



**STATE OF NEW HAMPSHIRE
DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS (BEA)
Statewide Broadband Build for Unserved and Underserved Communities
RFP DBEA 2022-11**

Clarifying Questions and Answers

Q1. On page 2 of the RFP, it states, “Projects related to existing rural broadband expansion commitments or other existing contractual commitments are not excluded.” What category or kind of projects qualify under this language (e.g., Rural Digital Opportunity Fund – RDOF projects) and are we correct in assuming it is an exception to the construction disqualification provision in the first sentence of the same paragraph and the affidavit required on page 9 of the RFP?

A1. If construction has started in a community that is covered by an enforceable buildout under other federal programs, it cannot be funded within this RFP. However, there is no prohibition on areas that receive RDOF funding from receiving later support from states.

Q2. What defines a “project” for purposes of the exclusion from funding of projects under construction? Can a “project” refer to and be limited to internet systems for individual municipalities? Can a project be the areas served by a specific fiber electronics cabinet? Can functional attributes of projects, such as mainline fiber construction, splitter installations, customer fiber drops, and installation of customer premises equipment be considered separate projects?

A2. These aspects can be included within the Applicant’s proposal but must be within one proposal. However, the competitiveness of the application will be partially based upon the number of locations connected. Additional costs not associated with that factor must be considered in determining as part of the Applicant’s proposal.

Q3. The footnote on page 2 of the RFP states, “For the purposes of broadband infrastructure projects funded with CPF, “unserved property” means any property that does not have access to reliable internet service, whether that be lacking service entirely or consistently experiencing speeds below 100Mbps download/20Mbps upload.” Do property addresses that consistently experience upload speeds of less than 20 Mbps during peak periods qualify for funding (such as a typical situation when students are doing homework and parents are watching Netflix or browsing the internet in the early evening)?

A3. Upon completion, the project is designed to deliver service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps. If applicant deems these speeds impracticable, because of geography, topography, or excessive cost, the project must be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for downloads and uploads speeds.

Q4. On page 3 of the RFP, it states, “40 percent of awarded Grant funds will be provided after completion of construction and acceptance of the Projects by the State.” Please describe the acceptance process and how long it will take the State to complete? Will it be like the CARES grant process in 2020?

A4. At the present time, the US Treasury has not released all the required reporting criteria/documentation. BEA will have more information as the process moves toward the winner bidder contract negotiations.

Q5. Page 7 of the RFP asks for “A written description of research capabilities” What kind of research capabilities interest BEA and what is the source of this requirement (e.g., Treasury CPF Guidance or BEA’s Project Plan submitted and approved by Treasury)?

A5. BEA is looking for the tools that will be used to identify unserved locations.

Q6. Page 7 of the RFP asks for “relevant case studies.” Is the information sought of case studies of projects executed by the applicant and its major subcontractors, and/or case studies of projects similar to that being proposed by the applicant?

A6. Projects executed by the applicant.

Q7. On page 7 of the RFP under the title “Evidence of experience serving New Hampshire residents with broadband,” requests are made for information, some of which is prospective in nature. Is the information being requested about the applicant’s already constructed projects in New Hampshire or the project that the applicant is proposing to have funded by the grant funds under the RFP?

A7. “Evidence of Experience” speaks to projects already completed by the applicant.

Q8. Attachment B asks for a budget, timeline, rates, and fees, which seems to be directed at the rates and fees to be charged to the State under the grant, is that correct? Or is what is being requested; the rates and fees to be charged to subscribers to the resulting internet system?

A8. The State of New Hampshire is neither charging any fees nor covering any other costs outside of the auspices of the RFP. All management fees and out-of-pocket expenses incurred by the Applicant must be stated in Attachment B.

Q9. Page 2 says “unserved” is 100/20. Isn’t that underserved?

A9. For the purposes of broadband infrastructure projects funded with Coronavirus Capital Projects Fund (CPF) grant money, through this RFP “unserved property” means any property that does not have access to reliable internet service,

whether that be lacking service entirely or consistently experiencing speeds below 100Mbps download/20Mbps upload.

Q10. Page 2 states that BEA will pick one applicant. For the state to whomever will hit the most “unserved” addresses with their applications the most cost effectively. Will you truly pick one applicant, or could you choose multiple applicants to potentially cover a great area of the state regarding unserved and underserved?

A10. BEA anticipates awarding this contract to a single applicant.

Q11. Page 2 states “CPF grant funding cannot be used for costs that will be reimbursed by other federal or state funding streams.” Does this mean federal ACAM money that is received by a company precludes those areas from receiving funding for those areas even if its 25/3 ACAM? Or could those ACAM areas still receive money given this is a major uptick in speed offered?

A11. To the extent Applicants are considering deploying broadband to locations where there are existing enforceable federal or state funding commitments for reliable wireline service at speeds of at least 100 Mbps of download speed and 20 Mbps of upload speed, the Applicant should ensure that the CPF will not be used for costs that will be reimbursed by the other federal or state funding streams. CPF must be used only for complementary purposes. It is up to the Applicant to contact the agency responsible for other funding to assure that it is compatible with the CPF.

Q12. Page 7 does not list ILECS as “service provider”, but on page 4 it says “Applicant(s) must be a NH municipality or qualified New Hampshire broadband provider, or both, and must be able to support the internet service once it is built.” Can a local exchange telephone company (service provider) be eligible to apply and win the RFP?

A12. If the local exchange telephone company is also a broadband provider and can achieve the CPF guideline speeds of symmetrical download and upload speeds of 100 Mbps. If applicant deems these speeds impracticable, because of geography, topography, or excessive cost, the project must be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for downloads and uploads speeds.

Q13. Page 9 does not appear to give a service provider (local exchange carrier) any points if you are an ILEC as it states, “Experience and Qualifications of key staff and subcontractors (25 points) of Information on broadband network owned, operated, by or affiliated with local governments, non-profits, and co-operative.” Would a local exchange telephone provider be unable to get those 25 points? If so, why?

A13. No. Per CPF Guidance "...Treasury also encourages Recipients to prioritize Projects that involve broadband networks owned, operated by or affiliated with local governments, non-profits, and co-operatives..."

Q14. Page 4 states the successful bidder must include at least one low-cost option offered at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Any future, low-cost option mandated by the federal government would negate this requirement. Does the offering of the FCC's ACP program meet that criterion? (Company redacted), for example, offers a product called (company redacted), as well, which provides qualified customers with up to 25/5 Mbps internet access for \$19.95/month for 12 months, including free Wi-Fi. After 12 months, the cost is currently \$29.95/month. Would either or both of these meet NH's rules in this area in terms of speeds and costs or how will this be defined?

A14. It is expected that the low-cost option meets the 100/20 threshold speed, which is how a household would be deemed as being served with broadband.

Q15. What is the state's definition for "project started?" Does this mean a project has been announced? or does it mean construction has already started on the project, or some other definition?

A15. For this RFP, a "project started" is when actual construction of the project begins. Typically, this status occurs after "make-ready" activity has commenced.

Q16. We read the RFP to indicate that a publicly traded, NH-qualified, broadband provider is eligible to apply directly for funding. Is this correct?

A16. BEA is seeking proposals from qualified applicants to provide high speed broadband connectivity (100Mbps symmetrical upload and download speeds) to as many unserved New Hampshire properties, residences, and businesses as possible; at the least cost to BEA; and in compliance with all issued CPF guidance and requirements. BEA anticipates awarding this contract to a single applicant.

Q17. Under section 6 of the RFP under "Experience and Qualifications of key staff and subcontractors," the RFP states that proposals will be evaluated on, "Information on broadband network owned, operated, by or affiliated with local governments, non-profits, and co-operatives." Could you clarify what types of information the state would like to see in an application regarding this point? For example, are you looking for examples where a provider has partnered with municipalities or non-profits in the past, and what benefit those partnerships have delivered to unserved areas?

A17. To receive the points associated with this criteria, evidence of certification as either a cooperative, non-profit, or government-affiliated organization authorized to perform business in New Hampshire would need to be provided.

Q18. How does BEA reconcile the low-cost of the project for a single Internet Service Provider (“ISP”) for the requested wide scope of coverage without the buildout of any middle-mile?

A18. BEA expects the Applicant to consider the availability of middle-mile as part of its application.

Q19. If middle-mile is accepted, will the CPF grant cover such cost?

A19. No. This RFP is for last-mile buildout only.

Q20. How does BEA reconcile its intent to award only one bidder with the potential for overbuilding other provider(s)?

A20. Only unserved locations can be in the calculation for cost and only unserved locations will be reimbursed through this program.

Q21. Will BEA consider extending the CPF grant funding to the ISP’s eligible current or planned market expansion projects, so long as they are not subject to an existing funding commitment? If so, will BEA treat areas under the existing market expansion projects as “unserved areas” or “underserved areas”?

A21. If those locations will be provided broadband with the funds from the RFP, and construction has not commenced as of 4:00 p.m. EDT on Friday, July 22, those locations will be deemed as unserved.

Q22. Does BEA intend to treat “unserved areas” and “underserved areas” differently in its calculation for the bid award?

A22. No.

Q23. With various ISPs located in various parts of the state, how does BEA reconcile its intent to award only one bidder as the most cost-efficient to the state?

A23. This question is regarding the structure of the RFP and is not relevant for a proposal to be submitted.

Q24. We understand that the state mapping will not be completed until 2023. Where does BEA intend to obtain accurate “unserved” data from, and will it be based on the FCC 477 deployment data?

A24. The state will use all existing mapping tools as well as physical validation of unserved addresses provided in proposals.

Q25. If the “unserved” data will be based on the Form 477 deployment data, will BEA be accepting data submitted as part of the March 2022 FCC 477 filing (meaning data as of December 2021)?

A25. The state will use all existing mapping tools as well as physical validation of unserved addresses provided in proposals.

Q26. What supporting documentation will BEA require for the “explanation of how unserved properties were identified,” and would it be only the documentation submitted with the company’s FCC 477 filing, or would a supplement of additional records, such as the KMZ file be accepted?

A26. Any records to validate unserved claims will be accepted as long as physical addresses are provided.

Q27. Does BEA intend to publish a list of unserved addresses in the state? Does BEA intend to publish the awarded bidder’s FCC 477 raw data?

A27. No, BEA does not intend to publish the awarded bidder’s FCC 477 raw data. Please refer to section 4A of the RFP.

Q28. If BEA does not intend to publish a list of unserved addresses in the state, how will BEA protect the confidentiality of the FCC 477 submitted by the bidders after the effective date? Will it be exempt from public exposure?

A28. Currently, BEA does not intend to publish a list of unserved addresses in the state. However, please refer to section 4A of the RFP:

- a) One original electronic copy of the Proposal; and
- b) One electronic copy of the Proposal with all Confidential Information fully redacted, as provided for in Section 7E of this RFP.

Q29. Can BEA clarify the following language: “The ongoing operation and maintenance of the project will be the sole responsibility of the awarded applicant.” Specifically, can BEA please state who will be responsible for repair, maintenance and upgrades/rebuilds throughout the useful life of the network?

A29. The entity awarded the contract and completed all work that is stated in this RFP will own the network and the operation. If, during the useful life of the network, the assets are sold to a different entity, the successor company shall be responsible for the repair, maintenance, and upgrades/rebuilds.

Q30. What are the provisions for the challenge process, especially as it relates to mapping submissions with the RFP submission? We want to ensure that there is no overbuilding benefiting from the grant money allocated.

A30. The only challenge process for this RFP can be found in Section 7-I of the RFP. Unserved address validation will be completed by BEA and/or third-party contracted companies.

Q31. As an ISP cannot submit “evidence of certification as either a cooperative, non-profit, or government-affiliated organization authorized to perform business in New Hampshire,” how does BEA intend to classify a broadband provider for the purposes of the RFP?

A31. If an ISP is owned by a co-operative, non-profit, or government-affiliated organization, it shall provide evidence of its status. If it cannot, it will not be considered one of these types of entities.

Q32. What documentation is necessary for an ISP to be considered a “government-affiliated organization authorized to perform business in New Hampshire?”

A32. Evidence of certification as either a cooperative, non-profit, or government-affiliated organization authorized to perform business in New Hampshire.

Q33. Can BEA provide the expectation of time compliance for “participating in any future federal subsidy programs,” and whether the list of the intended subsidy programs will be exhaustively published at the time of the bid award, or at the time of the project completion? What is the notice that BEA intends to provide with respect to its requirements for participation in the subsidy programs?

A33. BEA publish on its website (<http://www.broadbandnh.com>) an exhaustive list of any subsidy programs it knows of from the federal government. It is the expectation of the Applicant that it adheres to federal and RFP guidance in terms of participating in subsidy programs, which includes making such subsidies available to customers upon activation of service.

Q34. The RFP requires that “the successful bidder must include at least one low-cost option offered at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Any future, low-cost option mandated by the federal government would negate this requirement” – Can BEA clarify the definition of the “low-cost option” and whether the requirement for a low-cost option is outside of the 100 Mbps/20 Mbps requirement? Can BEA fulfill this requirement by participating in the USAC’s Affordable Connectivity Program (ACP)?

A34. It is expected that the low-cost option meets the 100/20 threshold speed, which is how a household would be deemed as being served with broadband.

Q35. Does BEA have a different definition for the speed requirements for a household with multiple users?

A35. No, BEA does not have a different definition for the speed requirements for a household with multiple users.

Q36. The RFP requests that the bidder include a description of the “geographic coverage impacted: whole community or only those who are unserved.” (p. 7). Does the CPE grant funding extent to “unserved properties” within the served areas?

A36. Yes, but only unserved properties can be funded under this RFP.

Q37. Does BEA intend to favor fiber-optic installation proposals over other technology means?

A37. Per CPF guidance, the program requires the project to be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds. To accomplish these speeds, the project will prefer (but not require) fiber-optic technology.

Q38. The RFP provides that the “Agency anticipates awarding this contract to a single applicant.” (See p. 2). Given that it is highly unlikely that a single provider would be able to serve the entire state, and to meet the CPF’s goal of bringing service to the largest number of unserved locations. (entity redacted) reads this statement to mean that there will be one award per project area (e.g., per County or municipality). This would ensure there is no overlapping funding for a single geographic area per the program’s requirements. If BEA’s intent differs from (entity redacted) interpretation, please explain the difference.

A38. BEA anticipates awarding this contract to a single applicant.

Q39. To prevent misuse of funds, will BEA open applications to challenge? For example, if an application seeks to overbuild an area that is already served at the required speeds of at least 100/20 Mbps, will the existing provider have an opportunity to provide evidence challenging the award request for the served area? If so, what is the process for such challenges?

A39. No. Unserved address validation will be completed by BEA and/or third-party contracted companies.

Q40. How will BEA determine which locations are unserved? What criteria will BEA use to define unserved locations? Will BEA be providing detailed maps and/or address level data to enable potential Applicants to target their applications only to unserved areas?

A40. The state will use all existing mapping tools as well as physical validation of unserved addresses provided in proposals. BEA will not supply maps or address-level data.

Q41. Does the State intend to fund costs associated with middle-mile networks that pass through these adjacent, already served areas? If so, how does the State intend to ensure that an applicant deploying a redundant middle-mile network does not also use CPF to support last-mile connections along the middle-mile route?

A41. This RFP is for last-mile deployment.

Q42. What information did the State use to determine that a single winner would be the most cost-effective means to serve the State's estimate of 15,000 currently unserved locations? What was the source of this information?

A42. This question is regarding the structure of the RFP and is not relevant for a proposal to be submitted.

Q43. Did the State consider that more unserved addresses could be served at a lower cost to the State by selecting multiple winning bidders?

A43. This question is regarding the structure of the RFP and is not relevant for a proposal to be submitted.

Q44. Will the State consider awarding grants to multiple winning bidders if the individual applications of multiple bidders when combined would serve more unserved addresses and result in the same or a lesser cost to the State as opposed to a single winning bidder's proposed project?

A44. No, BEA anticipates awarding this contract to a single applicant.

Q45. Where a municipality has been conducting its due diligence for several months, or even years, to determine the areas of need and to determine a likely ISP partner to address those needs, would the State consider a joint application from the ISP and town?

A45. No, BEA anticipates awarding this contract to a single applicant.

Q46. Would the State's criteria of serving "the most unserved homes" be met if an applicant proposed to serve the most unserved homes in a smaller geographic unit than the entire State, such as municipality or county level?

A46. BEA anticipates awarding this contract to a single applicant. If an ISP believes a single municipality has enough unserved locations for this competitive bid, it should submit a proposal.

Q47. The RFP, at page 2, states “[p]rojects related to existing rural broadband expansion commitments or other existing contractual commitments are not excluded. However, CPF funds must complement and not supplant any existing funding commitments. CPF grant funding cannot be used for costs that will be reimbursed by other federal or state funding streams.” Does this mean that areas that currently lack 100/20 Mbps service but are subject to an enforceable buildout commitment still fall within BEA’s definition of “Unserved Property”?

A47. Yes, only if the funding vehicle allows it and if construction has not started in the specific funded area.

Q48. May an FCC RDOF recipient, for example, who has already been awarded funds to deploy a broadband network to a currently Unserved Property in the State, seek additional funds from the New Hampshire broadband program for the same property? Are there any restrictions on the additional New Hampshire funds? What showing would an RDOF recipient have to make to demonstrate that NH CPF funding will be used for complementary costs?

A48. CPF must be used only for complementary purposes and not to replace other funds being used through other funding mechanisms. The Applicant would need to show how other funding sources are being used within the unserved area and demonstrate how funds from the RFP would be used separately from the other funds.

Q49. NH’s State statute creating the Broadband Matching Grant Initiative program, RSA 12-O:61, was created by the Legislature in 2021 with the intention that it be the program through which all federal broadband funding would flow. The statute is clear in its mandate that federal funds be directed at unserved areas and included safeguards to ensure that the funds be so allocated. The RFP appears to align with the goals set forth in RSA 12-O:61 where it states that “any costs incurred for properties that do not meet the definition of Unserved Property, as defined by the State (refer to footnote 1, p. 2) are not eligible to be covered by the State under this RFP.” (p. 4) However, the RFP lacks the provisions included in RSA 12-O:62, which require necessary safeguards to ensure that a proposed unserved property is actually unserved, and that federal funding is not wasted on areas already served. Many states, including Virginia, Ohio, and Maryland, have established a process under which the eligibility of a project area for funding is verified. Under these processes, BEA administering the program posts a public description of the proposal/application provided by the applicant as well as a map of the project area. Broadband service providers are then able to submit information as to the number of homes passed, if any in the proposed project area. Some states require providers to submit the number of actual customers in the area, which data is provided with confidential treatment. If the eligibility challenge is successful, the applicant is given the opportunity to re-scope the proposed project to remove the served locations. These processes can range between 30 and 60 days. In terms of identifying areas in need of broadband service, providers will be submitting updated, as of June 30, 2022, deployment data with the FCC. The FCC expects to issue its initial map based on this

data in November 2022. We understand the State NH mapping will not be completed until 2023.

A49. This RFP is not affiliated with the Broadband Matching Grant Initiative.

Q50. How will BEA determine whether a property is served or is unserved within the meaning of “Unserved Property” in n.1, or other applicable definition of “Unserved”?

A50. Unserved address validation will be completed by BEA and/or third party contracted companies.

Q51. Does BEA plan to publish a list of unserved addresses in the State?

A51. BEA will not supply maps or address-level data.

Q52. How did BEA determine that there are approximately 15,000 unserved locations for this RFP?

A52. This question is regarding the structure of the RFP and is not relevant for a proposal to be submitted.

Q53. In Section 5 on page 7, the RFP requires an applicant to include an “explanation of how unserved properties were identified.” What supporting documentation will the State require for this explanation?

A53. The State will not dictate what supporting documentation is required, but it must provide a verifiable method to state that the locations listed are unserved.

Q54. Will BEA establish a challenge process with reasonable timelines as required in RSA 12-O:62, II(b) to ensure that funds are not being used to build projects in served areas or areas where construction has commenced?

A54. This is a competitive-bid RFP and is not subject to RSA 12-O:62, II(b).

Q55. In the timeline for this RFP, did the State consider the fact that the FCC’s Broadband Data Collection (BDC) program will be releasing much more accurate and granular maps in the fall of 2022 which will include broadband data from ISPs as of June 2022? Would the State consider delaying this process until that data is available?

A55. BEA will not consider delaying the RFP at this time.

Q56. Is an applicant’s participation in the ACP sufficient to satisfy this requirement?

A56. It is expected that the low-cost option meets the 100/20 threshold speed, which is how a household would be deemed as being served with broadband.

Q57. What is the definition of speeds that are sufficient for a household with multiple users?

A57. Per CPF guidance: Service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps. If it would be impracticable, because of geography, topography, or excessive cost, for a Broadband Infrastructure Project to be designed to deliver services at such a speed, the Project must be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds.

Q58. Regarding the requirement that the accepted bidder commit to participating in any future federal subsidy program (p. 9), was BEA referring to ACP?

A58. Yes and/or any program that replaces ACP.

Q59. RSA 12-O:62, VI (as amended by SB-445-FN) allows the State to fund up to 75 percent of project costs. A matching fund requirement not only leverages private investment to extend federal dollars for the State, but it also ensures that the bidder have some skin in the game. Requiring matching private capital is a key means to ensure economic sustainability, the choice of viable business plans and that limited resources are invested in a rational manner. While not a requirement under the CPF funding guidelines, the Legislature certainly contemplated it when establishing the State structure for administering federal funds. Will the successful bidder be required to provide a minimum of 25 percent matching funds of the total cost of the project, as required by RSA 12-O:62, VI (as amended by SB-445-FN)?

A59. No, this is a competitive bid RFP and not associated with the Broadband Matching Grant Initiative.

Q60. If BEA does not require a minimum matching contribution, will you prioritize bidders who voluntarily propose to provide a cash matching fund under this RFP?

A60. BEA will neither require a minimum match nor prioritize those that do. However, an Applicant can build in their own match.

Q61. RSA 12-O:61, I refers to providing grants to “broadband providers, political subdivisions, and communications districts,” but the RFP suggests at certain points that eligible applicants must be “owned, operated, or affiliated with local governments, non-profits, and co-operatives” (p. 9). To ensure that the most qualified applicants have incentive to apply, how would private ISPs fit into this definition?

A61. This is a competitive bid RFP. It is not associated with Broadband Matching Grant Initiative.

Q62. The statute states that eligible projects shall provide high speed Internet in unserved areas from “at least one broadband provider.” RSA 12-O:61, II. The statute further appears to distinguish “broadband providers” from “political subdivisions and communications districts.” 12-O:61, III. To the extent that BEA awards a grant to a single provider, how will it ensure that the grant recipient is a “broadband provider,” as opposed to a “political subdivision or communications district”?

A62. This is a competitive bid RFP. It is not associated with Broadband Matching Grant Initiative.

Q63. On p.7, BEA requires “evidence of certification as either a cooperative, non-profit or government-affiliated organization authorized to perform business in New Hampshire.” Does BEA consider an ISP possessing the necessary permits, licenses or other regulatory approvals to provide Internet access services within the State of New Hampshire a “government affiliated organization authorized to perform business in New Hampshire?”

A63. Only broadband providers owned, operated by or affiliated with local governments, non-profits, and co-operatives – providers with less pressure to generate profits and with a commitment to serving entire communities will be awarded the points under this heading.

Q64. NECTA members believe that the intent of “affiliated with local governments” means that a private ISP could apply if they have a letter of support from a local government. If so, does the State anticipate that a final agreement would also include a locality, or would the state require a separate agreement with the locality for use of the CPF funds?

A64. To receive the points associated with this criteria, evidence of certification as either a cooperative, non-profit, or government-affiliated organization authorized to perform business in New Hampshire will need to be provided. A publicly traded and/or for-profit company would not be considered.

Q65. What documentation is necessary for an ISP to be considered a “government-affiliated organization authorized to perform business in New Hampshire”?

A65. Any documentation that shows a government entity owning or running an ISP.

Q66. Does BEA consider a “communications district” formed under RSA 53-G to be a “government affiliated organization authorized to perform business in New Hampshire”?

A66. Yes.

Q67. For each community included in the project, the Application is to include a description of the “[g]eographic coverage impacted: whole community or only those who

are unserved.” (p. 7). Under what circumstances would the geographic coverage impact include locations within the community that are not unserved?

A67. This RFP seeks to fund buildout to unserved locations. If an Applicant wants to overbuild served locations, they are allowed to, but would not be subject to any funding through this RFP. To meet this requirement, the Applicant must provide all information for the unserved areas (as required by this RFP).

Q68. Has BEA considered disbursing grant funds on a project cost reimbursement model, where awardees would be required to invoice the State for costs incurred during the reporting period, and supply supporting documentation?

A68. This question is regarding the structure of the RFP and is not relevant for a proposal to be submitted.

Q69. How does BEA intend to comply with the quarterly reporting requirements? What information will be required of the awardee and on what schedule?

A69. Federal reporting requirements as required by the United States Treasury will be made available to the Awardee as well as posted on the BEA broadband website.

Q70. Will a successful bidder be required to attest that no grant funds will be expended for any expense other than the construction of the broadband network to Unserved Properties as defined by the State?

A70. Yes.

Q71. If so, for what period after the completion of the project would such attestation be required?

A71. This will be a part of final closeout documentation prior to final payment of the contract.

Q72. How will BEA assess project completion?

A72. Final closing documents will be compared to winning bid proposal and Contract.

Q73. What information and in what form will be required of the Awardee?

A73. To be determined. Will be finalized within final contract negotiations.

Q74. On what basis will BEA issue its “Acceptance” of a project (p. 3), such that the final payment would be issued, and the performance bond terminated?

A74. Once final documents are submitted and State and/or Federal audits are completed.

Q75. How will BEA calculate the applicant's pro rata share of incomplete projects? Is the Awardee expected to contribute a certain percentage of projects costs?

A75. To be determined.

Q76. The RFP explains that "[u]nless waived as an immaterial deviation in accordance with Section 6H, late submissions will not be accepted and will be returned to the proposers unopened." (p. 5) What are the conditions in Section 6H? Can BEA provide a copy of Section 6H as Section 6 currently ends with E?

A76. This was an error. Line should have read: "[u]nless waived as an immaterial deviation in accordance with Section 6E, late submissions will not be accepted and will be returned to the proposers unopened."

Q77. The RFP states that "[t]he scope of this project includes planning, construction, and installation of all necessary broadband infrastructure and equipment for providing access to broadband for Unserved Properties." (p. 3) Does the scope of this project include costs associated with construction of infrastructure on private property such as the cost of connecting a private residence or business to broadband infrastructure attached to utility poles or otherwise present in the public ROW?

A77. Yes.

Q78. On p.7, applicants are instructed to "[d]emonstrate experience within the economic development/workforce sector." Can BEA elaborate on how an ISP can demonstrate such experience in its application?

A78. The State will not dictate what supporting documentation is required. However, any documentation that shows the extent an Applicant employs, trains, or invests in NH will be sufficient.

Q79. On p. 7, BEA asks applicants to submit the "total number of miles of wire anticipated, total project cost and cost per mile (total cost/number of miles of wire)." Should the applicant include those totals for each community in the application?

A79. This is not a requirement; the total for the project is required.

Q80. Will BEA also consider the cost per passing?

A80. BEA considers passings of unserved properties the same as access to unserved properties.

Q81. On p.7, BEA asks for information on “any anticipated sub-contracts required to complete this project work.” Vendor agreements are competitively sensitive and often contain provisions that bind the ISP from publicly disclosing the terms of an agreement. What level of detail will BEA require?

A81. Please refer to section 4A of the RFP:

- a) One original electronic copy of the Proposal; and
- b) One electronic copy of the Proposal with all Confidential Information fully redacted, as provided for in Section 7E of this RFP.

Q82. In the criteria and scoring section, under experience (p. 9), the guidelines do not seem to contemplate a private ISP applicant. Is it assumed that all private Internet Service Providers have the requisite Experience and Qualifications?

A82. An Applicant should be able to prove its experience and qualifications through its overall submission.

Q83. What is contemplated by “affirmative action” as included in Section 6.2 of the Standard Contract?

A83. This is a question regarding the contract, not the RFP.

Q84. For cable broadband providers, are the insurance requirements included in cable franchise agreements and coverage maintained thereunder sufficient for the purposes of Section 14 of the Standard Contract?

A84. This will be determined after an Applicant is selected.