

INITIAL PROPOSAL Vol. 2 DRAFT

INTERNET FOR ALL
GUAM

Office of Infrastructure Policy and Development
November 2023



U.S. Department of Commerce

National Telecommunications and Information Administration

Table of Contents

- 2.1 Objectives (Requirement 1) 4
 - 2.1.1 Vision 4
- 2.2 Broadband Planning Process (Requirement 2)7
- 2.3 Local Coordination (Requirement 4)10
 - 2.3.110
 - 2.3.1.1 Covered Households..... 11
 - 2.3.2 Tribal.....12
 - 2.3.3 Aging Individuals.....12
 - 2.3.3 Incarcerated Populations13
 - 2.3.4 Veterans13
 - 2.3.5 Individuals with Disabilities.....14
 - 2.3.6 Individuals with a Language Barrier.....14
 - 2.3.7 Racial or Ethnic Minority Groups15
 - 2.3.8 Rural Individuals.....15
 - 2.3.9 Local Coordination Tracker16
- 2.4 Deployment Subgrantee Selection (Requirement 8)16
 - 2.4.1 Deployment Projects Subgrantee Selection Process & Scoring Approach.....16
 - 2.4.2.1 Scoring Rubric.....19
 - Primary Criteria 75% - 500 Maximum Points19
 - Secondary Criteria 25% - 164 Maximum Points Available..... 20
 - Last-Mile Broadband Deployment Project Areas..... 25
 - Extremely High Cost Per Location Threshold..... 28
 - b. Readiness to Manage Proposed Project 36
- 2.5 Non-Deployment Subgrantee Selection (Requirement 9) 43
 - 2.5.1 Subgrantee Evaluation and Award Process 46
- 2.6 Eligible Entity Implementation Activities (Requirement 10)47
- 2.7 Labor Standards and Protection (Requirement 11)..... 50
- These requirements will be woven into the subgrants as binding legal commitments to ensure compliance throughout the duration of each project. 52
 - Directly Employed Workforce: 52
 - Prevailing Wages and Benefits: 52
 - Project Labor Agreements (PLAs): 52
 - Local Hire Provisions:..... 53
 - Union Neutrality: 53
 - Labor Peace Agreements: 53
 - Skilled Workforce: 53
 - Credentialed Workforce:..... 53
 - Preventing Misclassification of Workers: 53
 - Enforcement measures may include: 54
- 2.8 Workforce Readiness (Requirement 12) 54
 - 2.9.2 Check Box: 62
- 2.10 Cost and Barrier Reduction (Requirement 14)..... 63
- 2.11 Climate Assessment (Requirement 15)..... 64
- 2.12 Low-Cost Broadband Service Option (Requirement 16) 70
 - 2.12.2 Checkbox. Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program..... 71
- 2.13 Middle-Class Affordability Plans..... 71
- 2.14 Funding Request use of Funds (Requirement 17)73

2.14.1 Describe the Eligible Entity’s planned use of any funds being requested, which must address the following:73
 2.14.2 Financial Data Entry:73
2.15 Eligible Entity Regulatory Approach (Requirement 18).....74
2.16 Certification of Compliance with BEAD Requirements (Requirement 19).....74
 2.16.174
 2.16.274
2.17 Volume II Public Comment77

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Internet For All

2.1 Objectives (Requirement 1)

2.1.1 Vision

Powered by the Bipartisan Infrastructure Law (BIL) and the momentum of National Telecommunications and Information Administration's (NTIA) Broadband, Equity, Access and Deployment (BEAD) and Digital Equity programs, we're setting a clear mission for Guam. We aim to ensure every islander enjoys accessible, affordable, and reliable high-speed internet, strengthening our ties to the broader digital world while reinforcing our role in America's defense. As we navigate this journey, we're committed to narrowing a digital divide that currently feels as expansive as the Pacific itself.

For Guamanians, the 'digital divide' isn't a distant concept; it's a tangible disadvantage resulting from our remote location, the high cost of internet access, and the missed opportunities these factors create. This divide poses a significant obstacle to equal opportunities across various aspects of life, spanning education, healthcare, and employment. It particularly impacts K-12 students who lack access to crucial developmental tools available to their peers in better-connected areas. In today's world, where remote work and digital literacy are not just possibilities but essential components of daily life, the unavailability of immediate and affordable high-speed internet places our entire community at a competitive disadvantage.

We will achieve this vision by doing the following:

1. Invest only in broadband infrastructure solutions that contribute to internet resilience, sustainability, and—where possible—upgradability.
2. Ensure long-term, affordable gigabit access for all community anchor institutions that serve Guam's people and culture.
3. Promote infrastructure investments and internet policies that ensure a continuously healthy and well-regulated marketplace for participating network service providers.
4. Invest in digital equity activities that improve digital literacy and accessibility, high-tech economic opportunities, digital health, digital citizenship, and digital preservation and dissemination of indigenous culture for all Guamanians.
5. Develop strategies to bridge the digital divide that denies citizens full access to services, information, and opportunities due to economic disparities in the community.
6. Promptly investigate, analyze, and report to Guam's people regarding the technical, economic, and social factors that affect their internet access, affordability, and safety.

The primary obstacle to internet access in Guam is affordability. Internet pricing on the island is significantly higher than what is typical in American households, affecting both basic and premium service levels. In terms of performance, Guam suffers from subpar average upload and download speeds when benchmarked against national standards¹, coupled with extensive areas receiving inadequate service. Additionally, Guam still experiences latency which disrupts the routine use of contemporary, real-time applications. Such technological shortcomings threaten to impede Guam's advancement as these applications become more integral to global economic systems and the daily lives of Guamanians².

The BEAD program defines a population as 'Served' with affordable internet access greater than 100 Mbps download, 20 Mbps upload, and sub-100 ms latency. Today, this basic level of service is out of reach for most Guamanians – this is no longer acceptable and must be addressed.

We plan to enhance our internet infrastructure by leveraging local initiatives, forging public-private collaborations, and seeking further opportunities with the National Telecommunications and Information Administration (NTIA) and other federal agencies. Our goal is to work in tandem with the Department of Defense, ensuring that our strategies align with Guam's distinctive security environment. As the United States' most remote territory, Guam serves as a critical strategic military base, playing a pivotal role in America's national security posture within the Indo-Pacific region.

Immediately after Typhoon Mawar moved past Guam, the island found itself with an almost total collapse of carrier service; this must not happen again. The Leon Guerrero-Tenorio Administration envisions a Guam where affordable qualifying internet service is soon available for all residents. A Guam with anchor institutions that can serve their communities with gigabit internet and the programming made possible through that internet capacity. A Guam that leads the Pacific in digital equity and opportunities for its people and digitization to help its native language and culture last for many generations. A Guam with low-latency internet and communications service that can withstand whatever natural disasters the physical climate may unleash; or threats caused by the global political environment.

By realizing this vision, Guam will be safer, more secure, and more successful as we move towards unparalleled technological advancements in broadband. It is worth noting within the context of our federal partners that the well-being of Guam is one of the most cost-effective measures in which the United States can enhance its security position in the world.

¹ <https://www.speedtest.net/global-index/united-states#fixed>

² <https://www.gigaspace.com/blog/amazon-found-every-100ms-of-latency-cost-them-1-in-sales>

Governor Lourdes A. Leon Guerrero, described it succinctly, “Infrastructure is Defense.” In the aftermath of Guam’s recent Typhoon Mawar disaster, the criticality of all Guam infrastructure—including its broadband infrastructure—has never been more clear. As America rapidly shifts its national defense priorities to deliver an unprecedented military build-up on the island, Guam’s government has had to reassess and reorder its own infrastructure priorities – both to mesh with the defense build-up itself, as well as to plan for new modes of resilience for the local population. The island's experience following Typhoon Mawar means new evaluations and priorities will be necessary.

In the heart of the Pacific, Guam grapples with challenges that no other U.S. state faces. By leveraging funds from the Bipartisan Infrastructure Act, including the NTIA’s BEAD and Digital Equity programs, we are determined to establish a pioneering digital infrastructure that addresses these unique challenges and meets the evolving needs of our community. Recognizing our singular position and the necessity to innovate makes our ambition clear: to ensure affordable, resilient, and state-of-the-art internet access for all, now and in the future. By confronting and addressing these unparalleled challenges head-on, we are setting the stage for Guam to emerge as a beacon in this region, a leader and mentor of digital innovation and resilience, charting a course others may follow.

The ambition of this plan matches the aspirations we hold for the people of Guam. While the strategies we've outlined might evolve, our unwavering belief remains that we can and will achieve our goals.

2.2 Broadband Planning Process (Requirement 2)

We are fully committed to enhancing internet services in Guam. Our strategy is more than a plan; it's a pledge driven by the belief in the transformative power of connectivity. Balancing all islanders' input with data-driven evidence, we approach our mission with unwavering resolve. In the face of challenges, our focus on accessibility, affordability, and quality remains steadfast, without preference. We will not waver in our pursuit of a connected and empowered Guam.

By prioritizing building out fiber-to-home connections, understanding the importance of the 'last mile' build-outs, requiring undergrounding projects, and embracing innovative solutions that may arise, we are committed to ensuring that every Guamanian has access.

Evidence-Based Decision Making: In the spirit of continuous improvement and data-driven decision-making, our approach to enhancing access, affordability, and speed of internet services in Guam is firmly rooted in evidence. We are committed to ensuring that any strategic adjustments are justified by robust data and analysis. Our past experiences underscore the importance of accurate and comprehensive information to prevent Guam from being overlooked. As such, should there be a need to consider a different direction in our service enhancement efforts, we will engage in a transparent process with full disclosure. Any potential changes will be meticulously evaluated to ascertain their alignment with the realities of Guam's internet service needs and to ensure they truly serve the best interest of our people.

To gain a comprehensive understanding of Guam's broadband landscape, we have collaborated with the FCC, NTIA, and various local agencies. Our approach has involved a detailed analysis of fabric data, including its use, challenges, and different versions, to accurately depict the state of broadband in Guam.

Additionally, we have conducted over 50 meetings with representatives from all local Carriers, which has been instrumental in gathering insights. Our engagement has extended to local public institutions, notably including fruitful discussions with the Guam Community College and, particularly, with the University of Guam's information technology department.

Seeking broader insights, we have also connected with industry experts across the Pacific. These interactions include sessions with the Hawaii Broadband Office and the University of Hawaii. Moreover, we have participated in weekly technical assistance sessions with the NTIA and engaged with counterparts in broadband offices across U.S.

Territories, notably CNMI and American Samoa, as well as Alaska, to gather diverse perspectives and best practices.

Community Input: Decisions around these critical areas must involve robust community input. The people of Guam must have a say in shaping their internet services, and this community perspective will ensure that decisions align with real-world needs and priorities.

Our approach to gathering community input includes leveraging our web and social media platforms, alongside direct engagement with residents through various town halls across Guam. These town halls, held in northern, central, and southern villages, have proven invaluable. They not only serve to inform the public about the BEAD program but, more importantly, facilitate open discussions where residents share their experiences. These include insights on service quality, internet costs, interactions with Carriers, and personal aspirations for the future of high-speed internet in terms of service, affordability, reliability, and speed. Our commitment is to visit as many villages as possible and to make appearances at community centers, especially to address senior citizens.

The role of village mayors in this process is crucial. Their involvement enhances attendance and contributes to the success of these events. Mayors help create an environment where attendees feel comfortable to speak candidly, providing both historical and current perspectives on broadband development in their communities. Their input has been vital in identifying areas needing extra attention and articulating the needs of those unable to attend.

This village-level coordination has significantly influenced our decisions regarding both deployment and non-deployment aspects of the program. The insights gained from these interactions also underscored the need for the pre-challenge modifications outlined in Initial Proposal Vol. 1.

Partnerships:

From the outset, we've engaged carriers in individual, confidential discussions to ensure that our action plan is as informed as possible. We understand the competitive nature of their businesses and have created spaces for candid feedback. Rest assured, their voices are heard, and their contributions to Guam are respected; an equitable plan also demands that community stakeholders have an equal seat at the table.

This is not a zero-sum game where one party's gain is another's loss. Victory, in this context, is universally improved access to fast, reliable, and affordable internet, regardless of location or income level. The goal is to foster a climate of collaboration and

transparency, aligning all stakeholders in a concerted effort to elevate the digital quality of life for the people of Guam.

Seeking More Funding to Support ACP:

Guam has made significant progress in securing funding for high-speed internet adoption through BEAD and Digital Equity, but our efforts don't stop here. OIPD is actively pursuing additional resources to promote the Affordable Connectivity Program (ACP).

Recently, OIPD received notification of an allocation of \$383,000 in funding from the Federal Communications Commission (FCC) to enhance the promotion of the ACP. Despite outreach efforts by internet service providers to reach eligible Guamanians, we have only seen 1,409 ACP subscribers (as of this writing, November 2023), which is among the lowest figures in the nation and falling significantly short of the number of eligible residents.

Our objective is to use these funds to guarantee that households eligible for this benefit are thoroughly informed about their qualification status through their respective carriers.

Alignment with Guam's Priorities: The BEAD strategy must align with Guam's unique selection of priorities, reflecting its specific context and challenges. This alignment ensures the plan is tailored to Guam's situation, making a more effective and community-driven approach to decision-making in these critical areas to ensure that changes are made judiciously and that they truly serve the people of Guam.

Unserved and Underserved Locations:

Unserved means service under 25 Mbps down, 3 Mbps up, and greater than 100ms latency. Another definition of unserved is not getting what you pay for or if you can afford it at all. Recommendations for improving broadband to unserved and underserved locations and addressing Community Anchor Institutions (CAIs) needs are welcome. We intend to take a community-centered approach, prioritizing technical requirements and existing infrastructure. Post-allocation, we will determine our challenge process and our mapped priorities. There is a need to focus on community needs, education, access, and affordability, considering the actual situation in Guam, not merely what is shown in potentially faulty maps.

Consideration of Alternative Eligible Uses

Our focus must be on genuinely assessing community available speeds and affordable access. Collaborations with local institutions, community involvement, and transparent decision-making must guide the allocation of funds. We also see other projects best

handled by concurrent Digital Equity Capacity grants, proposed and transparently procured without business influence.

Hierarchy of Projects

Cooperative approaches that involve community engagement, transparent processes, and prioritizing human welfare over technical and business interests are essential. The primary emphasis must be on the people of Guam, their real needs, and the gaps in service that exist, rather than relying on possibly misleading data and focusing solely on technical aspects. Cooperation, community engagement, and a focus on affordability must be at the forefront of any proposals and actions.

By staying focused on affordability, cooperation, and community engagement, we're ensuring that every proposal and every action we take is aligned with what's best for Guam.

In our steadfast pledge to Guam, we focus on genuine community needs, prioritizing access, affordability, and quality of internet service. We are confident that our partners agree. We proceed without preference, guided by evidence and transparency, to ensure that we meet Guam's unique challenges head on.

2.3 Local Coordination (Requirement 4)

2.3.1

The Guam Office of Infrastructure Policy and Development (OIPD), under the Governor's Office, actively collaborates with various government agencies, local entities, and institutions for BEAD broadband planning and deployment. Throughout each Stakeholder Engagement phase, the Office has consulted partners, coordinating communication and document reviews as needed.

A key focus has been on collaboration with Guam's Internet Carriers, seeking their industry-specific insights and fostering ongoing, constructive dialogues despite sometimes differing viewpoints. This partnership approach is rooted in the belief that collaboration is essential for meaningful progress and addressing digital equity challenges requires collective efforts from various stakeholders, including carriers, government bodies, educational institutions, and cultural preservation agencies.

The OIPD's outreach has been adaptable and responsive, meeting partners through various means like virtual meetings, in-person gatherings, and media platforms.

Emphasizing transparency and two-way communication, the Office has facilitated open dialogues through discussions, fact-finding sessions, and information-sharing events, recognizing the interconnectedness of various sectors.

The stakeholder engagement process was divided into three phases: Initial Data Gathering, Action Plan Consensus Building, and Ongoing Communications over the BEAD course. The first phase involved collecting data and insights from key stakeholders, including community anchor institutions. The second phase focused on building consensus for an action plan that reflects the needs of underserved communities, involving collaborative dialogues and incorporating stakeholder feedback. The final phase, ongoing communications, maintains dialogue with stakeholders, assessing the program's effectiveness and adapting strategies based on real-time feedback.

Each phase includes tailored engagement activities, emphasizing a journey towards a connected and equitable future through collective action, diverse voices, and shared commitment.

The Guam Broadband Office is employing various communication methods to promote awareness of the BEAD program and maintain transparency. The Office has already conducted many listening sessions, including a handful of village town halls conducted in coordination with village mayors. We've also livestreamed these events to our Facebook page and promoted them through various methods, including various social media and our website, Broadband.Guam.Gov.

The Office has engaged with unserved, underserved, and underrepresented communities primarily through the development of the Guam Digital Equity Plan. The Office's key efforts to involve these communities in BEAD planning include engagement with groups representing low-income populations, racial and ethnic minorities, people with disabilities, aging population and other traditionally underrepresented groups.

This coordination has informed the development of the Office's Initial Proposal and the Five-Year Plan. The proposal and plan reflect robust stakeholder engagement and iterative development to balance the interests of local governments, broadband providers, non-profits, and community organizations. An example of this is the scoring criteria developed by the Office for evaluating deployment proposals, which incorporate stakeholder feedback.

2.3.1.1 Covered Households

Since there are many covered households in Guam, identifying and mapping our key stakeholders involved a significant emphasis on collaborating with individual mayor's

offices and the Mayors Council of Guam (MCOG). As local authorities and representatives of their communities, they are instrumental in connecting with marginalized and underrepresented households. Their involvement provides legitimacy and local context to the project. We have and will continue to establish a clear communication line with each mayor's office and the Mayors Council, briefing them about the project objectives, the targeted households, and seeking their support and involvement. They have played a critical role in organizing town hall meetings and getting the word out about the BEAD, Digital Equity and Affordable Connectivity Programs.

The MCOG and individual mayoral offices have served as primary channels for our communication strategy. They helped to disseminate information about the project and its benefits to their communities, particularly the covered households.

The Implementation Phase involved close collaboration with the mayor's offices and the Mayors Council of Guam to encourage and facilitate stakeholder feedback. The Office has worked with these offices to address feedback, making necessary adjustments in the project planning and execution.

2.3.2 Tribal

Not Applicable

2.3.3 Aging Individuals

During the initial identification phase we continued to focus on the unique needs of aging individuals in Guam, working with Guam's State Office on Aging (GSOA) through the Division of Senior Citizens (DSC), Guam Department of Public Health and Social Services. The Division, along with healthcare providers, senior community centers, and family caregivers, were identified as crucial stakeholders due to their direct connections and understanding of the aging demographic. Our collaboration with the DSC, given their expertise and resources, was invaluable in pinpointing the specific challenges that aging individuals face in accessing broadband services. We will continue to organize town hall meetings, forums, and visits to senior community centers in partnership with these entities, ensuring that the voices and concerns of aging individuals are incorporated into the project.

During the Implementation Phase, the project team will collaborate with DSC and the mayors offices to facilitate and encourage feedback from the aging population. Regular meetings and feedback loops with officials in senior community centers will serve as avenues for gathering suggestions and concerns. This feedback will then guide ongoing improvements to the project, ensuring that it effectively caters to the specific needs of aging individuals and promotes digital inclusion.

2.3.3 Incarcerated Populations

In the initial identification phase, our focus was on understanding and addressing the digital needs of incarcerated individuals to promote digital equity. We have collaborated and will continue to work closely with key partners including the Guam Department of Corrections (DOC), the Judiciary of Guam, Guam Department of Youth Affairs, and regional advocacy organizations. These stakeholders are essential for gaining insights into the unique online access challenges faced by incarcerated individuals. Our collaborative efforts have revealed that their needs include access to educational materials, legal resources, online communication with family, and mental health services.

During the Implementation Phase, we will intensify our collaboration with these stakeholders to actively gather and integrate feedback from the incarcerated population. A variety of methods, including ongoing dialogues with correctional and advocacy organizations, will be employed to ensure their perspectives are considered and their concerns are addressed. This feedback will be crucial for continually refining and adapting our project. Our goal is to effectively promote digital equity among incarcerated individuals in Guam, thereby creating an environment that supports their rehabilitation and personal development.

Department of Youth Affairs

The Department of Youth Affairs (DYA) operates Guam's only juvenile detention center. We have observed the lasting impact of unequal treatment on youth and their families. A significant number of these young individuals involved in the juvenile justice system do not have access to modern technology, such as internet connectivity, in their homes. Bridging this digital divide could offer them equal opportunities for success, positively altering their futures. Our objectives include enhancing internet access at all DYA facilities. This improvement will enable online access to standard school classrooms, ensuring a smooth transition back to regular school settings for this vulnerable group.

2.3.4 Veterans

Veterans' entities are critical stakeholders due to their direct connections and deep understanding of veterans' unique needs and challenges. Our outreach has found that specific digital equity needs for veterans include access to reliable and affordable internet access, online mental health resources, telemedicine services, employment opportunities, and digital literacy training. By leveraging the reach and insights of these institutions, we were able to identify several impactful ways to improve online access and digital equity for veterans.

During the Implementation Phase, the project team will continue to work in close coordination with these key stakeholders to gather feedback from veterans. Through mechanisms such as community meetings, and direct communication channels within these organizations, we can gather insights to continuously improve the project. This feedback will guide adjustments to the project, ensuring it effectively addresses the specific needs of veterans in Guam and promotes digital equity. By providing veterans with reliable online access, we can facilitate their reintegration into civilian life and help them leverage the digital resources they need to thrive.

2.3.5 Individuals with Disabilities

In the initial phase of the Broadband Equity Access and Deployment project in Guam, we engaged with critical stakeholders - the Guam Department of Integrated Services for Individuals with Disabilities (DISID) and the Guam Legal Services Corporation – Disability Law Center (GLSC-DLC). These institutions are fundamental in advocating for the rights and services for individuals with disabilities. Together, we explored the unique digital needs of this community, which included considerations for assistive technologies, enhanced accessibility in online platforms, and custom digital literacy programs.

During the Proposal Phase, we will collaboratively develop a robust communication strategy that underscores the essential role of digital equity for individuals with disabilities. This strategy will highlight the transformational impact of broadband access in diverse areas such as telemedicine, online education, social connectivity, and employment. The identified institutions will be vital partners in ensuring our messaging is effectively conveyed and understood by the community. We will prioritize accessible formats and universal design principles in our communication materials.

In the Implementation Phase, we will sustain our collaboration with the identified institutions, leveraging their expertise to gather and interpret feedback from the disabled community. Our feedback mechanisms will prioritize accessibility, employing methods such as virtual consultations and feedback forms. The insights obtained will steer ongoing refinement of the project, ensuring it remains beneficial and relevant for individuals with disabilities. Our end goal is to create a more inclusive and equitable digital environment in Guam, serving the needs of all its residents.

2.3.6 Individuals with a Language Barrier

During the initial identification phase, the Broadband Equity Access and Deployment project team liaised with officials and students from the Guam Department of Education (DOE), the University of Guam, and the Guam Community College. Communication with these institutions and the populations they serve are crucial to address language barriers experienced by Guam's diverse population.

During the Implementation Phase, feedback from the community will be pivotal. The project team will make material available in multiple languages, ensuring a wide range of perspectives are taken into account. The insights gained from this feedback will inform the ongoing refinement of the project, guaranteeing that it effectively meets the unique digital equity needs of Guam's linguistically diverse population. Ultimately, the project aims to provide inclusive online access, bridging the digital divide and creating a digital landscape that serves all residents of Guam.

2.3.7 Racial or Ethnic Minority Groups

To effectively develop a digital equity plan in Guam for ethnic and racial minorities, the Guam Broadband Office took a comprehensive approach starting with demographic analysis and technology gap assessment. Key steps included identifying stakeholders within these communities and forming partnerships with local leaders, organizations, and influencers. Listening sessions with different focus groups, conducted in various languages were crucial for understanding specific needs and concerns. Communication of material has been multilingual and culturally sensitive, utilizing effective channels like social media for outreach.

The plan's implementation involves drafting policies that improve technology access, enhance digital literacy, and ensure affordable internet connectivity, incorporating community feedback into policy formulation. Initiatives like pilot programs, and broadband infrastructure development for underserved populations are pivotal. Continuous feedback, regular evaluations, and adaptability are key for measuring impact and refining strategies.

2.3.8 Rural Individuals

All residents, businesses, and institutions of Guam are considered rural by the United States Department of Agriculture. While this means that there will not be a particular focus on rural individuals with respect to data gathering activities and general stakeholder engagement, it also presents an opportunity for the Guam Office of Infrastructure Policy and Development Broadband Team to communicate with all entities about specific broadband and digital equity opportunities available—from USDA and other federal partners—due to that rural characterization. During ongoing communications, the team will continue to communicate new opportunities for rural entities and individuals to the public as part of its overall dissemination of information.

2.3.9 Local Coordination Tracker

A draft version can be found here:

https://docs.google.com/spreadsheets/d/1XMsSCOsj4FLg3AM5YpmD1_km3FcbY9ik/edit?usp=sharing&oid=115797251200433604935&rtpof=true&sd=true

In developing Guam's proposals and ongoing efforts, we have embraced a comprehensive approach that involved the community at every level. We have facilitated village town hall and stakeholder meetings not just as forums for speaking, but as platforms for listening and true dialogue. This is where the community's voice was heard loud and clear, guiding us toward a BEAD program plan that serves their needs.

Engagement with special interest groups is an ongoing commitment. These meetings are less about presentation and more about conversation—delving into the community's concerns and aspirations to inform our strategies.

Collaboration with ISPs is also critical. Our work with them is founded on transparent dialogue and shared objectives, ensuring that the services provided meet the standards of affordability, reliability, and speed that Guam deserves.

Coordination with government agencies is similarly integral. We're joining forces to cut through red tape and make certain that our collective resources are being used efficiently and effectively for the benefit of all.

We're also taking the initiative to engage directly with the public at local events, including village town halls, stakeholder meetings and conferences, gathering feedback and building trust. These aren't just fleeting interactions, but meaningful exchanges that enrich our plan with diverse perspectives.

In every interaction, we're guided by a sense of service and a commitment to deliver lasting, meaningful improvements to Guam's internet landscape.

We want to set the bar for connectivity in Guam, and we're doing it with diligence, integrity, and a keen sense of responsibility.

2.4 Deployment Subgrantee Selection (Requirement 8)

2.4.1 Deployment Projects Subgrantee Selection Process & Scoring Approach

The Office of Infrastructure Policy and Development (OIPD) welcomes all eligible organizations to submit their grant or subgrantee applications for consideration.

To ensure a fair evaluation process, OIPD requires that all grant applications be submitted in a standardized format, which will be made available on our website. The

application should include a detailed project description, budget breakdown, and measurable outcomes. Applicants must also demonstrate a clear understanding of the needs of the community they seek to serve and the ability to implement the proposed project effectively.

To ensure alignment with our mission, OIPD requires that grant applications be scored on their merits of alignment with the Broadband Equity Access and Deployment federal grant. We strongly encourage applicants to review this grant program's eligibility criteria and requirements before submitting their application.

All grant applications will be evaluated by a committee of subject matter experts who will score each application on its own merits. Applications will be scored under the guidance of a certified Procurement Officer according to the rubrics stated throughout this proposal, compliance with Guam and Federal procurement laws, ability to achieve the scope of work within allotted budget, speed to deployment, labor and wage practices, required certifications and affidavits, etc.

After the pre-application deadline, the Office will post all pre-applications and .csv files on Broadband.Guam.Gov within 10 business days. Within 30 days post-deadline, the Office will publish defined application areas, taking into account overlapping service locations from the pre-applications. This process, aimed at identifying and resolving conflicts where multiple applicants propose to serve the same areas, facilitates a direct comparison of competing proposals. Application areas might range down to a single location, and proposals must commit to serving all locations within an area. Proposals failing to cover an entire application area will not be considered.

Full applications, due 90 days after defining the application areas, must detail plans to provide broadband access. The Office will issue clarifying guidance during this period, based on the Initial Proposal, to assist in project development and clarify applicant requirements. These applications, along with all materials, will be posted on the Office's website within 10 businThe selection process for BEAD subgrantees in Guam will start either after NTIA approves Volume 2 of Guam's Initial Proposal, or when the BEAD challenge process ends and a final list of unserved and underserved areas, along with community anchor institutions, is published – whichever occurs later. The Guam Broadband Office will then open a pre-application period lasting at least 60 days. Applicants must submit a brief (no more than two pages) pre-application including basic information and a general statement of qualification for expanding broadband to unserved and underserved areas under BEAD. This should be accompanied by a .csv file listing potential service points and community anchor institutions lacking gigabit symmetrical connectivity. Importantly, submitting a .csv file does not obligate providers

to serve all listed locations. The Office of Broadband will release a .csv submission template 30 days before the pre-application deadline, which applicants must use less days of the submission deadline.

Subsequent to the full application submission, the Office will evaluate all proposals. Following approvals by the Leon Guerrero-Tenorio Administration and relevant federal entities, award announcements will be made. The Office will keep stakeholders informed about the evaluation and announcement schedule.

The Guam Broadband Office will keep applicants and stakeholders updated on the process stages via the Broadband.Guam.Gov website and email communications. To simplify the application process, each applicant must submit a narrative fulfilling the requirements of both this document and the BEAD Notice of Funding Opportunity. This approach eliminates the need for separate narratives for each geographic unit in the proposal. In addition to the narrative, applicants should provide cost estimates for serving each application area, along with proposed matching funds. A submission template will be provided by the Office to facilitate this process.

The Guam Broadband Office has established a fair, open, equitable, and competitive subgrantee selection process, ensuring safeguards against collusion, bias, conflicts of interest, arbitrary decisions, and other factors that might compromise the process's integrity.

2.4.2 Text Box: Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages:

The OIPD ensures that the prioritization and scoring process adheres strictly to the BEAD NOFO requirements, emphasizing a transparent and equitable evaluation of proposals. Our approach meticulously balances cost-efficiency, technological innovation, and speed of deployment against the backdrop of federal guidelines. Priority is given to projects that demonstrate not only an immediate impact on connectivity but also long-term sustainability, workforce development, and local community engagement. We apply a scoring system rooted in quantifiable metrics, ensuring every application is assessed with fairness and precision. Proposals reflecting affordability, fair labor practices, and robust local engagement receive higher scores. This process is underpinned by a commitment to continuous oversight, guaranteeing our methods evolve alongside the needs of the communities we serve. By adhering to these principles, the OIPD remains focused on achieving a transformative impact on Guam's digital landscape, setting a precedent for responsibility, efficiency, and innovation.

2.4.2.1 Scoring Rubric

Submit the scoring rubric to be used in the subgrantee selection process for deployment projects. Eligible Entities may use the template provided by NTIA, or use their own format for the scoring rubric:

Primary Criteria. In deciding among competing Priority Broadband Projects covering the same location or locations, Eligible Entities must give the greatest weight (e.g., substantial points or credits) to the following criteria:

Primary Criteria 75% - 500 Maximum Points

1. Minimal BEAD Outlay (200 points)

The total amount of funding required to complete the project area in the application, accounting for both the total projected cost and the applicant's proposed match, which must, without a waiver, cover at least 25% of the project cost, with the specific points awarded increasing as the BEAD expenditure decreases for each location serviced in project area in application.

Scoring rationale: Based on % of maximum available funds requested for a total project area.

2. Affordability (200 points)

The prospective subgrantee's commitment to provide the most affordable total price to the customer for Served speeds for homes and 1Gbps/1Gbps for CAIs in the project area.

- a. Low-Cost Plan Availability (100 points): Proposals that present plans priced at or under \$50, prioritizing access for economically disadvantaged demographics, will receive the highest marks. This should include a variety of plan options, with an emphasis on buried fiber-to-the-home services where applicable except in Extremely High-Cost Locations, that deliver served performance at minimal cost. The inclusion of a low-cost tier demonstrates the provider's commitment to widespread affordability.
- b. Value of Middle-Cost Plan Options (30 points): Proposals offering plans in the \$50 to \$75 range will be scored for their ability to balance cost with quality and service enhancements suitable for a wide customer base. Such plans should offer improved speeds or data capacities. Proposals that

leverage high-speed fixed wireless technologies to provide high-value services within this price bracket will be considered positively.

- c. Overall Cost Advantage (20 points): Proposals will be evaluated on their ability to offer more features or better service at the same or lower cost compared to the current market rates for comparable services. This assessment will favor providers aiming to shift market standards by offering cost-efficient fiber without sacrificing quality.
- d. Price Stability Commitment (20 points): Proposals with competitive introductory pricing that also provide guarantees or measures for price stability, particularly over multi-year service contracts, will be awarded points. This ensures long-term affordability and protects consumers from short-term pricing strategies.
- e. Minimization of Additional Costs (20 points): Proposals will earn points for demonstrating the lowest post-installation costs, such as minimizing or eliminating fees for equipment rental like routers. This criterion assesses the provider's commitment to keeping the total cost of ownership low for the end-user, ensuring the advertised affordability extends beyond the base service charge.

2. Labor Standards and Protection Compliance (100 points)

Total score comprised of the following:

- a. Certification of compliance (20 points)
- b. Compliance with territorial and federal employment laws (20 points)
- c. Disclosure of applicant violations (15 points)
- d. Disclosure of contractor and/or subcontractor violations (15 points)
- e. Wage information (15 points)
- f. Workplace safety committees (15 points)

Secondary Criterion. Eligible Entities must also give weight (e.g., some number of points or quantity of credits less than the amount given to the criteria above) to the following criterion:

Secondary Criteria 25% - 164 Maximum Points Available

3. Scalability and Evolutionary Potential (82 points)

- a. Network infrastructure can easily scale to meet future speed requirements and is designed for longevity with minimal future investment, including wireless solutions only where appropriate (40 points).
- b. Adequate scalability for current and near-future needs, with fiber solutions that demonstrate potential for expansion and upgrading (22 points).
- c. Limited scalability or future-proofing, suggesting potential for significant future costs or upgrades (20 points).

4. Maintenance, Repair, and Environmental Oversight (82 points)

- a. Demonstrates proactive and comprehensive strategies for ongoing inspection, repair, and environmental stewardship for end-to-end fiber to the home. (40 points).
- b. Maintains an adequate schedule for inspection and repair with satisfactory environmental assessment for all infrastructure types (22 points).
- c. Limited or reactive approaches to maintenance, repair, and environmental care, which may risk long-term sustainability (20 points).

Additional Prioritization Factors. Eligible Entities may develop additional secondary criteria to be given weights that align with Eligible Entity and local priorities, subject to the requirement to give the greatest weight to the primary criteria and the approval of the Assistant Secretary in the Initial and Final Proposal process. In particular, NTIA encourages Eligible Entities to incorporate the following as selection criteria:

5. Service Options and Terms Compliance (18 points)

- a. Fully adheres to proposal terms with a diverse range of service options from low to middle cost fiber-to-the-home (12-15 points).
- b. Shows partial compliance with proposal terms, offering limited service options for fiber and fixed wireless (6-11 points).
- c. Lacks compliance, failing to provide an adequate range of service options for the technologies deployed (0-5 points).

6. Open Access (18 points)

Selection criteria promoting subgrantees' provision of open access wholesale access to last-mile broadband service providers for the life of the subsidized networks, on fair, equal and neutral terms to all potential retail providers.

Rationale: Recipients that commit to offering wholesale broadband services at reasonable and nondiscriminatory rates and terms for the useful life of the

network assets will receive points based on the open access details in the application. Applications will receive points based on the information submitted for each element of the open access category.

2.4.3 Prioritization within the Subgrantee Selection Process

To achieve the overarching goal of comprehensive broadband coverage, our subgrantee selection process is meticulously designed to prioritize Unserved Service Projects. Here is our structured approach:

1. Defining 'Unserved' and 'Underserved' areas:

We establish clear definitions for 'unserved' and 'underserved' locations, based on data-driven thresholds for broadband speeds and service availability.

2. Mapping and Data Analysis:

Utilizing detailed mapping and data collection, we identify all unserved locations. This data is the cornerstone of our prioritization framework.

3. Tiered Funding Rounds:

Our funding is released in tiered rounds, with the initial round exclusively dedicated to Unserved Service Projects. Only after the Unserved Service Projects are fully funded do we consider applications for Underserved Service Projects.

4. Scoring System with Built-In Priorities:

Applications are scored on a system that heavily weights the service to unserved areas. Projects that do not address unserved locations will inherently score lower and thus be ranked lower in priority.

5. Conditional Funding for CAIs:

CAIs are a priority only if they are in unserved areas for the first round. Subsequent rounds will consider CAIs in underserved regions, ensuring that these critical institutions are enhanced after unserved locations are addressed.

6. Mandatory Progress Milestones:

Funded projects must meet specific milestones demonstrating service to unserved locations before they can receive full funding, guaranteeing that these projects are on track for completion as prioritized.

7. Transparency and Public Input:

We maintain transparency throughout the process, allowing for public input to ensure that the prioritization reflects the actual needs of the community and the intent of the BEAD program.

8. Adjustments Based on Implementation:

As projects progress, we continually reassess our coverage data to update and refine our prioritization, ensuring ongoing alignment with the goal of first serving all unserved locations.

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

Not Applicable

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

Guam Office of Broadband Emphasis on Responsible Spending and Compliance

The Guam Office of Broadband is steadfast in ensuring that taxpayer dollars are judiciously spent in alignment with U.S. federal standards and the specific needs of Guam. Our approach to enhancing broadband infrastructure through the BEAD program includes a commitment to supporting American workers and businesses, thereby fostering the growth of U.S. domestic manufacturing capacity.

Key Compliance Aspects:

Build America, Buy America Act (BABA) Compliance:

Requirement for all iron, steel, manufactured products (including fiber-optic communications facilities), and construction materials used in projects to be produced in the United States, unless a BABA waiver is granted.

Compliance with Section 70912 of BABA regarding the domestic content of manufactured products. Prohibition against using BEAD funding for products or services

defined as 'covered' under the Secure and Trusted Communications Networks Act of 2019.

Specific Prohibitions and Waivers:

A strict prohibition on using BEAD funding for fiber optic cable and optical transmission equipment manufactured in the People's Republic of China, unless a waiver from the Assistant Secretary is received.

BABA Waiver Provision: All stipulations about BABA compliance stand unless Guam or the BEAD program receives a specific waiver from the Federal Government.

Educational Outreach and Regulation Information:

A comprehensive list of regulations and compliance requirements will be posted on our website. Inclusion of these requirements in grant applications, instructions, and agreement terms/conditions.

Environmental and Historic Preservation Compliance:

Adherence to the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) to assess potential environmental and historical impacts of projects using BEAD funding.

Mandatory submission of environmental documentation for projects involving construction or ground disturbance.

Application Consideration:

Applications must demonstrate intent to comply with BABA requirements. However, should a waiver be granted to Guam or the BEAD program by the Federal Government, the stipulated requirements will be adjusted accordingly. Applications failing to comply with BABA, barring an official waiver, will not be eligible for BEAD funding. Our commitment remains to uphold these standards while ensuring that the specific needs and context of Guam are addressed in every facet of our broadband infrastructure development.

Strategies for Cost Management:

- The evaluation process will favor proposals that demonstrate innovative strategies to navigate the additional costs imposed by BABA and the Jones Act without compromising compliance.
- OIPD will closely collaborate with subgrantees to address the financial challenges posed by these regulations, promoting transparency and foresight in managing material sourcing and project execution.

Last-Mile Broadband Deployment Project Areas

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

Defining Project Areas:

- **Geographic Analysis:** Utilizing geographic information systems (GIS) and consulting expertise, we will map the current state of broadband access, identifying unserved and underserved areas.
- **Stakeholder Input:** We will gather input from local communities, businesses, and other stakeholders to understand the specific needs and priorities for broadband services in each area.

In our pursuit of maximizing the cost-effectiveness of broadband deployments, we're focusing on aggregating locations where building is economically viable. It's important to understand that carriers are likely to be more engaged and competitive in their bids for BEAD funds when a project aligns with their business plans. From our perspective on network design, we aren't constrained by government-established boundaries like census tracts. Instead, our primary consideration is the cost per location, as this is a critical determinant in deciding where building is economically feasible and in guiding project design decisions.

This approach doesn't mean that the dominant carrier in a region will automatically get the project area. All bids for project areas must still be selected in accordance with procurement law. We aim to foster an environment that encourages shared costs, access, and customer choice wherever feasible. This can help also prevent oversubscription, which affects performance.

This approach also means that we'll select project boundaries following the challenge process and re-evaluate the coverage map. This is essential, as areas initially marked as 'served' might become 'unserved', and vice versa.

Another key consideration is Administrative Feasibility. At the Office of Infrastructure Policy and Development, we must establish that a repeatable project area design process, which takes advantage of existing administrative boundaries, will lead to a manageable number of bids and streamline the process of awarding subgrants.

Furthermore, we'll draw project areas to optimally group areas with an Extremely High Cost per Location Threshold. Our aim here is to avoid mixing cost thresholds within project location sections. This strategy is crucial to prevent scenarios where the highest cost locations are included, potentially resulting in "fiber viable" locations missing out on fiber because they are grouped with these highest-cost areas. Our goal is to strike a balance that ensures equitable and efficient distribution of resources, paving the way for a more connected and prosperous Guam.

Engagement with Consultants and Vendors:

- **Expertise Sourcing:** Consultants with specialized skills in broadband planning and infrastructure will be retained to assist with the creation of project area definitions, evaluation criteria, and the review of proposals.
- **Deconfliction Mechanism:** A vendor will be contracted to develop a transparent system for managing overlapping proposals, enabling subgrantees to negotiate resolutions while maintaining visibility for the Eligible Entity. This would normally be expected by this point, however extenuating circumstances such as Typhoon Mawar significant damage to the Broadband Office, changes to financial management personnel, and procurement have slowed the initial process considerably.
- **Procurement Strategy:** We will comply with Guam procurement law to secure these services, emphasizing clear communication of our objectives, desired outcomes, and the need for interoperability with existing efforts.

Mechanism for De-conflicting Overlapping Proposals:

- **Transparent Portal:** The deconfliction mechanism will be an online portal where subgrantees can submit their proposals.
- **Proposal Evaluation:** A score-based system will be developed to compare proposals on a like-for-like basis, facilitated by the expertise of our consultants.

Staff Augmentation:

- We recognize the importance of leveraging private sector innovation and will actively seek contractual agreements to ease evaluation.
- For areas not addressed by internal staff capabilities, we will procure staff augmentation such as outside consultants to provide necessary expertise and support.

Capacity Building and Integration:

- Training programs (including GIS, grant management, Guam Procurement Law) may be initiated for current staff to enhance their ability to manage and maintain new broadband infrastructure.

- All consultants and vendors will be integrated into existing initiatives to ensure cohesive and coordinated efforts across the project's lifespan.

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

In descending order:

In the event that no proposals are received to serve locations identified as unserved, underserved, or a combination thereof, the OIPD will take the following proactive steps to engage with prospective subgrantees in subsequent funding rounds:

1. Targeted Outreach:
 - i. Initiate direct contact with providers who have existing infrastructure near the unserved or underserved areas.
 - ii. Host informational webinars detailing the specific needs of these areas and the incentives available for service expansion.
2. Enhanced Incentives:
 - i. Introduce preferential scoring for grant applications that aim to serve these high-need areas.
3. Public-Private Partnerships:
 - i. Work with utility companies for potential infrastructure-sharing agreements that could facilitate expansion.
4. Market Analysis and Feasibility Studies:
 - i. Conduct market analysis to identify potential barriers to service providers entering the market.
 - ii. Perform feasibility studies to present providers with data-driven assurances on the sustainability of serving these areas.
5. Aggregate Demand:
 - i. Gather commitments from residents and businesses in unserved and underserved areas to demonstrate demand to potential providers.
 - ii. Utilize pre-subscription campaigns as a tool to showcase community interest and potential return on investment.
6. Revised Solicitation Process:
 - i. If required, refine the solicitation process to allow for flexible project area definitions that may be more appealing to providers.

- ii. Develop a clear and transparent process for revisiting unserved areas in future funding rounds.
7. Community Engagement:
- i. Involve community leaders and local government in outreach efforts to advocate for their constituents' broadband needs.
 - ii. Encourage community-led initiatives to garner attention from potential service providers.

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

N/A

Extremely High Cost Per Location Threshold

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

Cost Model Adoption:

The process begins by adopting a cost model that has been tested and validated in similar environments to Guam. Models may include the FCC's CostQuest model, the Broadband Statistical Model, or any other that aligns with Guam's unique geographic and demographic characteristics.

Defining Parameters:

The selected cost model will consider both capital expenditures (CapEx) for the deployment of the network infrastructure and operational expenditures (OpEx) across the expected lifespan of the network (usually a period of 20-25 years).

Factors such as terrain difficulty, population density, labor costs, materials costs, climate challenges, and existing infrastructure will be accounted for in the cost model.

Threshold Criteria Development:

The Eligible Entity will determine the 'Extremely High Cost Per Location' by setting a benchmark that reflects the upper limit of reasonable cost-effectiveness based on the selected cost model.

This benchmark will factor in Guam's economic conditions and the need for affordable service post-deployment, ensuring that costs do not undermine the sustainability of service provision.

Consultation with Stakeholders:

Input from industry experts, potential subgrantees, and financial analysts will be sought to refine the cost threshold.

Public consultations will also help validate the threshold, ensuring it aligns with community expectations and the realities of network operation in Guam.

Operational Cost Inclusion:

Operational costs, including maintenance, service upgrades, customer support, and network management, will be projected and included in the threshold to ensure long-term viability.

The cost per location will incorporate projected revenue streams and potential subsidies to maintain operational sustainability without excessive user fees.

Cost Model Utilization:

Applying the Threshold:

During the subgrantee selection process, the Extremely High Cost Per Location Threshold will be applied as a filter to identify proposals that are cost-effective and sustainable.

Proposals exceeding the threshold will require a detailed justification, demonstrating extraordinary circumstances or showing how the project would serve a critical need that justifies the higher investment.

Periodic Review and Adjustment:

Acknowledging the fluctuating costs within the telecommunications sector, the Extremely High Cost Per Location Threshold will undergo an annual review and adjustment. This process is essential to align the threshold with current market trends, technological developments, and alterations in regulatory landscapes. Guam's unique position, influenced by factors like natural disasters, shifts in military priorities, governmental policy alterations, oceanic shipping expenses, material scarcities, and changes in the submarine cable market, underscores the need for this periodic

assessment. This review will ensure that for projects awaiting award, the threshold remains relevant and responsive to any significant changes in conditions.

Transparency and Documentation:

All determinations regarding the Extremely High Cost Per Location Threshold will be thoroughly documented, and the rationale will be made transparent in the interests of fairness and accountability.

The methodology, including any cost models and parameters used, will be available for public review to ensure an open and trust-based process.

Special Consideration for Cultural and Historical Significance:

Community Anchor Institutions (CAIs) that are located within historical sites and preserved areas often face unique challenges and costs associated with broadband deployment due to their sensitive locations.

These CAIs will be given special consideration under the Extremely High Cost Location (EHCL) threshold due to the need for specialized deployment techniques, preservation compliance, and potential archaeological assessments.

Adjustment in Cost Models:

The cost models utilized will include additional parameters for CAIs in these areas, factoring in the complexities of infrastructure development in protected and heritage sites.

This may include non-invasive installation practices, visually unobtrusive equipment, and potentially higher labor costs due to the specialized nature of the work required in such sensitive areas.

Heritage Preservation Compliance Costs:

The cost threshold will also take into account any additional expenses incurred from compliance with local heritage preservation laws, environmental impact assessments, and community consultations.

This recognizes the importance of maintaining the integrity of Guam’s cultural and historical landmarks while also providing modern connectivity solutions.

Alignment with Preservation Goals:

In defining what constitutes an 'extremely high cost' for CAIs in historical and preserved areas, there will be an alignment with Guam’s overarching goals of cultural preservation.

This approach ensures that while striving for digital inclusivity, there is also a commitment to safeguarding the island's heritage for future generations.

Transparent Justification for Cost Overruns:

By acknowledging the additional financial burdens that CAIs in historical sites and preserved areas bear, the Extremely High Cost Per Location Threshold respects the delicate balance between technological advancement and cultural heritage preservation.

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

- 1. The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.**
- 2. The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.**
- 3. The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.**

a. Declining High-Cost Proposals in Favor of Cost-Effective Alternatives:

- Establishment of Thresholds:
 - Establish clear cost per location thresholds based on comprehensive cost models that take into account Guam's unique terrain and the inclusion of protected areas as CAIs as automatic EHCLs.
 - These models will incorporate both the direct installation costs and additional expenses required for compliance with environmental and historical preservation.
 - Such thresholds will need to be determined based on site evaluations, and combined with costs-per-passing exceeding the highest costquest determinations for Guam by 50 percent.
- Alternative Solutions:
 - If a less expensive alternative technology is identified that meets the necessary service criteria, the subgrantee will be notified of the discrepancy.
 - Provide the subgrantee with detailed feedback regarding how their proposal exceeds the cost threshold and present the identified alternative.

- Documentation and Justification:
 - Require subgrantees to submit a justification for their proposed costs, especially if exceeding thresholds, and to demonstrate why the higher cost is unavoidable and why lower-cost alternatives are not viable.

b. Encouraging Proposal Revisions for Financial Efficiency:

- Engage in dialogue with evaluation panels and SMEs to understand the technology choices and explore possible revisions for cost-effectiveness.
- Communicate these revisions with Procurement Officer as sole Point of Contact to ensure integrity of process.
- Consultative Support:
 - Offer technical and consultative support to help subgrantees align their proposals with financial efficiency and technology optimality.
 - Ensure that the support provided aligns with the overarching goals of serving all locations, prioritizing those underserved or unserved.

Revision Incentives:

Introduce incentives for subgrantees to revise their proposals in a manner that reduces costs without compromising service quality, such as expedited review times or additional points in the evaluation process.

c. Selection of Less Costly Technologies When Applicable:

- Defining ‘Reliable Broadband’:

The Infrastructure Act defines “reliable broadband service” as “broadband service that meets performance criteria for service availability, adaptability to changing end-user requirements, length of serviceable life, or other criteria, other than upload and download speeds, as determined by the Assistant Secretary in coordination with the Commission.”
- Technology Evaluation:

Implement a tiered technology evaluation system that prioritizes cost efficiency and coverage while remaining flexible on the broadband speed benchmarks when necessary, especially in extreme terrain and protected areas.
- Justification for Lesser Technologies:

Develop criteria for selecting a less costly technology that does not fully meet the 'Reliable Broadband' definition but still provides significant service improvements to the most challenging areas to serve.

This selection process must include a robust justification for why the less expensive technology is the most appropriate solution, considering cost, geography, and the needs of the community.

- **Balancing Cost and Benefit:**
Balance the prioritization and scoring requirements with the practicality of serving all areas, including those with extremely high deployment costs due to challenging terrains or protected status.

Ensure the selection process remains transparent, with clear documentation of decisions where less costly technologies are chosen over higher-cost options that exceed the threshold.

Deployment Subgrantee Qualifications

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

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

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

c. Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.

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

The Guam Broadband Office has implemented a thorough vetting process for applicants seeking to deploy network facilities under the BEAD (Broadband Equity, Access, and Deployment) program. Here are the key requirements and procedures:

- **Certification of Qualification and Financial Capability:** Applicants must certify their qualification and ability to meet the obligations of the project. They must have sufficient funds to cover costs exceeding the grant amount and comply with all program requirements, including service milestones.
- **Requirement of a Standby Letter of Credit:** Similar to the Rural Digital Opportunity Fund (RDOF), applicants need to provide a letter from an eligible bank committing to issue an irrevocable standby letter of credit. This letter must adhere to BEAD's model terms and conditions, covering at least 25% of the subaward amount. An opinion letter from legal counsel must also be included, confirming that the letter of credit wouldn't be considered part of the applicant's bankruptcy estate if relevant.

The NTIA's conditional programmatic ILOC waiver for the BEAD program significantly modifies the financial requirements for participation, offering greater flexibility and accessibility:

Alternative Financial Instruments:

- **Example:** A local Guam ISP needing a \$2 million grant can now opt for a letter from a qualified credit union instead of a traditional bank LOC. This can be particularly advantageous if the credit union offers more favorable terms or lower collateral requirements, making it easier for smaller ISPs to secure funding.
- **Reduced Initial Requirements on a Reimbursable Basis:**
Lower Initial Commitment: If the BEAD grants are issued on a reimbursable basis, the initial requirement for the LOC or performance bond can be as low as 10% of the total award amount. This dramatically lowers the entry barrier for participation.
- **Example:** For a project with a total award of \$1 million, the initial LOC or bond requirement can be just \$100,000. This is significantly more manageable for smaller carriers with a small market such as Guam.

- **Submission of Business Plans and Analyses:** Applicants are required to submit detailed business plans and analyses to demonstrate the sustainability of their proposed project. This includes pro forma statements or analyses with cash flow, balance sheet projections, and at least three years of operating cost and cash flow projections post-project completion.
- **Roll-Over Bond Example:** Let's say an ISP has a phased project such as with multiple stages. For the first stage, they secure a \$200,000 roll-over bond. As they complete each stage and are reimbursed, they can 'roll over' this bond to cover subsequent stages. This method allows for continual coverage without the need for securing a new bond for each project phase, easing the financial strain on smaller ISPs.
- **Public Awareness and Communication:** The Guam Broadband Office will ensure that applicants are fully aware of these regulations. Information will be posted on the Broadband.Guam.Gov website, and requirements will be included in grant applications/instructions, contract negotiations records, grant agreement terms/conditions, and subrecipient grant monitoring program requirements.
- **Disqualification for Non-Compliance:** Applications that do not meet the minimum qualifications for financial capability, as outlined in the BEAD NOFO, will be ineligible for funding.

These measures are designed to ensure that only financially capable applicants are selected to deploy network facilities, thereby securing the effectiveness and sustainability of the broadband projects under the BEAD program.

Additionally, all local procurement laws and those set forth in uniform guidelines not stated here will be closely adhered to.

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

N/A

2.4.12 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the

BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

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

Evaluation of Key Management Personnel

Submission of Resumes and Company Structure:

Implement a mandatory submission of detailed resumes for all key management personnel. These resumes must outline relevant education, experience, certifications, and a proven track record in managing similar projects or operations.

Resumes should also highlight any specific expertise in telecommunications or broadband infrastructure deployment.

Review Process:

Determine with SMEs standards for experience and expertise that key personnel must meet, based on industry best practices and the specific requirements of the BEAD program.

Interviews:

Conduct interviews with key personnel to gauge their understanding of the project's scope, complexities, and their approach to managing potential challenges.

b. Readiness to Manage Proposed Project

Narrative Description:

Require a comprehensive narrative from prospective subgrantees describing their readiness to manage the proposed project, including strategies for dealing with anticipated challenges, compliance with regulatory requirements, and maintaining service quality.

This narrative should demonstrate a clear understanding of the project lifecycle, from initiation through to completion and ongoing operation.

Assessment of Organizational Capacity:

Develop criteria to assess the organizational capacity of the subgrantee, including financial management systems, customer service protocols, and technical support capabilities.

Evaluate past performance on similar projects, if available, to establish a track record of successful project management and service provision.

Alignment with BEAD Requirements:

OIPD will ensure that the narrative aligns with the strategic goals of the BEAD program and adheres to the outlined project management methodologies.

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

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

To ensure prospective subgrantees deploying network facilities meet the minimum qualifications for technical capability as specified by the BEAD NOFO, OIPD will institute a rigorous vetting process:

Technical Qualification Certification:

OIPD will require subgrantees to submit a declaration certifying their technical proficiency in completing and managing their proposed project. This will necessitate a

confirmation that the subgrantee has the capability and plans to engage a workforce with the necessary skills and credentials.

Network Design and Documentation Submission:

OIPD will mandate that subgrantees present a detailed network design, supplemented by diagrams, itemized project costs, and a build-out timeline with clear implementation milestones. This must be accompanied by a capital investment plan that validates the project's ability to be fully operational and start service within a four-year period post subgrant award.

These submissions will need to be certified by a professional engineer who will vouch for the proposed network's capacity to deliver the required broadband service to all targeted locations, meeting the stipulated performance standards.

Expert Review Panel:

Upon collection of the submissions, OIPD will assemble a panel of subject matter experts, including network engineers and broadband infrastructure specialists, to evaluate the proposed plans. This panel will assess the technical feasibility, economic efficiency, and adherence to the program's service benchmarks.

Alignment with Application Materials:

In instances where OIPD provides specific application materials for the BEAD subgrantee selection process, these materials will reiterate and reflect the guidelines established in the NOFO. These materials will guide subgrantees in demonstrating their network planning competence and in certifying their technical capabilities, thus streamlining adherence to the program's timelines and investment requirements.

OIPD's comprehensive evaluation process will ensure that only subgrantees with the requisite technical capacity are approved, fostering the development of a resilient and high-performing broadband infrastructure under the auspices of the BEAD initiative.

2.4.14 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the 14 Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in**

a competent manner in compliance with all applicable federal, state, territorial, and local laws.

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

The Office of Infrastructure Policy and Development (OIPD) is dedicated to ensuring that all applicants involved in deploying network facilities in Guam are rigorously evaluated and meet the minimum qualifications for compliance with applicable laws, as specified in the BEAD NOFO

OIPD will require applicants to demonstrate their capability to conduct funded activities competently and in accordance with all applicable Federal, Territorial, and local laws of Guam. This includes strict adherence to occupational safety and health regulations.

To verify compliance with occupational safety and health requirements, OIPD will mandate that applicants allow the formation of worker-led health and safety committees. These committees should be empowered to engage with management upon reasonable request to discuss and address workplace health and safety concerns.

To ensure that applicants are fully informed of these requirements both before and during the selection process, OIPD plans to:

- Post a detailed list of these requirements on OIPD's website.
- Incorporate these requirements into grant applications and instructions.
- Include these stipulations in contract negotiation records, grant agreement terms/conditions, and subrecipient grant monitoring program requirements.

Additionally, OIPD will provide resources to assist applicants in understanding and meeting these requirements. This includes offering guidance on establishing and managing health and safety committees, leveraging local resources and best practices relevant to Guam.

Applications that do not meet the stipulated minimum qualifications for compliance with applicable laws, as outlined on page 74 of the BEAD NOFO, will be ineligible for BEAD funding through OIPD. Our office is committed to upholding the highest standards of legal compliance and safety in all funded projects, reflecting our dedication to responsible and sustainable broadband expansion in Guam.

2.4.15 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum

qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

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

1. Operational Capability Certification Requirement:

Certification Process: Develop a certification form for prospective subgrantees to confirm their operational capability. This form should require detailed evidence of their ability to compete and operate the project effectively.

Verification Protocol: Establish a verification protocol to authenticate the information provided in the certification, possibly involving third-party audits or reviews.

2. Experience and Service Provision Certification:

Mandatory Experience Declaration: Require prospective subgrantees to submit a declaration certifying their experience in providing voice, broadband, and/or electric transmission or distribution service for at least two years.

Subsidiary Consideration: If the subgrantee is a subsidiary, they must provide attestation of the parent company's operational history, including the number of years of operation.

Documentation Requirement: Implement a system to collect and verify documents supporting these claims, such as service records or operational reports.

3. Compliance with Commission's Rules and Regulations:

Form 477 and Broadband DATA Act Submission Certification: Require subgrantees that have provided voice and/or broadband service to certify their compliance with the Commission's rules, including timely filing of Form 477 and Broadband DATA Act submissions.

Verification of Compliance: Set up a review process to cross-check these certifications against available regulatory data to ensure accuracy and compliance.

4. Requirements for Electric Transmission or Distribution Service Providers:

Financial and Operating Report Submission: Mandate the submission of qualified operating or financial reports filed with relevant financial institutions.

Certification of Authenticity: Require a sworn statement certifying that the submitted reports are true and accurate copies of those provided to the financial institutions.

5. Evaluation of New Entrants to the Broadband Market:

Evidence of Operational Capabilities: Demand concrete evidence from new entrants demonstrating their operational capabilities, which could include business plans, partnership agreements, or proof of resource acquisition (either internal or external).

Assessment Framework for New Entrants: Develop a comprehensive assessment framework tailored to evaluate the operational readiness of new market entrants, focusing on their resource mobilization, technical expertise, and strategic planning.

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

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

Compliance is required: Certification of ownership and other disclosure is part of Guam Procurement Law. *AFFIDAVIT DISCLOSING OWNERSHIP, INFLUENCE, COMMISSIONS AND CONFLICTS OF INTEREST (Required by 5 GCA § 5233 as amended by P.L. 36-13 (4/9/2021))* is a required document.

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

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

The Office of Broadband will require each applicant to disclose, for itself and for its affiliates any application the applicant or its affiliates have submitted or plan to submit, and every broadband deployment project that the applicant or its affiliates are undertaking or have committed to undertake at the time of the application using public funds, including but not limited to funds provided under: the Families First Coronavirus Response Act (Public Law 116- 127; 134 Stat. 178); the CARES Act (Public Law 116-136; 134 Stat. 281), the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182); or the American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4), any federal Universal Service Fund high-cost program (e.g., RDOF, CAF), or any Eligible Entity or local universal service or broadband deployment funding program.

The Office of Broadband will require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), 96 (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the applicant or its affiliates.

The Office of Broadband will ensure applicants are aware of these requirements prior to and throughout the selection process by posting a list of requirements on the broadband.guam.gov website, and including the requirements in grant applications/instructions as well as contract negotiation record grant agreement terms/conditions and subrecipient grant monitoring program requirements.

Further, OIPD will ensure applicants are aware of these regulations prior to and throughout the selection process and including the requirements in grant applications/instructions as well as contract negotiations records, grant agreement terms/conditions and subrecipient grant monitoring program requirements. Applications that fail to meet the minimum qualifications for financial capability as outlined on pages 72-73 of the BEAD NOFO will not be considered to receive BEAD funding.

2.5 Non-Deployment Subgrantee Selection (Requirement 9)

The Guam Broadband Office is committed to using the island's BEAD allocation primarily to expand broadband infrastructure to every location lacking service,

underserved areas, and Community Anchor Institutions without gigabit symmetrical connectivity.

Should there be remaining funds after these primary objectives are met, they will be allocated to non-deployment programs aimed at bridging the digital divide. In alignment with the BEAD Notice of Funding Opportunity, the Office will consider funding non-deployment activities such as cybersecurity and privacy training, remote learning and telehealth services, digital literacy programs, pre-release prisoner education in digital skills and education services, and digital navigator services. These may also include initiatives for smart farming technologies, broadband adoption programs, and other related non-deployment activities.

Our outreach efforts, as part of the Digital Equity Planning grant, have highlighted key community needs. Potential applications of non-deployment funding include workforce training programs in coordination with local institutions, networking upgrades for Guam Memorial Hospital to allow for the adoption of an electronic health records system, satellite networks for emergency services, enhancing online community resources in partnership with local libraries, a QR code project for Guam's historical sites, and a community-based emergency communication app.

As we look beyond the primary deployment phase of the BEAD program, one of our non-deployment priorities is the implementation of a complimentary islandwide wireless service or safe free hotspots. This service is designed to meet essential internet needs without competing with Guam's Internet Carriers. Offering speeds up to 30Mbps for downloads and 2Mbps for uploads, this service is tailored to provide a basic yet vital internet connection to everyone on the island.

The need for such a service is rooted in the persistent issue of affordability as a barrier to internet access. Despite our efforts to expand broadband infrastructure, the reality is that for some residents, no price is affordable enough. This is evidenced by the notably low uptake rate of the Affordable Connectivity Program (ACP) in Guam, the lowest in the nation, which signals a significant affordability gap. Our conversations with stakeholders have further highlighted this challenge.

Moreover, this service isn't just for residents. It presents added value for visitors to Guam, enhancing their experience and potentially boosting our tourism sector. These users are not prospective customers for home broadband service. In times of emergencies, such as natural disasters where conventional internet services might be disrupted, this network could become a critical tool for communication and coordination.

In summary, the implementation of a free, islandwide wireless service is more than just an additional feature of our broadband expansion. It's a commitment to ensuring that every resident of Guam, regardless of their financial situation, has access to the digital world. It's an investment in our community's inclusivity, emergency preparedness, and overall quality of life.

For all BEAD non-deployment programs, the selection of subgrantees will be through a competitive process, adhering to both federal grant and BEAD-specific requirements. The Guam Broadband Office will ensure this selection process is fair, open, equitable, and competitive, with safeguards in place to maintain the integrity of the process and prevent issues like collusion, bias, conflicts of interest, and arbitrary decisions. This approach guarantees confidence in the program and its outcomes.

Given the diverse range of potential non-deployment projects outlined, the Guam Broadband Office faces the critical task of selecting which initiatives to fund. To guide this decision-making process and ensure the most effective use of resources, the following objective criteria have been developed and determine priorities in descending order:

1. **Community Impact and Need: 20 points**
Emphasis on projects that significantly impact the community and enhance or fill gaps in public services.
2. **Alignment with BEAD Objectives: 15 points**
Projects that strongly align with the BEAD program's core objectives, including improving public services through technology.
3. **Cost-Effectiveness and Sustainability: 15 points**
Evaluation of projects based on their financial feasibility and long-term sustainability.
4. **Feasibility and Timeliness: 10 points**
Consideration of the project's practicality and the ability to implement in a timely manner.
5. **Scalability and Long-term Benefits: 10 points**
Priority to scalable projects with long-term community benefits, particularly in public services.
6. **Inclusivity and Accessibility: 10 points**
Ensuring projects cater to diverse community members and enhance accessibility in public services.
7. **Innovation and Technological Advancement: 10 points**
Favoring projects that bring innovative solutions and technological advancements, especially in public service sectors.
8. **Emergency Preparedness and Resilience: 10 points**

Projects contributing to emergency preparedness and ensuring continuity of public services during crises.

This scoring system ensures a balanced evaluation, giving significant weight to the most crucial aspects while still considering the broader range of important factors. This approach ensures that the Guam Broadband Office allocates non-deployment funds to projects that are impactful, feasible, and aligned with the overarching goals of the BEAD program and community needs.

2.5.1 Subgrantee Evaluation and Award Process

The Guam Broadband Infrastructure Initiative builds upon existing broadband funding programs by implementing a thorough approach to ensure performance accountability by subgrantees.

1. Awards will be distributed on a reimbursable basis, with disbursements tied to verified completion thresholds. For instance, an initial 10% of the subgrant award will be provided after provider certification and verification that 10% of eligible locations have been serviced. Subsequent disbursements will follow at completion thresholds of 35%, 60%, 85%, and the final 100%, contingent upon verification of total deployment to eligible locations within a maximum of 48 months or a shorter timeline if certified by the applicant.
2. Penalties for Non-Performance: Clear penalties will be established for subgrantees who fail to meet their obligations, including clawback provisions to recoup disbursed funds. Subgrantees not adhering to the minimum advertised connection speed and cost will risk forfeiting awarded funds, potentially the entire amount received. The Office of Infrastructure Policy & Development (OIPD) will exercise discretion in determining the amount forfeited. In cases of non-performance, the state will coordinate with the National Telecommunications and Information Administration (NTIA) for appropriate action regarding the funded broadband infrastructure.
3. Subgrantee Reporting and Monitoring: Subgrantees will be required to submit monthly project and expenditure reports for the duration of the agreement, which may include expenditures, project status, compliance, community engagement efforts, and workforce plans. Additionally, annual reports summarizing key aspects of the project, such as the number of serviced locations and subscription rates, may be requested.
4. Documentation and Third-Party Review: Qualified personnel, supported by a third-party firm, will be engaged to review documentation and maintain records, ensuring adequate support and expertise.

5. Communication and Outreach: OIPD will communicate requirements to prospective subgrantees through various outreach efforts, in-person meetings, and posting regulations and requirements on the Office website. These stipulations will also be included in grant application instructions and grant agreement terms.

This framework aims to effectively utilize the available broadband infrastructure funding in Guam, ensuring transparent, accountable, and efficient implementation of the initiative.

To apply, interested organizations must follow the steps below:

1. Review the grant guidelines and eligibility requirements on the OIPD website.
2. Complete the grant application form and submit all required documentation, including a detailed project proposal and budget plan. Unless otherwise indicated, deadlines will be 5 p.m. (Chamorro Standard Time) of the stated deadline, emailed to broadband@guam.gov in PDF format. Any proposals received after the deadline will not be accepted. An original hard copy and a number of copies to be determined by OIPD must be submitted to the Office within the first five days of the deadline.
3. The question and answer period to OIPD will be determined by OIPD, and announced in a published advertisement in a local newspaper of general circulation.
4. Applications will be evaluated and scored based on their alignment with the Broadband Equity, Access, and Deployment (BEAD) federal grant.
5. Finalists will be notified and may be invited to submit additional information or participate in an interview with the OIPD.
6. Grant recipients will be notified and provided with detailed instructions for next steps, including project reporting and compliance requirements.

2.6 Eligible Entity Implementation Activities (Requirement 10)

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

As the recipient, the Office of Infrastructure Policy and Development (OIPD) intends to implement several key initiatives directly, without the distribution of subgrants. This centralized approach is aimed at ensuring strategic alignment with overarching goals,

maintaining quality control, and ensuring the efficient utilization of resources. Here's an overview:

Initiatives Implemented Directly by OIPD

The Office of Infrastructure Policy and Development (OIPD) is committed to directly implementing several key initiatives, bypassing subgrants, to ensure alignment with our strategic goals, maintain quality control, and optimize resource utilization. Here's a more detailed outline of our operations:

Direct Project Execution and Management:

- **Operation:** Managing essential projects, such as island-wide network operations and infrastructure deployment.
- **Justification:** Ensures critical connectivity projects are prioritized, aligning with strategic goals and allowing for timely project scope adjustments.

Streamlined Workforce Augmentation:

- **Operation:** Direct hiring for crucial roles like project management, technical support, and compliance.
- **Justification:** Facilitates quick, decisive action in key areas, avoiding delays from subcontractor logistics. We aim to hire experienced polymaths who are quick learners with a proven track record in multiple fields.

Operational Efficiency:

- **Operation:** Centralizing operations like procurement, financial management, and reporting.
- **Justification:** In-house management, including staff trained to use government accounting systems, avoids delays in reporting and aligns with our priorities. This approach also benefits from cross-training, enhancing team versatility.

Comprehensive Compliance:

- **Operation:** Direct oversight of all compliance responsibilities.
- **Justification:** Ensures strict adherence to regulatory standards, vital for maintaining high ethical and operational standards.

Programmatic Oversight:

- **Operation:** Centralized management of grant functions.

- **Justification:** Guarantees consistent, high-quality management, crucial for adapting to evolving program requirements and stakeholder needs.

Administrative Consolidation:

- **Operation:** Managing outreach, education, and training centrally.
- **Justification:** Ensures cohesive outreach that evolves naturally with the program, thanks to the consistency of in-house staff. This approach allows for more effective communication and outreach strategies.

Focused Investments in Staff Training and Development:

- **Operation:** Enhancing internal team capabilities.
- **Justification:** Builds a team equipped to adapt to technological and operational changes, with an emphasis on cross-functional expertise and adaptability.

Grant Function Enhancements:

- **Operation:** Modernizing grant application and management systems.
- **Justification:** Increases transparency, streamlines processes, and enhances the user experience, adapting to new challenges and opportunities.

Fiscal Stewardship:

- **Operation:** Direct financial oversight.
- **Justification:** Ensures that spending aligns with program objectives and allows for agile financial management. In-house financial management leads to quicker, more informed decision-making processes.

In-House Media and Marketing:

- **Operation:** Employing in-house media personnel and marketers.
- **Justification:** Staff with intimate program knowledge and personal investment ensure that marketing efforts are closely aligned with the program's goals and values, leading to more effective and authentic communication. A program at this scale needs dedicated talent rather than being a client amongst many in an external agency.

Other benefits:

- Overcome difficulties in coordinating across time zones, ensuring timely responses and project continuity.
- Rapidly adjust project scopes and timelines.
- Prioritize and manage critical connectivity projects.

- Swiftly process financial transactions and reporting.
- Implement real-time budget adjustments and allocations.
- Quickly troubleshoot technical issues.
- Ensure immediate compliance with regulatory changes.
- Streamline application processing and review.
- Enhance monitoring and evaluation of projects.
- Efficiently manage procurement and contracting processes.
- Coordinate outreach, education, and training programs.
- Develop and adjust marketing campaigns on the fly.
- Produce timely and accurate public information releases.
- Address diverse operational challenges efficiently.
- Leverage versatile skill sets for various project demands.
- Rapidly upskill staff in response to new technologies and practices.
- Foster a culture of continuous learning and improvement.

2.7 Labor Standards and Protection (Requirement 11)

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

- i. Prospective subgrantees' record of past compliance with federal labor and employment laws, which:
 - i. Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;
 - ii. Should include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and
 - iii. Should include written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.
- iv. Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:

- v. How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:
 1. Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and
 2. How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

During the application phase of our competitive subgrantee selection process, OIPD will mandate the submission of specific information to ensure compliance with federal labor and employment laws. This includes:

1. Record of Past Compliance:

- Applicants must detail their adherence to federal labor and employment laws over the last three years, particularly concerning broadband deployment projects.
- We require a certification from an Officer/Director-level employee (or an equivalent position) of the applicant. This certification should confirm the applicant's, as well as their contractors' and subcontractors', consistent compliance with these laws.
- Applicants should also provide written confirmation disclosing any violations of laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or other relevant labor and employment laws that have occurred in the preceding three years.

2. Plans for Future Compliance:

- Applicants must outline how they will ensure ongoing compliance with federal labor and employment laws in their operations and those of their contractors and subcontractors. This includes:
- Providing information on applicable wage scales, wage payment practices, and overtime payment practices for each class of employees involved in the physical construction of the broadband network.
- Describing how they will implement and maintain workplace safety committees, which will have the authority to address health and safety concerns during deployment projects.

As part of the competitive subgrantee selection process, OIPD will evaluate the sufficiency of the information provided for meeting federal BEAD requirements. Once this requirement is fulfilled, applicants will be awarded full scoring credit under the Fair Labor Practices scoring criteria.

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

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

These requirements will be woven into the subgrants as binding legal commitments to ensure compliance throughout the duration of each project.

Directly Employed Workforce:

OIPD will stipulate as part of award conditions that subgrantees prioritize using a directly employed workforce, minimizing reliance on subcontracted labor. This requirement will be outlined in the subgrant agreements and monitored for compliance.

Prevailing Wages and Benefits:

Compliance with the Davis-Bacon Act, Service Contract Act, or local prevailing wage laws will be a condition of all subgrants. Subgrantees will be required to submit certified payroll records regularly to verify compliance.

Project Labor Agreements (PLAs):

OIPD will encourage the subgrantee to use of PLAs to ensure uniform terms and

conditions for all workers on a project.

Local Hire Provisions:

Subgrantees must agree to prioritize local hiring to boost employment and economic benefits within Guam. Reports of hiring, training, or affidavits attesting to ‘best effort’ measures will be required to meet a certain threshold of no less than 80 percent on-island workers.

Union Neutrality:

OIPD will encourage subgrantees to commit to union neutrality, ensuring that workers have the freedom to choose whether to organize and bargain collectively.

Labor Peace Agreements:

To maintain a stable labor environment and prevent disputes, subgrantees will be encouraged to enter into labor peace agreements, especially for larger projects.

Skilled Workforce:

Subgrantees are obligated to prioritize hiring workers from Registered Apprenticeship programs or similar joint labor-management initiatives whenever feasible. This approach is aimed at fostering a workforce that is not only skilled but also inclusive of individuals from groups that have been historically underrepresented or excluded.

Credentialed Workforce:

All workers must meet the standards of necessary occupational training, certification, and licensure. Subgrantees will be required to verify and report the credentials of their workforce.

Preventing Misclassification of Workers:

Steps will be taken to ensure workers are not misclassified as independent contractors when they are indeed employees. Subgrantees will need to follow strict guidelines and reporting measures to prevent misclassification.

OIPD expects potential applicants to incorporate these items into their applications as dictated by the BEAD NOFO and as directed in the Initial Proposal. These items will not be included in legally binding commitments, but instead utilized as criteria in the selection process. OIPD will make it abundantly clear where to elaborate on each item and how applicants’ descriptions are weighted in the scoring process. The Broadband Office will ensure applicants are aware of these regulations prior to and throughout the selection process and including the requirements in grant applications/instructions as well as grant agreement terms/conditions and subrecipient grant monitoring program requirements.

Enforcement measures may include:

Financial Penalties: Impose fines or financial penalties proportionate to the degree of non-compliance. This could be a percentage of the subgrant amount or a fixed sum based on the severity of the violation.

Withholding Funds: Temporarily withhold a portion of the subgrant funds until compliance is achieved. This acts as a strong incentive for subgrantees to adhere to the terms.

Repayment of Funds: In cases of significant non-compliance, require subgrantees to repay part or all of the funds already disbursed.

Reduction of Grant Amount: Reduce the total amount of the grant available to the subgrantee for future phases or projects.

Termination of Subgrant: As a last resort, terminate the subgrant agreement for serious or repeated violations. This would disqualify the subgrantee from current and potentially future funding under the program.

2.8 Workforce Readiness (Requirement 12)

2.8.1 Text Box: Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response must clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:

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

maintain worker voice throughout the planning and implementation process; and

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

OIPD has met with representatives from Guam Community College, University of Guam and the Guam Department of Labor to determine workforce plans for the BEAD program. In addition, the office has requested and received a list of workforce needs for the ISPs on island over the next five years. An RFI issued in late 2023 continues to draw ideas and attention from organizations willing to work within federal guidelines alongside the Guam Department of Labor. Feedback from employers, participants, and program graduates will be incorporated to continuously improve the ongoing refinement of the initiative. Local ISPs already have existing workforce development programs with the Guam Community College and we will continue to build on these partnerships to meet the workforce needs for the BEAD program.

The Guam Workforce Empowerment Program (GWEP) initiative is designed to bridge the skills gap, empower, and advance the local workforce in Guam. This program incorporates the Guam Community College Bootcamp with the University of Guam computer science and cybersecurity courses, programs, and faculty, leveraging funding from the BEAD program through the Guam Office of Infrastructure Policy and Development. By collaborating with key stakeholders, GWEP aims to provide accessible and effective training opportunities, foster economic growth, and sustain development in the region.

GWEP program objectives include the following:

Skill Enhancement: Equip participants with in-demand skills and knowledge through specialized training programs, at various educational levels ranging from short-term entry level courses to certificates and degrees, that align with the evolving job market.

Employment Placement: Facilitate job placement opportunities by collaborating with local industries and employers.

Career Advancement: Offer pathways for continuous skill and knowledge development and enhancement, and career growth to reinforce long-term employability.

Community Engagement: Engage with the ISPs and members of the workforce to understand their needs for wrap around services, encourage participation, and promote inclusivity in the workforce.

Components of the GWEP:

Guam Community College Bootcamp

GWEP will collaborate with Guam Community College (GCC) to expand and strengthen its existing Bootcamp programs. These boot camps will focus on high-demand industries, such as information technology, healthcare, hospitality, construction, renewable energy, telecommunications, network engineering, and network architecture.

University of Guam Workforce and Career Development in Cybersecurity, Computer Science, and Data Science

The University of Guam will offer undergraduate and graduate coursework, certification, and degrees that will build upon GCC's bootcamp training, as well as other private and public-sector training and education, that will increase the skill level and areas of expertise for advanced level positions by providing a range of basic to specialized courses. Basic courses include introduction to computer science, Java I, Python I, HTML, CSS, and JavaScript. Fundamental courses include software engineering, data structure, and Algorithm, Python II, Linux, Java II, and Discrete Structure. Specialized course content includes network security, cloud computing, wireless and wired networks, network programming, Machine Learning/AI, web development, computer system defense, etc.

UOG will also leverage existing programs such as the NASA-funded UOG's Drone Corps that can map and monitor the island's broadband infrastructure. Existing geographic information system (GIS) faculty within UOG can also use their GIS expertise to train new professionals in GIS technology.

Curriculum Development

UOG and GCC, in partnership with industry experts, partner higher-education institutions, and support from the Guam Economic Development Authority (GEDA), will design and develop specialized curricula tailored to meet the demands of targeted employment sectors.

The curriculum will emphasize hands-on training, practical experience, and emerging technologies in the professional development format. The curriculum provided by UOG will enable participants to identify and address cyber threats, perform data analytics and exchange, and deploy GIS services to support the investment in Guam's broadband infrastructure. Once the curriculum is in place, UOG will pursue designation as a National Security Agency Center for "Academic Excellence in Cyber Defense." The GWEP will provide funding to hire additional faculty and staff to develop and implement courses and new curriculum

Additionally, UOG's Global Learning and Engagement unit (GLE) will offer refresher courses to enhance, upgrade, and update the existing technology workforce in local, federal, and private sectors.

In short, the entire scope of workforce development, from bootcamp to the development of technical leadership, will be encompassed within the GWEP framework.

Scholarships and Tuition Assistance

The GWEP, with funding from the BEAD program, will offer funding, scholarships and tuition assistance to eligible participants to reduce financial barriers and make the GCC bootcamps and UOG's coursework, programs, and certificates, more accessible to individuals from diverse socio-economic backgrounds.

Industry Partnerships

GWEP will foster partnerships with local industries and businesses, facilitated by OIPD, to create a direct link between training and employment. These partnerships will lead to internships, apprenticeships, and job placement opportunities for graduates of the bootcamps and UOG coursework, certificates, and programs. Participants can continue to enhance skills and knowledge development through higher level UOG courses, including a master's program in "Statistics and Data Science". UOG plans to develop coursework in Machine Learning/AI which will benefit GWEP participants who seek to learn emerging technologies and their application to Guam's broadband infrastructure.

Online Learning Platform

GWEP will utilize and strengthen the University of Guam's online learning platform to offer flexible and self-paced training options for participants who may have scheduling constraints or prefer remote learning. UOG's Center for Online Learning provides technical support for UOG's online environment. Each semester, over 100 UOG courses use the Learning Management System platform, Moodle, to deliver online content and engagement activities to ensure learning outcomes. This Learning Management System (LMS) can be strengthened to support GWEP and GEDA's High Tech Park initiatives.

Ongoing Support and Alumni Network:

GWEP will establish an alumni network to provide ongoing support, networking opportunities, and access to continued learning resources for program graduates.

Funding

The funding for the Guam Workforce Empowerment Program (GWEP) will be sourced from the Broadband, Equity, and Access Deployment (BEAD) program.

Evaluation and Monitoring

Regular evaluations will be conducted to assess the program's effectiveness, job placement rates and participants, with funding from the Broadband, Equity, and Access Deployment (BEAD) program. Through this collaborative effort, GWEP will empower the local workforce, boost employment opportunities, and contribute to the sustainable economic growth of Guam and the region, while bridging the digital divide and promoting equitable access to opportunities.

To meet the workforce needs of this program, the Guam Broadband office and their subgrantees will make appropriate investments to develop a skilled, diverse workforce for the jobs that the subgrantees need to fill.

To ensure an available, diverse, and highly skilled workforce is utilized, the Guam Broadband Office will require all applicants (including contractors and subcontractors) submit the credentials of the staff expected to perform the activities funded by a subgrant or provide plans to acquire and utilize an appropriately credentialed and skilled workforce. The plan for a highly skilled workforce should include the following information:

- The ways in which the applicant will ensure the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers; submitting appropriate licenses/certifications/credentials of those who are not through the apprenticeship program but will be assisting in the activities funded by the subgrant.
- The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
 - As a part of the applicant's submission, the Office will require all certifications, licenses, and any other relevant credentials be submitted for the members outlined within the staffing plan. Furthermore, prior to any employment additions or changes to the project, the Guam Broadband Office will ensure the same requirements are followed and the appropriate credentials be submitted before being allowed to perform BEAD related activities.
- Whether the workforce is unionized;
- Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce;
- The entities that the applicant plans to contract and subcontract with in carrying out the proposed work.

Additionally, the Guam Broadband Office, in partnership with workforce development organizations, will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that provide relevant training, etc. to attract and train, retain, or transition to meet local workforce needs and increase high-quality job opportunities.

The Office of Broadband will also plan to create equitable on-ramps into broadband-related jobs in an effort to maintain job quality for new and incumbent workers engaged in the sector and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process.

To ensure job opportunities created by the BEAD program and other broadband funding programs are available to a diverse pool of workers, the Office of Broadband will require applicants to submit in their application, plans for targeted outreach to populations that have traditionally been underrepresented in broadband and information technology jobs, including but not limited to women, veterans, disabled and aging populations. The Office will also conduct its own coordination efforts amongst local community organizations, unions and worker organizations to make certain that a diverse set of stakeholders are involved and aware of the opportunities created by the BEAD program.

2.8.2 Text Box: Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce (including contractors and subcontractors) will be an appropriately skilled and credentialed workforce. These plans should include the following:

Mandatory Reporting in Subgranting Contracts:

- Implement use of a cloud-based reporting platform.
- Conduct training sessions for subcontractors on how to use the platform.
- Set up automatic monthly reminders for report submissions.
- Designate a team within the Broadband Office to review and analyze these reports.

Task Delegation and Role Definition in Contracts:

- Utilize contract management software to draft and distribute contracts.
- Include clear, itemized lists of tasks and responsibilities in each contract.
- Require digital acknowledgment from subcontractors to confirm their understanding of their roles.

Detailed Workforce Composition and Employment Structure

Engage a digital workforce planning tool that integrates with project management software.

Update the tool in real-time with changes in project phases and workforce needs. Regularly review workforce alignment with project managers and subcontractors.

Skill Development and Training Framework:

Partner with educational institutions or online learning platforms for specialized training. Monitor employee training progress using a Learning Management System (LMS). Schedule regular check-ins or assessments to gauge training effectiveness.

Credential Verification and Performance Evaluation:

Set up a centralized digital database for storing and verifying credentials. Integrate this database with HR systems for automated updates and alerts. Schedule periodic performance evaluations to ensure skills are applied effectively.

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

Right-to-Work Compliance and Unionization Stance:

Develop and distribute informational materials on right-to-work laws and unionization rights. Provide a hotline or email support for queries related to unionization and workers' rights.

Subcontractor Evaluation and Management:

Organize bi-annual on-site visits and performance review meetings. Use standardized evaluation forms to assess subcontractor performance. Establish a feedback loop for continuous improvement.

Alignment with Government Goals and Community Needs:

Develop a scoring matrix based on criteria like local employment impact and sustainability practices. Apply this matrix during the bidding and selection process for contractors and subcontractors.

Safety Training and Certification Requirements:

Schedule mandatory safety training sessions at project initiation. Conduct regular on-site safety audits and refresher training sessions. Implement a system for tracking and verifying safety training completion.

High Standard Deployment and Quality Assurance:

Organize ongoing training workshops focused on quality standards and project-specific skills. Conduct regular performance reviews linked to these training programs.

Reporting Requirements to Agencies and Broadband Office:

Develop a standard reporting template focusing on key project metrics.

Establish a regular schedule for report submissions.

Use a secure online portal for submitting and reviewing reports.

Minority Business Enterprises (MBEs)/ Women’s Business Enterprises (WBEs)/ Labor Surplus Firms Inclusion (Requirement 13) 19

Historically, Minority Business Enterprises (MBEs) and Women’s Business Enterprises (WBEs) have faced challenges in obtaining contracts, despite their capabilities and contributions to community development. Recognizing their role in driving economic and employment growth, the Guam Broadband Office is committed to actively involving these underrepresented groups. This commitment aligns with Federal guidelines, particularly 2 C.F.R. § 200.321, ensuring equal opportunities for minority and women-owned businesses, as well as firms in labor surplus areas, in the broadband deployment initiative, in compliance with Guam's labor laws.

The Office aims to recruit, utilize, and retain MBEs, WBEs, and labor surplus area firms. Following 2 C.F.R. § 200.321, it will undertake affirmative actions to include these enterprises in contracting processes:

- Enlisting qualified small, minority, and women's businesses for solicitations.
- Actively seeking out these businesses as potential suppliers.
- Splitting large projects into smaller tasks or quantities to allow broader participation.
- Setting delivery schedules that facilitate the involvement of these businesses.
- Collaborating with organizations like the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce.
- Mandating that subgrantees also follow these affirmative steps with their subcontractors.

Besides these measures, the Guam Broadband Office will monitor and track the involvement of underrepresented businesses in recruitment, utilization, and retention.

The Office will inform applicants about these policies through various means, including posting guidelines on the Broadband.Guam.Gov website, and incorporating these requirements in grant applications, agreements, and monitoring programs.

2.9.2 Check Box:

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

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

The OIPD hereby certifies that it will take all necessary affirmative steps to ensure minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:

Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;

Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;

Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;

Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business

enterprises;

Using the services and assistance, as appropriate, of such organizations as the Small Business Administration; and

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

The OIPD hereby certifies that it will take all necessary affirmative steps to ensure minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:

Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;

Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;

Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;

Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;

Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

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

2.10 Cost and Barrier Reduction (Requirement 14)

The Office of Infrastructure Planning and Development (OIPD) has developed a draft Dig Once Executive Order aimed at enhancing infrastructure development, which is currently under legal review. The order advocates for the use of joint trenching for multiple utilities where possible, to minimize disruption and maximize efficiency.

Additionally, the Governor's Office is addressing requirements set by the Guam State Historic Preservation Office. The aim is to streamline approvals and reduce the time and cost involved in

construction or laying down fiber, essential for the successful implementation of the BEAD program. Modifications will take into consideration environmental impacts, the protection of cultural heritage, and the preservation of endangered native species.

Lastly, the Leon Guerrero-Tenorio Administration has championed improvements to the permitting process and is in the latter stages of procuring a system for licensing, land use, and Department of Public Works permits. Completion of the process is expected in mid 2024.

2.11 Climate Assessment (Requirement 15)

a. Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings;

Severe weather events pose a significant threat to the environment, human health, and the economy, and are projected to increase in occurrence and severity in the future. The BEAD Program is aimed at supporting Eligible Entities in addressing these risks and minimizing their impacts. This proposal outlines a plan for addressing climate threats within the Eligible Entity and proposed mitigation methods while performing BEAD-funded activities.

Guam's older legacy communication systems face more extreme climate threats today than in their history. Especially given the dire situation presented by Typhoon Mawar in May 2023, which while devastating, was not the worst-case Guam has or will experience. These vulnerabilities can further amplify the already considerable impact on tourism and the broader economy.

The Office Infrastructure Policy and Development has utilized the resources and tools defined by NTIA within the Notice of Funding Opportunity to identify the geographic areas that should be subject to an initial hazard screening for current and future weather-related risks.

The Office will prioritize geographic areas in Guam for initial hazard screening based on their vulnerability to typhoons, as well as other weather-related events such as heavy rainfall and flooding, which are common in the region.

b. Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons;

For Guam, the most significant weather and climate hazards to account for include coastal erosion, drought, earthquakes, flooding, high surf, salt spray, sea level rise, wildfire and others. [Link: Guam Hazard Mitigation Plan](#)

Utilizing the tools and resources recommended by NTIA, the Guam Broadband Office has identified the following weather and climate hazards as the most pertinent and critical.

Summary of Historical Record of Hazards on Guam ³
(Pre Covid 19 Pandemic & Typhoon Mawar)

Historical Records as of 2019							
Number of Records				Recorded Damages			
Hazard	Disaster/ Emergency Declaration	Other Significant Events	Total	Fatalities	Injuries	Losses (\$)	Further Evaluation/ Major Hazard Category
Climate Change	0	3	0	0	0	0	Sea Level Rise [Coral Bleaching/ Increased Sea Surface Temperature/ Ocean Acidification]
Coastal Erosion	0	5	5	N/A	N/A	N/A	Coastal Erosion [Sea Level Rise]
Dam Failure	0	0	0	0	0	\$0	No further consideration (NFC)
<i>Disease</i>	0	6	6	4,080	0	N/A	Disease
Drought	0	7	7	0	0	\$0	Drought
Earthquake	1	38	39	0	61	\$1,000,000+	Earthquake
Expansive Soil	N/A	N/A	N/A	N/A	N/A	N/A	NFC
Extreme Heat	0	0	0	0	0	\$0	NFC
Fissure	0	0	0	0	0	\$0	NFC
Flood	0	8	8	1	1	\$6,500,000	Flood
Fog	0	0	0	0	0	\$0	NFC
Hail	0	0	0	0	0	0	NFC
Hazardous Material	0	11	11	0	0	N/A	Hazardous Materials
High Surf	0	7	0	35	41	\$4,000,000	High Surf
Landslide	0	7	7	N/A	N/A	N/A	Slope Failure

a) Coastal Erosion: Coastal erosion on Guam can be caused by winds; ocean currents; storm surges; high surf; seismic activity; changes in the geometry of tidal inlets, river outlets, and bay entrances; human made structures and human activities, such as shore protection structures and dredging; and/or local scour around structures. Sea level rise affects coastal erosion. Sea levels appear to have risen about 8 inches over the last

³ https://ghs.guam.gov/sites/default/files/final_2019_guam_hmp_20190726.pdf

century, with greater rises over the last two decades. The entire coastline of Guam has the potential for coastal erosion hazards. The western coast of Guam has experienced the most coastal erosion to date due to tropical cyclones and monsoon surges that have produced high waves.

b) Drought: Drought can cause a shortage of water for human and industrial consumption, hydroelectric power, recreation, and navigation. Water quality can also decline, and the number and severity of wildland fires can increase. A severe drought can result in the loss of agricultural crops and forest products, undernourished wildlife and livestock, lower land values, and higher unemployment. Drought extends over the entire island of Guam. There is high confidence that increased temperatures will lead to more precipitation falling as rain and increased evaporation and transpiration.

c) Earthquake: The entire island of Guam is susceptible to the impact of an earthquake. This susceptibility reflects the presence of various known surface faults and past seismic activity felt on Guam. Approximately, 45.78 square miles of land area, or 21.8 percent of the island, is within the surface fault hazard zones, meaning that they have a higher threat of surface faulting from a known surface fault than areas farther away from the faults.

d) Flooding: Flooding is one of the most common natural hazards; it occurs whenever rainfall accumulates in an area faster than it can drain off or can be absorbed by the soil. This accumulation causes an overflow from a water body onto an adjacent floodplain. Guam is vulnerable to coastal flooding, riverine flooding and stormwater runoff, and flash flooding. Flooding on Guam is often associated with tropical cyclones. Severe flooding can also occur without a tropical cyclone.

e) High surf: Several occurrences are documented in which the rough seas associated with typhoons that have affected the island have damaged sewage outfall structures, which channel sewer water (with solids removed) to the open ocean. These events have caused treated sewage to drain into the sea at locations much closer to the coastline than the locations of the outfall structures.

Vulnerable assets include coastal roads, near-shore buried cables, sewer lines, and pump stations, and near-coastal buildings.

F) Salt spray: Sea salt deposition can devastate agriculture and other plants, can cause heavy corrosion and can affect electrical facilities. Some of the effects associated with salt spray (the devastation of agriculture and plants and power outages from shorts in electrical facilities) can be observed almost immediately, but corrosion occurs over a long period, has a cumulative effect on the surface it is affecting and is difficult to observe immediately after a tropical cyclone. Vulnerable assets include power

distribution wires and hardware. Longer-term salt attacks metallic buildings and exposed metal systems such as air conditioners. Vulnerable jurisdictions include all of the islands; coastal areas are more vulnerable than inland areas.

For a recent example of Typhoon hazards, during Mawar Guam witnessed extensive coastal erosion, with sea waters surging due to storm surge, wind stress, and wave action. Post-landfall, Mawar intensified again into a supertyphoon with winds up to 185 mph. The preliminary estimate of total damage in Guam is \$111,791,358, encompassing damages to buildings, equipment, and merchandise, based on a survey of 434 businesses by the Guam Bureau of Statistics and Plans and partnering agencies.⁴

c. Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment;

Through research conducted using the resources and tools recommended by NTIA, the OIPD believes the weather and climate risks mentioned above (severe weather including typhoons and tropical storms, coastal erosion, drought, earthquakes, flood, high surf, salt spray) all present risks to new infrastructure deployed using BEAD program funds.

Soil erosion from flooding and damage from high winds or severe weather are all possible given the climate projections over the next 20 years.

Characterizing the future may be best done by looking at the past.

The table below shows typhoon considered damaging (above 75 mph wind speeds) between 1950s and 2010s⁵ that have threatened or damaged the island.

See table on next page.

⁴https://governor.guam.gov/wp-content/uploads/2023/06/JIC-Recovery-Release-No.-25-Business-Sector-Disaster-Management-Assessments_-Recovery-Efforts-Continue_-GSWA-Update_-Recovery-Safety-Tips_-No-Burn-Notice-in-Place_-Road-Safety.docx.pdf

⁵<https://www.weather.gov/media/gum/Historical%20Data/List%20of%20Severe%20Tropical%20Storms%20gte%2045kt%20passing%20within%2075nm%20Guam.txt>

Decade	Typhoons	Typhoon Names
1950s	6	Doris, Hester, Irma, Nina, Alice, Lola
1960s	8	Nancy, Karen, Olive, Wendy, Sally, Gilda, Ora
1970s	13	Amy, Mary, June, Pamela, Fran, Kim, Rita, Alice, Judy, Tip
1980s	5	Betty, Bill, Lynn, Roy, Andy
1990s	7	Russ, Orchid, Yuri, Omar, Gay, Isa, Paka
2000s	8	Faxai, Chataan, Halong, Pongsona, Tingting, Chaba, Nabi, Dolphin
2010s	12	Sanvu, Francisco, Faxai, Rammasun, Bavi, Dolphin, Chan-hom, Soudelor, Goni, Jelawat, Maria, Mangkhut, Wutip
Total Count: 59 damaging typhoons between 1950 and 2019.		

Understanding the historical impact of typhoons is crucial for infrastructure development and emergency preparedness planning. If historical data shows a trend of typhoons causing significant infrastructure damage, it underscores the need for more resilient construction, enhanced protective measures, and efficient emergency response strategies.

The data shows a consistent occurrence of typhoons in Guam over the decades, with multiple instances of damaging storms in each decade from 1950 to 2019. This regularity suggests a persistent risk.

d. Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified; and

For the identified weather and climate hazards, the OIPD may require that in Guam implement some or all of the following mitigation measures,:

1. Requiring burying or undergrounding of any new BEAD funded project in every feasible area.

2. Incorporating climate resilience into infrastructure design. Such as ensuring aging materials currently in use, technologies prone to damage or degrading be replaced by materials that are easily repairable and less prone to fail from extreme exposure.
3. Developing emergency response plans and communication strategies to ensure timely and effective response to extreme weather events.
4. Additional mitigation measures not yet listed which may be required by the Guam Broadband Office.

e. Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.

The Office will make it a contract condition that subgrantees periodically repeat the screening process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed and submit reports to The Office. The most up-to-date tools and information resources will be utilized to ensure that the plan remains effective in addressing climate threats. The Office may update program and subgrantee requirements, seek new legislation, including programmatic guidelines and applications and will collaborate with the Guam Homeland Security office on updates to the Guam Hazard Mitigation Plan expected in 2024 and every five years afterwards.

This proposal outlines a plan for addressing threats of severe weather events on the island and proposed mitigation methods. By identifying vulnerable areas, hazards, and risks, and implementing mitigation measures, the Office can minimize the impacts of weather risks on infrastructure, human health, and the economy.

Periodic repetition of the screening process and updates to the plan will ensure that the Office of Broadband is prepared to address evolving severe weather events.

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

PACIFIC ISLANDS REGIONAL CLIMATE ASSESSMENT (PIRCA)

Climate Change in Guam: Indicators and Considerations for Key Sectors

<https://www.eastwestcenter.org/sites/default/files/private/climate-change-in-guam-pirca-2020-low-res.pdf>

2.12 Low-Cost Broadband Service Option (Requirement 16)

The Bipartisan Infrastructure Law requires Guam craft Guam an Affordable Broadband Initiative that is designed to align with the BEAD program’s low-cost option guidelines. We propose:

As required in the BEAD Notice of Funding Opportunity, subgrantees receiving BEAD funds to deploy broadband infrastructure are required to offer a “low-cost broadband service option” that is available to customers for the useful life of the network assets. The Office of Broadband defines a low-cost service option as the following:

- The applicant offers a service option that meets, at a minimum, the following criteria:
 - Costs \$30 per month or less, inclusive of all taxes, fees, and charges billed to the customer.
 - Allows the end user to apply the Affordable Connectivity Program and Lifeline program benefit subsidies to the service price and makes a demonstrable effort to inform prospective customers of these programs and the steps necessary to enroll and apply the benefit to the service plan.
 - Consistently and reliably provides download speeds of at least 100 Mbps and typical upload speeds of at least 20 Mbps.
 - Provides typical latency measurements of no more than 100 milliseconds.
 - Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere.
 - In the event the applicant later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at little to no cost.
- The applicant is required to participate in the Affordable Connectivity Program, and encouraged to ensure that prospective customers are aware of their

participation in the ACP. The applicant is encouraged to participate in any successor broadband subsidy programs should funding for the Affordable Connectivity Program be depleted and the Program not renewed.

- The low-cost broadband service option must be made available to those who qualify for the FCC’s Affordable Connectivity Program. Eligibility criteria for the Affordable Connectivity Program are located at <https://www.affordableconnectivity.gov/do-iqualify/>. Subgrantees may not impose additional eligibility restrictions beyond those applicable to the Affordable Connectivity Program.
- The Office of Broadband strongly encourages the low-cost broadband service option made available to all eligible prospective customers across the subgrantee’s service territory; however, this service option must at least be available to locations within the awarded project areas under the BEAD program.
- Applicants may seek a waiver from the Office of Broadband to increase the maximum cost of the service plan to \$50, holding all other above-listed requirements of the low cost service option constant. The waiver must clearly demonstrate that offering a \$30 low-cost service option is cost-prohibitive or not reasonably possible. The Office of Broadband will evaluate waivers on a case-by-case basis and reserves the right to decline an applicant’s waiver should it not clearly demonstrate the need for an increase in the service cost from \$30 to \$50.

The Office of Broadband proposes this definition for a required low-cost service option after serious consideration of how to best effectuate the affordability aims of both the BEAD program and the Infrastructure Investment and Jobs Act. The Office’s priority in establishing affordability requirements for the BEAD program is to increase awareness of and enrollment in available broadband subsidy programs while maintaining flexibility given the diversity in size, territory, and service offerings of applicants. The requirement that subgrantees offer a \$30/month service plan inclusive of all fees and other charges ensures increased accessibility of broadband services and addresses a key affordability barrier, while the potential for a waiver to increase the monthly cost to \$50 allows the Office flexibility to relax the requirement where necessary.

2.12.2 Checkbox. Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

The OIPD hereby certifies that it will require all subgrantees to participate in the Affordable Connectivity Program or any successor program.

2.13 Middle-Class Affordability Plans

Setting a standard for Guam's carriers to provide commercial speeds at 100 Mbps download/20 Mbps upload without data caps and a straightforward

price of \$75 is not just beneficial, but necessary in the mission for internet for all. In meeting global standards, 100/20 Mbps is considered a low benchmark in much of the developed world. Guam shouldn't just aim to meet this but must be equipped to surpass it to stay relevant and competitive. Even now, the FCC is considering moving to a gigabit standard, further leaving Guam in jeopardy of being left behind. ⁶

The proposed rate cap is based on the average weekly private-sector earnings of \$663.70⁷, or \$34,512 annually according to the Guam Bureau of Labor Statistics. If the assumption is made that internet should cost no more than 2-3%⁸ of that income (\$57.52-\$86.28) the average cost should be \$72. Allowing for carrier consideration, this is rounded up to \$75. This also aligns with median cost for home internet according to many sources including Consumer Reports.⁹

For a household on a modest budget, a consistent price ensures predictability, fostering trust with consumers and aiding in household budgeting. If we set this standard today, Guam will remain prepared for the inevitable digital advancements of tomorrow.

Data caps should also be prohibited. Unlimited internet access is a cornerstone for innovation, remote work, and educational opportunities, which collectively elevate the potential of Guam's residents.

If prices stay as they are, consumers might gravitate to pre-paid plans, turning essential internet access into a weekly choice against other essentials— the broadband version of living paycheck-to-paycheck. Thus, constantly living under the threat of running out of data at any moment.

As stated in the BIL¹⁰, “The Infrastructure Act’s BEAD provisions are premised on Congress’s determination that “[a]ccess to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States,” and that “[t]he persistent ‘digital divide’ in the United States is a barrier to” the nation’s “economic competitiveness [and the] equitable distribution of essential public services, including health care and education.” Accordingly, each Eligible Entity must include in its Initial and Final Proposals a middle-class affordability plan to ensure that all consumers have access to affordable high-speed internet.

⁶ <https://www.fiercetelecom.com/broadband/fcc-seeks-input-upgrading-national-broadband-speeds>

⁷ <https://bls.guam.gov/>

⁸ <https://www.broadbandcommission.org/Documents/publications/wef2018.pdf>

⁹ <https://advocacy.consumerreports.org/research/fight-for-fair-internet-consumer-reports-white-paper-on-broadband-pricing/?clreqid=94119f97-4d80-4bf9-8449-f1cc45d6dd11&kbid=117828>

¹⁰ Infrastructure Act § 60101.

In addition, carriers that can offer lower costs will receive more consideration during the subgrant process.

In setting this standard, Guam not only aligns with global benchmarks but also sends a clear message about its commitment to fostering a digital environment that is both progressive and consumer-focused.

2.14 Funding Request use of Funds (Requirement 17)

2.14.1 Describe the Eligible Entity’s planned use of any funds being requested, which must address the following:

The Guam Broadband Office is requesting 100% of funding be made available to Guam under the BEAD allocation. The Office and its industry, local government, and community partners stand ready to implement BEAD funding and deliver access to this vital infrastructure to unserved and underserved communities on the island. Guam’s internet service providers and local governments, equipped with the experience of navigating local and federal funding programs, are prepared with the technical expertise to begin expanding broadband networks to the remaining unserved and underserved broadband serviceable locations with BEAD funding.

Additional funding is expected to be available after funding is obligated to extend broadband networks to all unserved and underserved locations, as well as unserved Community Anchor Institutions. To implement Non-Deployment Programs as defined in the BEAD NOFO, the Guam Broadband Office is undergoing an extensive internal and external capacity-building exercise through the State Digital Equity Planning Grant Program by identifying need areas in broadband affordability and adoption and developing stakeholder networks and programs to address these gaps in digital opportunity.

This staged approach – that of delivering funding to all locations without qualifying broadband access prior to funding other programs to address digital opportunity – achieves the statutory objective of prioritizing these areas.

2.14.2 Financial Data Entry:

Enter the amount of the Initial Proposal Funding Request: 100% of funds
\$156,831,733.59

2.14.3

Check Box: Certify that the Eligible Entity will adhere to BEAD Program

requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Funding Request, note “Not applicable.”

The Guam Broadband Office will adhere to BEAD Program requirements regarding Initial Proposal funds usage.

2.15 Eligible Entity Regulatory Approach (Requirement 18)

2.15.1 Text Box: Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer. 49 If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.

There are no existing laws in Guam regarding regulations against government Broadband Activities.

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

2.16 Certification of Compliance with BEAD Requirements (Requirement 19)

2.16.1

- Certify the Eligible Entity’s intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.
Yes, the Office of Broadband will comply with all applicable requirements and reporting requirements of the BEAD Program.

2.16.2

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

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

Remittance and Matching Documentation:

Subgrantees can request funds after the contract's effective date by submitting a remittance request. These requests should cover reimbursable expenses, not future expenditures.

Along with each request, subgrantees must provide matching documentation. To ensure accountability, 10% of the grant award will be retained until all contractual obligations are fulfilled.

Cost Performance Index (CPI) and Compliance:

A CPI form must accompany every remittance request. If a project's CPI value falls below 0.9, OIPD may deny the remittance or ask for further explanation.

Failure to meet 90% of the key deliverables by the Contract Period Performance Date will prompt a notification from OIPD, potentially leading to a required Corrective Action Plan.

In case of non-compliance, OIPD reserves the right to recoup funds, payable within 30 days of notice. Delays in repayment may lead to referral to the Attorney General for collection actions.

Reporting Requirements:

Subgrantees must submit various reports, both routine and upon request, to assist OIPD in monitoring project progress and identifying areas needing technical assistance.

Broadband Monthly Report: A monthly update on the project's status.

Closeout Report: Submitted upon project completion to confirm fulfillment of all obligations.

Post Conditional Closeout Reports: Required at 6 and 12 months post-closeout, including subscriber numbers and speed tests.

Failure to meet reporting deadlines will result in being flagged as non-compliant, affecting the approval of future remittance requests.

Compliance Reviews:

OIPD will conduct regular reviews to ensure compliance with state, federal guidance, and regulations.

Site Visits: Conducted every other quarter to verify and document project construction and progression.

Desk Reviews: Alternating with site visits, these reviews assess the project's documentation and progress.

Internal Compliance Reviews: Ensuring adherence to 2 CFR 200 regulations, maintaining internal control, acceptable financial management practices, and current project management plans.

Final Financial Review (FFR): Upon project closeout, to ensure all project finances are in order.

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

The Guam Broadband Office will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

2.16.4

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

Cybersecurity

- 1) The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
- 2) The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and

4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days.

Supply Chain Risk Management (SCRM)

1) The prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;

2) The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;

3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and

4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.

2.17 Volume II Public Comment

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

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

This will be verified for final submission to NTIA.

2.17.2 Optional Attachment: As an optional attachment, submit supplemental materials to the Volume II submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.

– [END]–