

DRAFT FOR PUBLIC COMMENT

TERRITORY OF AMERICAN SAMOA

BROADBANDiNEI

INITIAL PROPOSAL

VOLUME 2

NOVEMBER 2023



BCORD
BROADBAND COORDINATION, OPPORTUNITIES, REDEVELOPMENT & DEPLOYMENT
AMERICAN SAMOA





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This document was compiled by SH3 Resource Development, LLC (SH3) in collaboration with the BCORD Working Group on behalf of the Territory of American Samoa.

Cover image: A view of Tau Island.

Page 1 image: Mural at Leone Healing Garden.



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Volume II (Requirements 1, 2, 4, 8 – 20)

Objectives (Requirement 1)

2.1.1 Text Box: Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five- Year Action Plans.

Per BEAD guidance, this section is a direct copy from the American Samoa BROADBANDiNEI 5-Year Action Plan.

This Initial Proposal adopts the overall vision of the 2021-2026 American Samoa Territorial Broadband Strategy (ASTBS) for American Samoa to have affordable broadband internet access, have a qualified IT workforce and IT infrastructure with policies and regulations to support and secure business innovation and development, and improve technology literacy and quality of life.

In alignment with the overall vision of the ASTBS 2021-2026, the mission of the American Samoa BROADBANDiNEI 5-Year Action Plan and Initial Proposal is to improve the affordability, accessibility, adoption, governance and security of broadband for all residents of American Samoa.

Goals and Objectives

Complementary to the 2021-2026 ASTBS, the American Samoa BROADBANDiNEI 5-Year Action Plan and Initial Proposal adopts the goals in the ASTBS in this strategic plan. The American Samoa BROADBANDiNEI 5-Year Action Plan prioritizes infrastructure deployment that provides reliable high-speed Internet access to all residents of American Samoa. Broadband touches all aspects of the community by providing a new foundation for innovations, economic development, healthcare, education, public safety, entertainment, and many other possibilities. American Samoa has four goals and 10 key objectives.



Goal 1: AFFORDABLE BROADBAND ACCESS - Improve the quality of life afforded through services and access to affordable broadband & internet service.

American Samoa's unique geography requires a wide range of broadband infrastructure and technologies to support its digital growth.

The American Samoa BROADBANDiNEI 5-Year Action Plan and Initial Proposal carries forward ideologies and actions to maintain and improve the quality of life by realizing a broadband driven economy that is dynamic, enterprising, self-sustaining, culturally appropriate and responsive to changes and fluctuations in the global economy.



Under this goal, efforts address the need for residents to have access to affordable broadband service at high-speed 100/20Mbps capacity to afford them opportunities to access services such as virtual learning, telehealth, digital economy, research and development, video conferencing, teleworking and access to information.

Key Objectives:

- Ensure that all unserved and underserved areas are served with at least a minimum capacity of 100/20Mbps by 2028. (Access)
- Deploy high speed broadband capacity to as many locations by 2028 (Access)
- Increase household enrollment in the Affordable Connectivity Program (ACP) (Affordability)
- American Samoa to have Affordable residential high speed broadband internet of 100/20 Mbps ranging between \$50-\$100 by 2028. (Affordability)



Goal 2: RESPONSIBLE GOVERNANCE AND STRONG INSTITUTIONS - Develop an organizational, program and technical infrastructure that include governance, policies and regulations, collaborations and partnerships permitting American Samoa to become an effective part of the global digital village.

The 2021-2026 ASTBS will initiate, develop and advance broadband-related policies, programs and initiatives that support and foster collaboration amongst sectors. Our goal is also to strengthen the implementation and revitalization of local, regional, national and global partnerships for responsible governance and strong institutions in telecommunication.

The American Samoa BROADBANDiNEI 5-Year Action Plan and Initial Proposal will aim to further responsible governance for the deployment, implementation, utilization and adoption of broadband.

Key Objectives:

- Explore options for alternative governance framework to regulate broadband in American Samoa.



Goal 3: TECHNOLOGY LITERACY - Promote technology literacy at all levels.

Technology literacy is defined as the ability of individuals to responsibly use appropriate technology tools to: access and integrate information; and construct and communicate knowledge to improve learning and support lifelong learning.



The American Samoa BROADBANDiNEI 5-Year Action Plan and Initial Proposal will leverage existing programs and partnerships with community stakeholders to increase technology literacy, access to devices and adoption rates.

Key Objectives:

- Increase broadband household adoption (69% household subscription) (Adoption)
- Increase the percentage of residents with access to internet-capable devices (Adoption, Equity)
- Increase technology adoption and household adoptions within covered populations (Adoption, Equity)



Goal 4: CYBERSECURITY - Enable American Samoa to securely participate in national, regional and global information infrastructure.

Information, data and network security is a priority of the ASTBS. American Samoa shall strengthen its cybersecurity to respond to growing global threats and safely and securely protect its citizens from those attacks. In addition, with cybersecurity crimes new laws, policies and regulations shall be in place to protect consumers from potential attacks.

The American Samoa BROADBANDiNEI 5-Year Action Plan and Initial Proposal prioritizes data security and online safety and privacy of users in American Samoa and shall work to strengthen its cybersecurity capacity.

Key Objectives:

- Ensure a territorial cybersecurity risk management plan is in place and/or updated
- Ensure that ISPs, eligible entities have an operational cybersecurity risk management plan in place prior to offering service over a BEAD-funded network

Local, Tribal, and Regional Broadband Planning Processes (Requirement 2)

2.2.1 Text Box: Identify and outline steps that the Eligible Entity will take to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide. In the description, include how the Eligible Entity will coordinate its own planning efforts with the broadband planning processes of local and Tribal Governments, and other local, Tribal, and regional entities. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

As suggested in the BEAD guidance, this section is a direct copy from the American Samoa BROADBANDiNEI 5-Year Action Plan Stakeholder Engagement Process.

Information, discussions and data were compiled and analyzed to reflect a current environmental scan, market trends, and realities. The American Samoa BROADBANDiNEI 5-Year Action, Initial Proposal, Final Proposal and Digital Equity plans adopts the established vision, goals and formulated specific objectives according to priorities and needs of the BEAD program. To best inform this plan, the BCORD Office and BSC took a holistic and inclusive



community approach, and sought input from various stakeholders through:

Working Group Weekly Meeting: The BCORD Office held 20+ one-hour virtual sessions focused on vision and goals building, understanding ideologies, concepts and frameworks on broadband and its applicability in various markets and industries in American Samoa.

BEAD Office Hours: The BCORD Office hosts weekly office hours to address questions or concerns in relation to broadband and BEAD/DE Programs.

Broadband Steering Committee Meetings: The Office of the Governor and the BCORD office has convened the BSC to gather input and guidance on specific priorities, actions and recommendations for broadband use and adoption.

TalaTek: Talanoaga Fa'aTekonolosi (TALATEK) is a webinar series / public forum of pertinent topics on the use of broadband and technology applications in American Samoa. TALA-TEK featured speakers and experts at the local and community, national and global levels. Topics include but are not limited to: cybersecurity, telehealth, distance education, eCommerce, trades and technologies and many more. The BCORD office has hosted public / virtual forums on Cybersecurity, Telehealth, Digital Economy and BEAD/DE.

Household Survey: The BCORD Office will conduct a post-COVID broadband household survey to gather information to understand what changed in the landscape, opportunities, challenges, usage, quality, affordability, access to broadband in American Samoa. The Household Survey will be conducted in both English and Samoan.

Road Show Meetings: Road Show Meetings are one-on-one meetings with eligible entities, community members and stakeholders to gather.

Outreach and engagement of unserved and underserved communities, including historically underrepresented and marginalized groups and/or communities: To direct stakeholder engagement, the BCORD Office continued the work of the ASTBS WG and build upon the 80+ stakeholders who represented populations highlighted in the NTIA requirements, including unserved / underserved and covered populations, to understand their needs related to the access, availability, and use of broadband. To address specific needs of covered populations, the BCORD Office will continue to engage with various public and private institutions such as the Department of Health, Department of Human and Social Services, Hope House and University Center of Excellence for Development Disabilities.

Ongoing stakeholder engagement and feedback mechanism: Ongoing local coordination and stakeholder engagement will continue from the development of this plan and its subsequent submissions to reflect ongoing collaboration, updates, and progress through American Samoa's BROADBANDiNEI program and initiatives. Ongoing engagement will be through continued Office Hours, Road Show Meetings, Broadband Steering Committee Meetings, Working Group Meetings, email and website updates. The BCORD Office also anticipates participating in locally planned events and initiatives. The BCORD Office has a website dedicated to the BROADBANDiNEI initiative that is updated frequently to keep our stakeholders up to date. The BCORD Office also engages with local partners to share information and resources. To further ensure critical input during the planning process the Initial and Final Proposals will be posted for public comment. The BCORD Office will continue to engage with key stakeholders and reach out to those groups that have not yet been fully engaged.



Outreach events inform the development of the BROADBANDiNEI 5-Year Action Plan, Initial Proposal, Final Proposal, Digital Equity Plan and ongoing sessions will update subsequent versions of these plans.

Local Coordination (Requirement 4)

2.3.1 Text Box: Describe the coordination conducted, summarize the impact on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfill the coordination associated with its Final Proposal.

Prior to the launch of the American Samoa BROADBANDiNEI, efforts to address and engage stakeholders in broadband planning, deployment and digital equity were already in motion through the work of the 2021-2023 American Samoa Territorial Broadband Strategy (2021-2026 ASTBS) in September 2021. Extensive outreach and awareness campaigns took place to inform policies and provided a platform for feedback and input from stakeholders and the wider community. These efforts led not just to the launch of the 2021-2026 ASTBS but the beginning of the implementation of various strategies for broadband. The 2021-2026 ASTBS was developed through an extensive process including over 100+ working stakeholder meetings and discussions, public webinars, community engagement and the collective input of the ASTBS Working Group, inclusive of members from the public and private sectors, civil society, non-profit organizations and the community-at-large. The 2021-2026 ASTBS is a roadmap of strategies and actions to create an environment ready for broadband-related implementations in American Samoa.

Ongoing efforts will include various forms of direct engagement with stakeholder organizations, including non-profits, local governments, broadband service providers, and the general public. To date, the American Samoa BROADBANDiNEI builds upon those efforts and will continue to do so. American Samoa continues to implement and conduct a robust stakeholder and public engagement process not only to educate but to collect feedback and input from the local community. Various strategies listed in Requirement 2 provide a means for community members to be engaged in conversations regarding the significance of broadband and its role in our community.

- Establishment of the BCORD Office and Broadband Steering Committee: In March 2023, Governor Lemanu P.S. Mauga signed Executive Order 007-2023 that established the BCORD Office, housed within the American Samoa Department of Commerce (ASDOC). The BCORD Office works collaboratively with both public and private sectors to develop and recommend structural and non-structural territorial strategies to achieve functional affordable universal access to broadband in American Samoa. EO 007-2023 also established the Broadband Steering Committee (BSC) to provide strategic and technical guidance to the BCORD Office. Governor Lemanu recognizes that access to affordable broadband is essential to the prosperity and quality of life of the people of American Samoa. Members of the BSC include:
 - Office of the Governor
 - Department of Commerce
 - American Samoa Telecommunications Authority
 - American Samoa Power Authority
 - LBJ Tropical Medical Center
 - Department of Health
 - Department of Education
 - Department of Homeland Security



- American Samoa Community College
 - American Samoa ARPA Office
 - Office of Disaster and Petroleum Management
 - Department of Human and Social Services
 - BlueSky Communications
 - American Samoa Community Cancer Coalition
 - Congregational Christian Church of American Samoa - Fagatogo
- **BROADBANDiNEI Working Group:** The BROADBANDiNEI WG is an informal working group established with members of various organizations including underrepresented communities to assist with the work of the BCORD and BSC. This group is a continuation of the ASTBS Working Group and meets weekly from December 2022. The group advises on strategies for the development of the external engagement process to ensure that it is equitable and appropriate to reach our local community. In addition to BSC members, the BROADBANDiNEI expands participation to others including but not limited to:
- University Center of Excellence for Development Disability
 - ASTBS Subgroup Members
 - Critical Services
 - Cybersecurity
 - Economic Development
 - Education
 - Health
 - Policy and Regulation
 - Members of Public and Private Sector
 - Non-profit organizations
- **Identification of Stakeholders:** The BCORD Office invited all applicable stakeholders to various events listed in Requirement 2 to bring them into the plan development process. The BCORD Office through its subgroups worked to identify relevant Underrepresented Communities identified in the BEAD and Digital Equity Act (DEA) NOFOs.
- **Outreach and Public Awareness:** The BCORD Office leveraged traditional and social media to ensure that there was widespread awareness of the development of BROADBANDiNEI plans and initiatives, as well as opportunities for the public to provide feedback. As listed in Requirement 2, the BCORD Office took to radio and TV shows, social media and news outlets, local events, workshops and conferences to talk about broadband.
- **Household Survey:** The BCORD Office will conduct a post-COVID broadband household survey to gather information to understand what changed in the landscape, opportunities, challenges, usage, quality, affordability, access to broadband in American Samoa. The Household Survey will be conducted in both English and Samoan.
- **Coordination with Ongoing Efforts:** American Samoa has taken a parallel approach to develop the BROADBANDiNEI plans in alignment with the 2021-2026 Territorial Broadband Strategy (2021-2026 ASTBS). This means building upon existing efforts, engagement with existing projects and grantees of related projects. This also means working closely with subgrantees to work with them through the application process and project development process and monitor progress to ensure accountability and applicability.
- **Updated Information:** As this process continues to unfold, the BCORD Office will continue to collect data and track broadband availability across the territory. This also includes tracking available funding sources and could be leveraged to further support BROADBANDiNEI initiatives island wide. The BCORD Office will also continue to



provide outreach and public awareness to ensure all stakeholders are kept up to date regarding development and progress.

- **Update to the ASTBS:** The BROADBANDiNEI shall serve as the next update to the territorial strategy for broadband. It is critical that these documents are kept alive with the work and progress through ongoing documentation.

Attachment: Included is the Local Coordination Tracker Tool.

2.3.2 Text Box: Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note “Not applicable.”

Not Applicable. American Samoa does not have federally recognized Tribal entities.

Deployment Subgrantee Selection (Requirement 8)

2.4.1 Text Box: Describe a detailed plan to competitively award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.

The American Samoa BROADBANDiNEI approach prioritizes broadband infrastructure deployment that provides reliable high-speed Internet access to all residents of American Samoa, focusing on unserved and underserved areas. All of American Samoa “lacks access to reliable broadband service offered with... a latency sufficient to support real-time, interactive applications.” Therefore all Broadband Serviceable Locations (BSL) in American Samoa are, by strict application of Title 47 USC 1702, unserved, rendering all 11,807 households also unserved. American Samoa will strive to provide support for broadband deployment to as many unserved locations - defined as those without any broadband service at all or with broadband service offering speeds below 25 megabits per second (Mbps) downstream/3 Mbps upstream; and underserved locations - defined as those with broadband service offering speeds below 100/20 Mbps - as possible. American Samoa’s ultimate territorial goal is to upscale high speed internet connectivity to 100/100Mbps island wide ¹.

Our plan for awarding subgrants contains a process that will achieve fair, open competition for qualified entities. It will incorporate Subgranting Accountability Procedures mandated by NTIA, including for challenge process, disbursement, claw-back rights, subgrantee reporting and ongoing monitoring. Our priority is to offer funding towards efforts that address the need for residents to have access to affordable broadband service at high-speed 100/20Mbps capacity to afford them opportunities to access services such as virtual learning, telehealth, digital economy, research and development, video conferencing, teleworking and access to information.

¹ ASTBS P.8.2: Redefine “Broadband” to 100/100 Mbps: US Congress has called for the redefining of the current minimum speeds that internet service providers call “high-speed” broadband from 25/3 Mbps to 100/100 Mbps. Data needs are expected to increase annually by at least 25% per year. In order to support those needs, our broadband capacity also has to increase in standard. The ASTBS seeks the adoption of the definition of high-speed from 25/3 Mbps to 100/100 Mbps. In addition, Service Level Agreements (SLAs) shall set performance standards to include – customer needs, quality of service (QoS), provide a foundation for client comprehension, address potential conflict and expectations. The network availability of 99.999% remains the standard.



Since its establishment, the BCORD Office is overseeing federally-funded broadband grants including: \$10M of CARES Act funds; \$14M of American Samoa's allocation from the US Treasury Department's Capital Projects Fund (CPF), and the recently awarded \$300,000 Affordable Connectivity Program from the Federal Communications Commission. This Subgrantee Selection Process takes into account these experiences and expertise and will follow established policies and procedures that govern the issuance and monitoring of grants made by the DOC on behalf of the BCORD Office. The BCORD office will work to streamline the application process for applicants under the BROADBANDiNEI program. The BCORD office may provide a submission template and coordinate process where applicants will outline their proposals. Proposal requirements will include:

- Executive Summary
- Project Scope and Deliverables
- Project Schedule, Timeline/Deployment Schedule - Include a table of site, timeline for implementation, deployed resources, equipment, devices, available broadband speed/capacity, and operational status.
- Project Resources and Budget - Submit a revised budget to reflect the amount awarded. Submit the revised budget also in appropriate Budget Categories with a Budget Justification. This financial plan must address how the project improvement rates and costs affect customers. It must also include detailed projected costs and cost savings to consumers over time (installations, potential devices and types, monthly recurring costs). Plan must demonstrate that the project will be able to offer fair and reasonable rates at the desired speeds (100Mbps), comparable to average rates in any U.S. urban area. Plan must address consumers at all levels.
- Cybersecurity Plan
- Risk and Issue Management Plan
- Communication and Marketing Plan
- Outreach and Education Plan - Project must address Digital Equity through comprehensive community outreach and education; training opportunities; etc.
- Sustainability and Maintenance Plan - Beyond project funds; How do you address issues of workforce?
- Work Plan (Table Form) - Goals, Objectives, Activities/Tasks, Anticipated Outputs/Outcomes, Measures and Indicators, Period and Responsibility

The BCORD Office intends to use a scoring process that is consistent with the guidance provided by NTIA in terms of weighting subgrantee applications. The BCORD Office intends to comply with local laws, policies and rules that pertain to grantees.

The BCORD Office recognizes that a 25% minimum matching requirement will place a burden on subgrantee applications. However, the BCORD Office requires 25% minimum matching be provided by subgrantee.

Pre-proposal application process:

- The BCORD Office intends to initiate a mandatory pre-proposal application for a to-be-determined window following completion of the challenge process in which prospective subgrantees will be required to notify the BCORD Office of their intention to participate in the BEAD funding opportunity and their intended project area(s). This will be for 30 days, after which the BCORD Office will evaluate applications. The BCORD reserves the right to engage with application for any needed information or clarification.



- In awarding BEAD grants, the BCORD Office envisions awarding grants in a single round to encourage prospective subgrantees to put their final, best offer forward for the project area as defined by the subgrantee in accordance with the BCORD project area guidance above. Each proposal will be evaluated using the scoring criteria outlined

2.4.2 Text Box: Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.

The BCORD Office will use the below scoring rubric during the subgrantee selection process to evaluate Priority Broadband Projects and Other Last-Mile Broadband Projects. The BCORD will prioritize and score projects consistent with the principles as recommended by NTIA for selection among Priority Broadband Projects covering the same location or locations and/or selection among Other Last-Mile Broadband Deployment Projects.

- **Priority Broadband Projects:**² The BCORD Office's process in selecting subgrantees for last-mile broadband deployment projects will first assess which locations or sets of locations under consideration are subject to one or more proposals that (1) constitute Priority Broadband Projects and (2) satisfy all other requirements set out in this NOFO with respect to subgrantees. In the event there is just one proposed Priority Broadband Project in a location or set of locations, and that proposal does not exceed the Eligible Entity's Extremely High Cost Per Location Threshold, that proposal is the default winner, unless the Eligible Entity requests, and the Assistant Secretary grants, a waiver allowing the Eligible Entity to select an alternative project. To the extent there are multiple proposals in a location or set of locations that constitute Priority Broadband Projects and satisfy all other requirements with respect to subgrantees, the BCORD Office will competitively select a project based on the criteria set by the BEAD NOFO.
- **Other Last-Mile Broadband Deployment Projects:** In deciding among competing projects that are not Priority Broadband Projects covering the same locations or area, the Eligible Entity must use the criteria detailed in the BEAD NOFO.

Selection Criteria for Priority Broadband Projects

Criteria	Priority Tier	Point Allocation
Does the project use end-to-end fiber optic architecture?	Pre-Review	Go to Other Last-Mile Broadband Deployment Projects
Does the project deploy and/or service provide a timeline of 4 years?	Pre-Review	Pass/Fail
Does the project satisfy all other subgrantee requirements?	Pre-Review	Pass/Fail
Does the project have a sustainability plan?	Pre-Review	Pass/Fail

² The term "Priority Broadband Project" means a project that will provision service via end-to-end fiber- optic facilities to each end-user premises BEAD NOFO at 14.



Minimal BEAD Program outlay: The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases. In comparing the project's BEAD outlay and the prospective subgrantee's match commitments, the BCORD will consider the cost to the Program per location while accounting for any factors in network design that might make a project more expensive, but also more scalable or resilient.	Primary	50
Affordability: All applicants must provide the most affordable total price for a 1Gbps download/1 Gbps upload plan within the service area after deployment is completed. Points are awarded for a demonstrated commitment to reinvest revenue into customer affordability.	Primary	15
Fair Labor Practices. The BCORD Office will give priority to projects based on a prospective subgrantee's demonstrated record of and plans to be in compliance with federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.	Primary	10
Speed to Deployment. All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the BCORD Office.	Secondary	5
Equitable Workforce Development and Job Quality. Points will be awarded to projects that demonstrate advancing equitable workforce development and job quality objectives for American Samoans.	Additional Criteria	4
Open Access. Points will be awarded for projects that demonstrate open access	Additional Criteria	5



wholesale last-mile broadband service for the life of the subsidized networks, on fair, equal, and neutral terms to all potential retail providers.		
Local Coordination. Points will be awarded for projects that demonstrate a prospective subgrantee's support from the local government with oversight over the location or locations to be served. Points also awarded with projects tied to broadband territorial goals and plans.	Additional Criteria	3
Community Input and Engagement. Points will be awarded for projects that demonstrate substantive input from community and engagement with residents of proposed area and project location.	Primary	3
Climate and Sustainability. Points will be awarded for projects that demonstrate how the approach will adopt environmentally friendly approaches like energy efficient technology and practices and utilization of renewable energy sources wherever possible. Points will also be awarded for projects that propose to build climate resilience infrastructure.	Additional Criteria	5

Selection Criteria for Other Last-Mile Broadband Deployment Projects

Criteria	Priority Tier	Point Allocation
Does the project use end-to-end fiber optic architecture?	Pre-Review	Pass/Fail
Does the project deploy and/or service provide a timeline of 4 years?	Pre-Review	Pass/Fail
Does the project satisfy all other subgrantee requirements?	Pre-Review	Pass/Fail
Does the project have a sustainability plan?	Pre-Review	Pass/Fail
Minimal BEAD Program outlay: The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases. In comparing the	Primary	25



project's BEAD outlay and the prospective subgrantee's match commitments, the BCORD will consider the cost to the Program per location while accounting for any factors in network design that might make a project more expensive, but also more scalable or resilient.		
Affordability. The prospective subgrantee's commitment to provide the most affordable total price to the customer for 100/20 Mbps service in the proposed service area.	Primary	35
Fair Labor Practices. The BCORD Office will give priority to projects based on a prospective subgrantee's demonstrated record of and plans to be in compliance with federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.	Primary	15
Speed to Deployment. All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the BCORD Office.	Secondary	3
Speed of Network and Other Technical Capabilities. The BCORD Office must weigh the speeds, latency, and other technical capabilities of the technologies proposed by prospective subgrantees seeking to deploy projects that are not Priority Broadband Projects. Applications proposing to use technologies that exhibit greater ease of scalability with lower future investment (as defined by the Eligible Entity) and whose capital assets have longer usable lives should be afforded additional weight over those proposing technologies with higher costs to upgrade and shorter capital asset cycles.	Secondary	3
Equitable Workforce Development and Job Quality. Points will be awarded to projects that demonstrate advancing equitable workforce development and job quality objectives for American Samoans.	Additional Criteria	3
Open Access. Points will be awarded for	Additional	5



projects that demonstrate open access wholesale last-mile broadband service for the life of the subsidized networks, on fair, equal, and neutral terms to all potential retail providers.	Criteria	
Local Coordination. Points will be awarded for projects that demonstrate a prospective subgrantee's support from the local government with oversight over the location or locations to be served. Points also awarded with projects tied to broadband territorial goals and plans.	Additional Criteria	3
Community Input and Engagement. Points will be awarded for projects that demonstrate substantive input from community and engagement with residents of proposed area and project location.	Primary	5
Climate and Sustainability. Points will be awarded for projects that demonstrate how the approach will adopt environmentally friendly approaches like energy efficient technology and practices and utilization of renewable energy sources wherever possible. Points will also be awarded for projects that propose to build climate resilience infrastructure.	Additional Criteria	3

Attachment: BEAD Initial Proposal_Volume II_Subgrantee Selection Scoring Rubric.xlsx.

2.4.3 Text Box: Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.

It is important to note that based on latency, all of American Samoa has been determined underserved, with the exception of the Manu'a Islands which is unserved. In addition, issues of affordability hinder American Samoa's ability to fully take advantage of the benefits of broadband. In alignment with NTIA requirements, the BCORD Office, in awarding subgrants for the deployment of a broadband network, will award funding in a manner that ensures the deployment of service to all unserved and underserved locations. To ensure full coverage of all locations, the BCORD Office will prioritize the deployment of work to these areas.

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

American Samoa anticipates that the BEAD funding will be used primarily for infrastructure deployment projects and remaining funds will go toward non-deployment projects. Over the years, American Samoa has invested greatly in its terrestrial broadband infrastructure to cover



the main island of Tutuila, as well as outer islands. While the broadband infrastructure is in place, it needs to be upgraded to ensure that unserved locations, without current broadband access are covered. In addition, many of the areas with existing broadband service are undeserved and do not have access to 100/20 Mbps as a base residential package. Upgrading fiber infrastructure and capacity will be a large non-deployment effort to ensure residential and consumer customers have access to 100/20 Mbps as a base affordable package and that CAIs have access to symmetrical 1000/1000 Mbps which is currently only available now at a high cost through existing dark fiber infrastructure. Upgrading these existing legacy networks to make them more sustainable in the future can be done in lieu of pulling new fiber infrastructure to these locations.

2.4.5 Text Box: The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA)⁶ requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.

Subgrantees will be asked to certify that they will comply with relevant National Environmental Policy Action (NEPA), Environmental and Historical Preservation (EHP) and Build America, Buy America Act (BABA) requirements. Subgrantees awarded BEAD funds will be required to recertify their compliance on a semiannual basis for the duration of the BEAD implementation period.

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

Potential subgrantees may also define proposed project areas based broadband serviceable locations. Geographic levels may be chosen, per project, on a per-location basis, per-census block basis, per-town, per-county, or per-village. An “Unserved Service Project” or “Underserved Service Project” may be as small as a single unserved or underserved location, respectively. Applicants will be permitted to submit multiple project areas as part of a single application; however, no single applicant may include the same village in multiple proposed project areas (i.e., none of the applicant’s proposed project areas can overlap with each other in any way). The BCORD Office fully expects that different applicants’ proposed project areas will overlap, and when that is the case, the BCORD Office will manage a deconfliction process to determine the winning applicant and incentivize the inclusion of unserved and underserved areas.

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



The BCORD Office intends to engage applicants in nearby or adjacent project areas to negotiate the expansion of project area to include unserved or underserved locations to ensure these areas are served. Those negotiations will include assessment of which variables, be it speed, funding match, or other programmatic requirement, were barriers to the prospective subgrantee and a review of ways the BCORD Office could modify requirements to ensure the locations are served.

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

American Samoa does not have federally or locally recognized Tribes.

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

American Samoa's geographical isolation and remoteness adds to the extremely high cost to deploy and deliver broadband services. The BCORD Office's intent is to set American Samoa's Extremely High Cost Per Location Threshold at a level that does not exhaust all our BEAD resources. The BCORD Office intends to use NTIA data set available through the Eligible Entity Planning Tool to support the identification of Extremely High Cost Per Location Threshold.

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

In efforts to ensure that sufficient funding is available to extend high-speed to all unserved and underserved areas in American Samoa, the BCORD Office's intent to set American Samoa's Extremely High Cost Per Location Threshold at a level that does not exhaust all our BEAD resources and will reject proposals that exceed the threshold.

The BCORD Office will review and prioritize applications and will factor in the EHCPLT in awarding any project that would exceed the threshold. In those proposed project areas with costs that exceed the HCPLT, the BCORD Office will consider other proposals to use less costly Reliable Broadband Service technologies that can be provided at a lower cost or a technology that does not meet the definition of reliable but will provide service at a minimum of 100/20 and latency less than or equal to 100 milliseconds at a lower cost.

The BCORD will continue to do outreach to prospective subgrantees to ensure they understand the objectives of the BROADBANDiNEI and the required matching options.

Deployment Subgrantee Qualifications

2.4.11 Text Box: Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as



outlined on pages 72-73 of the BEAD NOFO.

The BCORD Office is committed to selecting projects that have the financial resources and capabilities necessary to successfully complete and manage a project. The BCORD Office acknowledges that most organizations within its service population do not have the necessary capital to

Consistent with the NOFO and in accordance with Uniform Guidance §200.205(b), all subgrantees must undergo a pre-award risk assessment prior to issuance of new competitive grant awards. The BCORD Office will require as part of application and proposals financial statements from the most recent fiscal year that are audited by an independent certified public accountant. The BCORD Office will require the submission of information from prospective subgrantees that demonstrates sufficient funds are available for ongoing coverage of the project and ongoing operational/administrative costs. This can include but not limited to bank statements, open lines of credit, or other financial means to demonstrate. This risk assessment is inclusive of a review of compliance with requirements of prior grant awards, grantees prior experience with awards of a similar complexity, staffing levels and qualifications of staff and any additional concerns (for example: recently reported incidences of fraud, embezzlement, or mismanagement by the potential grantee). Each subgrantee is assessed a risk level based upon the results of the assessment. Subgrantees assessed as high-risk will require additional monitoring requirements as part of their grant monitoring procedures outlined in their grant award. The additional monitoring requirements may include more frequent programmatic review, more frequent financial reporting, site visits, etc.

All documentation will be reviewed by qualified personnel and evaluated on a pass/fail basis. Subgrantee applicants who are deemed to fail any of the requirements mentioned may be asked to re-submit required documentation within seven calendar days. If subgrantee applicants ultimately fail to provide documentation that meets the standards outlined below, the subgrantee applicant will be ineligible to receive any funding as part of the BEAD deployment subgrantee process.

Pursuant to the NOFO, the BCORD will require prospective subgrantees to certify they have a compliant business plan that details the categories of information as well as including at least three years of operating cost and cash flow projections post targeted completion of project.

Prospective subgrantees are required to submit a letter of credit committing to issue an irrevocable standby letter of credit and in a value of no less than 25 percent of the subaward amount. In alignment with guidance programmatic waiver of the Letter of Credit from NTIA, the BCORD Office expands permissible alternative to the LOC requirements to allow:³

- Allow Credit Unions to Issue LOCs. The NOFO requires subgrantees to obtain a LOC from a U.S. bank with a safety rating issued by Weiss of B– or better. The waiver permits subgrantees to fulfill the LOC Requirement (or any alternative permitted under the waiver) utilizing any United States credit union that is insured by the National Credit Union Administration and that has a credit union safety rating issued by Weiss of B– or better.
- Allow use of Performance Bonds. The waiver permits a subgrantee to provide a performance bond equal to 100% of the BEAD subaward amount in lieu of a letter of

³ BEAD LOC Waiver

https://broadbandusa.ntia.gov/sites/default/files/2023-10/BEAD_LOC_Waiver_Notice_10.23.23.pdf



credit, provided that the bond issued by a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the Department of Treasury Circular 570.

- Allow Eligible Entities to Reduce the Obligation Upon Completion of Milestones. The waiver allows an Eligible Entity to reduce the amount of the letter of credit obligation below 25% over time, or reduce the amount of the performance bond below 100% over time, upon a subgrantee meeting deployment milestones specified by the Eligible Entity.
- Allow for an Alternative Initial LOC or Performance Bond Percentage. The NOFO requires that the initial amount of the letter of credit be 25% of the subaward (or the initial amount of the performance bond be 100% of the subaward under the option described above). The waiver allows the initial amount of the letter of credit or performance bond to be 10% of the subaward amount during the entire period of performance when an Eligible Entity issues funding on a reimbursable basis consistent with Section IV.C.1.b of the NOFO and reimbursement is for periods of no more than six months each.

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

The BCORD Office will make clear to prospective subgrantees that there is a potential for specific award conditions to be included at a later date. The BCORD Office will notify all subgrantees and the justification behind the specific conditions.

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

Resumes from their key managerial staff, including leadership, operations, and network construction staff, an organization chart detailing parent, subsidiary or affiliated entities shall be submitted as part of application proposal. A business plan shall be prepared for the project to include workforce and asset details. In addition, the narrative shall include applicant qualification and experience in building, maintaining, and upgrading the network, demonstrate lessons they have learned from past deployments, and any anticipated challenges they may face based on their prior experience. The narrative should include details on the experience of the leadership team, how long they have been with the company, how long the company has been in the business of providing broadband services and whether they have deployed fiber before. To the extent the subgrantee has done work pursuant to federal or state broadband funding, provide information detailing their successful completion of those projects or their progress to date on such projects. In addition, the subgrantee must include a statement in its narrative as to whether it has been the subject of any enforcement actions in relation to past projects.

2.4.13 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may



reference those to outline alignment with requirements for this section.

In addition to requirements set forth in 2.4.12, the BCORD Office shall certify that they are technically qualified to carry out and complete project activities. Application shall also include network diagrams, design, budget, timeline and deliverables. The BCORD Office may provide a template to subgrantee applicants to aid subgrantee applicants with their submission. All documentation will be reviewed by the BCORD Office and evaluated on a pass/fail basis. The BCORD Office may request additional information within 7 calendar days. If a potential applicant fails to provide sufficient documentation, the application will be deemed ineligible.

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

The BCORD Office required compliance with all federal and state laws, including labor and employment, environmental and historic preservation, and applicable procurement policies. The BCORD Office will require certification from applicants that it will permit workers work-led health and safety committees.

American Samoa has limited resources available concerning local laws, of which many are outdated. Presently there are no laws concerning technology, broadband and telecommunications that would be relevant for the purposes of this section. The authority of the telecommunications regulator is vested in the Governor through executive order. The BCORD Office requires compliance with all federal and territorial laws. Concerning territorial laws in regard to labor, they may be found under Title 32 of the American Samoa Code Annotated (asbar.org). Laws concerning environmental and historic preservation can be found in Title 26 of the American Samoa Code Annotated (asbar.org).

2.4.15 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section.

The BCORD Office will require subgrantee applicants to describe in detail their operational capabilities and experience to complete and manage the proposed project. This must include workforce, finances, engineering and past experiences. The BCORD Office will require prospective subgrantees to submit a certification that have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, attests to and specify the number of years the prospective subgrantee or its parent company has been operating. However, consistent with the NOFO Operational Capabilities section, the BCORD intends to allow those who cannot submit this certification to submit evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. The BCORD Office will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations. The BCORD Office will require prospective subgrantees



that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution. The BCORD Office will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.

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

Consistent with NTIA guidance, the BCORD Office will require subgrantee applicants to upload an ownership narrative that meets the requirements outlined in 47 C.F.R. § 1.2112(a)(1)-(7). Subgrantee applicants must respond comprehensively and accurately. All documentation will be reviewed by qualified personnel and evaluated on a pass/fail basis. Subgrantee applicants who are deemed to fail any of the requirements mentioned below may be asked to re-submit required documentation within seven calendar days. If subgrantee applicants ultimately fail to provide documentation that meets the standards outlined below, the subgrantee applicant will be ineligible to receive any funding as part of the BEAD deployment subgrantee process.

Requirements for the ownership narrative include:

- List of the real party or parties in interest in the subgrantee applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the subgrantee applicant
- List of the names, addresses, and citizenships of any party holding 10 percent or more of stock in the subgrantee applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held
- List of, in the case of a limited partnership, the names, addresses, and citizenships of each limited partner whose interest in the subgrantee applicant is 10 percent or greater calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses)
- List of, in the case of a general partnership, the names, addresses and citizenships of each partner, and the share or interest participation in the partnership
- List of, in the case of a limited liability company, the names, addresses, and citizenships of each of its members whose interest in the subgrantee applicant is 10 percent or greater
- List of all parties holding indirect ownership interests in the subgrantee applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest
- List of any FCC-regulated entity or applicant for an FCC license, in which the subgrantee applicant or any of the parties identified in other bullets as part of this section, owns 10 percent 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 subgrantee applicant (e.g., Company A owns 10 percent of Company B (the subgrantee applicant) and 10 percent of Company C, then



Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license app

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

The BCORD Office will require prospective subgrantees to disclose funds provided: The Families First Coronavirus Response Act; the CARES Act; the Consolidated Appropriations Act, 2021 or the American Rescue Plan of 2021, any Universal Service Fund, and any local funding received for: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.

Non-Deployment Subgrantee Selection (Requirement 9)

2.5.1 Text Box: Describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities

If there are residual BEAD funds post deployment and community anchor institutions, the BCORD Office intends to use those for digital equity and non-deployment activities. In alignment with the 2021-2026 ASTBS, BROADBANDiNEI plans, the BCORD Office prioritizes broadband affordability and adoption in local communities through efforts including promoting broadband subsidies, computer skills training, enhancing digital literacy, and helping train users on best practices concerning online privacy and security. The also includes activities to promote stakeholder engagement efforts, including conducting outreach to local communities. The BCORD Office will continue to collaborate with local organizations and entities to identify and apply for funding to address digital literacy, workforce development, telehealth, public safety, and broadcast communications. The BCORD Office will put out a call out for proposals for potential projects that may be funded that address strategic areas of the American Samoa Territorial Broadband Strategic plan, the BEAD 5-Year Action Plan and the American Samoa Territorial Digital Equity plan.

American Samoa anticipates that it will use a substantial amount of its BEAD funding allocation for broadband deployment activities. American Samoa understands that network upgrades are considered non-deployment activities. However, to be able to deliver high-speed internet capacity to unserved and underserved areas, American Samoa anticipates upgrading existing networks and systems to accomplish this goal through BEAD funding. For example, American Samoa has a solid fiber infrastructure with unlit fiber available around the island, and to increase capacity to 25/3 Mbps and 100/20Mbps for unserved and underserved areas requiring additional dark fiber to be lit or used. In other instances, an upgrade to systems network would allow for access to high-speed internet. For other non-deployment activities such as digital equity initiatives, American Samoa anticipates using the Digital Equity Act's



capacity- building and competitive grant programs as its primary source of funding.

As written in section 2.4.4, American Samoa anticipates that it will use a substantial amount of its BEAD funding allocation for deployment activities. The BCORD Office understands that network upgrades to improve existing fiber broadband service distribution are considered non-deployment activities. However, to be able to deliver high-speed internet capacity to unserved and underserved areas, American Samoa anticipates upgrading existing networks and systems to accomplish this goal through BEAD funding. For example, as stated in Section 2.4.4, American Samoa has a solid fiber infrastructure from prior investments over the years, however due to the type of network deployed at the time, symmetrical connectivity (required for CAIs and corporate customers) cannot be deployed. In addition, there are network limitations that must be addressed to ensure that the providers are capable of providing 100/20 Mbps service (or higher) to consumers at a large scale.

An outline of example potential non-deployment projects include but are not limited to:

- Technology centric workforce development;
- Complimineray funding toward U.S. Treasury Capital Funds Project in American Samoa for the development of a Technology Park in technology centric economic development or technology centric education/workforce development;
- Development of a government centralized broadband network;
- Additional funding toward physical addressing initiatives in the territory - to provide resources for the deployment of telecommunications, broadband, electrical utilities, e911 and emergency services, etc;
- Expansion and improvement of government public services; to provide a backbone or improvements to existing infrastructure or technology solutions to improve accessibility of these resources to the public;
- Small business programs to encourage the incorporation of technology and broadband into businesses, by providing grant funds for the implementation of ERP/POS systems that would enable more wide-spread use of electronic transmissions and more efficient internal business processes and internet adoption within businesses;
- Hazard mitigation of existing broadband infrastructure that may be at risk due to climate changes or other impacts

Selection Criteria for Non-Deployment Projects

Criteria	Priority Tier	Point Allocation
Does the project deploy and/or service provide a timeline of 4 years?	Pre-Review	Pass/Fail
Does the project satisfy all other subgrantee requirements?	Pre-Review	Pass/Fail
Does the project have a sustainability plan?	Pre-Review	Pass/Fail
Minimal BEAD Program outlay: The total BEAD funding that will be required to complete the project, accounting for both total projected	Primary	25



cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases. In comparing the project's BEAD outlay and the prospective subgrantee's match commitments, the BCORD will consider the cost to the Program per location while accounting for any factors in network design that might make a project more expensive, but also more scalable or resilient.		
Affordability. The prospective subgrantee's commitment to provide the most affordable total price to the customer for 100/20 Mbps service in the proposed service area.	Primary	35
Fair Labor Practices. The BCORD Office will give priority to projects based on a prospective subgrantee's demonstrated record of and plans to be in compliance with federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.	Primary	15
Speed to Deployment. All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the BCORD Office.	Secondary	3
Speed of Network and Other Technical Capabilities. The BCORD Office must weigh the speeds, latency, and other technical capabilities of the technologies proposed by prospective subgrantees seeking to deploy projects that are not Priority Broadband Projects. Applications proposing to use technologies that exhibit greater ease of scalability with lower future investment (as defined by the Eligible Entity) and whose capital assets have longer usable lives should be afforded additional weight over those proposing technologies with higher costs to upgrade and shorter capital asset cycles.	Secondary	3
Equitable Workforce Development and Job Quality. Points will be awarded to	Additional	3



projects that demonstrate advancing equitable workforce development and job quality objectives for American Samoans.	Criteria	
Open Access. Points will be awarded for projects that demonstrate open access wholesale last-mile broadband service for the life of the subsidized networks, on fair, equal, and neutral terms to all potential retail providers.	Additional Criteria	5
Local Coordination. Points will be awarded for projects that demonstrate a prospective subgrantee's support from the local government with oversight over the location or locations to be served. Points also awarded with projects tied to broadband territorial goals and plans.	Additional Criteria	3
Community Input and Engagement. Points will be awarded for projects that demonstrate substantive input from community and engagement with residents of proposed area and project location.	Primary	5
Climate and Sustainability. Points will be awarded for projects that demonstrate how the approach will adopt environmentally friendly approaches like energy efficient technology and practices and utilization of renewable energy sources wherever possible. Points will also be awarded for projects that propose to build climate resilience infrastructure.	Additional Criteria	3

2.5.2 Text Box: Describe the Eligible Entity's plan for the following:

- How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program funds;
- How the non-deployment initiatives will address the needs of residents within the jurisdiction;
- The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities;
- How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD Program's equity, access, and deployment goals.

As mentioned in section 2.5.1, if there are remaining BEAD funds after deployment and CAI awards, the BCORD Office intends to use those for digital equity and non-deployment activities with a focus on broadband affordability and adoption activities. The BCORD Office will also identify activities within the 2021-2026 ASTBS that are eligible non-deployment activities as other priorities to be funded.

2.5.3 Text Box: Describe the Eligible Entity's plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.



The BCORD Office's primary focus is the fund deployment activities to ensure that all unserved and underserved locations are served prior to allocating funding to other activities. Refer to section 2.5.2.

2.5.4 Text Box: Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the NOFO.

The BCORD Office will review proposals for non-deployment activities to determine their applicability and feasibility. The BCORD will require documentation outlined in section 2.4.1 as well business plans and certifications outlined in the sections above.

Eligible Entity Implementation Activities (Requirement 10)

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

The BCORD Office key activities and initiatives without issuing a subgrant include grant administration, monitoring and oversight of the BEAD subgrant application and implementation process; supporting transparency and accountability efforts; third-party technical expertise where appropriate to support grant administration efforts; ongoing stakeholder engagement; supporting the design and implementation of job training and apprenticeship programs, including convening the workforce development working group and networking with employers (especially BEAD subgrantees); and ensuring alignment and coordination with the Digital Equity Program.

Labor Standards and Protection (Requirement 11)

2.7.1 Text Box: Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes.

The BCORD Office will require prospective subgrantees to comply with appropriate federal and local laws including labor law. Applications should include:

- Narrative describing the prospective subgrantee's compliance with state and federal labor and employment laws on broadband deployment projects in the last five years (or since inception, if less than five years).
- Certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors.
- Disclosure of applicant and contractors' safety protocols and record for the past five years, including: record of fatal accidents, serious injuries, days between lost time injuries, workers compensation premiums, safety observations, safety training, and tailboard records and policies.
- Disclosure of any instances in which the prospective subgrantee or its contractors or subcontractors have been found to have violated laws such as the State and Federal Occupational Safety and Health Act (OSHA), the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding five years (or since inception, if



less than five years).

- Disclosure by prospective subgrantee of any pending litigation related to alleged violations of state or federal labor and employment laws.
- Narrative describing policies and standard operating procedures to ensure compliance with state and federal labor protection laws and regulations.
- Narrative describing applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network.
- Narrative describing how the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

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

The statutory federal minimum wage has not applied in American Samoa for many years. In 2007, Congress approved increasing the territory's minimum wages, but later delayed or reduced the increases. Minimum wages are now scheduled to rise to the current federal level by 2036.⁴

The BCORD Office will encourage BEAD subgrantees (including contractors and subcontractors) to commit to ensuring the following:

- Using a directly employed workforce, as opposed to a subcontracted workforce;
- Due to limitation of resources and long-term employment sustainability, existing employees of an eligible subawardee that can be retrained or promoted through the acquisition of industry certifications are highly encouraged to be considered employee candidates.
- Paying prevailing wages and benefits to workers is encouraged as defined in the Davis-Bacon and Service Contract Act, however prevailing wage definitions do not exist for American Samoa, thus the BCORD Office will be enforcing other requirements;
- For any payroll funds used via BEAD, the BCORD Office will require documentation and certification of payroll records and must follow standards as laid out in the Fair Labor Standards Act (FLSA).
- The BCORD Office will require, at minimum, that all positions funded through BEAD, be paid at the current Federal minimum wage, of \$7.25 per hour.
- The BCORD Office will identify and set encouraged hourly rates for key personnel based upon completion of professional industry certifications in relation to specific key jobs to the deployment of broadband infrastructure. These hourly rates will be set to encourage recruitment into these key positions as broadband deployment is completed throughout the Territory.
- Use of local hire provisions;
- Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);
- Use of an appropriately credentialed workforce (i.e., satisfying requirements for

⁴ <https://www.gao.gov/assets/gao-20-467.pdf>



appropriate and relevant pre-existing occupational training, certification, and licensure); and

- Taking steps to prevent the misclassification of workers.

Workforce Readiness (Requirement 12)

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

Broadband connectivity carries the unprecedented potential to bridge education divides, transform learning and improve skills for the globalized economy. Governments make broadband accessible, empower teachers and students to use technology, support local language content production, and promote open educational resources. The BCORD Office recognizes that participation in the global economy is increasingly dependent on skills in navigating the digital world but warns that traditional school curriculums still tend to prioritize the accumulation of knowledge above its application and fail to train students in the ICT literacy skills they will need to ensure their employability in the knowledge economy. An excellent and well-rounded education is the basis on which future livelihoods and families are founded, and education opens up minds, as well as job prospects. The ability of broadband to improve and enhance teaching and students' experience of education is undisputed.

The BCORD Office will work with local public, private sectors, non-profit and community organizations and relevant stakeholders to further American Samoa's vision to support the development of:

- The Innovation & Technology Campus (ASTBS P.5.3)⁵
- IT Professional Workforce Training and Development (P.5.4) ⁶
- Developing and Expanding Career Technical Education (CTE) Curricula - Gainful

⁵ 2021-2026 ASTBS P.5.3 -American Samoa Innovation & Technology Campus: Officially designate Tafuna/Lion's Park Government Housing land as a future site of the American Samoa Innovation & Technology Campus. Doing so clears a path for development plans, including the identification of development financing resources or investors. This development project shall be coordinated with the Department of Education's current effort to expand and improve its Career & Technical Education (CTE) program. The Innovation & Technology Campus shall act as the catalyst for the growth of the ICT and related industries, prioritize workforce development opportunities in CTE; and set the standard in our region for connected communities.

⁶ 2021-2026 ASTBS P.5.4 IT Professional Workforce Training and Development: Communities that have been successful in attracting and developing ICT industries tend to have large educated workforce, favorable tax structures that encourage investment and risk capital. This promotes entrepreneurship education at all levels, supports business incubators, and reduces regulations that impede new business formation and strong institutions of higher education. The ASTBS recommends the immediate implementation of an IT/ICT Workforce Development Program for all ASG dedicated IT/ICT staff or personnel. Further, the ASTBS encourages ASG to extend these workforce development opportunities to those considering a change in career paths to build greater capacity in these fields.



Employment (P.6.2)⁷

The BCORD Office will continue to engage with ISPs and our local community to understand their hiring and staffing needs and challenges to align employer needs with workforce preparedness and development initiatives.

It is also anticipated that the BCORD Office will work with local legislation to pass local laws and reexamine the Territorial Regulatory Framework (P.8.4).⁸

The BCORD Office will also require BROADBANDiNEI subgrantees to make intentional efforts to recruit from diverse populations and local training and apprenticeship programs.

The BCORD Office will also monitor subgrantee workforce and safety practices.

2.8.2 Text Box: Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce.

The BCORD Office will require prospective subgrantee to submit a workforce readiness narrative to include at minimum the following:

- The ways in which a subgrantee applicant will ensure the use of an appropriately skilled workforce, (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers)
- Documentation of required skills, level of experience, and certifications for full-time positions.
- A commitment to participate and recruit locally.
- The steps that will be taken to ensure that all members of the project workforce will have

⁷ 2021-2026 P.6.2 Developing and Expanding Career Technical Education (CTE) Curricula – Gainful Employment: The ASTBS also identified the need for Career Technical Education and continued advancements

– professional training in the technical and trade areas workforce development needs. Contributing factors include limited curriculum available to the community, lack of experts in the technical/trade areas, geographical location, and costs to travel for education/professional development. Current plans include the development of career technical education pathways and certification programs that will contribute to gainful employment to increase the numbers of certified personnel, as needed in today's workforce.

- Establish American Samoa Territorial-Set Standards and Expectations for the Workforce – Career Technical Education. To develop Territorial Standards for American Samoa in Career Technical Education to meet the needs of the workforce.

- Improve and Expand Career Technical Education Pathways and Access to Learning Resources: To design curriculum pathways conducive to the workforce needs.

⁸ Re-examine Territorial Regulatory Framework: The function of regulating telecommunication in American Samoa rests with the Governor of American Samoa. As Regulator, he has the authority to introduce new policies and regulations to meet the changes in our telecommunications environment. A key objective of a sound regulatory framework is to ensure independence for regulators entrusted with the application, transparency and accountability of the regulatory process. In addition, policy development should be inclusive of input from all sectors. The ASTBS sees an immediate opportunity to re-examine American Samoa's territorial telecommunications regulatory framework and policies for feasible options that will align our strategic goals with the demand of the digital world.



appropriate credentials (e.g., appropriate and relevant pre-existing occupational training, certification, and licensure)

- A written plan for workforce readiness, retention, and ensuring a quality work environment.
- A description of their customer service training program and accountability measures to ensure quality customer service.
- Information on applicable wage scales and wage / overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network
- An indication of whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce
- An indication that the applicant and its contractors/subcontractors have existing labor and employment practices in place and that the applicant will recertify this annually for the duration of the BEAD implementation period
- The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work and their capabilities.
- The job titles and size of the workforce (full-time employment positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce.
- For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications and titles.
 - Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard

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

2.9.1 Text Box: Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible.

The BCORD Office will strategize to ensure minority and women-owned business enterprises and labor surplus areas firms are engaged, recruited, used and retrained by:

- Consulting with local agencies and associations for business like the SBA' Small Business Development Center and Chamber of Commerce for inventory of business contacts, more information and guidance
- Conducting outreach to local businesses including minority and women-led owned
- Shaping scopes of work to make it feasible for smaller firms to successfully apply
- Provide resources and guidance to BROADBANDiNEI potential subgrantees to facilitate their MBE/WBE and labor surplus area firms for subcontracts



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

The BCORD Office will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used by:

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

Cost and Barrier Reduction (Requirement 14)

2.10.1 Text Box: Identify steps that the Eligible Entity will take to reduce costs and barriers to deployment.

The BCORD Office, through the Working Group has actively engaged in various ways to streamlined regulatory and culturally appropriate approaches to broadband deployment. This includes working with Office of Samoan Affairs and Department of Commerce to ensure that as villages are aware incase of any required permitting; Rights-of-Way, Pole Attachments, Conduits Access and Environmental/Historic Preservation.

Climate Assessment (Requirement 15)

2.11.1 Text Box: Describe the Eligible Entity's assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure. At a minimum, this response must clearly do each of the following, as outlined on pages 62 – 63 of the BEAD NOFO:

- a. Identify the geographic areas that should be subject to an initial hazard screening



for current and projected future weather and climate-related risks and the time scales for performing such screenings;

- b. Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons;
- c. Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment;
- d. Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified; and
- e. Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.

American Samoa is prone to disasters such as hurricanes, droughts, tsunamis, coastal erosion, sea level rise and floods. American Samoa values climate resilience and will ensure that local plans and projects incorporate aspects and principles of resilience. In 2021, Governor Lemanu established the American Samoa Resilience Commission & Governor's Resilience Office. American Samoa recognizes the urgency of climate impacts with grave concern and the need to respond quickly and strategically to ensure the protection, adaptive capacity, resilience, and well-being of the islands and residents of American Samoa.

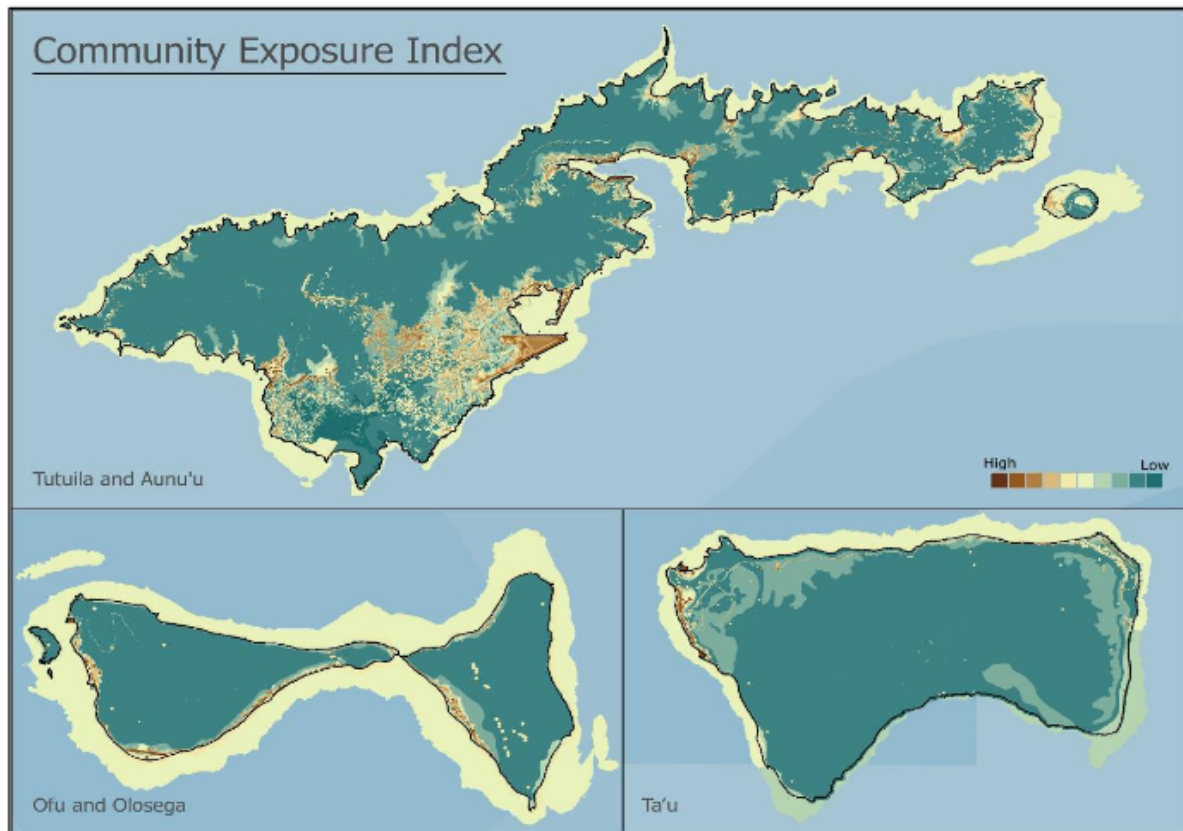
Due to Sea Level Rise (SLR), our communities are at a much higher risk of coastal erosion, coastal flooding and flooding-related threats across the whole island. Majority of American Samoa's critical infrastructures are located along the coastline. In 2021, the American Samoa Coastal Resilience Assessment was updated⁹ including the Community Exposure Index (Map 1) and the Coast Resilience Evaluation and Siting Tool (CREST)¹⁰ was released to further understand threats and exposures to our coastal communities. More recently, American Samoa Sea Level Rise Viewer¹¹ was also released as a tool for the prediction of potential future conditions from flooding due to SLR. The BCORD Office will continue to use these as a screening tool to identify high risk areas for climate and coastal-related flooding and threats.

The BCORD Office will focus on projects that leverage existing resources and assets to avoid further emissions and pollution. Subgrantees will be encouraged to use energy efficient technologies and renewable energy sources wherever possible. The BCORD Office recognizes the need for ongoing assessments and will work collaboratively with other agencies such as the American Samoa Environmental Protection Agency, the American Samoa Power Authority, American Samoa Department of Homeland Security and other relevant agencies on monitoring, evaluating and responding to threats, impacts and emergencies. According to the BEAD NOFO, each funded network's outage should not exceed, on average 48-hours over any 365-day period except in the case of natural disasters or other force majeure occurrence. The BCORD Office will coordinate with partners due to disasters and will assist in ways possible to restore service as quickly as possible.

⁹ <http://nps.history.com/publications/npsa/coastal-resilience-assessment-2021.pdf>

¹⁰ <https://resilientcoasts.org/#AnalyzeProjectSites>

¹¹ <https://www.pacioos.hawaii.edu/shoreline/slr-amsam/>



Community Exposure Index for the American Samoa Coastal Resilience Assessment. Higher values represent areas where a higher concentration of community assets are exposed to flooding threats.

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

The BCORD Office is committed to aligning various climate related plans and/or components including but not limited to:

- [2021-2026 ASTBS](#)
- Territorial Emergency Operations Plan
- [American Samoa Hazard Mitigation Plan](#)
- Territory of American Samoa Cybersecurity Plan 2023

Low-Cost Broadband Service Option (Requirement 16)

2.12.1 Text Box: Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity's jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses



the following, as outlined on page 67 of the BEAD NOFO:

The BCORD Office will require BROADBANDiNEI subgrantees to offer, at a minimum, a low-cost broadband option for low-income residents of American Samoa. The BCORD Office intends to treat as eligible those subscribers that meet the definition of “Eligible Subscribers” contained in the NOFO (NOFO at 12).

Elements of a low-cost service option include participation in the Affordable Connectivity Program (ACP)¹²; cost to consumers after application of available subsidies, performance characteristics (speed, latency, data caps, reliability commitments); and opportunities to upgrade to low-cost service plans with improved technical specifications. The low-cost service plan for American Samoa:

- Subgrantees will be required to accept the ACP subsidy to cover a portion of the cost of the low-cost option (as well as allowing this for all plans offered by the Subgrantee as set out below)
- Provide access to broadband service to each customer served by the project that desires broadband service on terms and conditions that are reasonable and non-discriminatory.
- Provide consumers with services that adhere to values that have been identified by the BCORD Office, like net neutrality, transparent pricing, and data privacy. Provide broadband service that complies with the consumer protection and net neutrality standards.
- The low-cost broadband option must remain available for the useful life of the funded network assets.
- The low-cost broadband option must be at the defined speeds of 100mbps down and 20mbps up.

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

The BCORD Office certifies that all subgrantees will be required to participate in the Affordable Connectivity Program (ACP).

Middle Class Affordability Plans (Requirement 20)

2.13.1 Text Box: Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network’s service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network’s service area at reasonable prices.

Designing affordable broadband service does not just relate to monthly fees but also the cost to initiate service. American Samoa faces a few specific affordability challenges due to its

¹² The Affordable Connectivity Program was established in the Infrastructure Act as the successor to a previous program that has since been discontinued. The Commission in 2022 issued the *Affordable Connectivity Program Report and Order*, which sets out details regarding the ACP’s operation. See *Affordable Connectivity Program, Report and Order and Further Notice of Proposed Rulemaking*, FCC 22-2, (rel. Jan. 21, 2022).



geography, low population density, and legacy network deployments. The remaining unserved and underserved addresses are in areas where infrastructure has not been built by market forces alone, and are predominantly very rural. This drives up operating costs for ISPs, which can result in higher monthly customer prices.

American Samoa intends for providers who are using BEAD funds to keep their commitment to ensure middle class affordability over the life of the network. The BCORD will require that each prospective subgrantee provide a certification that it will continue to provide a range of service offerings, including a low cost option during the useful life of the network, as required by the NOFO. This is in addition to the reporting obligation noted above. Prospective subgrantees should also outline their plans for reinvesting network revenues into the networks to help reduce customer rates.

Use of 20 Percent of Funding (Requirement 17)

2.14.1 Text Box: Describe the Eligible Entity's planned use of any funds being requested

Consistent with Section IV.B.8 of the BEAD NOFO, the BCORD Office intends to sue the first 20 percent of funding to support (i) administrative costs, (ii) programmatic costs, such as funding the challenge or subgrantee selection processes, funding last-mile broadband deployment projects, and funding non-deployment uses, or (iii) a combination of these uses.

1. Administrative costs may include expenses incurred by the grant recipients or subrecipients in support of the day-to-day operations, not directly tied to a specific programmatic purpose or activity. Approved funding for administrative expenses may be expended prior to the completion of the challenge and subgrantee selection processes.
2. Programmatic costs are costs that are directly tied to the delivery of a particular project, service, or activity undertaken by a grantee to achieve an outcome intended by the funding program. Approved funding for programmatic costs may be expended prior to the completion of the challenge and subgrantee selection processes.
 - 2.1. Funding for the challenge and subgrantee selection processes may include personnel costs specifically to conduct these processes (e.g., a digital equity specialist who will charge a set number of hours to support the subgrantee selection process from a digital equity lens); contractor(s) to carry out these processes; technology costs (e.g., website services to carry out these processes); and costs related to communications or awareness specifically for these processes). Approved funding for programmatic costs may be expended prior to the completion of the challenge and subgrantee selection processes.
 - 2.2. Funding for deployment projects may include any of the eligible costs outlined in Section IV.B.7.a.ii and in line with Section IV.B.8 of the BEAD NOFO. Approved funding for programmatic costs may be expended prior to the completion of the challenge and subgrantee selection processes.
3. Funding for non-deployment projects may include any of the eligible costs outlined in Section IV.B.7.a.iii and in line with Section IV.B.8 of the BEAD NOFO. Approved funding for programmatic costs may be expended after the completion of the challenge



and subgrantee selection processes.

2.14.2 Financial Data Entry: Enter the amount of the Initial Proposal Funding Request. If not requesting initial funds, enter '\$0.00.'

American Samoa is intending to request 20% of the allocation up front, the final budget has not been completed at the time of the publication of this document for public comment.

2.14.3 Check Box: Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Funding Request, note "Not applicable."

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

Eligible Entity Regulatory Approach (Requirement 18)

2.14.4 Text Box

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

The BCORD Office will not waive any laws.

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

Not applicable.

Certification of Compliance with BEAD Requirements (Requirement 19)

2.16.1 Check Box: Certify the Eligible Entity's intent to comply with all applicable requirements



of the BEAD Program, including the reporting requirements.

The BCORD Office certifies that it intends to comply with all applicable requirements of the Program, including the reporting requirements. Future reporting requirements for the BEAD Program include those outlined in NOFO Section VII.E. In advance of reporting due dates NTIA will provide additional instructions, including formatting requirements and other information on how to satisfy the reporting requirements.

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

The BCORD Office will align with BEAD NOFO to ensure accountability of:

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

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

The BCORD Office certified that its selection of subgrantees will account for and satisfy each of the following authorities:

- [Parts II and III of Executive Order 11246, Equal Employment Opportunity](#)
- [Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency](#)
- [Executive Order 13798, Promoting Free Speech and Religious Liberty](#)

Additionally, prior to distributing any BEAD funding to a subgrantee, the BCORD requires the subgrantee to agree, by contract or other binding commitment, to abide by the non-discrimination requirements set forth in the following legal authorities, to the extent applicable, and to acknowledge that failure to do so may result in cancellation of any award and/or recoupment of funds already disbursed:

- [Title VI of the Civil Rights Act](#)
- [Title IX of the Education Amendments of 1972](#)
- [The Americans with Disabilities Act of 1990](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [The Age Discrimination Act of 1975](#)
- Any other applicable non-discrimination law(s)

2.16.4 Check Box: Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO.



The BCORD Office will require all subgrantees to certify their compliance with cybersecurity and supply chain risk management requirements.

Cybersecurity

- 1) The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
- 2) The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days.

Supply Chain Risk Management (SCRM)

- 1) The prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;
- 2) The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.