



New Hampshire Department of Business and  
Economic Affairs (BEA)

Office of Broadband Initiatives

Broadband Equity, Access, and Deployment  
Program (BEAD)

Pre-Qualification Guidance



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## Part 1: Introduction

New Hampshire has been awarded \$196.5 million in federal funding from the Broadband Equity, Access, and Deployment (BEAD) Program by the National Telecommunications and Information Administration (NTIA) to connect homes and businesses to quality high-speed broadband. The BEAD funding will primarily focus on expanding broadband service to unserved and underserved Broadband Serviceable Locations (BSLs) and eligible Community Anchor Institutions (CAIs), under the management of the Department of Business and Economic Affairs (BEA) Office of Broadband Initiatives.

BEA is seeking projects that address gaps in broadband availability across the state. Grants will be awarded to eligible applicants, and projects must comply with all applicable award requirements mandated by NTIA, 2 CFR 200 Uniform Guidance and the State of New Hampshire.

This document serves as a comprehensive guide for prospective applicants on the pre-qualification phase which is the first phase of BEA's two-part BEAD subgrantee selection process. This document provides an overview of the procedures, requirements, and steps for submitting successful pre-qualification documentation.

Due to the scope of this effort and potential for additional guidance from NTIA, there may be situations that require adjustments to the outlined processes. In such cases, the pre-qualification guidance may be amended to reflect new or updated requirements.

## Part 2: Pre-Qualification Overview

The primary objective of the pre-qualification phase is to assess the eligibility of potential subgrantees for BEAD funding at the organizational level, ensuring that they meet the minimum requirements. As part of the pre-qualification phase, BEA is requesting prospective applicants provide required information that can be used for all future BEAD infrastructure deployment project applications.

Collecting this information during the pre-qualification phase streamlines the project application phase while serving as a crucial checkpoint to verify that potential subgrantees can fulfill the program's minimum and mandatory requirements. Participation in the pre-qualification phase is strongly recommended. If you are not able to participate in the pre-qualification phase but are still interested in applying for BEAD funding, please contact BEA at [broadband@livefree.nh.gov](mailto:broadband@livefree.nh.gov) as soon as possible to discuss the process for your application.

### BEA's BEAD Subgrantee Selection Process

The subgrantee selection process consists of two phases:

#### Phase 1 – Prospective Applicant Pre-Qualification Evaluation

- Prospective applicants will submit organization-level information to demonstrate their ability to meet BEAD program requirements.
- The pre-qualification window will remain open through the project application period and BEA will review prospective applicants on a rolling basis.

#### Phase 2 – BEAD Project Application Period

- Prospective applicants approved in Phase 1 will be invited to submit project-specific applications for BEAD funding.



- These applications will include bids for specific Project Areas and detailed project-level information.

### Purpose of the Pre-Qualification Submission

Pre-qualification is a strongly recommended first step in the BEAD subgrantee selection process. The three main objectives of this process are:

1. To give potential subgrantees early exposure to the BEAD program's requirements and allow them to receive feedback on their qualification materials from New Hampshire's Office of Broadband Initiatives.
2. To enable early approval of qualification materials, reducing the administrative burden during the project application phase.
3. To mitigate risks and potential delays by providing prospective applicants with additional time to identify and address any shortcomings or concerns before the project application period officially begins.

### Overview of Qualifications

The pre-qualification phase will confirm that prospective applicants meet the minimum qualifications set by the BEAD NOFO and BEA, including but not limited to:

- Competence in carrying out subgrant-funded activities in compliance with federal, state, and local laws (BEAD NOFO Section IV.D.2.d).
- Financial and managerial capacity (BEAD NOFO Sections IV.D.2.a and IV.D.2.b) to fulfill the obligations of a subgrantee.
- Technical and operational capabilities (BEAD NOFO Sections IV.D.2.c and IV.D.2.e) to provide the services required under the subgrant.
- Operational capacity and strategy to partner with municipal and/or tribal governments, with a track record of engagement in the proposed project areas.
- A history of compliance with, and plans to ensure ongoing adherence to, federal labor and employment laws as detailed.

## Part 3: Prospective Applicant Eligibility

BEA will pre-qualify applicants before they are eligible to submit formal bids for providing services to specific Project Areas. The pre-qualification phase will ensure that prospective applicants meet the minimum requirements for technical, financial, operational, and managerial capacity. By conducting this evaluation in advance, BEA can identify the pool of eligible applicants before the BEAD project application process begins and work proactively with them to ensure their applications meet the program's eligibility requirements, making the process as competitive as possible. Please note, this guidance details required documentation for the Prospective Applicant Pre-Qualification Evaluation. Additional documentation will be required during the subsequent Project Application Period.

Anyone who is eligible to participate in the BEAD program may participate in the pre-qualification process. Eligible participants of the BEAD program include for-profit and non-profit organizations, public-private partnerships, utilities (public and private, including public utility districts), cooperatives,



local governments, and tribal organizations. All participants must be entities capable of delivering broadband service.

Part 3 of this guidance outlines the general requirements that prospective applicants must meet. **For a detailed list of the specific documents that will be accepted, please refer to Table 1 in the Appendix.**

### Annual Required Data Filing

Prospective applicants and partners currently providing internet service in New Hampshire must have completed the Broadband Data Collection of services by September 1, 2024, as filed with the Federal Communications Commission (FCC) and provide proof of submission with their application. **Prospective applicants who have not filed with the FCC by the required deadline are ineligible to apply for BEAD grants.**

### Pre-Qualification Certifications

Prospective applicants must submit the completed Pre-Qualification Certification Template which can be downloaded from BEA's website. This template acts as a central document for all pre-qualification application required certifications. The template must be completed by an authorized officer, director, or equivalent with the authority to obligate the organization/entity and enter into agreements on its behalf. The template should be filled out with all required and conditional (if applicable) certifications. Prospective applicants may either print and sign the template by hand before scanning and uploading or they may utilize an electronic signature on the document before uploading the file. Once completed, the Pre-Qualification Certification Template should be uploaded with the other required documentation for the pre-qualification application. Files can be in Word or PDF format.

### Financial Capability (Section IV.D.2.a of the BEAD NOFO)

It is crucial for prospective applicants to demonstrate they are financially qualified to meet the obligations associated with BEAD projects. To confirm their financial capability, BEA will require prospective applicants to provide specific organizational financial information. Additionally, project specific financial projections will be required as part of the BEAD project application period.

Prospective applicants must certify that they are financially qualified to cover project costs beyond the grant and will adhere to program requirements, including project specific service milestones. Additionally, they must certify they have adequate financial resources to cover eligible expenses until further disbursements are authorized.

Applicants must also submit a letter from an eligible bank committing to issue an irrevocable standby letter of credit, this letter will be required after the application is selected. Before entering a subgrantee agreement, this letter—valued at no less than 25% of the subaward—must be secured. It must meet the Eligible Entity's criteria and include an opinion letter from legal counsel ensuring that the letter of credit is protected from being part of a bankruptcy estate. Please note, the letter of credit will need to be submitted after the application is accepted for a subgrant and is not required as a part of the pre-qualification process.

*NTIA has issued a waiver for the Letter of Credit requirement of 25% of the value of the grant in addition to the minimum match. The NTIA Letter of Credit Waiver options can be found here:*  
<https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>.



Lastly, prospective applicants must provide audited financial statements from the previous year as a part of the pre-qualification process. If audited statements are unavailable, unaudited statements may be submitted along with a certification that audited versions will be delivered by a deadline set by the Eligible Entity.

### Managerial Capability (Section IV.D.2.b of the BEAD NOFO)

BEA will require prospective applicants to submit documentation demonstrating their managerial capabilities. Prospective applicants must provide a corporate organizational chart that identifies the parent company, subsidiaries, or affiliates involved in work within New Hampshire. This chart should clearly indicate which part of the company is applying for the BEAD Program, as that entity must be able to contract, receive, and implement grant awards in the state. The chart should also specify the business type, such as for-profit or non-profit, and whether the company is publicly traded. Additionally, prospective applicants must submit an organizational chart detailing the personnel involved in the broadband project in New Hampshire. This chart should include certified personnel, such as a chief technology officer, project engineer, and contractor oversight team, in compliance with state, federal, and industry standards.

Alongside this, prospective applicants are required to provide one-page resumes for key financial, technical, and managerial personnel involved in the project. These individuals must be employees of the firm and have relevant experience with broadband projects of a similar scale.

Prospective applicants must also submit a narrative describing the potential subgrantee's readiness to manage a broadband services network. This narrative should describe the experience and qualifications of key management for undertaking this project, experience undertaking projects of similar size and scope, recent and upcoming organizational changes including mergers and acquisitions, and relevant organizational policies. If contractors or subcontractors will be used, examples of their past performance should also be provided.

### Technical Capability (Section IV.D.2.c of the BEAD NOFO)

BEA will require prospective applicants to submit certification and provide evidence affirming that they are technically qualified to complete and operate project(s) that meets BEAD requirements, and that they are capable of carrying out the funded activities competently, including the use of a properly skilled and credentialed workforce. BEA will review the certifications and evidence provided for validity, accuracy, and comprehensiveness, ensuring they are endorsed by the appropriate authorities. The review will confirm that the prospective applicant is capable of fulfilling the project requirements using a qualified workforce. Additionally, project specific technical reports, estimates, etc. will be required as part of the BEAD project application period.

Prospective applicants are highly encouraged to submit a recruitment plan, workforce strategy, or training modules demonstrating their commitment to hiring or deploying credentialed professionals, BEA will assess these documents to ensure they are comprehensive and align with the BEAD NOFO's stipulations, particularly those regarding Fair Labor Practices and the use of a Highly Skilled Workforce.

### Compliance with Applicable Laws (Section IV.D.2.d of the BEAD NOFO)

BEA will require prospective applicants to demonstrate that they can carry out funded activities in a competent manner in compliance with all applicable Federal, State, and local laws and regulations.



Prospective applicants will be required to submit an attestation confirming their understanding and commitment to complying with all applicable laws. Additionally, they must provide a comprehensive record of previous compliance with federal, state, and local regulations for past broadband projects. Prospective applicants should also include a narrative which describes the processes, procedures, or protocols they have in place to ensure continued compliance throughout the broadband deployment. The narrative must also detail any past violations or pending court or regulatory proceedings. Prospective applicants may choose to include a legal opinion, provided by an attorney in good standing licensed to practice law in New Hampshire, that fulfills these requirements. Furthermore, detailed information regarding their commitment to occupational safety and health standards is required, including a specific acknowledgment that employees are permitted to establish worker-led health and safety committees, with which management will engage upon reasonable request.

### Operational Capacity (Section IV.D.2.e of the BEAD NOFO)

Prospective applicants must demonstrate a consistent service history in providing voice, broadband, and/or electric transmission or distribution for at least the two consecutive years prior to their application submission. If a prospective applicant is a wholly owned subsidiary of a larger entity that meets these service requirements, they may still be considered eligible. To substantiate their qualifications, prospective applicants must provide evidence of their successful past operations, including the duration of their service. Any entity that has been delivering voice, broadband, or electric transmission or distribution services for a minimum of two consecutive years or is a wholly owned subsidiary of such an entity, must submit a certification attesting to these facts, specifying the number of years they have been operational.

Additionally, prospective applicants must provide current subscriber counts along with their geographical locations for households, businesses, and community anchor institutions. They should also include details of any completed or ongoing federal or state-funded broadband deployment projects, specifying the sources of funding and the timelines for completion or non-completion. Moreover, prospective applicants must disclose any penalties paid for deployment projects and provide relevant information about prior criminal proceedings or civil litigation in New Hampshire where they have been a defendant. This may include penalties for non-compliance, violations of regulatory requirements, contract breaches, financial mismanagement, non-payment of subcontractors or vendors, and environmental damages. Prospective applicants must also certify their compliance with all prerequisites and regulations established by the FCC, including the timely filing of FCC Form 477s, Broadband Data Collection (BDC) filings, and submissions under the Broadband DATA Act.

For new entrants seeking to deploy broadband infrastructure, it is essential to provide sufficient evidence demonstrating that they possess adequate operational capabilities, obtained through internal or external resources. This includes submitting resumes for key personnel, a description of relevant ongoing or completed projects, and narratives from contractors, subcontractors, or other partners with applicable operational experience, or other comparable evidence. If resumes and project descriptions have already been submitted in earlier sections of the pre-qualification application to satisfy previous requirements, there is no need to submit them again.

### Ownership Information (Section IV.D.2.f of the BEAD NOFO)

Prospective applicants must provide a detailed disclosure of their ownership information in accordance with the requirements specified in 47 CFR part 1.2112(a)(1)-(7). This regulation mandates the complete disclosure of both direct and indirect ownership interests, including information about any parties holding



a 10% or greater stake, the nature of their interests, and their relationships with any FCC-regulated entities.

Prospective applicants must list the real party or parties with an interest in the prospective applicant, including a complete disclosure of the identities and relationships of those persons or entities that directly or indirectly own or control the prospective applicant. Additionally, they need to provide information about stockholders, including the name, address, and citizenship of any party holding 10% or more of the stock, whether voting or nonvoting, common or preferred, as well as the specific amount or percentage held. In the case of a limited partnership, they must disclose the names, addresses, and citizenship of each limited partner whose interest is 10% or greater, calculated according to their equity paid in or percentage of profit distribution.

For general partnerships, prospective applicants should list the names, addresses, and citizenship of each partner along with their share or interest participation in the partnership. If the prospective applicant is a limited liability company, they must disclose the names, addresses, and citizenship of each member whose interest is 10% or greater. Furthermore, they need to identify all parties holding indirect ownership interests, calculated by successive multiplication of the ownership percentages for each link in the ownership chain, reaching 10% or more of the prospective applicant. If any link in the chain exceeds 50% or represents actual control, it must be reported as a 100% interest.

Lastly, prospective applicants must disclose any FCC-regulated entity or applicant for an FCC license in which they own 10% or more of the stock, whether voting or nonvoting, common or preferred. This disclosure must include a description of each entity's principal business and its relationship to the prospective applicant.

#### **Public Funding Information (Section IV.D.2.g of the BEAD NOFO)**

Prospective applicants must provide a comprehensive list of all publicly funded state and federal broadband deployment projects, excluding New Hampshire's BEAD Program, for which they or their affiliates have submitted or plan to submit applications. This list should also include any publicly funded broadband deployment projects they are currently undertaking or planning to undertake.

Publicly funded broadband deployment projects encompass various sources of funding, including but not limited to the Families First Coronavirus Response Act, the CARES Act, the Consolidated Appropriations Act of 2021, and the American Rescue Plan of 2021. Additionally, prospective applicants should include any New Hampshire or local broadband deployment funding programs, such as the BEA Broadband Infrastructure Program or the Broadband Matching Grant Initiative (BMGI).

#### **Fair Labor Information (Section IV.C.1.e of the BEAD NOFO)**

Prospective applicants are required to provide specific information concerning fair labor practices and the utilization of a highly skilled workforce, applicable to all their projects. If this information pertains to a particular project, it may be included as part of the deployment application. Prospective applicants must present documented and signed proof of compliance with federal and state labor and employment laws for the past three years, which must be verified by an Officer or Director-level employee, such as the President, CEO, CFO, Treasurer, or an equivalent role. This compliance documentation is also necessary for the prospective applicant's contractors or subcontractors.





In addition, prospective applicants are obligated to disclose any instances of non-compliance with federal and state labor and employment laws, both for themselves and their contractors or subcontractors, over the past three years. This disclosure should detail any corrective actions taken to prevent future violations and ensure ongoing compliance.

Furthermore, they must include 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 by the prospective applicant or its contractors or subcontractors within the preceding three years.

### **Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms (Section VII.D.7 of the BEAD NOFO)**

Prospective applicants must ensure that all necessary affirmative steps are taken to assure the use of minority businesses, women's business enterprises, and labor surplus area firms whenever possible. Minority Businesses Enterprises (MBEs) and Women's Business Enterprises (WBEs) are major catalysts for economic growth and job creation. However, data shows that MBEs and WBEs historically face significant contracting disparities compared to other businesses.

Prospective applicants will be required to submit a narrative describing their commitment that MWBE businesses, if any are available, be part of their procurement process, to provide material or services, specifically for the project scope of work. This should also include past project experience with MWBEs including both directly from the prospective applicant's workforce and subcontractors. For more information on MWBEs in New Hampshire please consult [the Disadvantaged Business Enterprise Directory](#), created by the New Hampshire Department of Transportation.

### **Environmental and National Historic Preservation (Section VII.D.4 of the BEAD NOFO)**

Prospective applicants must adhere to environmental and historic preservation regulations for projects seeking funding under the BEAD Program. For any projects that involve construction or ground-disturbing activities, prospective applicants are required to submit all necessary environmental documentation. This documentation should detail how the project will comply with environmental and historic preservation requirements.

To demonstrate record of compliance, prospective applicants must provide several certifications:

- Prospective applicants must affirm that they will adhere to the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA).
- Prospective applicants should acknowledge that NEPA analysis will be necessary for every project funded through the BEAD Program and agree to provide adequate information for this analysis, including a detailed project description and relevant supporting documentation.
- Prospective applicants are responsible for identifying and obtaining any applicable federal, state, and local permits, such as easements, that are required to complete their BEAD projects.
- Prospective applicants must agree to cooperate with the NTIA in identifying viable measures to mitigate or avoid any adverse environmental impacts associated with their proposed projects or other eligible activities.



## Build America, Buy America Act (BABA) (Section VII.D.6 of the BEAD NOFO)

All funds provided through the BEAD Program for broadband infrastructure must comply with the Build America, Buy America Act (BABA). This Act requires that all iron, steel, manufactured products (including fiber-optic communications facilities), and construction materials used in projects are produced in the United States, unless a waiver is granted.

Prospective applicants may request a waiver from a federal awarding agency if they believe one is justified. Waiver types include:

- Public interest waiver: If applying the Buy America Preference is not in the public interest.
- Nonavailability waiver: If the necessary materials are not produced in the U.S. in sufficient quantities or satisfactory quality.
- Unreasonable cost waiver: If using U.S.-produced materials increases the total project cost by more than 25%.

It is crucial for potential subgrantees to fully understand and comply with BABA requirements. For further guidance, the Notice of Final Waiver can be accessed through the provided link: [BABA Waiver Signed.pdf \(commerce.gov\)](#). Prospective applicants should recognize the significance of adhering to these guidelines and take the appropriate steps to ensure compliance.

## Cybersecurity and Supply Chain Risk Management Compliance (Section IV.C.2.c.vi of the BEAD NOFO)

Prospective applicants seeking BEAD funding for broadband network deployment or upgrades must follow specific cybersecurity and supply chain risk management practices.

Prospective applicants must provide their Cybersecurity Risk Management Plan that includes the following:

- Operational Status: The cybersecurity risk management plan must be fully operational if the prospective applicant is already providing services before the grant award. If the prospective applicant has not yet begun providing services, the plan must be ready to be implemented once service starts.
- NIST Framework and Executive Order Compliance: The plan must comply with Version 1.1 or the latest version of the NIST Framework for Improving Critical Infrastructure Cybersecurity and include the security and privacy controls required by Executive Order 14028. The plan should address each of the primary components of the NIST Framework outlined below and detail how the functions and categories denoted by the sub bullets will be applied and maintained.
  - Govern: The organization's cybersecurity risk management strategy, expectations, and policy are established, communicated, and monitored.
    - Organizational Context
    - Risk Management Strategy
    - Roles, Responsibilities, and Authorities
    - Policy
    - Oversight
    - Cybersecurity Supply Chain Risk Management
  - Identify: The organization's current cybersecurity risks are understood.



- Asset Management
- Risk Assessment
- Improvement
- Protect: Safeguards to manage the organization's cybersecurity risks are used.
  - Identity Management, Authentication, and Access Control
  - Awareness and Training
  - Data Security
  - Platform Security
  - Technology Infrastructure Resilience
- Detect: Possible cybersecurity attacks and compromises are found and analyzed.
  - Continuous Monitoring
  - Adverse Event Analysis
- Respond: Actions regarding a detected cybersecurity incident are taken.
  - Incident Management
  - Incident Analysis
  - Incident Response Reporting and Communication
  - Incident Mitigation
- Recover: Assets and operations affected by a cybersecurity incident are restored.
  - Incident Recovery Plan Execution
  - Incident Recovery Communication
- Security and Privacy Controls: The plan must specify the security and privacy controls to be implemented to safeguard critical infrastructure and sensitive data. It should include the specific safeguards, technologies, and policies that will be used to manage potential cybersecurity risks and threats.
- Evaluation and Updates: A process for regularly evaluating and assessing the cybersecurity risk management plan must be established. The plan should define intervals for evaluation and criteria for triggering updates or modifications, ensuring it remains current with emerging cybersecurity risks.
- Submission: Prospective applicants must submit their cybersecurity risk management plans as part of the pre-qualification process. If significant changes are made to the plan, a revised version must be submitted to BEA within 30 days, applicable through the period of performance.

Prospective applicants must submit a supply chain risk management plan designed to protect the integrity of their supply chain. The plan must meet the following criteria:

- Operational Status: The prospective applicant must have an active supply chain risk management plan. If the prospective applicant is already providing services at the time of the grant, the plan must be operational. If the prospective applicant is not yet providing services, the plan must be ready to be operationalized upon service launch.
- Key Practices and Guidance: The plan must be based on the key practices outlined in NIST publication [NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry](#), and incorporate relevant guidance from NIST, including [NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations](#). It should specify the supply chain risk management controls that will be implemented.



- Evaluation and Updates: The plan must be periodically reevaluated and updated as necessary to address evolving supply chain risks and challenges. Regular reviews and updates should be conducted as warranted by new developments.
- Submission: The plan must be submitted to BEA as part of the pre-qualification application. If significant changes are made to the plan, a revised version must be submitted to BEA within 30 days, applicable through the period of performance.

If subgrantees rely on third-party network facilities, they must ensure the same attestations are obtained from those third parties for both cybersecurity and supply chain risk management practices.

### Additional Information or Modifications

Submissions may require additional clarifying information or details and may require modifications or adjustments for reasons including but not limited to:

- The information included in the submission is incomplete or insufficiently detailed;
- More recent documentation is necessary;
- The prospective applicant has provided conflicting information in multiple sections of the submission.

If such remediations are necessary, a member of the BEA team will provide written documentation to the prospective applicant with a list of required updates, and a timeline by which the information must be provided. Prospective applicants should not, however, rely on an opportunity to provide additional information or modify their submission after the deadline. A prospective applicant that does not meet, and cannot be reasonably made to meet, the requirements of the program will be ineligible for further consideration.

## Part 4: Pre-Qualification Submission Guide

The following sections summarize how prospective applicants must submit the information required to complete their pre-qualification process. In addition, the section gives a high-level overview of the technical support prospective applicants can expect to receive during the pre-qualification evaluation.

### Pre-Qualification Submission

Prospective applicants will begin the pre-qualification process by completing the Pre-Qualification Form which can be accessed at the link at this link: [Pre-Qualification Form](#) or on BEA's [BEAD](#) webpage. This pre-qualification form will gather initial information regarding the pre-qualification submission. Once the form has been completed, prospective applicants will receive an email from a Guidehouse.com email address with the subject line, "File request: NH BEAD Pre-Qualification" This email contains a link to Kiteworks which is a service to securely submit large numbers of files. Prospective applicants will then follow the link in the email and will create an account with Kiteworks to begin uploading files. **Please note for security reasons the emailed link is only active for 72 hours and each link is only valid for one submission. If the link expires before prospective applicants have uploaded the files or need to upload additional files, please email [broadband@livefree.nh.gov](mailto:broadband@livefree.nh.gov) to request a new link.**

Following the completion of the Pre-Qualification Application Form and the submission of supporting files through Kiteworks, the BEA team will be in touch regarding any clarification or additional



documentation needed. If you have any concerns with submitting the required documentation through Kiteworks, please email [broadband@livefree.nh.gov](mailto:broadband@livefree.nh.gov) to discuss alternative options for submission.

### Technical Assistance

Technical assistance will be provided to prospective applicants in the following ways:

1. BEAD Pre-Qualification Webinar: A webinar detailing the requirements for pre-qualification and the submission process will be held during the week of November 18, 2024. Further details on this webinar will be posted on BEA's website. This will be an opportunity for prospective applicants to hear more details about the process and ask questions.
2. BEAD Pre-Qualification Office Hours: The BEA team will hold two Office Hour sessions during the pre-qualification process which will not have a set agenda but act as an open forum for prospective applicants to ask questions about the process. Details about these Office Hour sessions will be posted on the BEA website.
3. FAQ Document: An FAQ document will be posted on the BEA website and updated based on questions received during the Pre-Qualification Webinar, Office Hours and via email.
4. Email Technical Support: The BEA team will accept questions throughout the process via email at [broadband@livefree.nh.gov](mailto:broadband@livefree.nh.gov).



## Part 5: Appendix

Table 1: Document Submission Guide

Qualification	Description of Documentation
<b>Annual Required Data Filing</b>	
Proof of Data Filing	Prospective applicants and partners currently providing internet service in New Hampshire must have completed the Broadband Data Collection of services by September 1, 2024, as filed with the Federal Communications Commission (FCC) and provide proof of submission.
<b>Certifications</b>	
Pre-Qualification Certification Template	Prospective applicants must submit the completed Certification Template which can be downloaded from BEA's website. This template acts as a central document for all pre-qualification required certifications. The template should be completed by an authorized signer such as an Officer or Director-level employee, (e.g., President, CEO, CFO, Treasurer, or equivalent).
<b>Financial Capability</b>	
Letter of Credit	<b>Note: this is not required as part of the prequalification response but will be required prior to signing a subgrant agreement. It has been included in this guidance for the awareness of prospective applicants.</b> Applicants must submit a letter from an eligible bank committing to issue an irrevocable standby letter of credit. Before entering into a subgrantee agreement, the applicant must obtain this letter, valued at no less than 25% of the subaward. The letter must meet the Eligible Entity's requirements and include an opinion letter from legal counseling confirming that the letter of credit and its process are protected from being considered part of a bankruptcy estate.
Audited Financial Year Statement	Prospective applicants must submit audited financial statements from the prior year. If audited statements are not available, unaudited statements can be submitted along with a certification that audited statements will be provided by a deadline specified by the Eligible Entity.
<b>Managerial Capability</b>	
Corporate Organizational Chart	Prospective applicants must submit a corporate organizational chart that identifies the parent company, subsidiaries, or affiliates performing work in New Hampshire. The chart should specify the business type (e.g., for-profit, non-profit) and whether the company is publicly traded.
Prospective Applicant Organizational Chart	Prospective applicants must provide an organizational chart detailing personnel involved in the broadband project in New Hampshire. The chart should include certified personnel, such as a chief technology officer, project engineer, and contractor oversight team, in line with state, federal, and industry standards.
Resumes for Key Management Personnel	One-page resumes of key financial, technical, and managerial personnel involved in the project must be submitted. These personnel must be employees of the firm and have relevant experience with broadband projects of similar scale.
Organizational and Managerial Readiness Narrative	This narrative must describe the prospective applicant's readiness to manage a broadband services network. The narrative should include the experience and qualifications of the organization and key management personnel for undertaking this project, its experience undertaking projects of similar size and scope, recent and upcoming organizational changes including mergers and acquisitions, and relevant organizational policies. If contractors or



	subcontractors will be used, examples of their past performance should be provided.
<b>Technical Capability</b>	
Technical Evidence	The required documents should include, but are not limited to, a recruitment plan outlining strategies for attracting qualified talent, a workforce strategy demonstrating long-term planning for staff development, and/or training modules that reflect the organization’s approach to maintaining a skilled and credentialed workforce. These documents must clearly showcase the prospective applicant’s commitment to ensuring that credentialed professionals are a key part of their operational framework.
<b>Compliance with Applicable Laws</b>	
Overview of Previous Compliance	This overview must comprehensively display previous records or compliance checks showing compliance with all federal, state, and local laws for previous broadband projects.
Description of Internal Controls	This description must cover established processes, procedures, or protocols in place to ensure continued compliance during broadband deployment projects.
Occupational Safety and Health Policy	Detailed information must be submitted regarding the prospective applicant’s commitment to compliance with occupational safety and health requirements, explicitly highlighting the permission for employees to create worker-led health and safety committees that management will engage with upon reasonable request.
Conflict of Interest Disclosure Narrative	Written narrative detailing that prospective applicants will engage in fair, equal, and equitable business practices such as grant application safeguards against collusion, bias, conflicts of interest, arbitrary decisions, and other factors that could undermine confidence in the public process.
<b>Operational Capacity For Existing Providers</b>	
Evidence of Past Operations	Any entity that has provided voice, broadband, and/or electric transmission or distribution service for at least two consecutive years prior to application submission or is a wholly owned subsidiary of such an entity must provide a certification attesting to these facts and specifying the number of years they have been operating.
Subscriber Information	Current subscriber counts and their geographical locations for household, businesses, and community anchor institution.
Publicly Funded Projects	Details of completed and on-going federal or state-funded broadband deployment projects, (if applicable), specifically their source of funding and timeframe for completion or non-completion.
Past Penalties and Litigation	Any penalties paid for deployment projects and any relevant information on prior criminal proceedings or civil litigation in New Hampshire where the prospective applicant has been a defendant. Examples of prior penalties paid may include non-compliance penalties, violations of regulatory requirements, contract breaches, financial mismanagement, non-payment of subcontractors or vendor, and environmental damages.
<b>Operational Capacity For New Providers</b>	
Resumes from Key Personnel	If these resumes have been submitted in earlier sections of the application, then this does not need to be submitted again.
Description of Projects	Descriptions of any ongoing or completed broadband project which the prospective applicant has participated in to demonstrate sufficient operational capabilities.



Operational Capability Narratives	Narratives from contractors, subcontractors, or other partners with relevant operational experience, or other comparable evidence to demonstrate sufficient operational capability.
<b>Ownership Information</b>	
Prospective Applicant Information	List the real party or parties with interest in the prospective applicant, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the prospective applicant.
Stockholders Information	List the name, address, and citizenship of any party holding 10% or more of stock in the prospective applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held.
Limited Partners Information	List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the prospective applicant is 10% or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses).
General Partners Information	List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership.
Limited Liability Company Information	List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the prospective applicant is 10% or greater.
Indirect Ownership Interest Information	List all parties holding indirect ownership interests in the prospective applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10% or more of the prospective applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50% or represents actual control, it shall be treated and reported as if it were a 100% interest.
FCC-Regulated Entity Information	List any FCC-regulated entity or applicant for an FCC license, in which the prospective applicant owns 10% or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the prospective applicant.
<b>Public Funding Information</b>	
Publicly Funded Broadband Deployment Projects	Prospective applicants are required to submit a list of all publicly funded state and federal broadband deployment projects other than New Hampshire's BEAD Program for which they, or their affiliates, have submitted or plan to submit an application for, along with any publicly funded broadband deployment project they are undertaking or planning to undertake. Publicly funded broadband deployment projects include but are not limited to funds provided under: <ul style="list-style-type: none"> <li>• The Families First Coronavirus Response Act</li> <li>• The CARES Act</li> <li>• The Consolidated Appropriations Act, 2021</li> <li>• The American Rescue Plan of 2021</li> <li>• Any New Hampshire or local broadband deployment funding program such as the BEA Broadband Infrastructure Contract program or the Broadband Matching Grant Initiative (BMGI)</li> </ul>
<b>Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms</b>	
MWBE Commitment Narrative	Prospective applicants should provide a narrative explaining their efforts to recruit and train women and other historically under-represented populations for workforce development opportunities and jobs related to BEAD-funded eligible activities. This narrative should describe the prospective applicant's





	<p>commitment and organizational structure of their workforce credentials. This will include past job experience and adherence to safety in the workplace for both the prospective applicant’s own direct workforce and that of subcontractors.</p>
<p><b>Build America, Buy America Act (BABA)</b></p>	
<p>Intent to Pursue Waiver (if applicable)</p>	<p>Narrative detailing if prospective applicants intend to request a waiver from a Federal awarding agency if they believe one is justified. Waiver types include:</p> <ul style="list-style-type: none"> <li>• <b>Public interest waiver:</b> If applying the Buy America Preference is not in the public interest.</li> <li>• <b>Nonavailability waiver:</b> If the necessary materials are not produced in the U.S. in sufficient quantities or satisfactory quality.</li> <li>• <b>Unreasonable cost waiver:</b> If using U.S.-produced materials increases the total project cost by more than 25%.</li> </ul>
<p><b>Cybersecurity and Supply Chain Risk Management Compliance</b></p>	
<p>Cybersecurity Risk Management Plan</p>	<p>Prospective applicants must provide their Cybersecurity Risk Management Plan that includes the following:</p> <ul style="list-style-type: none"> <li>• <b>Operational Status:</b> The cybersecurity risk management plan must be fully operational if the prospective applicant is already providing services before the grant award. If the prospective applicant has not yet begun providing services, the plan must be ready to be implemented once service starts.</li> <li>• <b>NIST Framework and Executive Order Compliance:</b> The plan must comply with the latest version of the NIST Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and include the security and privacy controls required by Executive Order 14028. It should detail how each of these standards and controls will be applied and maintained.</li> <li>• <b>Security and Privacy Controls:</b> The plan must specify the security and privacy controls to be implemented to safeguard critical infrastructure and sensitive data. It should include the specific safeguards, technologies, and policies that will be used to manage potential cybersecurity risks and threats.</li> <li>• <b>Evaluation and Updates:</b> A process for regularly evaluating and assessing the cybersecurity risk management plan must be established. The plan should define intervals for evaluation and criteria for triggering updates or modifications, ensuring it remains current with emerging cybersecurity risks.</li> <li>• <b>Submission:</b> Prospective applicants must submit their cybersecurity mitigation plans as part of the preregistration or subprogram application. If significant changes are made to the plan, a revised version must be submitted to BEA within 30 days, applicable through the period of performance.</li> </ul>
<p>Supply Chain Risk Management Plan</p>	<p>Prospective applicants must submit a supply chain risk management plan designed to protect the integrity of their supply chain. The plan must meet the following criteria:</p> <ul style="list-style-type: none"> <li>• <b>Operational Status:</b> The prospective applicant must have an active supply chain risk management plan. If the prospective applicant is already providing services at the time of the grant, the plan must be operational. If the prospective applicant is not yet providing services, the plan must be ready to be operationalized upon service launch.</li> </ul>



	<ul style="list-style-type: none"> <li>• <b>Key Practices and Guidance:</b> The plan must be based on the key practices outlined in NIST publication <a href="#">NISTIR 8276, <i>Key Practices in Cyber Supply Chain Risk Management: Observations from Industry</i></a>, and incorporate relevant guidance from NIST, including <a href="#">NIST 800-161, <i>Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations</i></a>. It should specify the supply chain risk management controls that will be implemented.</li> <li>• <b>Evaluation and Updates:</b> The plan must be periodically reevaluated and updated as necessary to address evolving supply chain risks and challenges. Regular reviews and updates should be conducted as warranted by new developments.</li> <li>• <b>Submission:</b> The plan must be submitted to BEA as part of the preregistration or subprogram application. If significant changes are made to the plan, a revised version must be submitted to BEA within 30 days, applicable through the period of performance.</li> </ul>
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