.4.11.b on page 43 of Kansas' approved Volume 2. In addition, further NTIA guidance with letter of credit options and requirements can be found at: <https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>.

Question: Regarding the 80/20 NTIA rule, there's a scenario where applicants are crossing served areas to access unserved locations. What steps will be implemented to guarantee that the funding allocated for the 80% does not inadvertently spill over into overbuild budgets?

Answer: In the grant application process, detailed network design and costs will be required of the applicant. KOBD will review the design and costs to ensure excessive fiber assets, splice boxes, manholes, electronics, etc. are not in the design or costs to serve a served area they are crossing. This does not restrict the applicant from serving the served area with private investment, but it will not be funded through BEAD. Field audits during and after construction will also be conducted to verify the cost reimbursement does not include costs for served BSLs.

Question: What kinds of reports are required for:

36.a Qualified operating or financial reports that were filed with the relevant financial institution or regulatory agency during the two years prior to the date of application. The PDF must follow this file name format: BEAD01_00_Reports_2_4_15d., and

36. b Auditor's Statement must include the audited financial statements and the auditor's opinion. The PDF must follow this file name format: BEAD01_00_Auditor_2_4_15d.

Answer: Please provide reports that break out the balance sheet and income statement, accompanied by an auditor's statement for each company you are applying for. If that information is filed with KCC, we can evaluate its acceptability.

Question: For Question #37, our response could be more than three pages, is there an opportunity to provide more than three pages?

Answer: No, unfortunately three pages is the limit.

Question: On Question #38 can we add supplemental documentation, instead of listing out all 250+ entities we have, as that will be over the 80-character limit?

Answer: You will only list the entities doing business in Kansas or supporting business in Kansas. The table in Question #38 is the detail required for each entity. Once a table has been completed and saved, additional entities can be added by clicking, "New," for each additional table needed.

Question: On Question #108: "Does the lead organization and consortium member organization agree to comply with relevant Executive Orders?" – Can you please share what KOBD considers a consortium?

Answer: A consortium is a formal agreement of two or more parties that will partner on a project application. Vol. 2 section 2.4.1, "KOBD welcomes applications from consortiums of qualified applicants that wish to partner to cover specific Project Funding Areas. In a consortium application, one member must be designated as the recipient of the award, taking responsibility for all agreements and enforceable commitments outlined in this document and required by KOBD and NTIA. Any participant of the consortium must provide all qualification information regardless of the level of their participation in the consortium."

Question: Please clarify what exactly the state is looking for under the Management Operations and Technical Disclosures section numbers 46-48. Are you looking for the organizational chart for each

subsection or a full narrative outlining the roles/responsibilities of people in this section? The Vol 2 Reference section on page 17 of the guide seems to indicate organization charts but the breakouts for 46-48 seem to indicate a narrative and I want to be sure we provide the accurate documentation.

Answer: Both an organization chart and a descriptive narrative detailing the roles of each functional area are required. The goal is to indicate a comprehensive ability to technically plan and effectively operate post-installation. This structure will be used in conjunction with your responses on committed service intervals, repair response times and conflict resolution to ensure comprehensive capabilities.

Question: What is the process if there is a location determined to be invalid post-award? Is it correct to assume the awardee would not be obligated to build to an invalid location if it is deemed truly invalid later in the process?

Answer: During the application process, applicants will be asked to identify non-BSLs and provide evidence of a location challenge with the FCC BDC. In the application, you can indicate those non-BSLs in your location count, but we would expect to see them zero-priced in the proposal. Using this method, we can “match” the BSL count expected by NTIA while minimizing BEAD outlay. We are hopeful that FCC challenges made now will be captured in the next version of the NBAM to normalize the count before award and contracting. We are seeking NTIA confirmation that this process will be accepted in the Final Proposal required before awards.

Question: What happens if a BEAD-funded non-BSL is discovered after fieldwork has begun?

Answer: The effect of discovering non-BSLs after fieldwork has begun is dependent upon how that location was BEAD-funded under contract. Due to the detail required on the tech app, your award will be adjusted downward on a pro-rata basis. Based on the service classification of the BSL, and funding requested for such, KOBD will decrease your award based on a pro-rata of that amount. KOBD encourages identifying these locations before funding is awarded to prevent funding from being adjusted downward. KOBD recommends submitting FCC BDC challenges whenever such locations are discovered, before award, at contracting and during deployment. Each will be addressed on a case-by-case basis.

Question: In Vol 2, there is a requirement to identify CAIs as an E-rate or RHC customer. Why is this information needed instead of details on the ISP participation in E-Rate/Rural Health Care?

Answer: This information is for the Public Funding disclosure to share CAIs participating in the FCC E-rate and Rural Health Care programs showing your company as the provider. You should have billing and service records whether you are paid directly by USAC or the CAI is paid and then pays you.

Question: Are we required to comply with Davis-Bacon requirements?

Answer: Applicants must indicate their compliance or non-compliance with Davis-Bacon and provide evidence supporting their response.

Question: We are working through our subgrantee application, and we have some questions regarding Labor & Workforce Questions 83 & 84. Question: Our process is to bid out these jobs to comply with cost regulations and other factors, so we do not have an entity that we plan to contract and subcontract with at this point. We do have companies that generally we use and have been awarded contracts in the past but there is no guarantee that these companies will apply for the project RFPs that will be related to the BEAD projects.

Answer: Please respond indicating the roles for which you will use subcontractors (and the number required) and show best practices employed to make selections. It is understood those agreements may

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not be in place at application, but they would be expected to be identified during contracting if awarded. The questions on the applications are to attest to fair and transparent hiring practices, use of DBEs, where possible, and compliance with all labor laws at the state and federal levels.

Question: Question #84- It may not be possible to know the work required for each potential project at this phase of the application/project process as each project is bid individually based on that project's specific details.

Answer: A detailed network design, component locations and material/labor estimates are critical in evaluating all grant applications and are required based on Volume 2.

Question: Could you provide detailed guidance on how the V2 requirements correlate with the pre-registration criteria, specifically concerning workforce policies 88 (b-e). The pre-registration criteria specify that we are required to commit to points (a-e) and must affirm this in the portal. However, the V2 requirements state that applicants must only detail company policies or resources related to these policies. Can you confirm that subgrantees are not obligated to click "YES" for any of the items in 88?

Answer: You are not obligated to click "YES". However, regardless of the Y/N answer, details of company policies or resources are required.

Question: Prevailing Wage Requirement: Is the State planning to impose a prevailing wage requirement for this project? If so, could you elaborate on the specific guidelines or regulations?

Answer: No. Kansas is not imposing a prevailing wage requirement for project. Kansas is required under NTIA requirements to gather the information.

Question: If there is a non-priority broadband project submitted in round 1 but not a fiber application, will you be awarding the non-priority project in round 1 or wait until round 2 until you've fully identified if there are any fiber-based projects?

Answer: A non-priority broadband project may be funded in all rounds of BEAD.

Question: What are some of the expectations for the project design requirements?

The application asks for a level of detail, costing, and equipment required that is developed at the time a fully engineered project is created. The expenses of developing fully detailed engineering plan isn't incurred until after we are certain that a project would be built/is awarded. For example: Location of components to determine ease of provisioning, power supplies, electronics, lasers, etc., cabling, vaults, etc.; any needed central office equipment, remote huts, etc. This information is determined at the time of final design after a walk through.

Answer: Fully detailed engineering plans are required for the BEAD Grant Application. "As-built" costs will be required for disbursement of funds including final close out of the grant award.

Question: Disclosure of certain costs (per unit material costs) which are confidential to the vendor, cannot be disclosed without securing approval from the vendor. Can we provide a higher-level estimate based on our historical costs for deploying similar projects with our contractors and vendors?

Answer: You can sign a Non-Disclosure Agreement with KOBD and treat the vendor as confidential. A higher-level estimate will not be permitted, but historical costs can be used.

Question: On the fixed amount subawards and cost principles, please clarify to understand how the award would be treated for reimbursement, compliance, and cost principles. For example, if the award is treated as a fixed amount subaward, there is an exemption from procurement standards in Part 200, alternative requirements for the property standards and cost principles do not apply. And for reimbursement, are you simply reviewing the invoices to confirm that materials and labor is being expended (a spot check vs receiving every invoice) or are you only reimbursing on the amount that is expended?

Answer: NTIA has released the results of exceptions filed to CFR 200 for BEAD grants. KOBD will be awarding fixed amount subawards. Reimbursement will be done based on service milestones and the accompanying proof of cost for materials and labor. Field visits to spot check completion will be made by KOBD.

Question: Please provide clarity on segregating the costs between unserved, underserved and served locations within the PFA as it pertains to the 80/20 rule?

Answer: *Costs per se are not applicable to the 80/20 rule.* The 80/20 rule applies to unserved, underserved, and served locations in your application. No more than 20% of the locations in PFA application can be classified as served on the final eligible locations list.

Question: Are we required to post the letter of credit upon application, award or contract execution? Can you confirm the amount of the letter of credit is 25%, the match amount, or the project total? If a letter of credit is required on application, would you instead accept a correspondence letter that states we have financial standing sufficient to cover all of our application commitments in the event we are awarded or execute the contracts to meet our BEAD commitments?

Answer: A commitment for Letter of Credit or Performance Bond are required at the time of application and the amount required is not less than 25% of the award amount. A correspondence letter will not meet NTIA requirements. Commitments for a Letter of Credit or Performance Bond on issuers' letterhead are required at the time of application and a letter of credit is required for each application per the NTIA. When BEAD awards are contracted, an executed Letter of Credit or Performance Bond is required. See 2.4.11.b on page 43 of Kansas' approved Volume 2. In addition, further NTIA guidance with letter of credit options and requirements can be found at: <https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>

Question: Can mainline fiber costs for bypass of served locations be included in the unserved and underserved location costs?

Answer: The fiber costs must reflect fiber counts to serve **only** the unserved and underserved locations with sufficient redundancy. Excess mainline fiber to potentially serve served locations with additional private investment in the future will not be funded by BEAD.

Question: As we work through our application and submit it – is there a chance to cure or revise if there is anything in the application where the state needs clarity or if there are problems?

Answer: Yes. As registration and technical applications are reviewed by the KOBD team, if the team identifies deficiencies in the information provided, you will be notified and have three days to provide changes.

BEAD FAQ Resources – Updated 10/03/2024

Question: In terms of designing to locations within PFAs, if there is a qualifying location, that is an unlivable shack, are we required to design it. If so, it will reflect elevated cost, and require more design time.

Answers: Non-BSLs should not be included in your design. Report the location as a non-BSL with \$0 cost and provide the FCC BDC filing you must make to classify the location as a non-BSL from being a qualified location.

Question: How far back do we need to go on public grant reporting – is it the same last three years or do you want the full history?

Answer: The reporting period is not a concern. The reports must show the grant is producing speeds at 100/20 or better. It is a speed concern, not a timeframe issue.

Question: What about state-level grants that are still using federal funds? All of our grants are 1 Gbps over 50 but we go back as far as 2016. Do you want all that information?

Answer: We only need to see the grants awarded at the current or better-qualified speed of 100/20 Gbps.

Question: If a grant was awarded in other states, and the area was privately built out before the grant contract was complete (we did not build nor take the award), should those awards be included?

Answer: Claw back is *only* when you receive money, and you don't satisfy the terms and conditions of your contract and the state then files for you to return the grant monies disbursed. If the time frame to complete the contract has not expired and no filing has been made by the state or federal authorities, you do not need to include it.

Question: Does pre-qualification require very detailed information, or is there an opportunity in the application to flush out additional details? Are all the expectations from OBD for all details in pre-registration?

Answer: The pre-qualification process does not allow for an opportunity to flush out additional details. In addition to the pre-registration details, a project specific technical application is required.

Question: With the discontinuance of ACP, is the “number of subscriptions under ACP” information still needed?

Answer: Yes, please report your “end of program” subscriptions.

Question: 2.4.11a-2.4.11d – we normally provide 10ks for these questions, but this is requesting a letter of credit commitment or bid bond, would a narrative work in this case to show commitment?

Answer: No. A Letter of Credit or Performance Bond are required by the NTIA. A narrative will not satisfy the requirement. A commitment for a Letter of Credit or Performance Bond are required at the time of application and the amount required is not less than 25% of the award amount. A correspondence letter will not meet NTIA requirements. Commitments for a Letter of Credit or Performance Bond on issuers' letterhead are required at the time of application and a letter of credit is required for each application per the NTIA. When BEAD awards are contracted, an executed Letter of Credit or Performance Bond is required. See 2.4.11.b on page 43 of Kansas' approved Volume 2. In addition, further NTIA guidance with letter of credit options and requirements can be found at: <https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>

Question: Can you please clarify what it means to agree to comply with applicable state laws and regulations of the Kansas Corporation Commission?

Answer: Any state laws assigned to and regulated by the Kansas Corporation Commission applying to qualified broadband service. The KCC does not regulate broadband Internet, Voice over Internet Protocol (VoIP) or wireless telecommunications services.

Question: Is a vendor change allowed after a Kansas BEAD application is submitted? When would it no longer be possible to change equipment vendors?

Answer: There is no requirement that applicants provide information on their equipment vendors. Equipment vendors may change if the equipment still provides the speeds required under BEAD.

Question: Will the ISP applicants be public knowledge? If so, at what point in the process do they become public?

Answer: In accordance with Vol. 2 Section 2.4.1, “The BEAD Subgrantee Application Process will remain open for applications for 45 calendar days. No later than 10 business days following this submission deadline, KOBD will post all applications and submitted materials for each application on the KOBD webpage. All protections offered by the Kansas Open Records Act (KORA) to prevent disclosure will be applied. These exceptions can be found in K.S.A. 45-221 (1,12,20,30,32, and 45.)” The entire round 1 applications will be publicly available subject to an approved non-disclosure agreement whereby confidential information will be redacted. The application will be available until awards are approved by the NTIA in the Final Proposal.

Scoring

There will be more about scoring evidence in the application guide, along with a technical application guide that will provide details on requirements and line-by-line mapping of the scoring matrix.

Question: Could you expand on your community engagement scoring and what KOBD is looking for full points vs partial?

Answer: Partial points would be an email that says we have support from this community, but there is no supplementing documentation.

Full points would include detailed documentation regarding meeting info, such as attendees, agendas, and discussion items. We need documentation that supports intentional meetings to discuss plans and commitments for verification. You do not need to capture video or pictures.

Letters of support must be signed by a board or a person in charge of whatever organization is writing it. Must be on entity letterhead. If you are going to a county commission and have a board action item supporting you, or if a county commissioner signs a letter, that would meet criteria.

Question: Are all required forms/ templates accessible on website?

Answer: They are on this website on the dropdown, “BEAD Infrastructure Applicant Information (portal + documents + PFAs).”

Question: Does pre-registration play any role in application scoring? The way I interpret the scoring, it holds more weight on the technical application and very little weight on the pre-registration portion. The pre-registration portion is just to prove the applicant is capable to follow rules and to comply with requirements. Is that an accurate reading?

Answer: Yes. The technical portion of the grant application has most of the point value in the Scoring Rubric. Most of the pre-registration are gating factors to the technical application.

Question: 2.7.2 on labor agreements and the use of subcontracted workforce for construction-based projects. The guide discusses binding commitment, sub-granting, and acceptance of grant awards using a directly employed workforce as opposed to a subcontracted workforce. With larger projects and our small plant size in Kansas compared to other states, they will be heavily subcontracted. Does that affect our application?

Answer: There is no point-scoring differential on that. This is solely for record keeping and for data to show how the workforce is comprised and any applicable rules and regulations that are applicable to workforce groups.

Question: Can you share how the Speed to Deployment and ISP obligations will be enforced?

Answer: Regarding concerns about ISPs meeting their obligations within a specified timeframe, KOBD grants will be contracted based on the grant application. If the deployment timeline is not met, KOBD will investigate, explore available options, and determine the best path forward. The primary goal of the BEAD initiative is to connect all Kansans quickly. As with other KOBD grants, if obligations are not met, the award may need to be withdrawn.

Timeline

Question: What is the official BEAD build/deployment timeline?

Answer: All builds must be completed within four years of the subgrantee receiving the subgrant from KOBD. Here's the language from the NOFO (page 43) All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the Eligible Entity. Eligible Entities must give secondary criterion prioritization weight to the prospective subgrantee's binding commitment to provide service by an earlier date certain, subject to contractual penalties to the Eligible Entity, with greater benefits awarded to applicants promising an earlier service provision date.