



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

Benefit of the Bargain Round

Solicitation No.2026-MBI-03

Issued July 11, 2025

**Updated July 29, 2025**

Applicants are encouraged to review this Solicitation and the application template thoroughly before starting the application process. Doing so will help Applicants understand the requirements for the application and the key factors considered in the evaluation and increase the likelihood of submitting a successful Application.

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# Change Log

- July 16, 2025
  - Sections 1.2 and 3.1 – Updated the description of the BEAD Program.
  - Sections 4.5 and 5.3.1 – Deleted the requirement for an Applicant to submit cost estimates and justifications for exclusion of broadband serviceable locations that are excessively high-cost or would otherwise make the project economically unviable for the technology being used.
  - BEAD Benefit of the Bargain Application – Deleted the requirement for an Applicant to submit cost estimates and justifications for exclusion of broadband serviceable locations that are excessively high-cost or would otherwise make the project economically unviable for the technology being used.
  - Proposed BEAD BSL List – Deleted the columns and fields requiring an Applicant to submit cost estimates and justifications for exclusion of broadband serviceable locations that are excessively high-cost or would otherwise make the project economically unviable for the technology being used.
- July 21, 2025
  - Sections 1.1 and 4.6.2 – Added date and time of second Technical Office Hours.
  - Section 4.5 – Added reference to list of ineligible and provisionally ineligible locations posted by MBI. Also added reference to NTIA guidance on community anchor institutions.
  - Sections 5 and 8 – Clarified impact of NTIA’s BEAD Restructuring Policy Notice on MassTech’s review of applications submitted in response to this solicitation. Reference to implementation of guidance issued by NTIA on review of Applications was also added in Section 5.
  - Section 5.1 – Clarified that the submission of Proposed BEAD BSL List and Proposed BEAD CAI List (if applicable) is part of the Threshold requirements.
  - Section 6.2 – Clarified the Evaluation Committee’s review of Priority Broadband Project Applications.
- July 29, 2025
  - Section 1.1 – Revised the application deadline. The BEAD Benefit of the Bargain Round will close on Thursday, July 31, 2025, at 11:59 p.m. EDT.
  - Section 5.3.2 – The requirements for the narrative that Applicants requesting Priority Broadband Project status must submit to MBI have been revised. The updated Priority Broadband Project narrative requirements are described in Section 5.3.6.
  - Section 5.3.3 – Updated the network certification requirements to align with the revised Priority Broadband Project narrative requirements in Section 5.3.6.
  - Section 5.3.6 – Updated the Priority Broadband Project narrative requirements to provide a second narrative option for Applicants to demonstrate that their proposed networks can meet the requirements for Priority Broadband Project status.
  - Section 6.2 – Deleted the reference to the 1 Gbps/500 Mbps performance standard.

# 1. Solicitation Information

## 1.1. Solicitation Schedule

*Table 1: Solicitation Schedule\**

Activity	Date
BEAD Benefit of the Bargain Round Opens	July 11, 2025
Technical Assistance Office Hours	July 15, 2025, at 1:00 p.m. EDT <a href="#">July 22, 2025, at 2:00 p.m. EDT</a>
Questions Due	July 16, 2025, at 5:00 p.m. EDT
Q&A Document Posted	July 18, 2025
BEAD Benefit of the Bargain Round Closes	<a href="#">July 31, 2025, at 11:59 p.m. EDT</a>
*All RFP schedule descriptions and dates are tentative and subject to change.	

Applicants are encouraged to review this Solicitation and the application template thoroughly before starting the application process. Doing so will help Applicants understand the requirements for the application and the key factors considered in the evaluation and increase the likelihood of submitting a successful application.

## 1.2. Solicitation Objectives

The Broadband Equity, Access and Deployment (“BEAD”) funding program in Massachusetts aims to provide universal broadband access ~~and support digital equity initiatives~~. The goal is that by the end of the BEAD Program, Massachusetts will achieve universal broadband access, serving all unserved and underserved broadband serviceable locations (BSLs), using reliable broadband technology at speeds of at least 100 Mbps / 20 Mbps.

## 1.3. Massachusetts Technology Collaborative and the Massachusetts Broadband Institute

The Massachusetts Technology Collaborative (“MassTech”) is an independent public instrumentality of the Commonwealth of Massachusetts chartered to serve as a catalyst for growing its innovation economy. MassTech brings together leaders from industry, academia, and government to advance technology-focused solutions that lead to economic growth, job creation, and public benefits. For additional information about MassTech and its programs and initiatives, please visit our website at [www.masstech.org](http://www.masstech.org). Massachusetts Broadband Institute (“MBI”), a division of MassTech, serves as the broadband office for the Commonwealth of Massachusetts. The primary mission of MBI is to extend affordable, robust, high-speed internet access to homes, businesses, schools, libraries, medical facilities, government offices and public places across Massachusetts. For more information about MBI and its programs and activities generally, please visit the website at [massbroadband.org](http://massbroadband.org). Program funds are governed by the Commonwealth and federal regulations and guidance.

MassTech will be the contracting entity on behalf of MBI for the purposes of this Program, and (except where the specific context warrants otherwise), MBI and MassTech are collectively referred to as “MassTech Collaborative” or “MassTech”. Funding Agreements will contain certain standard provisions, including mandatory federal flow down provisions.

## 2. Key Information

This document outlines the information required for the Project Applications for the Massachusetts BEAD funding program. The National Telecommunications and Information Administration (“NTIA”) released a BEAD Restructuring Policy Notice on June 6, 2025, that implements substantial changes to the BEAD Program, including changes that impact the BEAD subgrantee selection process. NTIA is requiring each state to conduct a “Benefit of the Bargain” grant round that complies with the updated BEAD Program requirements. This solicitation aligns with and implements the updated BEAD Program requirements.

Applicants who did not previously successfully complete either (1) MBI’s online BEAD Pre-Qualification Process; or (2) the qualification portion of MBI’s BEAD Deployment Round 1 Solicitation must do so before they can proceed with submitting Project Applications. After submission of the BEAD Qualification Application, applicants will be prompted to begin their Project Applications. The guidelines for completing the Qualification Application can be found [here](#).

The list of organizations that have been qualified as of July 9, 2025, may proceed directly to submit Project Applications is as follows:

- Archtop Fiber LLC
- Comcast
- CoxCom LLC
- IBT Group USA, LLC
- Mashpee Wampanoag Tribe
- OpenCape Corporation
- South Hadley Electric Light Department (SHELD)
- Verizon

## 3. Program Background

### 3.1. Program Overview

The National Telecommunications and Information Administration’s (NTIA) BEAD Program provides \$42.45 billion to expand high-speed internet access across the U.S. states and territories. The Commonwealth of Massachusetts has been allocated BEAD funding totaling \$147 million to support expansion of broadband access to Unserved and Underserved Locations. The Executive Office of Economic Development (EOED), working in close collaboration with MBI, is managing the Commonwealth’s BEAD funding. EOED is the prime recipient and responsible for the delivery, reporting, and compliance related to the funding. The BEAD program in Massachusetts aims to provide universal broadband access ~~and support~~ **digital equity initiatives**. The goal is that the BEAD deployment program will achieve its 100% availability goal.

## 3.2. Key Definitions

The following definitions are applicable to the BEAD Program:

Applicant: An entity that has submitted an application seeking funding for one or more Projects.

Broadband; Broadband Service: The term “broadband” or “broadband service” has the meaning given the term “broadband internet access service” in Section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation, meaning it is a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service. This term also encompasses any service that the Federal Communications Commission (“FCC”) finds to be providing a functional equivalent of the service described in the previous sentence or that is used to evade the protections set forth in this part.

Broadband-Serviceable Location (BSL): The term “BSL” means a business or residential location in the United States at which fixed broadband Internet access service is, or can be, installed.

Broadband Data Collection (BDC): The term “BDC” refers to the methodology and systems the FCC uses to collect broadband availability, subscription, and bulk crowdsourced/challenge data for use in the Commission’s broadband mapping program.

Broadband DATA Maps: The term “Broadband DATA Maps” means the maps created by the Federal Communications Commission under Section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. § 642(c)(1)).

BSL Eligibility List: A list of all unserved and underserved BSLs that are presumptively eligible for funding (hereinafter referred to as the “BSL Eligibility List”), based on results from the BEAD challenge process and subsequent updates including but not limited to funding commitment updates.

Commission: The term “Commission” means the Federal Communications Commission.

Community Anchor Institution (CAI): The term “Community Anchor Institution” means an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.

Director/Officer Level Employee: The term “Officer/Director-level employee” of an Applicant or Subgrantee may include roles such as President, Chief Executive Officer, Chief Financial Officer, Treasurer, or equivalent position

Key Project Personnel: The term “Key Project Personnel” means all personnel who are likely to have a role on the potential broadband Project(s) to be funded by this grant award, including but not limited to, a chief technology officer, Project engineer, and contractor oversight team.

Non-Priority Broadband Project: The term “Non-Priority Broadband Project” refers to a project which does not meet the definition of “Priority Broadband Projects” but does meet the minimum speed and latency requirements of the BEAD Program of broadband service at a speed of not less than 100 megabits per second for downloads, a speed of not less than 20 megabits per second for uploads, and latency less than or equal to 100 milliseconds.

Overbuild: The construction of broadband infrastructure that passes or otherwise makes broadband service available to location(s) that are not Unserved or Underserved. For example, a second fiber line built to a location that is not an Unserved or Underserved Location is considered an Overbuild.

Program: The term “Program” means MBI’s Broadband Equity, Access, and Deployment Grant Program.

**Priority Broadband Project:** The term “Priority Broadband Project” means a project that provides broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency less than or equal to 100 milliseconds, and can easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment of 5G, successor wireless technologies, and other advanced services.

**Project:** The term “Project” means an undertaking by a subgrantee to construct and deploy infrastructure for the provision of broadband service. A “Project” may constitute a single Unserved or Underserved broadband-serviceable location, or a grouping of broadband-serviceable locations as prescribed by MBI.

**Project Service Area (PSA):** A “Project Service Area” is the geography in which an Applicant may propose to provide broadband services. A PSA is a single municipality. An Applicant may apply for one or more PSAs as part of this solicitation.

**Qualifying Broadband Service:** “Qualifying Broadband Service” to a BSL is Reliable Broadband Service with (i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds; “Qualifying Broadband Service” to a CAI is Reliable Broadband Service with a speed of not less than 1 Gbps for downloads and uploads alike and latency less than or equal to 100 milliseconds.

**Reliable Broadband Service:** The term “Reliable Broadband Service” means broadband service that is accessible to a location via: i) fiber-optic technology (BDC technology code 50), ii) cable modem/hybrid fiber-coaxial (HFC) technology (technology code 40), iii) terrestrial fixed wireless technology utilizing entirely licensed spectrum (includes spectrum licensed by rule), iv) terrestrial fixed wireless technology using a hybrid of licensed and unlicensed spectrum (technology codes 71 and 72), or v) terrestrial fixed wireless technology utilizing entirely unlicensed spectrum, or vi) low earth orbit (“LEO”) satellite services).

**State:** The term “State” means, for the purposes of the BEAD Program, any State of the United States, the District of Columbia, and Puerto Rico. In this case, the Commonwealth of Massachusetts.

**Subgrantee/Subrecipient:** The term “Subgrantee” or “Subrecipient” means a non-federal entity that receives a subaward for the purpose of carrying out part of a federal award. An entity that receives BEAD grant funds from the Commonwealth of Massachusetts to carry out eligible activities shall be deemed to be a Subrecipient and shall be subject to the provisions of the federal Uniform Guidance (see 2 CFR Part 200) applicable to Subrecipients.

**Underserved Location:** The term “Underserved Location” means a broadband-serviceable location that is (a) not an Unserved Location, and (b) that the Massachusetts BEAD program eligible locations map show as lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.

**Unserved Location:** The term “Unserved Location” means a broadband-serviceable location that the Massachusetts BEAD program eligible locations map show as (a) having no access to broadband service, or (b) lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 25 Mbps for downloads; and (ii) a speed of not less than 3 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.

### 3.3. Important Links and Guides

The BEAD Grant Program is governed by state and federal rules, statutes, and regulations. All Projects must be managed in accordance with all applicable rules, including but not limited to the U.S. National Telecommunications and Information Administration - Broadband Equity Access and Deployment Program guidance. MBI recommends reviewing these documents before beginning an application.



- MBI BEAD homepage: [Broadband Equity Access & Deployment \(BEAD\) Program | MBI](#)
- [Updated BEAD Qualification Guide](#)
- [NTIA Broadband Equity Access and Deployment Program](#)
- [NTIA Notice of Funding Opportunity](#)
- [NTIA BEAD Restructuring Policy Notice \(Dated June 6, 2025\)](#)
- [BEAD Resource Index](#)
- [Tailoring the Application of the Uniform Guidance to the BEAD Program | BroadbandUSA](#)
- [List of High-Cost Areas](#)
- [BABA Act requirements](#)
- [BABA Final Waiver](#)
- [EPA.gov | BABA Approved Waivers](#)
- [Commerce.gov | BABA Waivers, FAQs, and Related Information](#)
- [BABA Compliance and Self Certification](#)
- [NEPA | National Environmental Policy Act](#)
- [National Historic Preservation Act | Advisory Council on Historic Preservation](#)
- [Guidance on NTIA National Environmental Policy Act Compliance](#)
- [Environmental & Historical Preservation Fact Sheet](#)

## 4. Application Process – General Information

### 4.1. Applicant Eligibility

The following types of entities may apply for BEAD grants:

- Private companies (e.g., corporations, limited liability companies, general partnerships, limited partnerships, etc.)
- Local governmental entities (e.g., municipalities or municipal light plants that offer broadband service)
- Tribal Governments
- Nonprofit organizations
- Co-operatives, electric co-operatives, and public or private utilities
- Public utility districts
- Public Private Partnerships, which are long-term agreements between local government entities and private entities for the delivery and funding of broadband services
- Other entities that develop and/or operate broadband networks and can demonstrate the experience, capacity and financial resources and stability to satisfy the grant obligations.

## 4.2. Eligible Costs

Grant recipients may only use federal award funds, and any non-federal cost share committed to an award to pay for allowable costs under the BEAD Program. Allowable costs are determined in accordance with the cost principles identified in 2 C.F.R. Part 200, including Subpart E of such regulations for States and non-profit organizations, and in 48 C.F.R. Part 31 for commercial organizations (the government has established a set of principles for determining eligible or allowable costs; allowable costs are determined in accordance with the cost principles applicable to the entity incurring the costs (for example, the allowability of costs incurred by State, Territorial, local or Federally)) as well as in the grant program’s authorizing legislation. In addition, costs must be reasonable, necessary, allocable, and allowable for the proposed Project or other eligible activity and conform to generally accepted accounting principles. Funds committed to an award may only be used to cover allowable costs incurred during the period of performance and for allowable closeout costs incurred during the grant closeout process.

**Categories of eligible Project costs include but not limited to:**

- Make ready
- Design and engineering
- Permitting and regulatory compliance, including environmental, historical, and cultural reviews, building, and electrical
- Network equipment, fiber/cabling, facilities and materials
- Construction and installation
- Customer Installation Costs, Including Long Drop, Non-Standard Customer Installation costs - Applicants may request funding to cover the cost of “standard” and “non-standard” customer installations. A “non-standard” installation requires the customer to contribute to the upfront, non-recurring cost of the installation. The customer installation is defined as the broadband infrastructure service (aerial or conduit) running from a backbone or lateral fiber optic cable to an unserved or underserved BSL in a proposed PSA.
- Incidental Overbuild costs – The Applicant must demonstrate that the proposed overbuild portions of the Project are the most cost-effective and necessary approach to reaching unserved or underserved BSLs. Incidental overbuild costs cannot exceed 15% of the total Project cost.
- Qualifying Multiple Dwelling Unit costs
- Leases for terms longer than one year of facilities including IRU agreements and capital leases
- Personnel costs required for carrying out the capital Project
- Costs associated with monitoring and reporting in compliance with NTIA requirements
- Administrative costs<sup>1</sup>.

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<sup>1</sup>“Administrative Expenses” or “Administrative Costs” mean the costs incurred by a subgrantee related to the administration of its BEAD award, the provision of technical assistance to potential subcontractors, and compliance with grant administration and audit requirements.

## 4.3. Ineligible Costs

Ineligible costs include those costs that are unallowable under the applicable federal cost principles. Please note that costs ineligible for the BEAD Program may not be paid for with matching funds committed to an award. If a state is found to have used grant or matching funds on a prohibited cost, the Assistant Secretary may take remedial action, including but not limited to deobligation or claw back of funding.

In addition, grant funds awarded to a state under this program shall be used to supplement, and not supplant, the amounts that the state would otherwise make available for the purposes for which the grant funds may be used.

Ineligible costs include, but are not limited to:

- Acquisition of spectrum licenses
- Operating expenses (including salaries of staff operating the capital Project once completed)
- Short-term operation leases
- Payment of interest or principal on outstanding debt instruments
- Fees associated with the issuance of new debt
- Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding
- Support or opposition of collective bargaining
- Local coordination, outreach and engagement costs
- Program grant application preparation costs
- Expenses incurred prior to the execution of the funding agreement.
- Prohibited equipment or services
- Incremental profits and fees
- Expenses associated with BEAD Program requirements, including reporting and compliance costs, that were eliminated by NTIA through the BEAD Restructuring Policy Notice.

## 4.4. Matching Funds Requirements

Subgrantees must provide non-federal matching funds of not less than twenty-five (25) percent of the total Project cost for each Project. When proposing matching funds, Applicants should consider that in accordance with the NTIA BEAD Restructuring Policy Notice, MBI will select the combination of proposals with the lowest overall BEAD program outlay. Therefore, applications proposing a greater match percentage may be more competitive.

### **In-Kind Matching Funds**

Up to 60% of the matching funds may be provided in the form of in-kind contributions, if such contributions are made consistent with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth at 2 C.F.R. Part 200. For example, if an Applicant proposes a Project that costs \$100,000, the Applicant must provide matching funds in an amount of not less than \$25,000. If the Applicant proposes the minimum match amount of \$25,000, up to \$15,000 of the match requirement can be satisfied with eligible in-kind, match contributions.

In-kind contributions, which may include third-party in-kind contributions, are non-cash donations of property, goods, or services, which benefit a federally assisted project, and which may count toward satisfying the federal matching requirement of a Project’s total budgeted costs when such contributions meet certain criteria. The program allows for in-kind matches from non-federal sources, such as private entities, state and local governments, and tribal governments that can be used to cover the costs of construction of broadband infrastructure.

Depending on the particular property or service and the applicable federal cost principles, in-kind match could include:

- Employee or volunteer services;
- Equipment;
- Supplies;
- Indirect costs;
- Computer hardware and software; items that were purchased no later than 1 year prior to the execution of the grant agreement; and
- Use of facilities.

In the broadband context this could also include, consistent with federal cost principles:

- Access to rights of way;
- Pole attachments;
- Conduits;
- Easements; or
- Access to other types of infrastructure.

Funds from other Federal programs (including funds from the Commission’s Universal Service Fund programs) generally may not be used as matching funds; however, the Infrastructure Act expressly provides that matching funds for the BEAD Program may come from a federal regional commission or authority and from funds that were provided to a state or a subgrantee for the purpose of deploying broadband service under the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178); the CARES Act (Public Law 116-136; 134 Stat. 281), the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182); or the American Rescue Plan Act of 2021 (Public Law 117-2; 135 Stat. 4), to the extent permitted by those laws.

**Match Waivers**

Applicants will be required to confirm if the Applicant is applying for a full or partial waiver of the non-federal match requirement, and if so must provide a detailed description of the special circumstances underlying the reason it is not feasible to provide the minimum match requirement of 25%, documenting any efforts made to obtain matching fund commitments for the project from capital funding sources and explaining how a waiver would serve the public interest and advance the goals of the BEAD Program. Match waivers are not guaranteed, and MBI may request further information.

In evaluating requests for waiver of the BEAD Program’s non-federal match requirement, NTIA will carefully balance the BEAD Program’s various objectives. It is NTIA’s policy to ensure that BEAD funds are used to bring affordable broadband to all Americans. Thus, the Assistant Secretary will generally seek to minimize the BEAD funding outlay on a particular Project to extend the BEAD Program’s reach, and expects to grant waivers only in special circumstances, when waiver is necessary to advance objectives that are critical to the Program’s success.

The non-federal match requirement cannot be waived without approval from the Assistant Secretary unless the Project is in a NTIA designated High-Cost Area.

**4.5. Project Service Area(s)**

The basic geographic unit for a Project Service Area (“PSA”) in BEAD Deployment is a single municipality.

BEAD Applicants must commit to serve 100% of eligible BSLs in the municipalities they include in their applications based on the BSL Eligibility List posted with this Solicitation; provided that an Applicant may propose to exclude from a PSA a limited number of BSL(s) that the Applicant determines are excessively high-cost locations or would otherwise make the project economically unviable for the technology being used. [A list of ineligible and provisionally ineligible locations, including a reason code for each of the locations, has also been posted by MBI.](#) ~~Any Applicant that proposes to exclude BSLs from a PSA must provide a narrative justification to MBI.~~ Applicants may propose a multi-provider solution for a PSA. Please note that MBI reserves the right to determine at its sole discretion whether the proposed exclusion of BSL(s) from a PSA would materially alter the composition of the PSA and may therefore be rejected by MBI. Applicants may propose to serve more than one PSA within their Application. Applicants may also combine multiple PSAs/municipalities into an omnibus PSA, provided that the Applicant will be required to submit a project budget for the omnibus PSA as well as project budgets for each constituent PSA/municipality. MBI further reserves the right at its sole discretion to disaggregate omnibus PSAs, particularly in circumstances where there are multiple proposals for the same PSA and the disaggregation would advance the overall goals of the BEAD Program.

An Applicant may also include CAIs from the CAI Eligibility List in a proposed PSA. The inclusion of CAIs is not mandatory and there is no minimum threshold for the number of CAIs that an Applicant must include in a proposed PSA. MBI reserves the right to determine the extent to which CAIs will be funded through this solicitation after all remaining unserved and underserved BSLs have been awarded. [MBI will comply with all guidance issued by NTIA on CAIs, including Version 12 of the BEAD Program FAQ that was published by NTIA on July 15, 2025, which includes a definition of community support organization.](#)

## 4.6. BEAD Benefit of the Bargain Application Process

### 4.6.1. Application Process

All Applications must be submitted using an online application through MBI's Submittable grants portal. Applicants that submit an Application that is not complete and does not provide all required information and documentation across both Threshold and Scoring questions to be evaluated may have their Application disqualified.

MBI administered a Pre-Qualification process and a Round One Deployment solicitation. An Applicant may apply for funding under this Benefit of the Bargain solicitation even if the Applicant has not previously participated in any phase of MBI's BEAD Program. However, all Applicants must be determined by MBI to be qualified to be awarded funding through this Program. The first step in the application process for the Benefit of the Bargain round will depend on the potential Applicant's status. **The list of organizations that have already been qualified by MBI for the BEAD Program appears in Section 2. These organizations may proceed directly to complete and submit full project Application(s).** All other potential Applicants will need to submit qualification information and documentation as the initial step and then may proceed to complete and submit full project Application(s). as described below.

Detailed guidance on the qualification process is available [here](#). LEO satellite providers that apply for funding under this solicitation will not be required to submit audited financial statements if the provider elects to submit their financial statements to NTIA demonstrating their financial capacity to undertake the commitments of a subgrantee in all areas in which the provider seeks to serve. The LEO satellite provider will work with NTIA to develop a financial certification letter documenting the financial capability of the provider. MBI will rely on the NTIA-issued certification letter to satisfy the provider's obligation to ensure the financial capability of the Applicant. If a LEO satellite provider forgoes submitting audited financial statements to MBI,

that provider assumes the risk that NTIA will not provide a certification letter in a timely manner consistent with the procurement schedule for this solicitation.

MBI will review the qualifications of every Applicant that was qualified for MBI's BEAD Program prior to the release of this Benefit of the Bargain solicitation to determine if the Applicant is qualified to receive funding under this Program. This determination will be made as part of MBI's threshold review of each Application.

All program documents, including this solicitation, amendments or updates to program documents (if necessary), and the technical assistance slide deck will be posted to the MBI's [Benefit of the Bargain solicitation webpage](#).

### **Prior Qualified Applicants Under Round One of the BEAD Program**

The BEAD Restructuring Policy Notice provides a choice for Applicants applying for funding under the BEAD Benefit of the Bargain round that have previously submitted a BEAD funding grant application to MBI. Any Applicant that (1) has been qualified by MBI as eligible to receive BEAD funding; and (2) previously submitted an application under Solicitation No.2025-MBI-06 (released on January 15, 2025) that MBI has determined to be complete under the revised BEAD Program requirements implemented by the BEAD Restructuring Policy Notice ("Existing BEAD Application") may elect to either:

1. Stand on the existing BEAD Application and have said Application rescored by MBI under the new scoring rubric in Section 6. If an Applicant elects this option, MBI will (1) consider the Applicant's proposed Low-Cost Plan to be the Applicant's proposed plan to satisfy the requirements for the Low-Cost Service Option requirements in Section 5.8; (2) require that the Applicant certify that the project budget for each proposed PSA in the existing Application does not include any costs to comply with BEAD Program subgrantee requirements and obligations, including reporting and compliance requirements, that were eliminated by the BEAD Restructuring Policy Notice; and (3) the Applicant's proposed technical approach and network design can meet the applicable performance standards in this solicitation for their proposed Project.
2. Indicate that the existing Application is withdrawn and the Applicant will submit a new Application under this solicitation.

## **4.6.2. Technical Assistance**

MBI will host office hours on July 15, 2025, at 1:00 p.m. EDT. The office hours will be held via Zoom videoconference. To register for office hours, please follow [this link](#) to the Zoom registration page. Office hours attendees are encouraged but not required to submit questions in advance to MBI at [broadband@masstech.org](mailto:broadband@masstech.org) with the subject "BEAD Office Hours Questions".

MBI will host additional office hours on July 22, 2025, at 2:00 p.m. EDT. The office hours will be held via Zoom videoconference. To register for office hours, please follow [this link](#) to the Zoom registration page. Office hours attendees are encouraged but not required to submit questions in advance to MBI at [broadband@masstech.org](mailto:broadband@masstech.org) with the subject "BEAD Office Hours Questions".

Potential applicants may also submit written questions to MBI. All questions should be submitted to [broadband@masstech.org](mailto:broadband@masstech.org) with the subject "BEAD Benefit of the Bargain Solicitation Questions". The deadline to submit questions is 5:00 p.m. EDT on July 16, 2025. MBI will post a Q&A document on July 18, 2025. Due to the compressed timeframe for this solicitation, MBI does not guarantee that each question will be answered and reserves the right to prioritize answering the most pertinent and relevant questions.

### 4.6.3. Public Records Policy

All responses, applications, data, materials, information, and documentation submitted in response to the BEAD Program shall be subject to public disclosure. As public entities, MassTech and MBI are subject to the Massachusetts Public Records Law (set forth at Massachusetts General Laws Chapter 66). There are extremely limited and narrow exceptions to disclosure under the Public Records Law. If an Applicant wishes to have MBI treat certain information or documentation as confidential, the Applicant must submit a written request to be reviewed by MassTech’s Legal Counsel to [broadband@masstech.org](mailto:broadband@masstech.org) - prior to submission. The request must precisely identify the information and/or documentation that is the subject of the request and provide a detailed explanation supporting the application of the statutory exemption(s) from the public records cited by the Applicant. Legal Counsel will issue a written determination within three (3) business days of receipt of the written request. If the request is approved, the Applicant shall clearly label the relevant information and/or documentation as “CONFIDENTIAL” in the Application. Any statements in an Application reserving any confidentiality or privacy rights that are inconsistent with these requirements and procedures will be disregarded.

### 4.6.4. Funding Agreement

Applicants that are awarded funding will be required to have an authorized representative execute a Funding Agreement with MassTech. The form of Funding Agreement will be posted on MBI’s website. The Funding Agreement will include terms and conditions including, but not limited to:

- Description of the services
- Roles and responsibilities
- Grant payment schedule (consistent with payment on a cost reimbursement basis upon completion of specified project milestones)
- Eligible uses of funds
- Period of performance
- Accounting and reporting requirements
- Compliance requirements
- Remedies for noncompliance
- Audit practices
- Record keeping
- Internal controls, and other terms required by federal law

The Funding Agreement will also outline the relevant terms a Grantee must follow to comply with the approved Project requirements. Funding agreements for LEO Satellite providers will incorporate the relevant subgrant provisions from Appendix B of NTIA’s BEAD Restructuring Policy Notice.

### 4.6.5. Payment Schedule

MassTech will make payments to subgrantees upon completion of project milestones specified in the Funding Agreement. BEAD subgrantees will receive funding on a fixed amount subaward basis based on pre-determined and agreed invoice submission. The fixed amount subawards provide for a maximum payment amount based on a reasonable estimate of actual eligible

project costs. Payments to subrecipients will be based on actual project costs supported by documentation of project expenses as further detailed in the Funding Agreement. Each payment request will also be accompanied by a report, the format of which will be provided by MBI, on the project’s progress, expenditures, risks and impact.

#### 4.6.6. Special Payment Provisions for LEO Satellite Subgrantees

The BEAD Restructuring Policy Notice requires that BEAD subgrants to LEO satellite providers employ “LEO Capacity Subgrants.” Pursuant to a LEO Capacity Subgrant, MBI would reserve sufficient capacity from the LEO satellite provider to deliver broadband service that meets the BEAD performance and technical requirements to each BSL in the PSA. MassTech will reimburse recipients of LEO Capacity Subgrants in equal annual installments throughout the period of performance for each location where capacity is reserved. The period of performance for LEO Capacity Subgrants concludes ten years from the date upon which the subgrantee certifies to MBI that broadband is available to every location covered by the project.

## 5. Application Process - Threshold Requirements

Prior to scoring applications, MBI will conduct a threshold review using the threshold requirements outlined below. MBI will review and evaluate each element of an Application that is associated with a threshold requirement and make a pass/fail determination on whether each element satisfies the relevant requirements in this section. Applicants must meet all threshold requirements to be considered for scoring. If any of the threshold requirements are not met, the Application will be rejected. The threshold requirements in this Section 5 are in addition to the qualification requirements referenced in Section 4.6.1. As noted in Section 8, the Mass Tech Collaborative (1) reserves the right to waive omissions or irregularities that it determines to be not material; and (2) to request supplemental or clarifying information. As further noted in Section 8, MassTech recognizes that the BEAD Restructuring Policy Notice issued by NTIA has established significant changes to the BEAD Program that must be implemented on an expedited timeline, including this BEAD Benefit of the Bargain solicitation round. MBI will evaluate applications within this context and in a manner that effectuates the policy goals and objectives of the BEAD Program. Consistent with the guidance issued by NTIA in Version 12 of the BEAD Program FAQ, MBI may also consider data and information on relevant factors that may impact broadband service within a Project Service Area, such as geographic features, including topography, and population and BSL density.

### 5.1. Project Service Area

Applicants will be required to select each Project Service Area that they intend to serve. The Applicant will select the municipality to be served based off a drop-down menu. Applicants will only be asked to select one municipality in the drop-down menu which will be accessible via the Application Portal. If Applicants wish to apply for more than one municipality they will need to create a new application form for each municipality. Applicants will also be required to upload the Proposed BEAD BSL List and the Proposed BEAD CAI List (if the Applicant intends to include CAIs in their Application). The Applicant will be able to indicate the intent to propose an omnibus PSA as described in Section 4.5. The Applicant will identify each PSA/municipality to be included in the omnibus PSA and will provide a separate project budget and schedule for the omnibus PSA.



## 5.2. Tribal Engagement

If Applicants are planning to cross Tribal Land, Applicants must submit formal written consent from each Tribal Government, from the Tribal Council or other governing body, upon whose Tribal Lands the infrastructure will be deployed. Proof of consent can take the form of a signed document from each Tribal Government indicating their formal written approval of the proposed broadband deployment on their lands. There are two federally recognized Tribes in Massachusetts:

- Mashpee – Mashpee Wampanoag Tribe
- Aquinnah (Martha’s Vineyard) - Wampanoag Tribe of Gay Head (Aquinnah)

## 5.3. Network Design and Timeline

### 5.3.1. Project Data

Applicants will be required to provide the total number of Unserved and Underserved Locations that they intend to serve and to confirm that the Project will serve every Unserved and Underserved Locations (based on the list of BEAD eligible locations posted with this Solicitation) within each Project Area included in their Application, provided that an Applicant may propose to exclude from a PSA a limited number of BSL(s) that the Applicant determines are excessively high-cost locations or would otherwise make the project economically unviable for the technology being used. ~~Any Applicant that proposes to exclude BSLs from a PSA must provide a narrative justification to MBI that identifies the estimated cost for each excluded BSL and the key factors impacting the cost estimate.~~

### 5.3.2. Network Design

Applicants will be required to provide a high-level network design, showing the proposed network that will deliver broadband service meeting or exceeding the performance requirements to all BSLs served by the Project. Preferred GIS format file types are ESRI file geodatabases (GDB) and shapefiles (SHP). Other acceptable file types include those from Google Earth (KML/KMZ) and QGIS (QGS/QGZ).

Applicants must also include the following information in their network designs:

- Lines depicting proposed network path layer. The path layer should distinguish between aerial and underground installations to the extent possible.
- Points identifying the location of all eligible BSLs in the project service areas. CostQuest Fabric Location IDs are to be submitted in a separate CSV file. CostQuest Fabric Location IDs and other identifying information are not to be depicted in the GIS or PDF maps; Fabric IDs are only to be identified in the companion CSV file.
- Point(s) of interconnection with existing infrastructure.

If Applicants are proposing to use unlicensed fixed wireless, please refer to Appendix A of the BEAD Restructuring Policy Notice for specific wireless service requirements, especially as it relates to interference mitigation and network capacity. Applicants must also include network diagrams in GIS file format depicting the following:

- FWA base station locations (e.g. antennas and/or radios that are attached to towers or masts).
- For each base station, Applicants must provide the following:
  - Propagation maps that demonstrate path loss due to different attenuations (e.g. foliage, atmospheric, geographic, metallic surfaces) by distance 50 meters, 100 meters and 1000 meters at the operating bandwidths
  - Uplink and downlink maximum throughputs, per channel

- Total channels per base station
- Throughput for all backhaul and bridge links that support each base station

Applicants must also provide a narrative on the network design outlining how the Applicant's network will deliver broadband service that meets or exceeds the performance requirements:

- ~~Priority Broadband Projects: Applicants must submit a narrative that complies with the requirements in Section 5.3.6. That the network (i) is capable of providing internet services upon request, at speeds of 1 Gbps/500 Mbps with latency below or equal to 50 milliseconds to every BSL in the municipality (including technology type, network capacity, scalability, backhaul capacity and network optimization); (ii) can easily scale speeds over time to meet the evolving connectivity needs of households and businesses; (iii) can support the deployment of 5G, successor wireless technologies, and other advanced services and (iv) will be able to serve every unserved and underserved location upon 10 business days request within the proposed PSA. MBI has established these objective and quantifiable benchmark speed and latency standards that an Applicant will need to demonstrate to meet the second and third requirements listed above. Applicants should refer to Section 5.3.6. for more information on the benchmark standards and the additional requirements for the Priority Broadband Project narrative.~~
- Non-Priority Broadband Projects: That the network (i) is capable of providing internet service upon request, at minimum speeds of 100/20 Mbps with latency below or equal to 100 milliseconds to every BSL in the municipality (Including technology type, network capacity, scalability, backhaul capacity, and network optimization); and (ii) will be able to serve every unserved and underserved location upon 10 business days request within the proposed PSA.
- CAIs: If Applicants are proposing to serve CAIs, the network is capable of providing Reliable Broadband Service with a speed of not less than 1 Gbps for downloads and uploads alike and latency less than or equal to 100 milliseconds. (Including technology type, network capacity and scalability, network optimization)
- All Applicants must also outline their approach to ensuring outages do not exceed 48 hours on average.
- All Applicants must also submit a CSV file with a listing of the CostQuest Fabric Location IDs for all eligible BSLs in the project service areas as noted above.

### 5.3.3. Network Design Certifications

Applicants will need to certify that the proposed network can deliver broadband service that meets the requisite performance requirements to all BSLs served by the Project by the end of ~~the~~ a four-year period of performance. ~~For Priority Broadband Projects there are two methodologies that MBI is using to evaluate proposed projects requesting Priority Broadband Project status. Each methodology will be applied to a specific set of technical narrative submission requirements. The Priority Broadband Project certification by the Applicant will reflect the technical narrative option selected by the Applicant. In both options, the Applicant is certifying that the proposed network can deliver broadband service that meets the requisite performance requirements for a Priority Broadband Project to all BSLs served by the Project. However, the Applicant has the option to meet this requirement by satisfying a performance standard of 1 Gbps/500 Mbps with latency below or equal to 50 milliseconds. (including 1 Gbps/500 Mbps for Priority Broadband Projects and The certification 100/20 Mbps for Non-Priority Deployment Projects will indicate that the proposed network can deliver broadband~~

service with speeds of at least 100 Mbps/20 Mbps with latency below or equal to 100 milliseconds}.

Applicants will have to agree that if awarded, the network design will be certified by a certified Professional Engineer at the Applicant’s expense before execution of the Funding Agreement. The Professional Engineer may be certified by any state. The certification must state that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

### 5.3.4. Conduit Access Points

Applicants are required to confirm if the Project involves laying fiber-optic cables or conduits underground or along a roadway.

If applicable, Applicants must certify that they will implement a network design for the Project that provides for conduit access points to be located at regular and short intervals, ensuring enough capacity for future expansion and access.

### 5.3.5. Technical Narrative for Unlicensed Fixed Wireless Projects and Low Earth Orbit Satellite Projects

#### Unlicensed Fixed Wireless Projects

For proposed Unlicensed Fixed Wireless projects, Applicants must submit a narrative with sufficient evidence to address the concerns laid out in Appendix A of NTIA’s BEAD Restructuring Policy Notice. This must include providing complete, informative answers to the following questions:

- Which technology vendor are you intending to use in the proposed area?
- What frequency bands are you currently using for last mile delivery and
- What size bandwidth in MHZ are your channel allocations?
- What is the current Mbps of simultaneous capacity to each of your current customers?
- What is your reserved base station capacity reserved to account for periods of higher interference?
- What is your current capacity/loading of base stations radios with respect to the number of, and provisioned bandwidth of subscribers?
- What is your current minimum signal strength necessary to meet subscribers speed and latency subscription tier requirements?
- How do you mitigate interference in your current network deployment? Please describe resolutions for both internal and external interference.
- What is your current backhaul technology used?
- What is your current backhaul capacity and excess backhaul capacity?

For any of the questions listed above, the Applicant should supplement their answers to address how the proposed Project approach would materially differ from the current network approach and capacity.

Applicants must also provide the following data.

- Fixed broadband availability polygons indicating the area served by each vertical asset. Polygons must match the specifications used in FCC Broadband Data Collection for fixed broadband availability polygons with the addition of a field titled “site\_id” – relating to the unique site ID in the “Fixed Wireless Base Station Location and Height”

file submitted as part of the Fixed Wireless Broadband Supporting Data submission that provides the service indicated by the polygon.

- Fixed wireless broadband supporting data matching the specifications used in the FCC Broadband Data Collection for fixed broadband supporting data for providers submitting availability polygons.
- Link studies per BSL location associated with the location ID and the base station location and ID. (Latitude/Longitude)

### **Low Earth Orbit (LEO) Capacity Subgrants**

For proposed LEO satellite projects, Applicants must submit a narrative with sufficient evidence to address the concerns laid out in Appendix B of NTIA's BEAD Restructuring Policy Notice. This must include providing complete, informative answers to the following questions:

- With respect to the LEO Capacity Subgrant, sufficient capacity needs to be reserved to ensure compliance. How does your organization plan to ensure sufficient capacity is reserved for the period of performance and what methods will you provide to validate this capacity both internally and externally?
- Building on the previous question, how will sufficient capacity be reserved for not only the BEAD eligible locations but all potential locations within the proposed PSA?
- Understanding that scalability is an overall concern coupled with the advent of new technologies, bandwidth needs are expected to grow over the period of performance and beyond. What mechanisms does your organization have in place to monitor increasing demand and scale to these new needs without a material degradation in quality of service for the existing user base?

## **5.3.6. Priority Broadband Project Narrative**

To qualify as a Priority Broadband Project the Applicant will be required to submit a narrative with clear and convincing, objective evidence demonstrating that the ~~ability of the~~ proposed technology (i) will be capable of providing internet services upon request, at speeds of 1 Gbps/500 Mbps with latency below or equal to 50 milliseconds to every BSL in the municipality (including technology type, network capacity, scalability, backhaul capacity and network optimization) if Technical Narrative Option #1 is submitted or will be capable of providing internet services upon request, at speeds of 100 Mbps/20 Mbps with latency below or equal to 100 milliseconds to every BSL in the municipality (including technology type, network capacity, scalability, backhaul capacity and network optimization) if Technical Narrative Option #2 is submitted; (ii) can easily scale speeds over time to meet the evolving connectivity needs of households and businesses; (iii) can support the deployment of 5G, successor wireless technologies, and other advanced services and (iv) will be able to serve every unserved and underserved location upon 10 business days request within the proposed PSA (collectively, the "Priority Broadband Project Technical Requirements").

An Applicant has two options to demonstrate that the proposed Project meets the requirements for Priority Broadband Project status. Each option has specific narrative submission requirements as described below.

### Technical Narrative Option #1

The Applicant shall submit a narrative demonstrating that the proposed technology has the capability to meet the ~~this~~ future end-user speed threshold of 1,000 Mbps download and 500 Mbps upload by the end of the period of performance (approximately 4 years from date of award) and the future latency threshold to support emerging real-time applications (<=20ms)

and high-precision applications ( $\leq 50\text{ms}$ ), to include AR, AI and IOT applications. Further, the Applicant must demonstrate that this level of service will be accessible to all BSLs in which service is proposed in each PSA. New customers requesting this service must be able to obtain the same through a “standard installation” which is defined as the initiation by a provider of fixed broadband internet access service within 10 business days of a request with no charges or delays attributable to the extension of the network of the provider. Subgrantees are still permitted to charge standard and reasonable installation fees.

Applicants will be required to submit a narrative with the following information in support of the technology capability of the proposed technology approach to satisfy the criteria of a Priority Broadband Project. The Applicant shall at a minimum, submit the following for each proposed PSA (where the information and/or documentation is the same for multiple or all proposed PSAs the Applicant will be able to indicate such in the Application):

1. A network design narrative for the proposed broadband delivery technology clearly demonstrating hardware, software, and backhaul infrastructure considerations for the proposed and/or existing network. Applicants should include plans for future increased backhaul and bandwidth capacity growth over the next 4 years to account for increased per-user throughput.
2. Consistent with the FCC’s statement regarding future speeds as noted above, network technology designs should include clear and convincing evidence of the proposed technology’s technical capability to reliably deliver within the next four year a minimum of 1 Gbps bps download and 500 Mbps upload end user speeds with latency levels that do not exceed 50 milliseconds. Broadband service that meets these standard shall be or become available within the 4 years following award without any technology availability contingencies. The Applicant may include, but not solely rely upon, third party evidence such as vendor studies, third-party field studies, and/or other technical documentation highlighted in relevant parts to substantiate speed and latency claims made in a project proposal.
3. Certify with supporting evidence that the Applicant has the financial capacity to support network maintenance, growth and capacity expansion over the next 4 years to manage additional users and substantially increased throughput on the proposed network.

Narrative Option #2

The Applicant shall submit a Scalability and Advanced Services Narrative, with supporting technical documentation, demonstrating that the proposed technology has the capability to meet the Priority Broadband Project Technical Requirements by the end of the period of performance of approximately four years from the date of award. The Applicant shall at a minimum, submit the following for each proposed PSA (where the information and/or documentation is the same for multiple or all proposed PSAs the Applicant will be able to indicate such in the Application):

1. A network design narrative clearly demonstrating hardware software, and backhaul capacity for the proposed broadband network, and backhaul capacity considerations for any supporting or existing network;
2. Clear and convincing evidence, which may include third party evidence such as vendor studies, third-party field studies, and/or other technical documentation highlighting the

relevant parts to substantiate the network’s technical ability to reliably deliver speed and latency as designed.

3. A description of how the proposed network can provide broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency below or equal to 100 milliseconds.
4. A description of how the proposed network can easily scale over time to meet the evolving connectivity needs of households and businesses;
5. A description of how the proposed project can scale to support the deployment of 5G, successor wireless technologies, and other advanced services.
6. A description of how the network capacity will be monitored, including upgrade triggers, such as utilization thresholds or service adoption rates, that will prevent capacity constraints from impacting service quality; and
7. Information defining the proposed network’s point-to-point backhaul, describing current backhaul capacity, commitments for increased backhaul capacity to account for scaling, and the technology to be utilized for future backhaul needs.

Plans for deployment and scalability must avoid speculation about emerging methods and prospective capabilities. MBI’s determination of Priority Broadband Project status will be based in part on a holistic consideration of the contents of the Scalability and Advanced Services Narrative to clearly and convincingly meet the Priority Broadband Project Technical Requirements.

### 5.3.7. Project Schedule

Applicants are required to fill out the Project Schedule Table, below, with key implementation phases. The Project schedule must include a start date and expected end date for all phases. Table 2 will be accessible via the Submittable Application Portal.

*Table 2: Milestone Timeline\**

Phase	Milestone	Start Date	End Date
<ul style="list-style-type: none"> <li>• <b>Pre-Engineering</b></li> </ul>	<ul style="list-style-type: none"> <li>• Site surveys, field work, and completion of preliminary design and engineering</li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Final Engineering</b></li> </ul>	<ul style="list-style-type: none"> <li>• Execution of cable television license agreement (if applicable)</li> </ul>		

<ul style="list-style-type: none"> <li>• <b>Regulatory Approvals and/or Permits</b></li> </ul>	<ul style="list-style-type: none"> <li>• Filing make-ready applications for pole and conduit licenses and payment of associated fees</li> <li>• Payment of make-ready estimates to utilities</li> <li>• Receipt of all make ready licenses needed to complete the Project</li> <li>• Receipt of municipal grants of location to public rights of way (if applicable)</li> <li>• Compliance with National Environmental Policy Act (NEPA) and Environmental and Historic Preservation (EHP) requirements</li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Construction</b></li> </ul>	<ul style="list-style-type: none"> <li>• Completion of 50% of construction buildout (measured by premises passed)</li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Testing and Project Closeout</b></li> </ul>	<ul style="list-style-type: none"> <li>• Final Completion (measured by 100% of premises passed and completion of initial customer installations)</li> </ul>		

\*MBI recognizes that Applications from LEO satellite providers may have different milestones than traditional ISP projects. LEO satellite Applicants must submit a milestone project schedule in table format that includes proposed phases and milestones and associated start and end dates for each proposed PSA.

## 5.4. Build America, Buy America Requirements

MBI is deeply committed to the Build America, Buy America Act (“BABA”), and will require all Applicants to comply with related requirements when applying for the BEAD grant program.

### 5.4.1. Compliance Approach

Applicants will be required to provide detailed plans outlining their approach to remaining compliant with BABA requirements. Details that Applicants must submit related to remaining compliant with BABA requirements include the following in compliance with the BEAD NOFO requirements and Final BABA guidance issued by the Office of Management and Budget:

- Approach to self-certification and compliance reporting in compliance with NTIA requirements
- Approach to ensuring that all the 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.
- Approach to ensuring that funds are not used 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](#)). Approach to ensure funding is

not used 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.

### **5.4.2. Prior BABA Challenges and/or Noncompliance**

MBI will require Applicants to certify whether their organization has any previous challenges or noncompliance with BABA requirements. If the answer is yes, the Applicant must provide a detailed narrative and documentation regarding any challenges or noncompliance with BABA requirements and the organization's plan to remain compliant with BABA requirements. The information provided by the Applicant, including prior BABA compliance history, will be used during threshold review to determine if the Applicant has the capacity and capability to comply with BABA requirements.

Applicants must provide details related to challenges or noncompliance including:

- Instances of noncompliance (nature of noncompliance, affected materials, extent and duration of non-compliance)
- Challenges encountered (Supply chain issues, technical constraints)
- Corrective measures put in place (including future compliance assurance)

Additional BABA resources can be found in the important links section of this document.

## **5.5. Environmental and Historic Preservation Requirements**

MBI is deeply committed to Environmental and Historic Preservation ("EHP") and will require all Applicants to comply with all applicable requirements when applying for the BEAD grant program.

### **5.5.1. Compliance Approach**

Applicants will be required to provide their approach to remaining compliant with National Environmental Policy Act ("NEPA") requirements. This ensures that the environmental impacts of the proposed project are thoroughly considered and minimized during planning and implementation.

Details Applicants must provide include, but are not limited to the following:

- A description of how the Project will be implemented
- Evidence that Applicants have, or have a plan to, communicate and collaborate with relevant federal, state, and local agencies responsible for environmental and historic preservation to obtain necessary permits and approvals
- Show that Applicants understand and commit to follow the NEPA requirements, including preparing environmental impact statements or environmental assessments depending on the project scale
- Have or will develop detailed mitigation plans to address any identified environmental or historical impacts, including strategies to minimize disturbances, avoid sensitive areas, and implement restoration measures where needed

### **5.5.2. Prior EHP Challenges and/or Noncompliance**

MBI will require Applicants to certify whether their organization has any previous challenges or noncompliance with EHP requirements. If the answer is yes, the Applicant must provide a



detailed narrative and documentation regarding any challenges or noncompliance with EHP requirements and their organization's plan to remain compliant with EHP requirements. The information provided by the Applicant, including prior EHP compliance history, will be used during threshold review to determine if the Applicant has the capacity and capability to comply with EHP requirements.

Details Applicants should provide related to challenges or noncompliance include but are not limited to:

- Instances of noncompliance (nature of noncompliance, affected locations, extent and duration of non-compliance)
- Challenges encountered
- Corrective measures put in place (including future compliance assurance)

For additional details, refer to the National Environmental Policy Act (NEPA) ([42 U.S.C. § 4321 et seq.](#)) and the National Historic Preservation Act (NHPA) ([54 U.S.C. § 300101 et seq.](#)).

Note that Subgrantees must obtain all necessary federal, state, and local governmental permits and approvals necessary for the proposed work to be conducted and will need to identify feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed Projects or other eligible activities. The failure to do so may be grounds for not receiving an award.

### **5.5.2.1. NEPA Certifications**

Applicants will be required to:

- Certify that their organization understands that NEPA/NHPA analysis will be required for every Project funded through the BEAD Program and agrees to provide sufficient information to allow for NEPA/NHPA analysis such as a detailed Project description, including applicable supporting documentation.
- Certify that their organization understands that they are responsible for identifying and obtaining applicable federal, state and local permits (such as easements) required to complete any BEAD Projects
- Certify that their organization will cooperate with NTIA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed Project(s) or other eligible activities.

### **5.5.2.2. Cybersecurity and Risk Management Plans**

Applicants must certify that they will establish a plan that incorporates best practices for ensuring reliability and resilience of broadband infrastructure by establishing risk management plans that account for technology infrastructure reliability and resilience, including from natural disasters (e.g., wildfires, flooding, tornadoes, hurricanes, etc.), as applicable, as well as cybersecurity best practices. Applicants will satisfy this requirement by certifying as follows:

#### **Cybersecurity**

The Applicant certifies that:

1. The Applicant has a cybersecurity risk management plan in place that is either:
  - a. operational, if the Applicant is providing service prior to the award of the grant; or
  - b. ready to be operationalized upon providing service, if the Applicant is not yet providing service prior to the grant award;
2. The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1)

and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;

3. The plan will be reevaluated and updated on a periodic basis and as events warrant; and
4. The plan will be submitted to MBI prior to execution of a funding agreement. If the Applicant makes any substantive changes to the plan, a new version will be submitted to MBI within 30 days.

### **Supply Chain and Risk Management**

The Applicant certifies that:

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

## **5.6. Project Financials**

### **5.6.1. Additional Financial Partners**

If the Application has additional financial partners contributing to the funds, Applicants will be asked to identify those additional financial partner(s) and provide the documentation of the amount, source and availability of each partner's financial contribution.

### **5.6.2. Performance Security**

Applicants will be required to confirm whether their organization will obtain and submit either of the following if awarded a BEAD grant:

- **Option 1:** Surety Letter for Issuance of Performance Bond; or
- **Option 2:** Commitment Letter for Issuance of Letter of Credit

**If Option 1 is selected**, Applicants will be required to submit, in their application, 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 Applicant. The letter shall at a minimum provide the dollar amount equal to the cumulative subaward total amount across all proposed Projects.

Prior to entering into the funding agreement, the subgrantee will be required to provide the Performance Bond.

The Performance Bond must be in the format required by MBI as described in the funding agreement, executed by a corporate surety authorized to do business in the Commonwealth of Massachusetts, and in the amount that is no less than one hundred percent (100%) of the cumulative subaward amount. The expense of these bonds shall be borne by the subgrantee.

**If Option 2 is selected**, Applicants will be required to obtain a commitment letter to issue an irrevocable standby letter of credit, compliant with the Model Letter of Credit established by MBI, in a value of no less than twenty-five percent (25%) of the cumulative subaward total amount across all proposed Projects.

Prior to entering into the funding agreement, the subgrantee will need to provide a Letter of Credit from either (i) a bank meeting eligibility requirements consistent with those set forth in 47 C.F.R. § 54.804(c)(2); or (ii) a United States credit union that is insured by the National Credit Union Administration and that has a credit union safety rating issued by Weiss of B- or better. The Letter shall be in the amount of twenty-five percent (25%) of the cumulative subaward amount. The Letter of Credit must be substantially similar to the model letter of credit established by MBI.

In addition to the Letter of Credit, an Opinion Letter must be submitted. The opinion letter from legal counsel must clearly state, 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 Applicant’s bankruptcy estate under Section 541 of the Bankruptcy Code.

### **5.6.2.1. Reduction in Letter of Credit or Performance Bond Amount**

If an Applicant has been awarded a subaward (i.e., a subgrantee), it may obtain a new letter of credit or performance bond or renew its existing letter of credit or performance bond to reduce its value in accordance with the following limitations:

- Upon demonstrating to the satisfaction of MBI that it has completed the buildout of fifty percent (50%) of locations to be served through the Project or Projects funded by the subaward, the subgrantee may obtain a new letter of credit or performance bond or renew its existing letter of credit or performance so that it is valued at no less than:
  - Twenty percent (20%) of the award amount for a letter of credit; or
  - Eighty percent (80%) of the award amount for a performance bond.
- Upon demonstrating to the satisfaction of MBI that it has completed the buildout of seventy-five percent (75%) of locations to be served through the Project or Projects funded by the subaward, the subgrantee may obtain a new letter of credit or performance bond or renew its existing letter of credit or performance bond so that it is valued at no less than:
  - Ten percent (10%) of the award amount for a letter of credit; or
  - Forty percent (40%) of the award amount for a performance bond.
- Upon demonstrating to the satisfaction of MBI that it has completed the buildout of one hundred percent (100%) of locations to be served through the Project or Projects funded by the subaward, the subgrantee may terminate its letter of credit or performance bond under the terms set forth therein.
- If the Applicant is a LEO satellite provider:
  - The Applicant may reduce its letter of credit or performance bond by 50% at the point of certification that service is available to each location in the PSA.
  - The letter of credit can be reduced by an additional 25% of the original amount after the subscription rate reaches at least 25% of all locations in the PSA and may be closed out once the subscription rate reaches 50 percent.
  - Regardless of the subscription rate, the letter of credit may be terminated four years after the Applicant certifies that it can initiate broadband service within 10 business days of a request to any covered BSL in the PSA.

### 5.6.3. Project Financial Analysis and Project Budget Documents

Applicants will be required to populate and upload the provided Project Financials Workbook which will include detailed information covering:

- Capital Costs
- Operating Costs
- Details on Funding Sources and Match
- Capital Investment Schedule
- Project Pro Forma Financials & Cashflow

Applicants will also be required to complete and submit separate Project budgets for the CAI(s) included in any proposed PSA. The Applicant will submit this information using the CAI List and Budget Template, which requires cost information to be provided at the individual CAI level.

Applicants are permitted to submit a “zero dollar” project budget that does not request any BEAD funding for a proposed PSA. In this instance the Applicant does not need to provide any matching funds for the proposed PSA. However, if the Applicant with a “zero dollar” budget is awarded the PSA by MBI, the Applicant will still be required to execute a Funding Agreement that includes all BEAD Program terms and conditions for BEAD subgrantees.

In addition to the Project Financials Workbook, Applicants will have the option to upload documentation such as business plans and/or any related analyses that supplement the information in the Project Financials Workbook to substantiate the financial sustainability of the proposed Project. The submission of supplemental documentation is optional.

## 5.7. Compliance with Federal Labor and Employment Law

Applicants will need to certify that their organization has and will continue to comply with all applicable federal labor and employment laws.

## 5.8. Low-Cost Service Option

Applicants must propose at least one Low-Cost Service Option (“LCSO”) that meets certain speed and performance criteria. The LCSO must offer speeds of at least 100/20 Mbps and latency performance of no more than 100 milliseconds. Applicants that already offer a low-cost plan that meets these service requirements may satisfy the LCSO requirement by proposing to offer their existing low-cost plan to Eligible Subscribers. Additionally, the term “Eligible Subscriber” refers to any household seeking to subscribe to a broadband internet access service that is eligible for the FCC’s Lifeline Program. Subgrantees must offer their LCSO to Eligible Subscribers for the useful life of the network assets. Subgrantees are responsible for verifying LCSO eligibility and may ask potential subscribers to provide the same documentation necessary to confirm eligibility as is required under the FCC’s Lifeline program.

## 5.9. Compliance

Applicants will be required to confirm whether they are an existing provider or a New Entrant. A “New Entrant” is considered any prospective Applicant that has not provided voice, broadband, and/or electric transmission or distribution service for at least the two (2) consecutive years prior to the date of its Application.

Applicants that have provided voice and/or broadband services must submit a certification verifying that they have timely filed FCC Form 477s and Broadband DATA Act submissions, if applicable, for at least the two consecutive years prior to the date of this Application submission. Furthermore, the certification must confirm that they have complied with the Federal Communications Commission's rules and regulations.

Applicants will be required to describe any pending or completed enforcement action, civil litigation, or other matter in which they have failed to comply or was alleged to have failed to comply with Commission rules or regulations related to the Commission Form 477s and the Broadband DATA Act submission.

Applicants will be required to certify that their organization is capable of carrying out funded activities competently and in compliance with all applicable federal, state, territorial, and local laws.

Note: Certification must be provided by a Director/Officer Level Employee.

## 5.10. Additional Certifications

Applicants will be required to certify compliance with the following:

- That the application is true, complete, and accurate, and the designs, costs and Project plans are for the purposes and objectives set forth in the terms and conditions of the Federal award. Organization is aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise.
- That bids were developed independently and without coordination or collusion with other prospective Applicants. Evidence of collusion may lead to denial of awards.
- Confirm the organization's eligibility to complete and operate the Project by certifying their operational capability. Such evidence of operational capability may include resumes from key personnel, Project descriptions and narratives from contractors, subcontractors, or other partners with relevant operational experience, or other comparable evidence.
- That their organization will be able to provide on request written evidence of compliance with Section 60102(g)(2)(C) of the Infrastructure Act regarding the use of funds in an equitable and nondiscriminatory manner.
- That their organization will be able to provide, on request, written evidence of compliance with Uniform Administrative Requirements, Cost Principles and Audit Requirements including Uniform Guidance waivers.
- That their organization will be able to provide, on request, written evidence of compliance with all applicable provisions of the Code of Federal Regulations relative to managing BEAD funding as a subrecipient of federal funding.
- The requirements detailed in 2 CFR 200.216 (the prohibition on certain telecommunications and video surveillance services or equipment):
  - That organization understands and may not use grant funds received under the BEAD Program 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)).
  - That the organization will not procure, obtain, extend or renew a contract to procure or obtain or enter a contract to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system

- That the organization acknowledges that the use of grant funds received under the BEAD Program 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)), telecommunications or video surveillance services provided by such entities or using such equipment is prohibited.
- That the organization understands that for the purposes of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities) are also prohibited.
- That the organization understands that telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country is prohibited.
- That the organization understands that if any equipment is installed on a federally funded Project, my organization will bear the sole responsibility and cost of removing the prohibited equipment and replacing it with equipment acceptable to the State and Federal government.
- That submission of organization's proposals will provide the certification set out in Section V.D of the BEAD NOFO (Certifications Regarding Debarment and Suspension), as well as agreement to comply with the requirements of 2 C.F.R. Parts 180, 1200 and 1326.

Applicants will also be required to acknowledge the following:

- That the grant Application creates a binding obligation if accepted by MBI and cannot be withdrawn once submitted until MBI announces the conclusion of the BEAD award process.
- That MBI reserves the right to request modifications and/or attach conditions to BEAD awards.
- That the state may, prior to final subgrant awards, unilaterally exclude certain BSLs from a subgrant.
- That subgrantees are required to participate in MBI's data collection and mapping efforts by providing MBI with a copy of the subgrantee's broadband availability data as submitted to the FCC on a semi-annual basis under the FCC's Broadband Data Collection program. The subgrantee shall submit the broadband availability data to MBI within 10 business days of the grantee's submission of such data to the FCC. Grantees shall also be required to respond to requests from MBI to provide supplemental clarifying information and/or data.

## 6. Application Review

### 6.1. Evaluation Committee

MBI has formed an Evaluation Committee comprised of at least three MBI/MassTech employees familiar with the solicitation. The committee will review each application for completeness and will reject incomplete applications and will evaluate and score each application in alignment with NTIA BEAD requirements. Applicants should not rely on an opportunity to supplement or clarify information after the application deadline and should take care to include all information requested in a clear and understandable manner.

MBI will review each Application using the review process and rubric described below. Based on the scoring, the Evaluation Committee will recommend that the highest qualified Applicant(s) receive funding consistent with the Application Review process outlined below.

## 6.2. Threshold Review

The Evaluation Committee will conduct a threshold review of each application for completeness and compliance with the requirements in this solicitation and will reject incomplete/non-conforming applications. The Evaluation Committee will evaluate Applications that pass threshold review in alignment with NTIA BEAD requirements, and the scoring rubric published in this solicitation. If the Evaluation Committee determines that an Application submitted for a Priority Broadband Project does not have sufficient information to determine whether the proposed Project meets the requirements in this Solicitation for a Priority Broadband Project, the Evaluation Committee reserves the right to designate the proposed Project as a Non-Priority Broadband Project and such Project shall be evaluated and scored accordingly.

## 6.3. Scoring Rubric

MBI will review and score each Application that passes threshold review using the scoring process and rubric described below. MBI will prioritize and award Priority Broadband Projects over Non-Priority Broadband Projects. However, if MBI determines that selecting a Priority Broadband Project would incur excessive costs, MBI shall select a lower cost Non-Priority Broadband Project. MBI reserves the right to reject any proposed PSA or specific BSL if the associated costs are determined by MBI to be excessive.

All Applications will first be reviewed for classification as a Priority Broadband Project. NTIA's BEAD Restructuring Policy Notice states that Applicants must meet the following criteria to qualify as a Priority Broadband Project:

- provide broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads;
- provide latency less than or equal to 100 milliseconds; and
- can easily scale speeds over time to meet the evolving connectivity needs of households and businesses;
- support the deployment of 5G, successor wireless technologies, and other advanced services.

~~For purposes of this Priority Broadband Project status review, MBI has adopted the future speed threshold capability as outlined in the FCC's statement in its Section 706 Report, issued on March 14, 2024, that "we also establish a long-term fixed broadband speed goal of 1,000 Mbps, or 1 gigabit per second (Gbps), download speed paired with 500 Mbps upload speed." This same future threshold has further been established in the FCC RDOF program's Gigabit Speed Tier. MBI will also require that latency not exceed 50 milliseconds.~~

After determining which proposed PSAs qualify as Priority Broadband Projects. MBI will score Applications using the scoring rubric criteria outlined below. The criteria will be utilized to analyze competing Priority Broadband Project applications, as well as competing Non-Priority Broadband Project applications if no such priority project was submitted for consideration for that respective PSA.

**Primary Criteria.** In deciding among competing Applications covering the same PSA, MBI will select the option with the lowest cost based on Minimal BEAD Program Outlay.

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

**Secondary Criteria.** If an Application to serve the same PSA proposes a project cost that is within 15% of the lowest cost Application received for the same PSA on a per location basis, MBI will evaluate such applications based on the following Secondary Criteria. There are 100 total points available through Secondary Criteria scoring and the project with the highest Secondary Criteria point total will be selected. As noted above, Priority Broadband Project Applications will compete against other Priority Broadband Project Applications. If no Priority Broadband Projects are awarded for a PSA, Non-Priority Broadband Project Applications will compete against other Non-Priority Broadband Project Applications.

**Table 2**

<u>Secondary Criteria</u>	<u>Total Possible Points</u>
<b>Speed of Network and Other Technical Capabilities.</b> MBI shall weigh the speed, latency, and other technical capabilities of the technologies proposed by prospective subgrantees.	40 Points
<b>Preliminary/Provisional Subgrantees.</b> For locations where MBI has already identified preliminary subgrantees, MBI shall give additional weight to those applications in the Benefit of the Bargain Round.	60 Points

Points for Speed of Network and Other Technical Capabilities are allocated on the following scale with corresponding point totals:

**Table 3**

<u>Secondary Criteria – Speed of Network Scoring</u>			
<b>Download Speeds</b>		<b>Upload Speeds</b>	
100 Mbps	0 Points	20 Mbps	0 Points
Greater than 100 Mbps but less than or equal to 250 Mbps	5 Points	Greater than 100 Mbps but less than or equal to 250 Mbps	2 Points
Greater than 250 Mbps but less than or equal to 500 Mbps	10 Points	Greater than 250 Mbps but less than or equal to 500 Mbps	5 Points



Greater than 500 Mbps but less than or equal to 1 Gbps	15 Points	Greater than 500 Mbps but less than or equal to 1 Gbps	7.5 Points
Greater than 1 Gbps	20 Points	Greater than 1 Gbps	10 Points

**Table 4**

<b>Secondary Criteria – Latency Scoring (as measured from the customer premises of an active subscriber to a remote test server at an end-point consistent with the requirements for a FCC-designated Internet Exchange Point)</b>	
<b>Latency</b>	<b>Points</b>
100 ms	0 Points
Greater than or equal to 50 ms but less than 100 ms	2.5 Points
Greater than or equal to 25 ms but less than 50 ms	5 Points
Less than 25 ms	10 Points

**Table 5**

<b>Secondary Criteria – Preliminary Subgrantees</b>	
<b>BEAD Status</b>	<b>Points</b>
MBI has identified the Applicant as a Preliminary Subgrantee in the same general project area based on the Applicant’s submission in response to MBI’s Round 1 BEAD Program Solicitation No.2025-MBI-06	60 Points

## 7. Post Application Processes

### 7.1. BEAD Program Implementation

While MassTech and MBI staff will assist EOED through a sub-grant for the administration and programmatic execution of the BEAD program including the management of contractors and subgrantees, throughout this subgrantee relationship, EOED will retain the oversight of the programs and will make all final decisions and oversee program implementation.

### 7.2. Monitoring and Reporting Requirements

MBI will engage in the monitoring of subgrantee activities to ensure subawards are used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward. MBI intends to employ a robust subgrantee monitoring program that will consist of risk assessments, quarterly subgrantee reporting, random sampling of subgrantee files, corrective

action policies and post-contracting support to ensure subgrantees can meet all required BEAD compliance reporting and activities.

## 7.2.1. Monitoring Practices

MBI intends to engage in the following monitoring activities for subgrantees activities including, but not limited to:

1. Coordination with subgrantees through individual discussions, group or team meetings, events or trainings.
2. Reviewing financial and programmatic reports including invoices and progress and outcome reports in alignment with contractual obligations.
3. Conducting an annual Subgrantee Assessment, verifying that every subgrantee is audited as required by 2 CFR Part 200, Subpart F.
4. Conducting follow-up to ensure that the subgrantee takes timely and appropriate action on all deficiencies pertaining to the federal award through audits, on-site reviews, and other means.
5. Issuing management decisions for audit findings pertaining to the federal award that have not been sufficiently addressed in a timely or acceptable manner and consider imposing specific subaward conditions upon a subgrantee, if appropriate, based on risk failure to comply as described in 2 CFR 200 Parts 339 to 343.

Other potential monitoring tools per 2 CFR 200 Part 331(e) that MBI may utilize include:

1. Providing training and technical assistance
2. Performing on-site reviews of program operations
3. Developing remediation and improvement plans on the basis of internal, federal, and state audits

Additionally, based upon the on-going monitoring that will be conducted, MBI will perform subaward reviews which at a minimum include a discussion with the Program Manager regarding subgrantee performance, status, and inquiry on whether the subgrantee has met the thresholds requiring an audit under the current 2 CFR Part 200, Subpart F.

If an audit is required, MBI will ensure the subgrantee submits the report, report package or the documents required by federal regulations and/or recipient's requirements and follow up on any findings or issues identified in the audit to ensure they have been satisfactorily addressed.

If any additional findings are identified by the MBI review, MBI will implement appropriate requirements to ensure the contractual obligations, and all requirements are met. To the extent any issues persist, escalation to the legal and program teams may be necessary.

## 7.2.2. Reporting Mandates

Subgrantees will be mandated to submit reports on the Project status and performance on a quarterly basis. Additionally, subgrantees are required to engage in a financial review alongside MBI on either a 3- month, 6- month, or annual basis, with the cadence determined based on the results of a risk assessment. MBI reserves the right to increase the frequency of the reporting and financial review and conduct an on-site review if any issues or concerns are identified.

Subgrantees will also be required to comply with the reporting requirements as outlined in the BEAD NOFO and other guidance as may be issued by NTIA from time to time. These regular reports must be submitted at least on a semiannual basis for the duration of the subgrant. Subgrantees will be required to submit project-related information necessary to comply with the BEAD reporting requirements, which includes but is not limited to:

- Include a list of addresses or location identifications (including the Broadband Serviceable Location Fabric established under 47 U.S.C. 642(b)(1)(B)) that constitute the service locations that will be served by the broadband infrastructure to be constructed and the status of each Project;
- Identify new locations served within each Project Area at the relevant reporting intervals, and service taken (if applicable);
- Identify whether each address or location is residential, commercial, or a community anchor institution;
- Describe the types of facilities that have been constructed and installed;
- Describe the peak and off-peak actual speeds of the broadband service being offered;
- Describe the maximum advertised speed of the broadband service being offered;
- Describe the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered;
- List all interconnection agreements that were requested, and their current status;
- Include any other data that would be required to comply with the data and mapping collection standards of the Commission under Section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure Projects;
- Include an SF-425, Federal Financial Report and meet the requirements described in the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020), Section A.01 for Financial Reports.

Please note that all reports submitted to MBI are considered public records, which are subject to Chapter 66 of the Massachusetts General Laws.

## 8. General Conditions

- a. If an application fails to meet any material terms, conditions, requirements or procedures, it may be deemed unresponsive and disqualified. The Mass Tech Collaborative reserves the right to waive omissions or irregularities that it determines to be not material. MassTech recognizes that the BEAD Restructuring Policy Notice issued by NTIA has established significant changes to the BEAD Program that must be implemented on an expedited timeline, including this BEAD Benefit of the Bargain solicitation round. MBI will evaluate applications within this context and in a manner that effectuates the policy goals and objectives of the BEAD Program.
- b. This Solicitation, as may be amended from time to time by Mass Tech Collaborative, does not commit Mass Tech Collaborative to select any Applicant(s), award any contracts pursuant to this grant solicitation, or pay any costs incurred in responding to this Program. Mass Tech Collaborative reserves the right, in its sole discretion, to withdraw the Program, to engage in preliminary discussions with prospective Applicants, to accept or reject any or all Applications received, to request supplemental or clarifying information, to negotiate with any or all qualified Applicants, and to request modifications to Applications in accordance with negotiations.
- c. On matters related solely to this grant solicitation that arise prior to an award decision by the Mass Tech Collaborative, Respondents shall limit communications with the Mass Tech Collaborative to the Procurement Team Leader and such other individuals as the Mass Tech Collaborative may designate from time to time. No other Mass Tech Collaborative employee or representative is authorized to provide any information or respond to any questions or inquiries concerning this Program. Applicants may contact the Procurement Team Leader for this Program in the event this grant solicitation is incomplete.

- d. The Mass Tech Collaborative may provide reasonable accommodations, including the provision of materials in an alternative format, for Applicants with disabilities or other hardships. Applicants requiring accommodations shall submit requests in writing, with supporting documentation justifying the accommodations, to the Procurement Team Leader. The Mass Tech Collaborative reserves the right to grant or reject any request for accommodations.
- e. Applicant's Application shall be treated by the Mass Tech Collaborative as an accurate statement of Applicant's capabilities and experience. Should any statement asserted by Applicant prove to be inaccurate or inconsistent with the foregoing, such inaccuracy or inconsistency shall constitute sufficient cause for Mass Tech Collaborative in its sole discretion to reject the Application and/or terminate of any resulting Agreement.
- f. Costs that are not specifically identified in the Applicant's response and/or not specifically accepted by Mass Tech Collaborative as part of the Agreement will not be compensated under any contract awarded pursuant to this grant solicitation.
- g. Applications must be valid in all respects for a minimum period of sixty (60) days after NTIA's approval of the BEAD Final Proposal for the Commonwealth of Massachusetts.
- h. Applicants shall comply with all applicable Federal and State statutes, rules and regulations prohibiting discrimination in employment including but not limited to: the Americans with Disabilities Act, as amended (42 U.S.C. §§ 12101 et seq.), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §§ 2000d et seq.), the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), M.G.L. c. 151B, M.G.L. c. 272 §§ 92A, 98, and 98A, M.G.L. c. 111 § 199A, 42 U.S.C. 9918 (c) and 45 C.F.R. 80.
- i. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) – Applicants that are awarded an amount exceeding \$100,000 must certify that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each Applicant must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.
- j. Debarment and Suspension- (Executive Orders 12549 and 12689) – Applicants understand that a contract award may not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM).
- k. Applicants must be able to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- l. Applicant understands and agrees that the Executive Office of Economic Development ("EOED") staff and authorized representatives may evaluate any subgrantees/subcontractors with whom Mass Tech Collaborative executes a contract or other form of legal agreement in order to complete the activities funded under this Program, through ongoing monitoring. As deemed appropriate by EOED, EOED's staff and authorized representatives may also conduct further reviews and site-visits during the contract term, which may include fiscal reviews. EOED staff shall use interviews, inspection of files, site visits and direct observation to identify program areas of concern so that contractors can improve their productivity, efficiency, quality, and management capacity.
- m. The awarded Applicant shall maintain and utilize systems and procedures to prevent, detect, and correct fraud, waste, and abuse in activities funded under this Program.
- n. Pursuant to 2 C.F.R. § 200.303, the awarded Applicant shall establish effective control over, and accountability for, all funds, property, and other assets funded under this Program and assure that they are used solely for authorized purposes.

- o. The awarded Applicant shall maintain an accounting system and supporting fiscal records adequate to audit and otherwise verify that assistance payments and administrative costs meet Federal and State requirements.