

Questions for CAI RFPs

- 1. Section 1.15. Is an Offeror (including Affiliates) who is under default or has previously defaulted on other federal broadband programs, including, but not limited to RDOF, CAF, RUS, eConnect eligible to apply?**

An Offeror (including Affiliates) who is under default or has previously defaulted on other federal broadband programs, including, but not limited to RDOF, CAF, RUS, eConnect is eligible to apply to all RFPs. Offerors (including Affiliates) who are under default or have previously defaulted on other federal broadband programs may not be awarded the grant if found unable to meet the minimum qualifications.

- 2. Section 2.1.1.1. Please describe how and how soon after the submitted exclusions will be sent to all Offerors.**

NTIA requires the State to identify CAI locations being served using BEAD funding approved in the post-challenge results. CAI locations not receiving BEAD funding must be explainable to NTIA and evidence must be provided upon NTIA's request. Therefore, to determine exclusions within a project area, UHBO will review the documentation provided by Offerors and determine if the evidence shows the CAI location is unbuildable because of reasons such as, but not limited to, incorrect geographical coordinates, funding duplication, or is not a broadband serviceable location. Offerors should not submit exclusions because they do not want to serve the locations or would be considered a high cost location. UHBO will provide the set of Location IDs to be excluded for each project area as an amendment to the RFP to all Offerors during the Issuance of Best and Final Offer Locations. This amendment will be no earlier than Feb 14, 2025.

- 3. Section 2.1.1.1 and 4.2. How will submitted exclusions, which UH chooses to then accept, be incorporated into the scoring totals? For example, say a "Priority Broadband Project", which requires 100% fiber, be given to a location that requires a subsea cable and UH decides to exclude this because it exceeds the EHCPLT (in 4.2).**

Locations UHBO deems to be excluded will be provided as an amendment to the RFP for the best and final offer round. Therefore, in the best and final offer round, proposals should not include excluded locations as they will not be scored.

A location exceeding the State's Extreme High Cost Per Location Threshold (EHCPLT) does not automatically exclude the location from the RFP project area. Note: for CAIs

specifically, the EHCPLT does not apply and all locations must be able to access 1 Gbps symmetrical speeds.

- 4. Section 2.1.1.1, 2.1.1.2, 2.1.1.8, and Appendix D. A location ID has service via an INET equivalent requirement from a service provider's Cable Franchise Agreement. How will these locations be treated in the bid process for all Offerors?**

CAIs must be able to access 1 Gbps symmetrical speeds - an INET connection would meet these requirements. Offerors can provide evidence the locations have existing service to meet the minimum speed requirements and latency requirement for exclusion consideration ("reason_no_project" = 5). After reviewing the evidence, UHBO would exclude the locations from the project area if it is determined the locations are already served. The excluded locations will not qualify for BEAD funding and will not be scored. Otherwise, Offerors should provide a proposal to serve the locations as other CAI locations.

- 5. Section 2.1.1.1, 2.1.1.2, 2.1.1.8, and Appendix D. A location ID is on the same location with an entity name that is not the same as a government agency (likely a tenant). The government agency already has 1Gbps symmetrical services or better from multiple providers. How will these locations be treated in the bid process for all Offerors?**

An Offeror can show that the location ID sharing the same location as a government agency that already has access to 1 Gbps symmetrical is able to subscribe to 1 Gbps symmetrical service as well without additional installation fees for infrastructure beyond the standard commercial one-time installation fee. After reviewing the evidence, UHBO would exclude the locations from the project area if it is determined the locations are already served. The excluded locations will not qualify for BEAD funding and will not be scored. Otherwise, Offerors should provide a proposal to serve the locations as other CAI locations.

- 6. Section 2.1.3.1. Please clarify if reporting from IPV2 Section 2.16 supersedes any federal requirement and is not in addition to.**

Reporting described in IPV2 Section 2.16 would be in addition to any federal requirements. UHBO will work to minimize duplicative reporting as requirements are finalized by NTIA. Note the State will have a forthcoming subgrantee monitoring plan as part of the Final Proposal which will describe in detail more on the reporting requirements from the selected Offeror.

- 7. Section 2.2.1. If an Offeror bids on more than one BEAD-related RFP, would a single standby letter of credit which encompasses the entire amount of all Offeror's RFPs suffice or does RCUH require a unique standby letter of credit for each RFP the Offeror submits?**

Per the NTIA, a subgrantee must obtain a letter of credit for each project area. Therefore, if an Offeror bids on more than one BEAD-related RFP, they must obtain a letter of credit for each RFP the Offeror submits.

8. Section 2.2.7. Would these include projects which were awarded but the Offeror is under default?

Yes, the Offeror should include projects which were awarded with public funds, but the Offeror is under default as part of their proposal for Financial Capability qualification.

9. Section 2.2.7. How far back do the disclosures and details need to be for broadband deployment on the use of public funds?

Offerors must disclose as far back as necessary any application the Offeror or its affiliates¹ 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. Offerors do not need to disclose closed out and completed broadband deployment projects using public funds. See IPV2 Section 2.4.17 for details needed in disclosure.

10. Section 2.2.7. During the challenge process, prior funding only shows Connect America Fund Auction, Rural Digital Opportunity Fund, and HI Connect. It is assumed these are “public funds”. Please advise if this is not the case. Recent RCUH RFP #107255 looked like it utilized CPF dollars. Would this be considered “public funds”? What other federal, state, or county programs fall within “public funds”?

Correct, Connect America Fund Phase II Auction (CAF II), Rural Digital Opportunity Fund (RDOF), and HI Connect are considered “public funds”.

RCUH RFP #107255 is to provide installation, set-up, and access to high-speed Internet access for all Hawai'i Public Housing Authority (HPHA) residents for the HPHA owned facilities using US Treasury Capital Project Funds (CPF). CPF is considered “public funds” and therefore BEAD CAI locations overlapping with CPF locations are subject to an enforceable commitment and may be removed from the project area if able to meet the 1 Gbps symmetrical requirement.

¹ The term “affiliate” shall be defined consistent with 47 U.S.C. § 153(2) (“The term ‘affiliate’ means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this paragraph, the term “own” means to own an equity interest (or the equivalent thereof) of more than 10 percent.”)

Other federal, state, or county programs that fall within “public funds” include those listed in the Hawaii Initial Proposal Volume 1 Section 1.4.5. Also any USDA ReConnect grants as an example.

- 11. Attachment B, 5. The work involved in this RFP may or will require the use of subcontractors to perform environmental work, civil work, traffic control, waste management, travel expenses, or other activities. Please clarify the intent of needing to approve subcontractors given the expectation Offers need to provide a portion of matching funds.**

The project intends to replace "approve" with "notify". Terms will be revised as needed during contract negotiations.

- 12. Attachment B, 9.e. and 10.a. This section states all finished and unfinished material prepared by the Contractor may become property of RCUH. Is the intent of this RFP for RCUH or any State agency to own any of the infrastructure put in place as a part of this RFP, including, but not limited to poles, cables, splice closures, terminals, service drops, equipment? If yes, what is RCUH’s intent in owning such materials?**

RCUH, the University of Hawaii, or the State has no desire for ownership of any infrastructure required to provide the requested services. Offeror will own, maintain and be responsible for any infrastructure installed. Terms will be revised as needed during contract negotiations.

- 13. Attachment B, 10.a. Please specify within the BEAD NOFO, IPV1, IPV2, or other federal guidelines where a termination for convenience may be done with BEAD funds once awarded.**

The RCUH termination for convenience clause is still applicable, however any Federal funds spent are still subject to the Federal interest in BEAD-funded real property for 10 (ten) years after the year in which the funding was closed out. Refer to the BEAD general terms and conditions (https://broadbandusa.ntia.gov/sites/default/files/2024-05/BEAD_IPFR_GTC_04_2024.pdf), Section 48.

- 14. Attachment B, 15. This section states UH shall have complete ownership of all physical material. Is the intent of this RFP for RCUH or any State agency to own any of the infrastructure put in place as a part of this RFP, including, but not limited to poles, cables, splice closures, terminals, service drops, equipment? If yes, what is RCUH’s intent in owning such materials?**

RCUH, the University of Hawaii, or the State has no desire for ownership of any infrastructure required to provide the requested services. Offeror will own, maintain and

be responsible for any infrastructure installed. Terms will be revised as needed during contract negotiations.

- 15. Attachment B, 15.b and 15.c. Please specify within the BEAD NOFO, IPV1, IPV2, or other federal guidelines where RCUH has the right to any patentable inventions and copyrights. It appears this section does not apply to the scope of the RFP. What is RCUH's intent in owning patentable inventions and copyrights?**

For this RFP, RCUH, the University, or the State has no desire for any patentable inventions or copyrights. Terms will be revised as needed during contract negotiations.

- 16. Attachment B, 16. Prior broadband grant awards with federal funds have public notifications issued by federal agencies (FCC and NTIA to name a few). What is RCUH's intent in prohibiting publicity of funding awarded as part of such a large scale project?**

The project will plan to allow publicity by the Offeror through the UH Broadband Office and the Connect Kakou initiative. Terms will be revised as needed during contract negotiations.

- 17. Attachment B, 17. Please provide templates for Attachments 1, 2, and 3.**

This is included in Attachment 8a, which is linked under Terms & Conditions at the top of the CommercePoint bid document.

- 18. Attachment B, 17. What is the reimbursement timeline once (a) and (b) are met?**

With regards to the timeline as referenced in Attachment B, 17, this is determined by the project. The IPV2 section 2.4.1 provides the details to the disbursement of funding.

- 19. Attachment C. Which of the 4 types of federal provisions are applicable for this RFP?**

#1 applies to this RFP.

- 20. Attachment C. Should there be a conflict between federal provisions in Attachment C and BEAD, which one will take precedence?**

Federal award terms/BEAD would take precedence.

- 21. Attachment E. Is self-insurance allowed?**

No

22. During the challenge process, UH mentioned all locations on federal lands, specifically owned or operated by the Department of Defense, would be excluded. There are a few locations provided in the RFP which are on these federal lands. How should Offerors treat these locations in the RFP process?

Offerors can provide evidence for exclusion if the locations are on Department of Defense or other federal lands and therefore should not be considered a broadband serviceable location (reason_no_project = 2). Otherwise, Offerors should provide a proposal to serve the locations as other CAI locations.

23. Appendix D. Some locations are well within private property with existing infrastructure. Post-award, what is the expectation if the property owner does not allow the Offeror access to the property within the period of performance?

UHBO recognizes the challenges with obtaining access and approval to private properties for deployment at this stage of the BEAD timeline. UHBO expects the awarded subgrantee to put a good-faith best effort to obtain private property access for deployment post-award to serve all CAI locations in the project area. UHBO recognizes achieving this will require approval from the property owner and will work with NTIA to understand how to approach CAI locations if the property owner does not allow the Offeror access to the property within the period of performance.

24. Appendix D. What will UH do with the information provided for columns estimated_miles_aerial_fiber and estimated_miles_buried_fiber?

Information provided for columns “estimated_miles_aerial_fiber” and “estimated_miles_buried_fiber” will be used in the required data submission to NTIA for the Final Proposal.

25. Appendix D. estimated_miles_buried_fiber. What is the definition of buried (e.g., underground in a conduit, microtrenched, direct buried)?

The definition of buried would typically be considered being underground and in a conduit. Offerors may elect to differentiate between the different types of "burial" and notate the specific type in the “notes” column.

26. Appendix D. technology. Instructions are to leave the field empty when has_facilities_to_serve = Y. How will UH utilize this field if it is blank to determine whether the Offeror is submitting a proposal under a “Priority Broadband Project” vs “Other Last-Mile Broadband Deployment Project”?

Offerors should fill “has_facilities_to_serve” = Y, if the Offeror has existing facilities at the location ID to serve with 1 Gbps symmetrical speeds. If a location ID is “has_facilities_to_serve” = Y, the “technology” column should be left blank.

If the Offeror does not have existing facilities at the location to serve with 1 Gbps symmetrical speed, Offerors should fill “has_facilities_to_serve” = N. Offerors are required to fill in the “technology” column with the proposed technology to serve the location ID with 1 Gbps symmetrical speed.

Responses to “has_facilities_to_serve” will determine the RFP locations used in the best and final offer round. Following the best and final offer round, UHBO will utilize the responses in the “technology” column to determine whether the Offeror is submitting a proposal under a “Priority Broadband Project” vs “Other Last-Mile Broadband Deployment Project”.

27. Appendix D. An Offeror desires to submit a proposal under a “Priority Broadband Project”. For locations where the Offeror has locations where has_facilities_to_service = Y, could those locations be any technology other than 50 (e.g., something other than FTTP)?

For locations where the Offeror has indicated “has_facilities_to_service” = Y, the Offeror is attesting the location can receive access to 1 Gbps symmetrical speeds and does not exceed 100 millisecond round-trip latency. The technology used to attest “has_facilities_to_service” = Y does not have to be technology code 50 [Optical Carrier / Fiber to the Premises].

28. Appendix D and Section 2.1.1.1. An Offeror desires to submit a proposal under a “Priority Broadband Project” and has existing non-FTTP technology (something other than code 50) which can meet the minimum speed requirement as well as the speeds listed in pricing requirement. Will this location still qualify for funding? How will these locations be treated in the bid process?

Offerors can provide evidence the locations have existing non-FTTP technology to meet the minimum speed requirements and latency requirement for exclusion consideration (“reason_no_project” = 5). After reviewing the evidence, UHBO would exclude the locations from the project area if it is determined the locations are already served. The excluded locations will not qualify for BEAD funding and will not be scored. UHBO may still treat the proposal as a “Priority Broadband Project”. Otherwise, Offerors should provide a proposal to serve the locations as other CAI locations.

29. Appendix D and Section 2.1.1.1. An Offeror now serves a location ID with fiber or is served with fiber by another provider based upon the latest FCC data. How will these locations be treated in the bid process?

Offerors can provide evidence the locations meet the minimum speed requirements and latency requirement for exclusion consideration (“reason_no_project” = 5). After reviewing the evidence, UHBO would exclude the locations from scoring if it is determined the locations are already served. Otherwise, Offerors should provide a proposal to serve the locations as other CAI locations.

30. Appendix D and Section 2.1.1.1. We identified locations which are under a CAF or RDOF area. How will these locations be treated in the bid process for all Offerors?

UHBO interprets the question as the Offeror is asking how to handle CAI locations within CAF or RDOF areas, but the Offeror is not the service provider responsible for deployment under CAF or RDOF. CAI locations within CAF or RDOF areas are an enforceable commitment and therefore not BEAD eligible if meeting the 1 Gbps symmetrical speed requirement. Offerors can provide evidence the location is within an enforceable commitment and indicate as such with “reason_no_project” = 4. Otherwise, Offerors should provide a proposal to serve the locations as other CAI locations.

31. Appendix D and Section 2.1.1.6. Which, if any, BABA requirements will apply should any locations not be removed from the RFP and which are deemed to be served by any Offeror (regardless of which Offeror wins)? Additionally, if an Offeror does not win but provides has_facilities_to_serve = Y, is that Offeror required to comply with any BABA requirements? Subsequently, if an Offeror does win and provides has_facilities_to_serve = Y such that the specific cost for that location is \$0, is that Offeror required to comply with any BABA requirements?

Build America Buy America (BABA) requires that all iron, steel, manufactured products, and construction materials used in covered infrastructure projects are produced in the United States. Therefore, all BABA requirements will apply to any CAI locations not removed from the RFP project area for broadband infrastructure deployment. BABA requirements would not apply to an Offeror who did not win the RFP to build broadband infrastructure using BEAD funds. See <https://www.commerce.gov/oam/build-america-buy-america> for more information on BABA, waivers, and frequently asked questions.

32. Appendix D. Is deployment_cost equivalent to the Proposed BEAD Funding Amount – Line C and subgrantee_match equivalent to the Proposed Matching Amount – Line B used for scoring? Example: location 12345 has deployment_cost = 1 and subgrantee_match = 2. The total cost is 1+2 = 3. The Offeror will spend \$2 of its own money and is requesting \$1 of BEAD funds.

“deployment_cost” is equivalent to Pricing Response Line A and is the total cost to deploy to the Location ID. “subgrantee_match” is equivalent to Pricing Response Line B and is the proposed match the Offeror is providing. In the example given, for location 12345, deployment_cost is equal to \$3 (Pricing Response Line A), subgrantee match

would be equal to \$2 (Pricing Response Line B), and requested bead funding amount would be equal to \$1 ($\$3 - \$2 = \1).

33. Appendix D. There are overlapping structures with other BEAD RFPs for unserved and underserved locations. How will these locations be treated in the bid process for all Offerors?

All RFPs are independent of each other and should be given separate pricing responses for each Location ID. Therefore, proposals should treat deployment cost for CAI and un/underserved RFPs separately.

34. Appendix D. There are multiple location IDs with the same address and lat/long. How will these locations be treated in the bid process for all Offerors?

It is expected that some CAIs can share the same Location ID. This is because a CAI may share the same physical location as another CAI. For example, many head start schools are located at public K-12 schools. In the case where multiple location IDs with the same address and latitude/longitude are present, Offerors should fill out the deployment cost for one row and place zero for the deployment cost of the other rows. Offerors should also indicate in the “notes” column this approach. This is to not duplicate the cost for each location ID within the file. Offerors must ensure that each entity can access 1 Gbps symmetrical speeds at the Location ID.

Example:

| Row # | Entity Name | Location ID | Latitude | Longitude | Deployment Cost (\$) | Notes |
|-------|-------------|-------------|----------|-----------|----------------------|--|
| 1 | CAI Name 1 | 1234567 | 19.667 | 123.111 | 5000 | |
| 2 | CAI Name 2 | 1234567 | 19.667 | 123.111 | 0 | Deployment cost reflected in row #3 CAI Name 1 |
| 3 | CAI Name 3 | 1234567 | 19.667 | 123.111 | 0 | Deployment cost reflected in row #3 CAI Name 1 |

35. Appendix D. Some CAIs (community centers specifically) have their lat/long in the middle of a field. Which building will be serviced?

CAIs should be served so the building where the Internet would be accessed is public-facing in nature. For a community center this means the building considered the community center where the public can utilize the center should be served. Surrounding buildings on the property that are not publicly accessible (e.g. a shed, admin office

building, etc.) in the vicinity of the community center; those buildings are not required to have access.