

# **BEAD PROGRAM PRE-QUALIFICATION APPLICATION GUIDELINES**

**IDAHO  
OFFICE OF BROADBAND**



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The Idaho Office of Broadband and the Idaho Broadband Advisory Board reserves the right to modify these guidelines, at its sole discretion, in furtherance of program priorities or the best interests of the State of Idaho. Any modifications to these guidelines will be posted on the Link Up Idaho website.

## Program Information

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### Pre-Qualification Application Phase Overview

The National Telecommunications and Information Administration (NTIA) Broadband Equity Access and Deployment (BEAD) Program aims to expand and improve broadband access in underserved and unserved areas across the United States. It is the responsibility of the Idaho Office of Broadband (IOB) to implement the planning, infrastructure deployment and broadband programs across the State.

This document provides prospective applicants with a clear and comprehensive guide to the Idaho BEAD Program Pre-Qualification Application process, covering procedures, requirements, and steps for successful submissions. Due to possible new guidance that may be forthcoming from NTIA, application submissions may deviate from this guide; however, such deviations must be clearly documented in the submission.

In addition, information in this document may change due to ongoing discussions between federal agencies and IOB. Updates will be announced and tracked via [Link Up Idaho](#). The intended audience for this guide are representatives from eligible organizations completing the pre-qualification application. A representative with binding authority must complete the application.

The IOB reserves the right to request more information from prospective applicants as necessary to ensure all participants have the capacity to participate in the program and meet all BEAD Program requirements and goals. Further, the IOB reserves the right to request updated or additional information at any time, including after the subgrantee selection process, to re-assess the qualifications of subgrantees to execute the specific awards they have received.

Questions related to policy or procedural items should be directed to:

- [broadband@commerce.idaho.gov](mailto:broadband@commerce.idaho.gov)

Questions related to technical assistance with the Commerce Application Portal (which includes the pre-registration module) should be directed to:

- [grants@commerce.idaho.gov](mailto:grants@commerce.idaho.gov)

### BEAD Program Description

The BEAD Program is a federal program that provides \$42 billion nationwide to expand high-speed broadband access. BEAD was funded by the Infrastructure Investment and Jobs Act and is administered by the NTIA.

The BEAD Program's principal focus is to award funding for deployment of broadband infrastructure to provide access to all unserved locations (those without any broadband service at all or with broadband service offering speeds below 25 megabits per second (Mbps) download/3 Mbps upload) and underserved locations (those without broadband service offering speeds of 100 Mbps download/20 Mbps upload) in Idaho. Idaho was awarded \$583 million in BEAD funds to extend affordable, high-speed internet infrastructure to unserved and underserved Broadband Serviceable Locations (BSL) in the state. If there are remaining funds, the program will fund broadband deployment to Community Anchor Institutions (CAI) lacking access to 1 Gbps symmetrical.

The Idaho BEAD Subgrantee Selection process is based on the NTIA-approved Idaho BEAD Initial Proposal Volume II and will comprise two main phases in a single round: a pre-

qualification phase and a funding application phase. The IOB reserves the right to add additional funding rounds, if deemed necessary.

The Pre-Qualification Application will be used to determine which entities are qualified and eligible to compete for BEAD subgrants. The Pre-Qualification will allow the IOB to evaluate an applicant's technical, financial, operational and managerial capacity and will inform the IOB about the capability of prospective participants to comply with BEAD Program requirements and meet necessary standards, including subgrantee qualifications (see Notice of Funding Opportunity Section IV.D). Prospective subgrantees must meet the federal and state standards and qualifications to be eligible to apply for funding. Following the pre-qualification phase, the Funding Application will seek detailed information from eligible entities regarding specific application project areas (APAs).

The Idaho Broadband Advisory Board will select subgrantees for award via this competitive grant application process in furtherance of the main objectives outlined in the Five-Year Action Plan, Initial Proposal Volume II, and the Idaho Broadband Advisory Board's Broadband Strategic Plan. The Board's priority will be to select entities committed to improving and deploying broadband infrastructure to unserved and underserved locations in Idaho and who meet the pre-qualification requirements.

### **Eligible Pre-Qualification Applicants**

The pre-qualification applicant must be an eligible subrecipient of BEAD program funding to be considered for applying for a grant. Eligible applicants for this program are as follows:

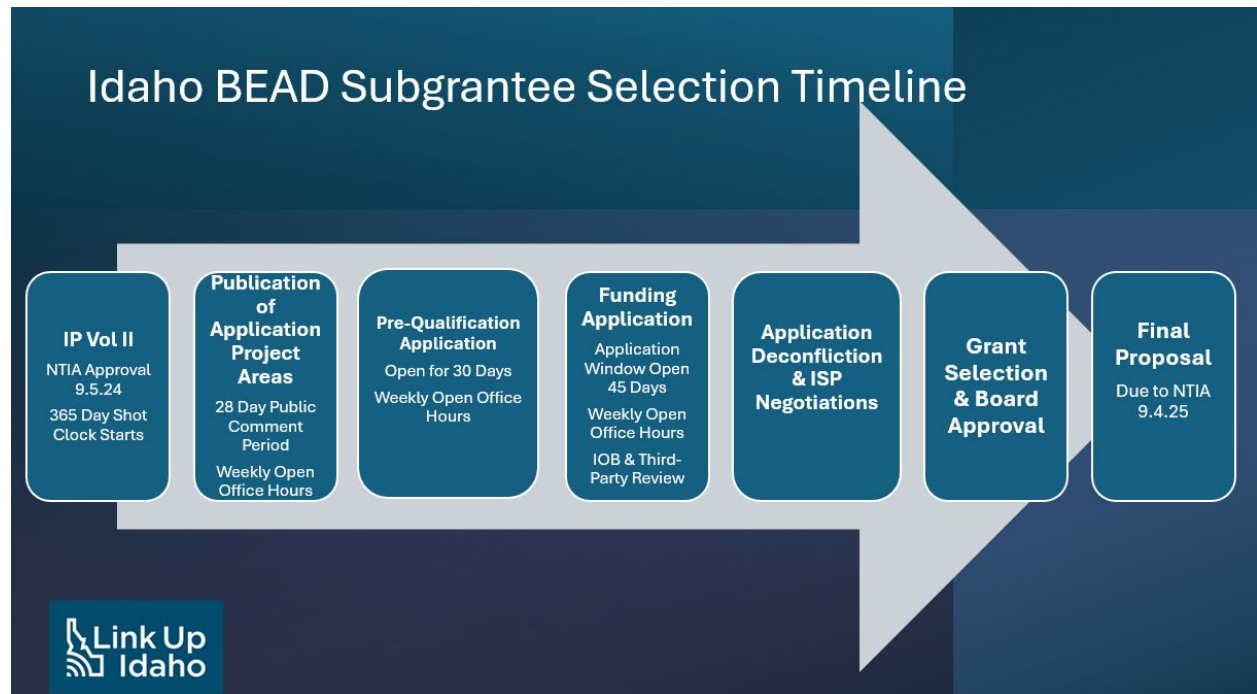
- An eligible broadband provider based on the definition outlined in the [ID Code § 40-517 \(2022\)](#);
- Incorporated businesses or partnerships;
- Nonprofit organizations;
- Limited liability companies;
- Incorporations;
- Cooperative entities that provide broadband services;
- An Idaho local or Tribal government; or
- Non-traditional providers (e.g., telecommunications provider, electric cooperative, and local government entities).

### **Full Subgrantee Selection Process**

The IOB is planning a multi-step process for selecting subgrantees and making BEAD funding awards after completion of the Challenge Process. These steps are as follows.

1. Publish Application Project Areas (APAs) map (published November 21, 2024).
2. **[Current] Pre-Qualification Application phase for potential subgrantee applicants mandatory for the Potential Applicant's participation in the BEAD Program. Applications will open January 16, 2025, and close February 14, 2025, at 11:59 pm MST. Pre-qualification applications will be evaluated by April 15, 2025.**
3. BEAD Funding Application phase.

4. Funding applications will be evaluated, scored and ranked; application deconfliction and negotiations with applicants as needed.
5. Selection of provisional grant awards.



**Application Project Areas (APA)**

Application Project Areas comprise clusters of non-tribal census blocks using the unserved and underserved locations in the BEAD eligibility list of NTIA-approved BSLs after completion of the BEAD Challenge Process. Census blocks with unserved and underserved locations are clustered together to create APAs.

Tribal APAs will be completely within a tribe’s boundaries. Some Tribal reservations may contain more than one APA.

APAs are currently available to view at: [Draft BEAD Project Areas](#).

The APA map was published on November 21, 2024, and was open for public comment through December 19, 2024.

## Pre-Qualification Submission Overview

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### Pre-Qualification Submission Items

The BEAD NOFO (Section IV.D) requires the IOB to ensure that prospective subgrantees can carry out activities funded by the subgrant in a competent manner and in compliance with all applicable laws. The NTIA published a Subgrantee Qualifications Evaluation Guide which gives Eligible Entities an overview of the BEAD NOFO requirements and how to evaluate the qualifications of prospective BEAD subgrantees.

Subgrantee qualifications act as criteria, meaning prospective subgrantees must meet the standards to be eligible for funding. Please note that pre-qualification criteria are not scoring criteria. Pre-qualification criteria, also called eligibility criteria help determine which subgrant applicants are qualified to compete, whereas scoring criteria support the Funding Application Phase.

Applicants will be required to submit Pre-Qualification Applications to confirm the following:

- They meet basic financial, managerial, technical, operational, and other regulatory and disclosure requirements, as described in Sections 2.4.11 through 2.4.15 of IOB's [Initial Proposal Vol II](#) and by the BEAD guidelines.
- Certification of applicant's history and planned continuance of compliance with relevant labor laws and disclosure of past violations, as described in Sections 2.7.1 and 2.4.14 of IOB's [Initial Proposal Volume II](#) and required by the BEAD guidelines.
- Certification of applicant's willingness to abide by certain BEAD requirements, such as support for Build America, Buy America (BABA) and Environmental and Historic Preservation (EHP) requirements and anti-collusion and conflict-of-interest provisions, as described in IOB's [Initial Proposal Volume II](#).

Applicants that do not submit all required and complete documents initially will be given seven calendar days from notification to cure and resubmit after which they may be disqualified from applying for funding. The IOB reserves the right to ask for additional information to verify the eligibility of the applicant. The evaluation results of pre-qualification submissions will determine eligibility for submitting a funding application.

No information in the pre-qualification submissions will be publicly posted on the Link Up Idaho website. Applicants must appropriately label confidential information to ensure this information will not be subject to public disclosure. A list of approved applicants will be published on the Link Up Idaho website.

### Idaho Public Records Law

Business records and information provided to the IOB are subject to public disclosure under the Idaho Public Records Law ([Idaho Code §9-337](#) et seq.)<sup>1</sup> and [Idaho Code § 67-4708](#),<sup>2</sup> unless specifically exempt from public disclosure. The IOB shall consider any records or information exempt from public disclosure as confidential.

The applicant shall declare and identify each individual document it considers confidential and exempt from public disclosure. The applicant shall mark each page of all such documents as

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<sup>1</sup> <https://legislature.idaho.gov/statutesrules/idstat/title28/t28ch9/sect28-9-337/>

<sup>2</sup> <https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH47/SECT67-4708/>

“confidential – proprietary information”. The IOB will not accept a legend or statement on one page that all, or substantially all, of a document is exempt from disclosure. The applicant shall also provide the legal basis for each exempt document and provide a brief explanation of the application of the identified legal basis to the corresponding document(s).

Applicant shall indemnify and defend the IOB and the State of Idaho against all liability, claims, damages, losses, expenses, actions, attorney fees and suits whatsoever for honoring any designation by the applicant of Confidential Information or for the applicant’s failure to designate individual documents as exempt. An applicant’s failure to designate as exempt any document that is released by the IOB shall constitute a complete waiver of any and all claims for damages caused by any such release. If the IOB receives a request for records claimed exempt by the applicant, the applicant shall provide the legal defense for such claim and pay all expenses incurred by the IOB in connection with such request.

### **Confidential Information**

Confidential information shall not include information which:

- Is or becomes generally available to the public other than as a result of a disclosure by the IOB or any of its directors, officers, employees, agents, counsel, consultants or other representatives, or any other person to whom the IOB discloses such information (whether orally or in writing);
- Was within the IOB’s possession or actual knowledge prior to the information being furnished to the IOB in connection with this application provided that the source of such information was not bound by a confidentiality agreement with, or similar obligation to, the applicant with respect to such information.
- Becomes available to the IOB on a non-confidential basis from a source other than the applicant, provided that such source is not bound by a confidentiality agreement with, or similar obligation to, the applicant with respect to such information.
- Is independently developed by the IOB under circumstance not involving the applicant’s application without use or reference to any of applicant’s confidential information.
- Is publicly disclosed pursuant to a lawful requirement or request from a governmental agency acting within its jurisdiction; or
- Is otherwise open to public inspection and copying, unless exempt, under the Idaho Public Records Law (Idaho Code §9-337 et seq.), or Idaho Code § 67-4708.

The applicant will be required to affirmatively warrant and represent it has sufficient authority to provide the IOB with confidential information.

### **Pre-Qualification Applicant Support**

The IOB intends to provide communication, technical assistance, and administrative support to applicants throughout the subgrantee selection process to provide guidance to applicants and clarify requirements. Please check [Link Up Idaho](#) to view current and accurate information regarding key deadlines and milestones for the BEAD Program, as well as information about support. The IOB will host weekly open office hours for any questions or concerns to be addressed.



## Pre-Qualification Application Sections and Questions

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The sections below offer further details for applicants as they complete the Pre-Qualification Application in the portal. Numbers in parentheses reference the Text Box numbers within the Requirements in the Idaho BEAD Initial Proposal Volume II.

### Applicant information and Required Certifications

- [SAM.gov](https://sam.gov) Unique Entity ID (If your company does not already have a UEI, please obtain one by visiting sam.gov and registering)
- Applicant Name (Name of Business)
- Federal EIN Number
- Contact Name and Title – Provide the name and title of the person to contact regarding the application.
- Contact email address – Provide a valid email address for person named above.
- Certification that the applicant commits to adhere to all applicable BEAD Program requirements described in the IOB’s Initial Proposal and Pre-Qualification Application.
- Certification that should any set of applicant bids be fully awarded by IOB, the applicant affirms its commitment to complete all planned work as described in the bids and accepts that any failure to follow through on planned work, as described in your bid, or violation of any certifications or commitments in this Pre-qualification Application shall be considered a violation of the grant agreement and subject to penalties, including claw-back of funds, at the discretion of IOB and IBAB.
- Certification that all aspects of project bids will be arrived at independently.
- Provide information related to any conflicts of interest, perceived or otherwise. The IOB will disqualify a Funding Application if applicants or any of their representatives attempt to inappropriately influence the grant process or collude in any material way.

### Financial Capability (2.4.11)

Pre-qualification applicants are expected to demonstrate financial expertise, capabilities, and available resources to meet program requirements and successfully complete a grant funded project.

- Certification that sufficient funds are available to cover project costs for which the applicant will be responsible in areas they intend to bid. Certification will consider funds needed beyond the anticipated grant amount, such as the BEAD-mandated 25% match, as well as funds availability to cover project costs prior to receiving reimbursement from BEAD.
- Upload Financial statements from the previous two fiscal years audited by an independent certified public accountant.
  - If applicant does not have audited financial statements:
    - It must submit unaudited financial statements from the prior fiscal year and certify that, if awarded funds, it will provide financial statements from the prior fiscal year audited by an independent certified public



accountant by a deadline specified by the IOB.

- It must upload a confirmation of engagement letter from an independent accountant. This letter should include a firm commitment by an independent accountant to provide audited financial statements on behalf of the applicant by a certain date in the future and will be provided as a condition to any future subaward.
- Certification from a company representative with the authority to bind the company's financial qualifications that the financial statements are true and accurate.
- Certification that the applicant will provide business plans and related analyses to substantiate the sustainability of the proposed project(s).

### **Letter of Credit (LOC) Requirements**

- Certify awareness and understanding of the letter of credit obligations and processes for the BEAD Program, including the programmatic waiver modifying the letter of credit requirement for subgrantees and that the applicant has the qualifications and resources to obtain the required letter of commitment and letter of credit to meet BEAD requirements.

The BEAD NOFO and the conditional programmatic waiver of the NOFO's letter of credit requirements together require the following:

- Prospective subgrantees must submit a letter from:
  - An eligible bank or credit union committing to issue an irrevocable standby letter of credit in the form established by the Eligible Entity; or
  - A certified surety on federal bonds committing to issue the prospective subgrantee a performance bond.
- Before finalizing any subgrantee agreement, the prospective subgrantee must obtain:
  - A standby letter of credit in the form established by the Eligible Entity valued at no less than 25% of the subaward amount; or
  - A performance bond acceptable in all respects to the Eligible Entity in a value of no less than 100% of the subaward amount; or
- The IOB may elect to issue funding on a reimbursable basis for periods of no more than six months and permit subgrantees to maintain a letter of credit or performance bond valued at 10% of the subaward amount.
- If requiring the 25% letter of credit or 100% performance bond, the IOB may elect to permit subgrantees to reduce the amount of the letter of credit or performance bond upon achievement of specific deployment milestones.
- Letters of credit, but not performance bonds, must be accompanied by an opinion letter from legal counsel asserting that in bankruptcy proceedings the letter of credit or its proceeds will not be treated as the subgrantee's bankruptcy.

**Managerial Capability (2.4.12)**

Subgrantee applicants are expected to show comprehensive and robust managerial capabilities and a commitment to the long-term success of the project through stable leadership, continued process improvements, and ongoing commitment of resources. Subgrantee applicants who are deemed to fail any of the requirements mentioned in this section may be asked to re-submit required documentation within seven calendar days. If subgrantee applicants ultimately fail to provide documentation that meets the standards outlined below, the subgrantee applicant will be ineligible to receive any funding as part of the BEAD deployment subgrantee process. Be aware that at the project level the IOB may ask for project resumes.

- Upload resumes for key management personnel who may be involved in completion of BEAD-funded projects in Idaho. At a minimum, this should include resumes for relevant C-suite officers and at least one senior leader who will be accountable for the success of the BEAD-funded deployment in Idaho.
- Upload an organizational chart and narrative detailing the applicant's processes and structure to manage larger projects. If organization structure is dependent on location of projects that will be applied for, please provide this information.
- Complete the Idaho Managerial Capability spreadsheet. Provide information on previous projects including project information and a narrative explanation of managerial capabilities as related to BEAD deployment. In the space for narratives, provide experience and qualifications of key managerial personnel, leadership's experience with projects of similar size and scope, any recent or upcoming mergers and acquisitions, and any relevant policies.

**Technical Capability (2.4.13)**

Subgrantee applicants must certify that they are technically qualified to complete and operate the proposed project and that applicant can implement the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.

- Certification that the applicant is technically qualified to complete and operate the proposed project and that applicant can implement the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.
- Certification that the applicant has the processes and resources in place to employ an appropriately skilled and credentialed workforce and that key team members are current on all required credential renewals.
- Certification that if the applicant chooses to contract resources, all contracted resources will have the relevant and necessary skills.
- Upload proof that the applicant's organization is currently licensed to do business in the State of Idaho. At a minimum, provide the applicant's Business Entity Registration from Idaho's Secretary of State. In addition, provide a list of business and technical certifications and licenses that will be relevant to BEAD participation that the applicant holds nationally and in Idaho.
- Complete the Past Performance spreadsheet. Provide three examples of past work

demonstrating experience in designing and successfully delivering projects of similar size, duration, and complexity. Examples may be from material you have produced for other purposes.

#### **Operational Capability (2.4.15)**

- Certification that applicant has provided a voice, broadband, and/or electric transmission or distribution service for at least two consecutive years or that they are a wholly owned subsidiary of such an entity and attest to and specify the number of years the applicant or its parent company has been operating.
- If applicant has conducted voice and broadband service operations in Idaho and other states, complete and upload the Operational Capability spreadsheet.
- If the applicant has provided a voice and/or broadband service, certification that the applicant has filed FCC Form 477s and Broadband DATA Act submissions, if applicable, as required during current reporting period, and otherwise has complied with FCC requirements.
- If the applicant has not provided broadband service and has operated only an electric transmission or distribution service, the applicant will be asked to submit qualified operating or financial reports that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.
- Provide a written narrative of any penalties the applicant or a subsidiary, affiliate, or holding company has incurred in the last five (5) years related to deployment projects funded by State or Federal broadband grants.
- Provide the name and details of any instances in the last five (5) years in which the applicant has been found liable in federal or state criminal proceedings or civil litigation related to federally- or state- funded broadband deployment or services.

#### **Information on Ownership (2.4.16)**

- Provide a detailed disclosure of ownership and related companies, as required and set forth in the Code of Federal Regulations Title 47 § 1.2112(a)(1)- (7). The disclosure shall include a detailed ownership chart showcasing direct and indirect stakeholders, a list of associated FCC-regulated entities, and clear explanations of relationships between entities.

#### **Information on Other Public Funding (2.4.17)**

Prospective applicants are required to fully disclose all applications submitted or plans to submit, and every broadband deployment project funded by public sources. This includes details such as sources of public funding, service speed, coverage area, commitment to serve unserved/underserved areas, the amount of public funding used, consumer service costs, and any matching commitments.

- Complete the Public Funding spreadsheet to provide the following information:
  - A list of applications the applicant submitted or plans to submit related to federal or State broadband funding, and every broadband deployment project that the applicant or its affiliates are undertaking or have

committed to undertake at the time of the application to the Idaho BEAD program using public funds.

- A list of all federally or State-funded broadband deployment projects the applicant is or has been engaged in, along with their funding sources and completion or non-completion timelines.

#### **Environmental and Historical Preservation and Build America, Buy America (2.4.5)**

- Certification that the applicant understands and will be compliant with all applicable environmental preservation laws, such as the National Environmental Policy Act (NEPA) as outlined in the BEAD NOFO.
- Certification that applicant will abide by any agreed-upon resolutions to mitigate the effects of proposed projects on Idaho Historical and Heritage sites, should your project plan trigger National Historic Preservation Act (NHPA) Section 106 review.
- Certification that the applicant will design and deploy all projects in such a way as to minimize the potential of adverse environmental impacts.
- Certification that applicant understands and intends to comply with the BEAD Build America, Buy America Act requirements.
- Certification that the applicant has no history of failure to comply with environmental and historic preservation and Build America, Buy America Act (BABA)<sup>11</sup> requirements, and intends to fully comply in the future.

#### **Labor Standards and Protection (2.7.1 & 2.4.14)**

- Certification from an Officer/Director-level employee, or an equivalent, of consistent past compliance with federal labor and employment laws on broadband deployment projects in the last three years, including:
  - Certification that the applicant, as well as its contractors and subcontractors have not violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years; or
  - Disclosure of any findings of such violations.
- Certification that the applicant has existing labor and employment practices in place and that the applicant will recertify this annually for the duration of the BEAD implementation period, including:
  - Applicable wage scales and wage and overtime payment practices for each class of employees expected to be directly involved in the network's physical construction.
- Certification that the applicant will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects and that the applicant will recertify this annually for the duration of the BEAD implementation period.
- Certification that applicant will provide project employment and local impact reports where an applicant does not certify using Davis-Bacon wages.

- Address current and planned future approach to project labor agreements.
- Certification that applicant will take all NTIA-required affirmative action steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used when possible as outlined on pages 88-89 of the BEAD NOFO.

**Certification of Nondiscrimination and Civil Rights (2.16.3)**

- Certification of compliance with Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any other applicable non-discrimination law(s).

**Certification of Compliance with Other BEAD Requirements (2.16.4)**

- Certification that 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.
- Certification that the applicant's cybersecurity plan reflects the latest version of the 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 that applicant will implement
- Certification that the applicant's cybersecurity plan will be reevaluated and updated on an annual basis which is in line with industry best practices.
- Certification that the applicant will provide a high-level overview of your approach to guaranteeing cybersecurity for all planned networks. Prospective awardees will be required to furnish detailed, project-specific plans as requested.
  - <https://www.nist.gov/cyberframework>
  - <https://www.nist.gov/profiles-0>
- Certification that the applicant will provide a supply chain risk management plan in line with the requirements outlined in the BEAD NOFO and will provide a plan if selected for a subgrant award.

**Final Attestation**

- Upload Final Attestation document which attests that all responses and submitted documents are accurate and comprehensive as of the date of this application submission and that the attestation is being completed by an officer of the company, or legal representative, with binding authority to make these attestations.