

Office of Broadband Development and Connectivity

State of Louisiana

Division of Administration

JEFF LANDRY
GOVERNOR



TAYLOR F. BARRAS
COMMISSIONER OF ADMINISTRATION

Louisiana Broadband Equity Access and Deployment (BEAD) Subgrant Program (GUMBO 2.0)

Frequently Asked Questions (FAQs)

Release date: March 14, 2024

FAQ version: 1.0

This document lists questions posed about the GUMBO 2.0 program from prospective applicants and other stakeholders and summarizes answers provided by ConnectLA. The purpose of this list is to provide supplemental information and transparency to all parties with an interest in the state's historic BEAD program. Nothing in this FAQ list nor any other supplemental guidance provided by ConnectLA is intended to modify Louisiana's approved Initial Proposal Volume 2 (IPv2). All GUMBO 2.0 prospective participants must thoroughly review IPv2 to familiarize themselves with all program requirements prior to submitting applications.

This FAQ list will be updated as the GUMBO 2.0 program proceeds. The final section of this document lists all "New questions and answers since the most recent FAQ version release."

1. **Pre-Application Phase**

- a. What is the expected timeline leading up to the opening of the Qualifications Submission (Pre-Qualification) and Round 1 application windows?

ConnectLA currently plans to release an initial draft set of SPAs and related reference funding levels, as well as initial pre-qualification requirements, before the end of March 2024. Note that this release date is dependent on the timeliness of NTIA approval of the state's proposed list of final BEAD-eligible Broadband Serviceable Locations (BSLs). After an approximately 60-day period for the receipt and review of comments, the final list of SPAs will be released and the formal pre-qualification window will open for a period of 2 weeks. ConnectLA then will review and approve

pre-qualification materials for an estimated period of several weeks before Round 1 begins. Under this timeline, the Qualifications Submissions window would open during June and Round 1 applications would be submitted during July or August. ConnectLA will provide additional timeline updates as the process moves forward.

- b. What else should prospective applicants do now to be prepared for GUMBO 2.0?

All interested GUMBO 2.0 applicants should thoroughly familiarize themselves with the requirements of Louisiana’s approved IPv2 and BEAD program guidance from NTIA. With respect to Pre-Qualification materials, IPv2 Exhibit D includes a comprehensive list of BEAD-required qualifications, most of which reflect standard BEAD program requirements that have been thoroughly documented in NTIA guidance materials. Applicants will benefit from reviewing these requirements even in advance of ConnectLA’s release of the Pre-Qualification submission requirements.

2. Pre-Qualification Requirements

- a. What level of detail will be required for pre-qualification materials versus final requirements for the grant award?

ConnectLA has designed GUMBO 2.0 to attract a large number of applications in support of the fair, open and competitive subgrant process requirement of the BEAD program. GUMBO 2.0 also includes multiple elements intended to achieve the goal of 100% coverage of eligible locations, such as provisions to adjust specific BSLs included in awarded applications.

ConnectLA therefore recognizes that at the Pre-Qualification stage, applicants will not know all necessary details of eventual final grant awards, such as funding amount award levels and specific included BSLs. Accordingly, the focus of Pre-Qualification review will be on demonstrating minimal compliance with BEAD-required categories as outlined in IPv2 Exhibit D. Full proposed project budgets and technical engineering plans, for example, are not required during Pre-Qualification.

IPv2 section 2.4.1 directly addresses this difference between pre-qualification review versus the final, more detailed review of the applications selected for award: “[t]hese qualification decisions will permit an approved entity to participate in the GUMBO 2.0 subgrant

application process, but the state reserves the right to re-assess the qualifications, capabilities and resources of all prospective subgrantees based on the application-specific technical, geographic and financial details of actual proposed projects prior to making final awards.” More detailed description of this required documentation for selected applications will be provided later in the GUMBO 2.0 process.

- b. What is the Letter of Credit requirement during Pre-Qualification?

Applicants must acknowledge the requirement to obtain a Letter of Credit prior to final award of a subgrant, describe which option(s) under the NTIA Limited Waiver they plan to utilize, and identify which qualified financial institutions they will rely on to implement those option(s) if subgrants are awarded. In short, at the Pre-Qualification stage applicants must describe their plans for meeting the BEAD Letter of Credit requirement with sufficient specificity for ConnectLA to verify that the applicant has a good-faith basis for attesting to its ability to meet the requirement.

- c. What ownership information is required during Pre-Qualification for joint or consortium applications? For example, are mobile providers that are working with fixed providers required to both submit pre-qualifications?

In the case of entities comprising more than a single party, such as a joint or consortium application, ownership information must be submitted for each participant in the multi-party entity. In addition, the underlying consortium agreement between the parties must also be uploaded in order for ConnectLA to assess whether the underlying obligations amongst the parties provide for sufficient operational, technical, and managerial commitments to meet BEAD program requirements.

- d. What else should prospective applicants understand about the Pre-Qualification process?

As part of Pre-Qualification, applicants must certify and acknowledge a number of BEAD program requirements, including national program-wide requirements required by NTIA as well as Louisiana-specific requirements included in IPv2. All prospective applicants should take care to review these binding certifications that will apply upon the submission of a Round 1 application.

- e. Once a pool of pre-qualified applicants is established, is there a way for other providers to apply for BEAD funds who did not participate in pre-qualification?

No. Only entities approved via Pre-Qualification will be permitted to apply for BEAD funds in the GUMBO 2.0 subgrant process.

The sole exception to this rule stems from the BEAD program requirement that states pursue “direct negotiations” with available providers in the event any eligible BSLs remain without awards upon the conclusion of the primary application process. Therefore, it is theoretically possible that a provider that did not submit Pre-Qualification materials could be approached by ConnectLA to negotiate a possible award to serve otherwise un-reached eligible BSLs.

However, prior to making any final award as the result of such direct negotiations, any provider would be required to demonstrate compliance with the qualification requirements of the BEAD program. For this reason, as a matter of efficiency ConnectLA plans to first prioritize direct negotiation outreach with BEAD-qualified entities, including applicants that submitted applications in or near the areas containing the still-unreached BSLs in question.

3. Application Submission

- a. Will there be a user guide for submitting GUMBO 2.0 applications?

Yes. It will be released for review by prospective applicants in advance of Round 1.

- b. Will applicants be able to do a “dry run” to test the application process before formal Round 1 submissions are required?

Yes. A full “mock application” process will be made available to prospective applicants in advance of Round 1. Additional details will be provided.

4. Sub-Project Areas (SPAs)

- a. How will SPAs be defined? What size will a typical SPAs be?

SPAs will be defined following the principles established in IPv2 section 2.4.1 and 2.4.6. A typical SPA will include approximately several hundred eligible BSLs, and will be reasonably compact geographically. However, given local variations in the distributions of eligible locations, some SPAs

may have more or fewer eligible BSLs than the typical range. The draft set of SPAs that will be released at the start of the GUMBO 2.0 process will be based on the final approved list of eligible BSLs resulting from the state's BEAD challenge process, as approved by NTIA.

- b. How will reference funding levels for each SPA be calculated?

Reference funding levels will be established using the per-BSL cost data provided by NTIA to states in the "Eligible Entity Toolkit." Reference funding for a given SPA will reflect this baseline assessment of required investment of BEAD funds given deployment costs and overall business case in a given local area.

ConnectLA emphasizes that reference funding levels are not intended as a precise prediction of required funding for any particular provider, nor to function as a maximum permissible funding level. Instead, reference funding levels are simply an objective tool based on neutral, third-party data for comparing BEAD funding requests as between different project proposals, especially those that overlap in some SPAs but not in others.

- c. Will the final levels announced prior to the beginning of Round 1 change later in the process?

As provided in IPv2, reference funding levels for SPAs included in no application in Round 1 may be increased in Round 2 in order to provide additional incentive for new Round 2 coverage of such SPAs. Any SPA that is included in at least one Round 1 application will see no change in reference funding level.

- d. How will reference levels for Round 1 SPAs relate to the maximum funding level that ConnectLA would award?

Under the rules of IPv2, during the primary Round 1 and Round 2 application review process, the maximum funding that may be requested for a SPA is 200% of the reference funding level. This constraint exists in order to allow the 2-round process to proceed in a more automated fashion. However, 200% of the reference funding is not itself a limit on permitted funding; instead, the only fundamental constraint on funding for a given project is the state's total BEAD allocation.

Therefore, as an example, an award higher than 200% of the prior reference funding level could result from a direct negotiation step after the end of Round 2, as long as sufficient BEAD funds remained available.

5. Application Scoring and Selection

- a. What are the criteria for an award after Round 1? Is there any flexibility to award a “decisively higher score” that is not quite 100 points better than a competing application, but that ConnectLA views as a strong application?

No. The requirements of IPv2 must be followed, and section 2.4.2 clearly establishes that the “decisively higher score” criterion is a 100-point difference.

Note, however, that applicants are not required to reduce requested funds nor make any other changes to an application from Round 1 to Round 2. Therefore an “almost 100 points better” application in Round 1 would begin Round 2 with a significant advantage even if the applicant makes no changes.

- b. Will an application that only overlaps with another application from the same applicant (“self-overlap” only) be awarded in Round 1?

IPv2, section 2.4.6 provides that “subgrantees may submit any number of applications (comprising one or more SPAs) in Round 1 and are also permitted to include the same SPA in up to two separate applications...” (emphasis added). Section 2.4.2 separately provides that one category of Round 1 awards is “FTTH applications that do not overlap with any other application of any technology type, and that request funding no greater than the reference funding levels for all included SPAs.” (emphasis added) For purposes of these two rules, an application that overlaps only with a second application from the same applicant therefore will not be awarded in Round 1, as such “self-overlap” is a form of “overlap with any other application.”

- c. Which application will be selected if two applications from the same applicant “self-overlap” in Round 2?

In Round 2, “self-overlap” will be treated no differently than the general case of “conflicting overlap” with another applicant. In other words, in Round 2, if two applications from the same applicant overlap only with each other, the higher priority or higher scoring application will be awarded and the second will be subject to the standard de-confliction

process outlined in section 2.4, including the application of any applicable separable SPA preferences for the lower-scoring application.

- d. If a provider has operated in Louisiana for at least five years with a clean federal and state labor law compliance record, what else is necessary to achieve the full 101 points in the Fair Labor Practices primary scoring category?

If an applicant has a record of federal and state compliance for at least 5 years, it automatically receives 91 points. Additionally, that provider receives 10 points for having a plan that complies with the minimal requirements in the Fair Labor Plan as defined in IPv2 section 2.7.1.B. See section 2.4.2.1(3) for a full description of the Fair Labor scoring rubric.

- e. How will ConnectLA measure the 90% requirement for buried fiber to achieve a scoring bonus?

During the main application process, applicants will be asked whether a given application includes a commitment to 90% buried fiber. If that option is selected and the application is selected, the applicant will be required to submit full technical engineering information for the deployment project associated with the grant award verifying that at least 90% of the linear mileage of new fiber to be deployed using subgrant support will be buried.

- f. With respect to points awarded for Infrastructure Hardening, is there any opportunity to demonstrate that the buried fiber requirement is infeasible in a given SPA?

No. GUMBO 2.0 will leave the determination as to whether buried fiber is feasible in a given area up to the competitive process. If in fact buried fiber is not feasible then no applicant will include that scoring element.

- g. Is there any ability for a fixed-only applicant to win the points for wireless tower/mobile broadband infrastructure commitments in Critical Resiliency Need (CRN) SPAs?

The only way to secure CRN-SPA points is to make the commitment to deploying new mobile broadband infrastructure, as provided in IPv2 section 2.4.2.1(4) and 2.11.1.D. That commitment may be delivered via joint application or contractual agreements between providers with respective capabilities in FTTH and mobile broadband infrastructure.

- h. How are bonus points for Economically Disadvantaged Areas, Infrastructure Hardening and Resiliency Commitments, and Number of Locations in a Parish awarded to different applications by the same applicant? If a provider, for example, submitted 15 applications for different SPAs in a parish, would the provider only receive the bonus points per application?

All scores are determined solely at the application level. In the example mentioned, each of the 15 applications would be scored separately based on the number of included BSLs in each application. The same approach applies for all other scoring categories.

6. Separable SPAs and Other Adjustments to Included Locations in an Award

- a. At what point in the Round 2 review of applications will the designation of “separable” SPAs within an application be looked at by ConnectLA? What is the order of operations in Round 2 for these SPAs?

“Separable” SPAs within an application will be resolved during Round 2 as follows:

- *Round 2 applications remain fully “intact” – with underlying separable SPA designations not visible to the application process – until the application is determined to overlap with at least one other higher-scoring application (also noting that FTTH applications receive selection priority over non-FTTH applications, as provided in IPv2 section 2.4.6).*
- *Upon identification of such an overlap condition, the following actions will result:*
 - *The highest scoring application of the overlapping set will be selected.*
 - *All other overlapping applications will be “separated” into a new group of single-SPA applications for any separable SPAs designated, and with any SPAs not designated as separable removed from consideration for award to the given applicant.*

The new set of single-SPA applications resulting from this step then will be re-scored based only upon the characteristics of the single SPA and returned to the set of remaining applications to be resolved for overlap and de-confliction according to the remaining standard Round 2 process.

Applicants should recognize in their application plans that this re-scoring of “separated” SPAs on a single-SPA application basis could substantially impact point totals available from secondary scoring categories that depend on the volume of BSLs in a parish and/or the number of ED-SPAs or CRN-SPAs in an application.

- b. What happens to SPAs that are not designated as “separable” if an application loses to a higher-scoring competitive application?

They are removed from Round 2 consideration for award to the given applicant via that application.

- c. Is there any opportunity for an applicant to demonstrate (as part of an original Round 1 application) to ConnectLA that a specific location or subset of locations within an SPA is disproportionately costly (such that it would unduly burden the required BEAD outlay should be reached by an alternative technology)?

During Round 1 and Round 2, all eligible BSLs in any included SPAs must be included in the applicant’s deployment obligation using its selected technology for the entire SPA. Adjustments for particularly costly BSLs may be made during the EHCT phase after Round 2, if necessary, as provided in IPv2 sections 2.4.9 and 2.4.10.

- d. The possibility that ConnectLA could remove up to 20% of the locations from an application seems like a difficult issue for applicants to plan for because it could materially change the scope of a project. Does ConnectLA expect to take that step for many applications?

No. The 20% removal is included only as a “last ditch” tool to maximize coverage of eligible BSLs if slightly overlapping applications cannot be de-conflicted using any of the other steps included in GUMBO 2.0. As stated in IPv2 section 2.4.6: “in order to advance the BEAD priority goal of ensuring service to 100% of eligible locations, in the event that two otherwise selectable applications pose a small amount of overlap that cannot be resolved via the stated “separability” preferences of the applicants, the state will de-scope one or both of the applications only to the amount necessary to award both applications.” (emphasis added).

- e. IPv2 also permits ConnectLA to remove CAIs or underserved locations from a final grant award on a unilateral basis. Could you explain the justification for this requirement?

This requirement exists to comply with the federal BEAD statutory requirement that, in the event not all eligible locations can be funded, states must ensure that all unserved locations are funded before underserved and CAIs, and that locations with higher socio-economic need are prioritized within these categories if not all are fundable within the allocation available. Applicants must certify and acknowledge the ability of ConnectLA to implement this federal requirement in the event insufficient funds are available for coverage of all eligible BSLs.

7. Extremely High-Cost Location Threshold (EHCT)

- a. Are there circumstances in which an initially selected FTTH application after Round 2 could be deselected in favor of a non-FTTH application based on the application of the EHCT?

Any initially selected FTTH application that is determined to exceed the states' EHCT level will first have an opportunity to adjust its funding request, including via the use of alternative lower-cost technologies for certain locations, in order to come within the EHCT level. Only if the initially selected applicant is unable to so reduce its funding request would alternative applications, including non-FTTH applications, be considered for alternative selection in a given area.

- b. Relatedly, how will ConnectLA work with initially selected applications to make adjustments in order to ensure that total requested funding is below the EHCT? For example, is there a mechanism to do this on a more granular, per-location basis such that an entire SPA does not fall to non-FTTH if only a few, isolated locations are responsible for the increase in cost?

Yes. IPv2 section 2.4.10 provides that if an initially selected FTTH application is above the EHCT, "to reduce requested funds, the applicant will be permitted to shift certain costly locations from FTTH to an alternative lower-cost Reliable broadband technology, or to remove those locations from its application if an alternative lower-cost Reliable application is available for all such locations."

8. Joint Applications and Consortiums

- a. Are joint or consortium applications involving multiple parties applying as a single entity permitted in GUMBO 2.0?

Yes.

- b. What should prospective applicants keep in mind if they are considering joining a consortium to apply for BEAD funds in Louisiana?

Several things. First, a given party may only have an interest in a single BEAD applicant entity; in other words, if a party joins a joint or consortium entity, that will be the only way it is permitted to participate in the GUMBO 2.0 process. In other words, it is not permitted to participate in more than one joint entity nor to participate both in a joint entity and as an individual entity.

Second, each joint or consortium entity must submit details of the underlying agreement(s) amongst its members in order for ConnectLA to determine whether the entity meets the required Pre-Qualification requirements of the BEAD program. For example, the BEAD NOFO provides “that subgrantees may be able to, or required, to demonstrate their capabilities in a variety of manners. A newly established special purpose vehicle established by a consortium of entities may point to the capabilities and experience of those entities in support of its application.” NOFO IV.D.

For these reasons, at the Pre-Qualification stage any joint or consortium applicant must include as part of its Ownership submission sufficient information about the underlying agreement(s) amongst the parties for ConnectLA to evaluate whether the entity as a whole meets required qualifications.

- c. The scoring bonus associated with Critical Resiliency Need commitments requires deployment of both fixed broadband and mobile broadband infrastructure. Can a mobile provider that does not currently provide fiber infrastructure in Louisiana work with a fiber provider such that the mobile provider handles the mobile side, and the other company handles the fiber side?

Yes. This could be accomplished via a joint application, as part of a broader consortium application, or via a contractual commitment from one of the providers to the other. For example, NTIA notes that “[a] prospective subgrantee that has significant experience deploying

broadband networks but no experience operating them may be able to demonstrate operational capability by entering a binding contract with another entity with such experience.” NOFO IV.D.

9. Low-Cost Service Option

- a. IPv2 permits applicants and subgrantees to request “a modification to their low-cost service option from the \$30 target effective rate” based on evidence that the target rate would be “financially unsustainable” in a given service area. What evidence must be provided with such a request? For example, does submission of a provider's current low-cost offering count as sufficient to demonstrate that the \$30 low-cost rate is unsustainable?

Supporting evidence for modification requests must fall into one of the categories listed in IPv2 section 2.12: “[p]er-subscriber costs in an area indicating that the target effective rate above would be financially unsustainable; and/or [t]he impact on average revenue per user (ARPU) and total project revenue of the target effective rate above would be financially unsustainable given actual or projected subscriber adoption patterns.” Only modification requests providing evidence in at least one of these categories will be considered for approval.

10. Other Obligations of Subgrantees

- a. When do anti-collusion restrictions on communications between applicants kick in?

As provided in the Louisiana Broadband Equity Access and Deployment Subgrant Program (GUMBO 2.0) Anti-Collusion and Prohibited Communication Certification, the "quiet period" begins on June 28, 2024, or the date on which the Qualification Submission Window closes, whichever occurs first.

- b. What are GUMBO 2.0’s requirements with respect to access to conduit, including in public rights of way?

The BEAD NOFO establishes the following requirement for conduit access points: “[a]ny Funded Network deployment project that involves laying fiber-optic cables or conduit underground or along a roadway must include interspersed conduit access points at regular and short intervals for interconnection by unaffiliated entities. Where a project proposes to

lay conduit, Eligible Entities shall require prospective subgrantees to propose to deploy a reasonable amount of excess conduit capacity and to propose a conduit access point interval as part of the grant application process and shall consider the adequacy of the prospective subgrantee's proposed excess conduit capacity and access points when evaluating the application." NOFO IV.C.2.b.ii.

IPv2 section 2.10.1.A provides that in order to promote the use of existing infrastructure, with respect to public rights of way the Louisiana Department of Transportation and Development (DOTD) "will allow only one conduit or single-multi-strand fiber optic cable per location in its right-of-way, depending on width availability. The conduit or cable will be expected to be large enough to facilitate multiple providers. The company installing the conduit will be required to allow competitors access, ensuring future growth and competition."

- c. Is the requirement that for "any non-buried fiber infrastructure, any subgrant application proposing the deployment of new poles in support of aerial plant [to] include steel poles and include access to backup power" a freestanding requirement or is it part of scoring?

It is a freestanding requirement of all BEAD subgrants.

- d. Is the requirement to provide 100% buried plant to CAIs a freestanding requirement or is part of scoring?

It is a freestanding requirement of all BEAD subgrants.

- e. Is 90% buried fiber a freestanding requirement or is part of scoring?

It is an optional scoring element but is not required.

11. Requirements Prior to Grant Agreement Execution

- a. When will grant agreements for selected subgrant application be executed?

Final grant agreements will be awarded after NTIA approval of Louisiana's Final Proposal. Although the timeline required for NTIA's review and approval is unknown, selected applicants should anticipate a delay of at least several months between notification of preliminary award by ConnectLA and final grant agreement execution.

Louisiana BEAD FAQs Version 1.0

Released: March 14, 2024

- b. When are Letter of Credit commitment letters, bankruptcy opinion letters, and final Letter of Credit issuance required?

Letter of Credit commitment letters are required during the submission of additional materials in support of initial award selection. Final Letter of Credit and bankruptcy opinion letters are required as a condition of final subgrant agreement issuance. All Letter of Credit materials must comply with the requirements of IPv2 section 2.4.11, including financial commitment levels consistent with an awardee's total BEAD funding award and the available compliance options listed in NTIA's Limited Waiver to the BEAD Letter of Credit requirement.

[New questions and answers since the most recent FAQ version release](#)

N/A

Version history

FAQ version	Release date
1.0	March 14, 2024