



## ConnectALL Deployment Program – Prequalification Application Questions & Answers

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*Updated: September 26, 2024 (Questions 25-36)*

**Note:** Questions have been edited slightly from the original submission language in order to promote clarity for all prospective Applicants.

**1. Is this the prequalification process for broadband deployments and Digital Equity programs alike?**

This Prequalification Application is for the ConnectALL Deployment Program only.

**2. How long will Applicants have to complete the Prequalification Application?**

**[Updated 9/26/2024:]** The Prequalification Application is open as of June 25, 2024 and is accepting applications on a rolling basis. Applications will be due by 11:59 PM Eastern Time on Monday, September 30. ConnectALL encourages Applicants to complete the Prequalification Application as soon as possible.

**3. How long will Applicants have to respond to the Request for Applications (RFA) after it is published?**

ConnectALL intends to include a timeline with the RFA at the time of publication.

**4. Will there be limits on how many applications can be submitted by an Applicant?**

An Applicant should submit only one Prequalification Application. Applicants will be able to submit applications for multiple project areas as part of the forthcoming RFA.

**5. What will happen if requirements change when Initial Proposal, Volume II is approved?**

Applicants should provide information in accordance with the New York State Broadband Deployment Initial Proposal, Volume II (available at <https://broadband.ny.gov/broadband-deployment-initial-proposal>). If ConnectALL makes changes to the Prequalification Application, including any that are based on the Initial Proposal, Volume II, as approved by the National Telecommunications and Information Administration at the Department of Commerce, ConnectALL will notify potential applicants that there has been a change and will document the changes within the Prequalification Application.

**6. Is it mandatory for Applicants to submit Prequalification Applications prior to submitting full applications when the Deployment Program RFA is released in the fall?**

All entities interested in applying for ConnectALL Deployment Program funds must complete the Prequalification process. Prospective Applicants are strongly encouraged to submit a Prequalification Application now to minimize the materials that must be prepared (and reviewed by ConnectALL) during the RFA phase. However, if a prospective Applicant does not complete the Prequalification Application now, it will have the opportunity to submit required Prequalification materials as part of its RFA response.

**7. If a company gets a "fail" during the Prequalification process, can it cure its application to get a "pass"?**

Applicants who submit incomplete or otherwise insufficient materials will be notified of the deficiencies in their application and will be able to revise their applications up until the final application deadline. ConnectALL will only be able to offer such notification to Applicants who submit materials a minimum of seven (7) calendar days prior to the final application deadline. If an Applicant "fails" the Prequalification process and does not have sufficient time to resubmit its materials prior to the final application deadline, it will have an opportunity to resubmit Prequalification materials as part of its RFA response.

**8. Is the Prequalification a unique application or a portal entry? Will there be character limits?**

The Prequalification Application is a full application that must be submitted through the New York State Consolidated Funding Application (CFA) portal. Applicants should first create an account by registering at <https://apps.cio.ny.gov/apps/cfa/index.cfm>. Step-by-step instructions on how to complete the application were reviewed during the June 26 Prequalification Application Information Session (see slides and recording of the session at <https://broadband.ny.gov/connectall-deployment-program-prequalification-application>). Applicants will be able to view the applicable character limits for individual questions within the portal.

**9. In what form does ConnectALL expect certifications to be submitted? Signed attestation or just a statement?**

Certifications must be completed within the CFA portal; all certifications are structured as either required yes/no questions or questions that require the Applicant to input their name to affirm.

**10. The Prequalification Application requires Applicants to provide details on the Applicant's ownership and organizational structure. If an Applicant has filed an FCC Form 602 and the information is still accurate, can the Applicant refer to its Form 602 to answer any questions that seek information set forth in 47 C.F.R. § 1.2112(a)(1)-(7)?**

All Applicants must provide the requested information via the templates accompanying the Prequalification Application. The Ownership Information Template and all other application templates are available for download at <https://broadband.ny.gov/connectall-deployment-program-prequalification-application>.

**11. Is a written summary of an Applicant’s management team acceptable in lieu of full resumes?**

ConnectALL requires details on work experience, education, and relevant licenses and certifications for individual team members, rather than a general summary of the management team. No specific format is required for the resumes.

**12. If an ISP does not have audited financials, can it still apply?**

If an Applicant is unable to submit audited financial statements, it may upload financial statements that contain substantially the same level of detail and information as audited statements that will allow ConnectALL to substantiate the Applicant’s financial qualifications and capabilities to participate in the Program, along with an explanation of the circumstances and reasons for the lack of audited financials. If selected for a grant award through the Program RFA, the Applicant will be required to provide audited statements within six months of conditional award.

**13. Will ConnectALL provide applicable wage and benefits tables for each of the BEAD project areas? If not, what prevailing wages and benefits should be used by Applicants for purposes of submitting bids for specific project areas and during the actual network construction phase of an awarded project?**

Please refer to the NYS Department of Labor Prevailing Wage Schedules available at <https://apps.labor.ny.gov/wpp/publicViewPWChanges.do?method=showlt>.

**14. The cybersecurity plan requirements portion of the Prequalification Application require the Applicant certify that it will submit the actual plan to the ConnectALL Office prior to allocation of funds. Will ConnectALL require the company to submit its plan or will ConnectALL accept a statement from companies that they will comply with the plan?**

ConnectALL will require prospective subgrantees to submit their cybersecurity plans prior the award of funds.

**15. The Prequalification Application deadline is September 18, but the Q&A says Applicants may submit required Prequalification materials as part of their RFA responses. Is the September 18 deadline a firm requirement for participating in the later RFA phase?**

**[Updated 9/26/24:]** All entities interested in applying for ConnectALL Deployment Program funds must complete the Prequalification process – whether now through the Prequalification Application or later through the RFA. Prospective Applicants are strongly encouraged to submit a Prequalification Application before the September 30 deadline; this will minimize the materials that must be prepared during the RFA phase and will give the Applicant the opportunity to have clarity as to its Prequalification status prior to submitting its RFA response.

Applicants who choose not to submit a Prequalification Application before September 30 will have the opportunity to submit the required Prequalification materials as part of their RFA response; but it should be noted that there may be a resultant delay in the processing of an RFA application if the Prequalification materials submitted require revision or correction.

**16. What will happen if an entity receives a ConnectALL Deployment Program grant, then is sold or transferred to another entity?**

For a period of five (5) years after the final disbursement of grant funds, a grantee shall not sell, lease, assign, transfer or otherwise dispose of any assets or property in any way associated with the funded project without the prior written consent of Empire State Development. Grant funds will be subject to pro rata recapture if the property at the project location(s) is sold within five (5) years of disbursement of funds.

In addition, per Section 51.C of NTIA's General Terms and Conditions for the NTIA BEAD Program Funds (available at [https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD\\_IPFR\\_GTC\\_April\\_2024](https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD_IPFR_GTC_April_2024)), subgrantees of a federal award will need to: 1) secure the agreement of the successor or transferee to comply with BEAD program requirements; 2) secure acknowledgement from the successor of transferee of the Federal interest in the subject equipment; and 3) obtain NTIA approval for the sale or transfer. These requirements will apply for the duration of the Federal interest period in the equipment (ten years after the close-out of the subaward). Please note that NTIA may impose additional requirements or approvals as part of its approval of New York State's Broadband Deployment Final Proposal in 2025.

If an entity applying for grant funding already is aware of planned organizational changes that may impact its participation in the ConnectALL Deployment Program, it should provide details in response to Q\_16175 of the Prequalification Application.

**17. When is the planned publication date for the RFA?**

ConnectALL plans to release its RFA in Fall 2024; the exact date of release is yet to be determined.

**18. Is there a way to see now which locations will be eligible for funding as part of the RFA?**

Draft project areas are currently available for public comment through September 30 (<https://broadband.ny.gov/connectall-deployment-program>), following an earlier round of public comment from April-June, 2024. All entities interested in participating in the ConnectALL Deployment Program are encouraged to review and provide feedback on the project areas.

After the conclusion of the State's BEAD Challenge Process, ConnectALL will also publish the final list of eligible locations on its website. The timing of this publication is dependent on NTIA's approval of the results of the Challenge Process.

**19. Will an ISP be able to use ConnectALL Deployment Program funding to deploy fiber into and through an already-served area to reach unserved and underserved locations (i.e., resulting in overbuild of the already-served area)?**

Yes; refer to the BEAD NOFO, Section IV.B.5.b (p. 33, especially footnote 43), which states that grant funds may be used for "deployment of Middle Mile Infrastructure where the Middle Mile Infrastructure is in or through any area required to reach interconnection points or otherwise to ensure the technical feasibility and financial sustainability of an Unserved Service Project or an Underserved Service Project."

**20. In the portal, the “Project Location” and “Review” pages require us to select locations. Which locations do we select? Also, can ConnectALL confirm that the “Review” page is the end of the application?**

Neither of the location selection pages in the portal are relevant for this program; location selections will be disregarded. Select any location to proceed. The “Review” page is the final page of the application; once submitted via this page you will not be able to make changes to your application.

**21. If an Applicant is only able to obtain one year of audited financial statements, can alternative documentation be provided in lieu of the previous two years’ statements?**

Supplemental information – including a justification for the lack of audited statements, internally prepared financial statements, and tax returns for the previous two years – can be submitted for review if the Applicant is unable to provide audited statements for the previous two years. Empire State Development reserves the right to request additional documentation if needed to verify financial capability.

**22. If the Applicant plans to only use subcontractors (not employees) for the construction of broadband networks, does the Applicant need to complete the Wage Scales Template form?**

The Wage Scales Template form should include information for all employees (full- and part-time) who will be involved directly in broadband construction. Although information about subcontractors does not need to be included on this form, the portal will not allow an application to be submitted without a file uploaded for this question. If the Applicant plans to only use subcontractors, please submit the form with a note to this effect. Please note that the primary purpose of the Wage Scales Template is to verify compliance with prevailing wage requirements. It should be noted that the Applicant will still be required to certify compliance with prevailing wage requirements on behalf of itself as well as any subcontractors involved in funded projects.

**23. If an Applicant intends to seek a waiver of the Low-Cost Service Option requirement, how should it indicate this in its application?**

ConnectALL has updated the Prequalification Application to allow Applicants to request a waiver for the Low-Cost Service Option requirements. Applicants intending to request a waiver should answer “No” to Q\_16224 and complete and upload the Low-Cost Service Option Waiver Request Template as an attachment for Q\_16517. The Low-Cost Service Option Waiver Request Template is available for download at <https://broadband.ny.gov/connectall-deployment-program-prequalification-application>.

**24. Can partial answers be saved in the CFA portal or must the entire application be submitted at once?**

The CFA portal will allow you to save your progress and resume work on an application later, if needed.

**25. Does the Low-Cost Service Option requirement to maintain the service option for 10 years apply to service at the 100/20 Mbps speed threshold?**

The speed requirement is the greatest of: 100/20 Mbps, the speed of the provider's existing low-income broadband service sold to customers in the state, or the broadband benchmark established by the FCC. The low-cost service option requirements, inclusive of speed thresholds, will remain in place for the duration of the 10-year Federal interest period.

**26. Must the 25% cost match required be fully provided by the subgrantee, or can it be the sum of the subgrantee + the State's contributions?**

ConnectALL expects the subgrantee will provide the required 25% cost match. More information on the potential sources of match can be found here:

[https://broadbandusa.ntia.gov/sites/default/files/2024-05/BEAD\\_Match\\_Primer.pdf](https://broadbandusa.ntia.gov/sites/default/files/2024-05/BEAD_Match_Primer.pdf). Applicants may request a waiver of the match requirement through the RFA. ConnectALL does not anticipate allowing a request for State contribution through the RFA.

**27. Does the Labor Surplus Area firm designation refer to where the company's headquarters is located or where the company may have projects?**

Labor surplus area firms are those that perform work substantially (50% or more of costs) within a Labor Surplus Area. The Labor Surplus Area Template instructions have been updated to clarify this.

**28. If an Applicant applies for a reduction of the initial amount of a letter of credit or performance bond to 10% under Section 2.4 of NTIA's Letter of Credit Waiver, when and how will the Applicant find out if the reduction will be allowed and can the Applicant then submit a commitment letter for 10% of the anticipated total subaward during the RFA phase?**

Q\_16187 of the Prequalification Application asks Applicants to indicate whether they plan to make use of any of NTIA's letter of credit or performance bond modification options. This question is meant to indicate the Applicant's current plans, however the actual request for a modification will be made as part of the RFA response. ConnectALL will make a final determination on whether to accept or reject modification requests, and require the Applicant to obtain the necessary financial security, as part of the RFA process.

**29. If an Applicant includes a Low-Cost Service Option waiver request in its Prequalification Application, will there be any curing or communications regarding this request prior to announcement of Prequalification results?**

ConnectALL will contact the Applicant for further information regarding its waiver request if necessary during the Prequalification Application review period, as with any other aspect of the Prequalification Application that may require clarification or correction.

**30. Will ConnectALL begin granting applications before mapping work is complete?**

No. Project areas will be completed and released as part of the RFA materials package.

**31. Must an Applicant already have a Cybersecurity and Supply Chain Risk Management plan in place at the time of submitting its Prequalification Application? Would costs associated with developing and implementing such plans be eligible for reimbursement from grant funds?**

If plans are not currently in place, the Applicant can still answer “Yes” to Q\_16226 and Q\_16227 in the Prequalification Application to certify that it will provide compliant plans to ConnectALL prior to any funding award. Related costs incurred by the Applicant pre-award will not be eligible for grant reimbursement.

**32. Please confirm that the Appendices to the Prequalification Application are reference documents to assist with the completion of the portal application and do not themselves have to be completed and uploaded.**

This is correct. The Appendices do not need to be filled out or submitted.

**33. If an Applicant does not participate in the Prequalification Application now but instead submits its Prequalification materials during the RFA phase, will it have an opportunity to cure its submission if errors are found?**

Yes. Please note that ConnectALL will not review the RFA submission unless and until the Applicant's Prequalification process is completed.

**34. Will the RFA process separate qualification questions and project application questions?**

Yes. During the RFA phase, the Prequalification Application and RFA will be available as separate applications in the Consolidated Funding Application Portal. Applicants will be asked to reference their Prequalification Application number in their RFA submission so that the applications can be linked. ConnectALL will not review the RFA submission unless and until the Applicant has been successfully prequalified.

**35. Must an out-of-state company complete its registration process as a foreign entity conducting business New York prior to submitting a Prequalification Application? This process can take a few weeks. Are there any additional licenses required by the State for an Applicant to conduct business as a broadband-only ISP?**

An Applicant may submit a Prequalification Application while its registration is in progress. However, the Applicant must be officially authorized to do business in New York State, including an approved Certificate of Incorporation (for domestic business corporations) or Application for Authority (for foreign businesses incorporated outside of New York State) from the NYS Department of State, and in compliance with any other applicable licensing/certification requirements, prior to receiving any award.

**36. If an Applicant is not sure yet whether it will engage subcontractors, can it forego submitting the Subcontractor Details and Non-Unionization Templates until that information is confirmed?**

Yes. In this scenario the Applicant may answer “No” to Q\_16207 and “Yes” to Q\_16215 (assuming the Applicant's own workforce is unionized) and will not be required to submit the Subcontractor Details or Non-Unionization Templates. If the Applicant's own workforce is not

unionized, then it must answer “No” to Q\_16215 and must still submit the Non-Unionization Template for its own workforce. The Applicant will have an opportunity to provide updated information through the RFA.