



NORTH DAKOTA

BEAD Subgrantee Selection Process Frequently Asked Questions (FAQs)



Q1: What is the BEAD program?

A: The Broadband Equity, Access, and Deployment (BEAD) program is a federal initiative aimed at expanding access to reliable, high-speed internet across the United States. It provides funding and guidance to states and territories to enhance broadband infrastructure in unserved and underserved areas.

Q2: What is Subgrantee Selection in the BEAD Program?

A: The Subgrantee Selection Process is a competitive process to identify and select eligible providers and projects for BEAD grant funding allocation. This process, outlined in Volume II of North Dakota's Initial Proposal, will require prospective subgrantees to submit information regarding locations of proposed project areas in addition to various documents, data and information to address program requirements. This information will be evaluated according to the scoring rubric documented in Volume II.

Q3: What is the importance of Subgrantee Selection in the BEAD Program?

A: The Subgrantee Selection process is crucial for validating that proposed project areas will address as many locations marked as "unserved" – those with less than 25/3 Mbps – and 'underserved' – those with less than 100/20 Mbps – as possible.

Q4: How does Subgrantee Selection work?

A: the Subgrantee Selection Process will comprise a single round immediately followed by remaining location negotiations

- **Benefit of the Bargain Round:** The State Broadband Program Office will solicit applications for unserved and underserved locations and eligible CAIs.
- **Final Location Negotiations:** The State Broadband Program Office will identify unclaimed locations after the Bargain round. If locations identified as eligible remain unclaimed after initial rounds of funding, negotiations with providers may be conducted until no unclaimed locations remain.

Q5: How do I participate?

A: Prospective subgrantees should submit their application before the submission deadline. All submissions for BEAD Program funding will take place through the [North Dakota WebGrants Portal](#). Applicants will need to use, or create, an NDLogin to request access to WebGrants and start a new application for the **Broadband Equity, Access and Deployment (BEAD) – 2024** Funding Opportunity. Further information, including a WebGrants User Guide, is available on the NDIT website.

Q6: What will the initial application round entail?

A: The State Broadband Program Office will solicit applications for all unserved and underserved locations and eligible CAIs. The State will accept applications for *Priority Projects*¹ and *Non-Priority*² during the application phase. Prospective subgrantee will have **14 days** to submit applications through the [North Dakota WebGrants Portal](#). As application documents are received, the State will review and identify applications with overlapping project areas. Prospective subgrantees will be required to submit additional / revised information for overlapping locations identified within their proposed project areas during the deconfliction process.

Q7: What is the de-confliction process and how will the state de-conflict overlapping proposals?

A: After receiving applications, the State Broadband Program Office will deconflict project areas to allow for like-to-like comparisons on competing applications for the same locations. The State will identify locations with overlap and request prospective subgrantees to submit a revised application that separates the overlapped area(s) and the remaining original project area. As part of the revised application, potential subgrantees may be required to submit updated information for aspects of the application that would be impacted.

The State Broadband Program Office will then use the scoring criteria identified by the 6.6.25 BEAD Restructuring Policy Notice to identify the highest scoring applications for both Priority and Non-Priority Projects for the conflicting areas. Applications will be re-evaluated based on updated submissions and subgrantees will be selected using the prescribed scoring criteria. This deconfliction process will occur during / shortly after the Bargain Round, and the State Broadband Program Office will create clear communication with prospective subgrantees regarding outcomes and timelines.

Q8: What will happen if unclaimed locations remain?

A: Should unclaimed locations remain after the initial application round, the State Broadband Program Office may conduct targeted outreach and negotiations with providers until no unclaimed locations remain.

Q9: How does the state plan to maintain transparency during Subgrantee Selection?

A: The State is committed to maintaining transparency during Subgrantee Selection through conducting office hours, actively engaging with stakeholders, and publicly posting relevant resources.

¹ The term “*Priority Broadband Project*” means a project that provides broadband service at speeds of no less than 100/20 megabits per second; has a latency ≤100 milliseconds; and can meet the statutory scalability requirements in [47 U.S.C. §1702\(a\)\(2\)\(I\)\(ii\)](#).

² The term “*Non-Priority Broadband Project*” means a project that provides broadband service at speeds of no less than 100/20 megabits per second; has a latency ≤100 milliseconds; but cannot meet the statutory scalability requirements in [47 U.S.C. §1702\(a\)\(2\)\(I\)\(ii\)](#).

Q10: What happens after Subgrantee Selection is completed?

A: Once Subgrantee Selection has concluded, award determinations will be documented and submitted to the NTIA for review and approval. These determinations will be compiled and included in the Final Proposal for BEAD funding submitted to the NTIA.

Q11: What version of the FCC Map is North Dakota using?

A: NTIA V3 Fabric Data (Update 2) was initially used and then challenge process findings were re-adjudicated using NTIA V4 Fabric Data. However, please note that the latest fabric version available may be used for Reason Code submissions (i.e., V4 locations that no longer exist).

Q12: How is the State defining project areas?

A: Given the limited number of unserved and underserved locations remaining in North Dakota, the state has chosen to pursue a **provider-defined approach to project areas**. Internet service providers are encouraged to leverage their nuanced understanding of their service boundaries to define their own project areas. To ensure compatibility and comparability among competing applications, the State will identify overlapping locations across different ISPs' proposed project areas and request them to submit revised applications that separate the overlapping locations from the remaining original project areas. The State will use the revised selection criteria to identify the highest scoring applications for both Priority and Non-Priority Projects for the conflicting areas. Applications will be re-evaluated based on updated submissions and prospective subgrantees will be selected using the prescribed scoring criteria.

Q13: How can I view BEAD eligible project locations?

A: Having concluded the BEAD Challenge Process, SBPO has now made location IDs for *Post Challenge Locations* and *Post Challenge Community Anchor Institutions (CAIs)* available on [the NDIT website](#).

PLEASE NOTE: Per a CostQuest agreement which governs the use and sharing of Fabric Location IDs, **SBPO is not permitted** to post full address information of these locations. The lists available on the NDIT website include Federal Communication Commission's Broadband Availability Map Fabric ("Fabric") Location IDs of BEAD-eligible locations. **Broadband providers must secure a [Tier D License from CostQuest](#)** to view the full Fabric and address list. Similarly, **Local governments and Non-Profits must secure a [Tier E License from CostQuest](#)** to view the statewide fabric.

Q14: How are applicants expected to demonstrate financial qualifications?

A: Prospective subgrantees must demonstrate minimum financial capabilities to meet project commitments, as outlined in [Section IV.D.2.a. of the BEAD NOFO](#). Information and documents provided in *Section 7.1* of the North Dakota BEAD Application are intended to demonstrate that the prospective subgrantee possesses sufficient financial resources to cover various project costs. Applicants will be asked to submit the following:

- audited financial statements from the prior fiscal year,
- business plans and related analyses,
- a letter from
 - a bank (or credit union) committing to issue an Irrevocable Standby Letter of Credit (SBLC), **OR**
 - a company (holding a certificate of authority as an acceptable surety on federal bonds) committing to issue a Performance Bond.

Additionally, per the [6.6.35 BEAD Restructuring Policy Notice](#), LEO providers should work with the NTIA to develop and submit a financial certification letter as soon as possible.

Q15: What are the requirements regarding the Letter of Credit?

A: In order to submit a BEAD Application, the BEAD NOFO requires prospective subgrantees to submit a letter from an [eligible bank](#)³ that states that the bank is committing to issue an irrevocable standby letter of credit to the prospective subgrantee. This commitment letter is outlined in [Section IV.D.2.a.ii of the BEAD NOFO](#). Should a prospective subgrantee's project be selected, the prospective subgrantee must obtain an irrevocable standby letter of credit (in a value of **no less than 25%** of the subaward amount) prior to entering into the subgrantee agreement.

PLEASE NOTE: The Assistant Secretary of Commerce for Communications and Information granted a conditional programmatic waiver of the letter of credit obligation that amends some requirements of the Letter of Credit. The terms of the Letter of Credit waiver are outlined [here](#).

Q16: How are applicants expected to demonstrate managerial capability?

A: Prospective subgrantees must submit evidence of their managerial capacity to meet the commitments of the subgrant as outlined in [Section IV.D.2.b of the BEAD NOFO](#). Information and documents provided in *Section 7.2* of the BEAD Application are intended to demonstrate that the prospective subgrantee possesses the organizational experience, background, and readiness to manage a broadband services network. Applicants will be asked to submit the following:

- One-page resumes of all key management personnel undertaking the project,
- an organizational chart detailing all parents, subsidiaries, and affiliates of the prospective subgrantee,
- a narrative description of the subgrantee's readiness to manage a broadband services network.

³ Eligibility is defined by 47 C.F.R. § 54.804(c)(2) for US / Non-US Banks.

Q17: How are applicants expected to demonstrate technical capability?

A: Prospective subgrantees must submit evidence of their technical capacity to meet the commitments of the subgrant, as outlined in [Section IV.D.2.c of the BEAD NOFO](#). Information and documents provided in *Section 7.3* of the BEAD Application are intended to demonstrate that the prospective subgrantee is technically qualified to complete and operate the project and that they can carry out the funded activities in a competent manner. Applicants will be asked to submit the following:

- resumes and relevant documents detailing the years of equivalent experience for key technical personnel,
- documentation of relevant trainings, certifications, and licenses possessed by the organization or key personnel,
- documentation that demonstrates history of operating a network and providing services in North Dakota (or states in the same region or with similar characteristics),
- documentation that demonstrates experience deploying broadband projects of a similar size, complexity, nature, and value,
- documentation that demonstrates experience executing a project of a similar size and duration while maintaining a strong safety record,
- documentation that demonstrates experience responding to network performance impairments or outages.

Q18: What is expected from applicants regarding demonstrating Supply Chain Risk Management?

Prospective subgrantees must provide their organization's **Supply Chain Risk Management Plan** to demonstrate requisite risk management capabilities as outlined in [Section IV.C.2.c.vi of the BEAD NOFO](#). Applicants will be asked to certify that their organization's **Supply Chain Risk Management 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](#)),
- Specifies the supply chain risk management controls being implemented,
- Will be reevaluated and updated on a periodic basis and as events warrant,
- Will be submitted to the SBPO prior to the allocation of funds.

Q19: What is expected from applicants regarding National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA)?

A: Per [Section VII.D.4 of the BEAD NOFO](#), prospective subgrantees must certify that they understand and acknowledge that they must comply with [the National Environmental Policy Act \(NEPA\)](#) and the National Historic Preservation Act (NHPA) any other environmental or national historic preservation requirements. Applicants will also be asked to certify that:

- They will ensure that projects and eligible activities will be designed to minimize potential adverse impacts on the environment,
- They understand that NEPA analysis will be required for every project funded through the BEAD program and agrees to provide sufficient information to allow for NEPA analysis,
- They understand they are responsible for identifying and obtaining applicable Federal, State, and Local permits/approvals required to complete any BEAD program projects within the project implementation timeline,
- They understand that, should further details be needed post-application approval, SBPO/NTIA reserve the right to retain funds under a specific award condition until they provide requisite details pertaining to environmental compliance.

Q20: What is expected from applicants regarding Build America, Buy America (BABA)?

A: Prospective subgrantees must demonstrate how they intend to comply with all applicable Build America, Buy America Act (BABA) requirements as outlined by [Division G, Title IX of the Infrastructure Investment and Jobs Act \(IIJA\)](#). Applicants will be asked to certify the following:

- their organization will comply with definitions included in [Section 70912 of the Build America, Buy America Act](#),
- all materials used for the proposed project shall have a valid Manufacturer's Certification affirming that the items provided by the manufacturer meet the domestic preference requirements of BABA,
- all iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials will be produced in the United States unless a waiver is granted,
- BEAD funding will not be 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 \(47 U.S.C. § 1608\)](#),
- BEAD funding will not be 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.