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Virginia Office of Broadband

Broadband Equity, Access, and Deployment (BEAD) Program

Policy Notice on Rebidding of Defaulted Projects

Introduction

The Virginia Office of Broadband is releasing this Policy Notice on the Rebidding of Defaulted Projects in response to recent BEAD project defaults. 9,799 affected locations across four projects will be awarded under this Rebidding of Defaulted Projects (RDP) round to another broadband provider to ensure that these locations still obtain access to high-speed broadband in a process consistent with the BEAD Scope Change & Budget Modification guidance published by the National Telecommunications and Information Administration (NTIA).

The four projects the Virginia Office of Broadband has identified a change is necessary to a Final Proposal approved subgrantee are:

- CM61-BEAD-VA-RSN002
- CM61-BEAD-VA-RSN003
- CM61-BEAD-VA-RSN004
- CM61-BEAD-VA-RSN006

These project locations can be found at the following link on the Virginia Open Data Portal: https://data.virginia.gov/dataset/bead-rebidding-of-defaulted-projects-rdp-eligible-locations/resource/71b3d2f1-7bc8-4118-9282-94cf92544318

RDP Letter of Intent Requirements

Applicants only need to submit a Letter of Intent (LOIs) if they have not previously submitted an application during the Benefit of the Bargan round.

New applicants submitting a LOI must include high level information about the applicant and a general statement of qualification for expanding broadband infrastructure to unserved and underserved locations, as well as unserved community anchor institutions (CAIs) under the BEAD Program. Applicants must clearly describe how the planned technology for each specific, planned project area meets all components of the definition of a Priority Broadband Project. Applicants should consider foliage and tree canopy coverage, the density of BSLs, and topographical and

geographical features. LOIs should include a description of specific projects applicants are interested in applying for. All applicants that have submitted an LOI previously or submit a LOI by November 18, 2026, will be considered eligible to submit applications during the RDP. New applicants will also be required to submit application requirements consistent with those in the Benefit of the Bargain Round. These requirements can be found at https://www.dhcd.virginia.gov/sites/default/files/DocX/bead/bead-policy-notice-benefit-of-the-bargain-round.pdf. This information must be submitted in the CAMS platform under the Benefit of the Bargain Round. The definition of a priority broadband project, copied from NTIA's BEAD Restructuring Policy Notice, is below:

> *Priority Broadband Project—The term "Priority Broadband Project" means a project that provides broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency less than or equal to 100 milliseconds, and can easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment of 5G, successor wireless technologies, and other advanced services.*

RDP Process

The RDP will run in up to three rounds. Projects or locations not awarded in a given round will remain eligible for the following round. Projects or locations awarded in one round will not be eligible in subsequent rebidding rounds.

First Round of Rebidding

The Office of Broadband will open a two-week application window beginning November 4th for eligible applicants to apply to assume one or more of the four affected projects as-is. Applications must contain the required materials listed below in the "Required Materials" section and include every BSL in one or more of the original projects at the same award amount. This application window will close on November 18th.

Second Round of Rebidding

If there are projects remaining that have not been awarded in the first round, the Office of Broadband will open another two-week application window beginning November 30th to accept applications from eligible applicants to take over project areas from the remaining defaulted projects that have not been re-awarded. These project areas are available on the Virginia Open Data Portal at this link: https://data.virginia.gov/dataset/bead-rebidding-of-defaulted-projects-rdp-eligible-locations/resource/4925bbec-56ee-40a4-a2d0-78c7a1eba43e.

Applications must contain the required materials listed below in the "Required Materials" section and cover every BSL in a given project area within a project. Applicants may include any number of project areas from any of the remaining projects. Applications must meet the original BEAD subsidy per-location in the project applied for. These amounts will be published no later than the start of this two-week application window. This application window will close on December 14th.

Third Round of Rebidding

If there are locations remaining that have not been awarded in the second round, the Office of Broadband will open a third two-week application window beginning January 4th for eligible applicants to apply for any remaining ZCTAs from the four projects that have not been re-awarded. Applications may propose changes in funding request or number of BSLs to be served in these ZCTAs. Increases in project cost or decreases to the number of BSLs to be served will require justifications for the "extenuating circumstances" requiring these changes. These justifications will meet a level of review similar to that of the submission of Virginia's BEAD Final Proposal. DHCD may further negotiate with applicants in the Third Round on a case-by-case basis to ensure all BSLs in this RDP are included in Scope Change recommendations submitted to NTIA. This application window will close on January 18th.

Rebidding of Defaulted Projects Scoring Criteria

RDP scoring criteria are based heavily on the Benefit of the Bargain scoring criteria.

Primary Criteria

All broadband technologies that meet the performance requirements of the Infrastructure Investments and Jobs Act (IIJA) and NTIA's BEAD Restructuring Policy Notice are eligible to participate in the RDP round. In deciding between competing applications for the same projects, project areas, or locations, the Office of Broadband will choose the option with a cost equal to or lower than the original project. This will be analyzed on a requested subsidy-per location-basis consistent with the Benefit of the Bargain Round. The Virginia Office of Broadband reserves the right to make determinations on priority broadband determinations and an applicant's technical, operational, and managerial capabilities.

Secondary Criteria

If an application to serve the same projects, project area, or location proposes a project cost within 15% of the lowest-cost application received for that same project, project area, or location on a subsidy-per-location basis and is still at or below the cost cap for that round of bidding, the Office of Broadband will evaluate the competing applications based on the following three criteria below. Each of these criteria is assigned a number of points on a 100-point scale.

> *Speed to Deployment: 25 Points*.
>
> The applicant's binding commitment to provision service by a date earlier than three years after the date on which the subgrantee will receive the subgrant from the Office of Broadband subject to contractual penalties. Specifically, applicants that commit to deployment in 36 months or less will receive full credit under this section. The remaining

scoring criteria are as follows: 20 Points for <26 months, 15 Points for <28 months, 10 Points for <30 months, 5 Points for <32 months, and 0 Points for 32-36 months.

Speed of Network and Other Technical Capabilities: 25 Points.

Eligible Entities may weigh the speed, latency, and other technical capabilities of the technologies proposed by prospective subgrantees. The Office of Broadband adopts the table below for evaluating applications for the purpose of this section.

Download Speeds		**Upload Speeds**	
=100Mbps	0 points	=20Mbps	0 points
>100Mbps, <250Mbps	5 points	>100Mbps, <250Mbps	3.33 points
>250Mbps, <1Gbps	10 points	>250Mbps, <1Gbps	6.67 points
>1GBps	15 points	>1Gbps	10 points

Adjacent Subgrantees: 50 Points.

For projects, project areas, or locations where the Office of Broadband has awarded funding in an adjacent area to a subgrantee, that subgrantee is eligible for an additional 50 points if they can demonstrate how that adjacency will reduce project costs. "Adjacency" in this case is defined as an applicant having a BEAD award in an adjacent locality.

Required Materials

In addition to the LOI, new applicants will be required to submit a short narrative detailing whether or not their application meets the definition of a Priority Broadband Project. Applicants should also explain how they have considered tree canopy coverage, the density of BSLs, and topographical and geographical features in the development of their application. Finally, this narrative should also include a general project timeline and state the amount of funding being requested. The amount of funding being requested must meet the requirements of the funding round being applied for.

Applicants are also required to submit a CSV of locations to be served. Each location being applied for in the CSV must include:

- Fabric location ID number (version 3.2)
- Latitude
- Longitude
- Location classification (0 for unserved, 1 for underserved, 3 for CAI)
- Technology code
- Anticipated download speed
- Anticipated upload speed
- Low latency (yes/no)

- For Round One, the original project ID (CM61-BEAD-VA-RSN002, CM61-BEAD-VA-RSN003, CM61-BEAD-VA-RSN004, or CM61-BEAD-VA-RSN006)
- For Rounds Two and Three, the project area that a location falls under.

Locations included in an application must meet the requirements of the round in which it is submitted. For the first round of rebidding, all locations in a project must be included. For the second round of rebidding, all locations in a project area must be included.

Other Provisions and Clarifications

Any locations in a project or project area that an applicant would like to deobligate should include those locations in their applications and include information on the basis for requested deobligation. These locations can be submitted to NTIA for removal after the award process.

Submission

Applications must be submitted to broadband@dhcd.virginia.gov by 11:59 p.m. of the application deadline.